

PR969078

Workplace Relations Act 1996

s.189 of Schedule 1B - arrangement for conduct of an election

The Pharmacy Guild of Australia

(E2006/80)

T. NASSIOS

MELBOURNE, 27 FEBRUARY 2006

DEPUTY INDUSTRIAL REGISTRAR

Arrangement for conduct of election.

DECISION

[1] On 7 February 2006, the abovenamed organisation lodged in the Industrial Registry the prescribed information in relation to an election for the following offices;

Tasmanian Branch:

Branch Vice President

(due to insufficient nominations received at previous election)

Alternate National Councillor

(due to insufficient nominations received at previous election)

[2] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1B of the Workplace Relations Act 1996, I am making arrangements for the conduct of the election by the Australian Electoral Commission.

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The PHARMACY GUILD of AUSTRALIA
NATIONAL PRESIDENT

GWL:DM

19 January 2006

The Industrial Registrar
Australian Industrial Registry
Nauru House
GPO Box 1994S
MELBOURNE VIC 3001

Dear Sir

Re: Alterations to the List of Office Bearers

Please find attached Declaration required under Sub-section 189(1) of Schedule 1B of the Workplace Relations Act 1996 advising of alterations to the list of office holders in The Pharmacy Guild of Australia Tasmanian Branch.

Yours faithfully

Kos Sclavos
National President

CC: Ms S Leitch
Mr J Dowling
Mr K Sclavos
Mr SG Greenwood
Ms C Nelson
Ms J Lean

In the matter of the Australian
Workplace Relations Act 1996

AND

In the matter of The Pharmacy Guild
of Australia Tasmanian Branch 2005/

I, Kosmos Stanley Sclavos, of 132 Leichhardt Street, Spring Hill QLD 4004, National President, do solemnly and sincerely declare as follows:

That:

1. I am the National President of The Pharmacy Guild of Australia ('the Guild').
2. Louise Sullivan, Branch Director of the Pharmacy Guild of Australia Tasmanian Branch has been given permission to stand down from the position of Branch Director at a meeting of the Tasmanian Branch Committee held 9 January 2006 effective to 14 April 2006.
3. Ms Susan Leitch, was appointed Acting Branch Director of the Tasmanian Branch of the Pharmacy Guild of Australia at a meeting of the Tasmanian Branch Committee held 9 January 2006 effective to 14 April 2006.
4. Nominations will be required to be called during 27 January 2006 for the following casual vacancies in the office bearers of the Branch Committee of the Pharmacy Guild of Australia Tasmanian Branch.

Alternate National Councillor	1
Branch Vice President	1

The reasons for the elections being that when nominations closed for these offices on 19 August 2005 the following situations occurred.

Branch Vice Presidents (3)

Only two nominations were received resulting in a casual vacancy in one position.

Alternate National Councillor (2)

Only one nomination was received resulting in a casual vacancy in one position. (See copy of the Returning Officer's report attached.) Rule 76 of the Guild's Constitution relates to the nomination of candidates for election (see copies attached).

In accordance with the Constitution the election will be conducted under a direct voting system and I would be obliged if you arrange for the elections to be conducted by the Australian Electoral Commission – Tasmania. Suggested dates for the elections are as set out below:

Nominations	Dates Opening	Dates Closing
Branch Vice President	27 January 2006	17 February 2006
Alternate National Councillor	27 January 2006	17 February 2006

And in accordance with Section 233(2) of Schedule 1B of the Workplace Relations Act 1996 I hereby declare that the information contained in this Declaration is true and accurate to the best of my knowledge.

Signed



Kos Sclavos
National President

This 19th day of February 2006

**The Pharmacy Guild of Australia
Tasmanian Branch Elections 2005 - Stage 2**

DECLARATION OF RESULTS FOR UNCONTESTED AND CONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2005/59

Tasmanian Branch

Total number of persons on the roll of voters	125
Ballot papers issued	125
Duplicate ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	125
Ballot papers / envelopes returned for scrutiny	86
Less ballot papers / envelopes rejected at preliminary scrutiny	4
Adjusting Balance	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	82
Percentage of ballot papers returned to number issued	68%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	39

National Councillor

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
LIAUW, Judith Anne	47	47
CUTHILL, Harvey William Graham	35	35
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	82	82
Formal ballot papers	82	82
Informal ballot papers	0	0

I declare Judith Anne Liauw elected.

Branch President/National Councillor

Candidate

DOWLING, John

I declare John Dowling elected.

Branch Vice-President (3)

Candidates

DREWITT, Julianne Lee

LIAUW, Judith Anne

I declare Julianne Lee Drewitt and Judith Anne Liauw elected.
No other nominations received.

Alternate National Councillor (2)

Candidate

DREWITT, Julianne Lee

I declare Julianne Lee Drewitt elected.
No other nominations received.

Ron Mann
Returning Officer
Australian Electoral Commission
19 August 2005

- (iv) If any candidate for election shall, after the receipt of nominations, and prior to the declaration of the ballot cease to be eligible for election to the Branch Committee then the Returning Officer shall, subject to the Act be empowered to take such circumstances into account in the conduct of the election.
- (l) (i) The Returning Officer shall notify the candidates and the Branch Director in writing of the result of the ballot as soon as practicable after all counting has been completed and the results determined.
- (ii) The Branch Director or a person nominated by the Chairman of the meeting shall read the notification from the Returning Officer officially declaring the election of members of the Branch Committee for the ensuing term at the conclusion of the Annual General Meeting.
- (m) Upon completion of the counting all such ballot papers and other papers and documents used in connection with the election shall be suitably parcelled up and sealed and retained by the Returning Officer as required by law.

75: ELECTION OF COMMITTEE MEMBERS - DISTRICT SYSTEM

- (a) Where a Branch is divided into Districts as provided in Rule 61 the Branch Committee shall be elected on a District basis.
- (b) District representation on the Branch Committee in respect of any District shall be one or more members as determined by the Branch Committee.
- (c) It shall be competent for the Branch Committee to reconstitute any District or Districts.
- (d) A member from one District may nominate for election in another District, provided that a member may nominate in only one District at any one time, and further provided that he is nominated by two financial members from that District.
- (e) The rolls for eligible voters for Guild elections utilising the district system shall close 14 days prior to the day on which nominations for the elections open.

76: COMMITTEE - ELECTION OF OFFICE BEARERS

- (a) Subject to the provisions of the Act any person who has been elected a member of the Branch Committee in accordance with an announcement of a Returning Officer pursuant to Rule 74 (1) (i) but has not yet assumed that position (hereinafter called "a member elect") may be nominated for any of the following offices:
- (i) a Branch President who will also be a National Councillor,
 - (ii) two or three Branch Vice Presidents as determined by the Branch, one of whom will be appointed by the Branch Committee to assume the office of Senior Branch Vice President and will assume the office of Acting Branch President whenever the Branch President is unwilling or unable to act and one of whom will be appointed by the Branch Committee to assume the responsibilities for Finance. The Senior Vice President may also hold the office of Branch Vice President Finance,
 - (iii) a number of National Councillors/Alternate National Councillors as designated in sub-rules (iv) and (v) based on the numbers of members in the Branches as at 30 June in the year preceding the elections,
 - (iv) one National Councillor who may also be a Branch Vice President where the Branch has more than 100 members or two National Councillors who may also be Branch Vice Presidents where the Branch has more than 900 members,
 - (v) one Alternate National Councillor who may also be a Branch Vice President where the Branch has less than 100 members. Two Alternate National Councillors who may also be Branch Vice Presidents where the Branch has 100 members or more but less than 900 members.

Three Alternate National Councillors who may also be Branch Vice Presidents where the Branch has 900 members or more.

The Alternate National Councillors shall be named by the Branch Committee in order according to the highest number of votes received, commencing with the highest and shall be called upon to act in their capacity of Alternates in that same order provided that where the number of candidates for the offices of Alternate National Councillor are equal to the number of vacancies the order shall be determined by the Branch Committee.

- (b) From 1996 the office bearers named in sub-rule (a) (i) to (a) (iv) shall hold office for a period of three years or until their successors in office are declared elected.

No member of the Committee may hold more than one office in the Branch at a particular time unless that additional office is the office of National Councillor or Alternate National Councillor.

- (c) (i) From the declaration of the poll at the Annual General Meeting of the Branch the Branch Executive shall consist of the Branch President, the Branch Vice President(s) and the National Councillor(s) Elect.
- (ii) From the declaration of the poll at the commencement of the Annual Meeting of the National Council the Branch Executive shall consist of the Branch President, the Branch Vice President(s) and the National Councillor(s).
- (d) Those elected shall hold office until the next ensuing election or until their successors in office are declared elected, provided that the National Councillors named in sub-rules (a) (i) and (a) (iii) shall be National Councillors Elect from the declaration of the results of the Branch election until the commencement of the next Annual General meeting when they will formally hold the office of Councillor.
- (e) Each Branch Director shall immediately after each and every election of office bearers notify the Executive Director of the names of the office bearers elected in accordance with sub-rule (a) of this rule.
- (f) It shall be the duty of the Returning Officer to receive nominations of candidates (including the acceptance and rejection of nominations) and to prepare and distribute ballot papers and conduct a secret ballot. Where the Returning Officer conducting such an election finds a nomination to be defective he shall, before rejecting a nomination, notify the person concerned of the defect and where it is practicable to do so, give him the opportunity of remedying the defect within 7 days after being so notified.
- (g) (i) Nominations for election of office bearers of the Branch Committee shall be called for by the Returning Officer by notice published in any daily newspaper circulating in the State or Territory of the Branch, or in any Branch newsletter circular or information sheet which is circulated to all financial members of the Branch, not less than 14 days prior to the closing of nominations. Such notice shall include a statement that a nomination paper will be sent upon request, at the expense of the

Branch or may be collected by any financial member of the Branch from the Branch Office.

Nomination papers shall be in accordance with Form 9.

Nomination papers shall not be recognised unless they contain the signature of the nominee for election together with the signatures of two financial members of the Branch, supporting such nomination. The Returning Officer may accept a facsimile of a nomination form which has been completed in the prescribed manner provided that the duly completed original nomination form is received by the Returning Officer within seven days after the close of nominations. The time and date of closing nominations shall be fixed by the National Council or the National Executive. Provided that such date shall not be less than 21 days prior to the date of closing of ballot for the proposed elections. Nomination papers completed as required shall be posted or sent by facsimile to be received by the Returning Officer within the time fixed.

- (ii) A nominee shall be entitled, by notice in writing to the Returning Officer signed by the nominee to withdraw his nomination, within seven days after the close of nominations. Such notice may be by post or facsimile.
- (h) In the event of more nominations being received for any position than are required to fill the position then a ballot shall be conducted and the provisions of Rule 74 sub-rules (i) to (m) shall mutatis mutandis apply.
 - (i) Upon resignation, death or vacation of an office in accordance with Rule 74(e), the Branch Committee shall nominate a member of the Branch Committee to replace that office holder where the unexpired term of office is less than 18 months and such member shall hold that office for the unexpired portion of the term; where the unexpired term of office is more than 18 months an election shall be held in accordance with the provisions of this Rule. Provided that for the purposes of this rule the term of office shall be deemed to expire on 30th September in the third year following the declaration of the poll.
- (i) Votes cast by members who are not financial members in accordance with the Constitution on the day the votes are counted are not valid and shall be disregarded.

77: TRANSITIONAL PROVISIONS

An election for all Offices of any new Branch shall be conducted within 3 months of the certification of the Branch by a Registrar.

The transitional election shall be conducted with the necessary changes under the Rules of the Organisation.

All such Branch Office Holders elected under Rules 74, 75 and 76 of the Rules shall hold office until the next scheduled elections due under those Rules.