

Workplace Relations Act 1996
s.189 of Schedule 1B - arrangement for conduct of an election

The Pharmacy Guild of Australia
(E2005/98)

T. NASSIOS
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE, 15 JUNE 2005

Arrangement for conduct of election.

DECISION

[1] On 7 and 14 June 2005, the Victorian Branch of the abovenamed organisation lodged in the Industrial Registry the prescribed information under subsection 187(3) of Schedule 1B of the Workplace Relations Act 1996 in relation to an election for the following position;

Branch Director

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





The PHARMACY GUILD of AUSTRALIA
NATIONAL SECRETARIAT

FACSIMILE

To: MR ROB PFEIFER
Facsimile Number: 03 9654 6672

From: GORDON LLOYD
Organisation: **The Pharmacy Guild of Australia**
Facsimile Number: **02 6270 1800**

Date: 14-06-05

Pages inc. cover sheet: 2
ATTENTION MR ROBERT PFEIFER

IMPORTANT: This facsimile may contain privileged and confidential information that is the property of the intended recipient. If you are not the intended recipient, you should not disclose or use the information contained in it. If you have received this facsimile in error, please notify us immediately by return facsimile and securely discard the document. Any views expressed in this facsimile are those of the individual sender and may not necessarily reflect the views of The Pharmacy Guild of Australia, unless indicated otherwise.



The PHARMACY GUILD of AUSTRALIA
NATIONAL SECRETARIAT

14 June 2005

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

Attention: Mr Robert Pfeifer

Dear Sir

Further to our correspondence of 7 June 2005 the reference to Section 189(d)(1) should be read as Section 187(3).

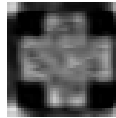
Please accept our apologies for any inconvenience you may have been caused by our oversight.

Yours faithfully

William J Scott
Vice President

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The PHARMACY GUILD of AUSTRALIA
NATIONAL SECRETARIAT

FACSIMILE

To: MR ROB PFEIFER
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THANKS ROB

REGARDS GORDON

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The PHARMACY GUILD of AUSTRALIA
NATIONAL SECRETARIAT

7 June 2005

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

Attention: Mr Robert Pfeifer

Dear Sir

In compliance with the provisions of Section 189(d)(i) and Regulation 138 of the RAO Schedule of the Work Place Relations Act 196, The Pharmacy Guild of Australia submits the following information.

Nominations will be required to be called during the period commencing 1 June 2005 for the following Guild Office Bearer:

BRANCH DIRECTOR – VICTORIA AR 2005/163

Rule 66(b)(iv) of the Guild's Constitution relates to the nomination of the candidates for election (see copy attached). The reason for the election being that the current term of office will expire on 19 July 2005. In accordance with the Constitution the election will be conducted under a direct voting system and I shall be obliged if you will arrange for the election to be conducted by the Australian Electoral Commission – Victoria.

Suggested dates for the election are as set out below:

Nominations	Dates Opening	Dates Closing
Branch Director	26 June 2005	15 July 2005

Yours faithfully

William J Scott
Vice President

CC: Mr WJ Scott Mr M Sheehan Mr S Greenwood Branch Directors
National Directors

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points of order, and on a vote being taken thereon, unless more than one half of the votes cast shall dissent therefrom, his decision shall be final. He shall perform such other duties as are provided by the Constitution or which by usage and custom may appertain to his office.

He shall be entitled to vote on all questions arising at any meeting in the Branch and he shall also have a second or casting vote. The Branch President or a member of the Branch Executive nominated by him shall be a member of all Sub-Committees appointed by a Branch Committee.

63A: THE ACTING BRANCH PRESIDENT

An Acting Branch President shall assume all the powers and responsibilities of the Branch President while acting in that office.

64: THE BRANCH VICE-PRESIDENTS

The Branch Vice- President shall assist the Branch President and in the absence of the Branch President a Branch Vice-President shall occupy the chair and conduct the business and perform all the duties of the Branch President.

65: THE BRANCH VICE PRESIDENT (FINANCE)

The Branch Vice President (Finance) shall have access to the books and accounts and shall periodically examine the Branch Bank statements. He shall peruse accounts for payment and shall take the necessary steps to satisfy himself that all moneys received have been credited to the Bank Account with an accredited Bank. He shall not pay, lend or otherwise appropriate any of the funds of the Guild for any purpose except in accordance with the Constitution of the Guild and resolutions and minutes of the National Council or Committee meetings of the Branch. He shall ensure the preparation of the Branch annual balance sheet and accounts and their auditing. He shall annually prior to 30 September submit to the Executive Director a statement of total allowances and expenses received or incurred by the officers and members of the Branch Committee and any controlled entity for the immediate past financial year.

66: THE BRANCH DIRECTOR

- (a) (i) There shall be a Branch Director who shall be the senior Executive Officer of the Branch.
- (ii) A person elected as Branch Director, who is not otherwise eligible for membership of the Guild, shall be deemed to be a financial member of the Guild for the term of his office.

- (b) (i) The position of Branch Director is one of a full-time employee unless otherwise determined by the Branch Committee.
- (ii) The retirement age for the Branch Director shall be such retirement age as may be agreed upon between the Branch Director and the Branch Executive.
- (iii) The Branch Director shall be elected for a period of four years and shall be eligible for re-election except where an incumbent shall attain the retirement age referred to in Rule 66 (b)(ii) he shall be elected and hold office only for the period to his retirement date.

Where a candidate duly nominated for election as Branch Director may hold office in the circumstances provided for by the provisions of this sub-rule, ballot papers for such election shall indicate the maximum period for which, if elected, he may so hold office.

- (iv) Only a member of the Branch Executive may nominate a person for the position of Branch Director.

Nominations for election as Branch Director shall be called for by the Returning Officer by sending a nomination paper to each member of the Branch Executive, not less than 14 days prior to the close of nominations.

The Returning Officer shall inform all financial members of the Branch that he has called for nominations from the members of the Branch Executive for the position of Branch Director by causing a notice to be published in any Branch Newsletter, circular or information sheet which is sent to all financial members of the Branch not less than 14 days prior to the closing of nominations.

The nomination paper shall be in accordance with Form 27. A nomination paper will not be recognised unless it contains the signature of the nominee for election together with the signature of a member of the Branch Executive, proposing the nomination.

The Returning Officer may accept a facsimile of a nomination form which has been completed in the prescribed manner.

Where a Returning Officer conducting an election finds a nomination to be defective he shall, before rejecting the 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.

The time and date of closure of nominations shall be fixed by the Returning Officer, provided that such date shall not be less than 10 days prior to the date of the proposed election.

Nomination papers completed as required shall be returned to the Returning Officer within the time fixed.

A nomination having been lodged in the prescribed form can be withdrawn by notice in writing to the Returning Officer at any time prior to the printing of the ballot papers.

Where there is only one nominee when nominations are called by the Returning Officer for the position of Branch Director, the Returning Officer shall declare the nominee elected.

Should there be more than one nomination, the Returning Officer shall conduct a ballot of the financial members of the Branch, in accordance with the provisions of Rule 74 sub rule (g)(i) to (m) *mutatis mutandis*.

A member of a Branch Committee may be nominated for the position of Branch Director and if elected shall thereupon cease to be eligible to be a member of a Branch Committee and shall be deemed to have resigned from such office.

The Returning Officer shall in writing notify those nominated of the result of the ballot as soon as practicable after all counting has been completed and the results determined and send a copy to the Branch President.

The person elected shall assume office from the day on which he receives the notification from the Returning Officer that he has been elected or where the person elected is the incumbent Branch Director he will assume office from the day on which his previous term expires.

Upon completion of the counting all 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.

- (v) The position of Branch Director shall be declared vacant:
 - (i) if he is or has become disqualified under the Constitution,

- (ii) if he is found guilty in accordance with Rules 66(c) (v),
 - (iii) upon his death or resignation.
- (c) The Branch Director shall,
 - (i) Be subject to the control of the Branch Committee and to the direction of the Branch Executive and the Branch President.
 - (ii) Be remunerated as determined by the Branch Committee.
 - (iii) Take annual leave at a time approved by the Branch President.
 - (iv) Give not less than 28 days' notice of intended resignation.
 - (v) If found guilty in accordance with the Constitution of misappropriation of funds of the Guild, a substantial breach of the Rules, or of gross misbehaviour or gross neglect of duty or if he has ceased to be eligible in accordance with these Rules to hold office, be dismissed by the Branch Executive should it so determine.

Any member or officer of the Guild who has reason to believe that a Branch Director has committed any of the offences specified in this sub-rule, may bring the matter to the attention of the Branch President who shall provided he considers it to be of sufficient substance notify the Branch Director in writing of the nature of the charge and the place and time of hearing of the matter by the Branch Executive. The Branch Director shall have the right to appear personally and/or be legally represented at the meeting of the Branch Executive and to be heard in his defence. The Branch Executive may proceed to hear and determine a matter under this rule notwithstanding the absence of the Branch Director or his failure to submit a reply to the charge if due notice of the hearing in accordance with this rule has been given.
- (d) The Branch Director's duties shall include:-
 - (i) Calling of meetings of Branch Committee and Branch Executive as directed.
 - (ii) Attendance at meetings of Branch members, Branch Committee and Branch Executive wherever possible, and ensuring the preparation of minutes incorporating all resolutions passed and a

record of all other business transacted and their circulation to members of the Branch Committee and the Executive Director.

- (iii) Carrying out of directions of the Branch Committee Branch Executive and Branch President.
- (iv) Control and direction of the Branch office and staff employed therein.
- (v) Supervision and control of financial affairs of the Branch including,
 - the keeping of a correct account of all monies received and expended together with dates of receipts and expenditures,
 - payment into the Branch Bank accounts within seven days of all moneys received by the Branch,
 - production of all books of account and associated documents as required by the Branch Committee, Branch Executive, Branch Auditor, or general meeting of the Branch, annually or more often if required,
 - annual auditing of the Branch accounts or auditing at any other time as may be required,
 - preparation of the annual report and balance sheet and revenue account for the Branch for submission to the annual general meeting of the Branch.
- (vi) Remitting to the Executive Director monthly all money due in that month to the National Secretariat.
- (vii) Forwarding to the Executive Director a Quarterly Financial Return, on the approved form signed by the Branch President, or the Branch Director, within twenty-eight days of the end of the quarter.
- (viii) Forwarding to the Executive Director within 7 days of receipt from the auditor, an audited copy of the revenue account and annual balance sheet of the Branch.
- (ix) Maintenance of a register in accordance with the Act of members of the Branch and submission of a list of all additions, deletions, amendments and transfers to the Executive Director following their adoption by the Branch Committee.

- (x) Advising the Executive Director at the end of each financial year of the membership details at the 30th June by 31st July.
- (xi) Suing on behalf of the Guild for the recovery of any subscription, levy, fee, fine and institution of legal proceedings against any member in the Branch for any liability whatever incurred by him to the Guild, and suing in respect of any offence committed against the provisions of the Act within the Branch boundaries, or against any law of that State relating to industrial conciliation and arbitration.
- (xii) Delivery to the Branch President of all books, documents, papers, money, property and/or other assets of the Branch in his possession or control on demand of a general meeting of the Branch, the Branch Committee or the Branch Executive.
- (xiii) Performance of other duties as may be necessary to give effect to and comply with the Constitution of the Guild, and any duty assigned to him by a general meeting of the Branch, the Branch Committee, Branch Executive, or Branch President.
- (xiv) Advising members prior to nominations for Branch elections being called that only persons who are financial members of the Guild at the time the nomination is signed shall be eligible to offer themselves as candidates for election or to sign a nomination form as the nominator of a candidate for election.

66A**DEPUTY BRANCH DIRECTOR**

- (a) A Branch may elect a person as Deputy Branch Director.
- (b)
 - (i) The position of Deputy Branch Director is one of a full-time employee unless otherwise determined by the Branch Committee.
 - (ii) The retirement age for the Deputy Branch Director shall be such retirement age as may be agreed upon between the Branch Director, the Deputy Branch Director and the Branch Executive.
 - (iii) The Deputy Branch Director shall be elected for a period of four years and shall be eligible for re-election except where an incumbent shall attain the retirement age referred to in Rule 66A(b)(ii) he shall be elected and hold office only for the period to his retirement date.

Where a candidate duly nominated for election as Deputy Branch