

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

Restaurant and Catering Association of Australia
(E2004/314)

TERRY NASSIOS
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE 14 DECEMBER 2004

Arrangement for conduct of election.

DECISION

- [1] On 8 December 2004, the abovenamed organisation lodged in the Industrial Registry prescribed information under subsection 189(1) of Schedule 1B of the Workplace relations Act 1996 in relation to an election for the following offices:

President
Vice Presidents (2)
Treasurer
Executive Council (16)

On 9 December 2004, the organisation lodged prescribed information under subsection 187 (3) of Schedule 1B of the Workplace Relations Act 1996 in relation position:

Director

- [2] I am satisfied that an election for the abovenamed offices and position is required to be held under the rules of the organisation and, under subsection 189(3) 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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SOUTHCORP WINES



3 December 2004

Industrial Registrar
Australian Industrial Registry
Level 35
Nauru House
80 Collins Street
MELBOURNE VIC 3000

Dear Registrar,

Re: Prescribed Information in Respect of Election

Please find attached Prescribed Information in Respect of Election – Subsection 189 (1) of Schedule 1B of the *Workplace Relations Act 1996* in relation to election for offices in the Restaurant and Catering Association of Victoria.

Your assistance in progressing this matter is appreciated and I look forward to hearing of advice from the Australian Electoral Commission for conduct of the elections.

Please do not hesitate to contact our Director, Wendy Jones on 9654 5866 or at wendyj@restaurantcatervic.asn.au should you require any additional information or clarification at this stage.

Yours sincerely

Dur-e Dara
President

PRESCRIBED INFORMATION IN RESPECT OF ELECTION – SUBSECTION 189(1) OF SCHEDULE 1B OF THE WORKPLACE RELATIONS ACT 1996

I, Dur-e Dara, President of the Restaurant and Catering Association of Victoria am authorised to sign this statement which is lodged in accordance with subsection 189(1) of the RAO Schedule.

1. The offices in respect of which the election/s is/are required is/are:

President
Vice President (2)
Treasurer

Director

Executive Councillor (16)

2. The reason/s for which the election/s is/are required is/are:

Under the rules of the Restaurant and Catering Association the offices are required to retire annually

3. The electorate/s for the election/s is/are:

Nil

4. The dates and times that nominations open and close are:

Elections must be completed on or before the Annual General Meeting of the Association which must be held within three months from the end of the Financial Year 31 December 2004.

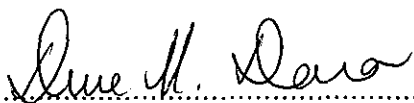
For Councillors and Director – Nominations must open not less than sixty days prior to the Annual General Meeting and close not less than 21 days later – rule 14A(b)

The date on which the roll of voters for the ballot to be closed is seven days before the day on which nominations open – rule 14A(b)

For the Offices of President, Vice Presidents (2) and Treasurer – within 7 days of the declared results of the Council elections and close not less than 14 days later – rule 14B (b)

5. The voting system/s to be used in the conduct of the election/s is/are:

Secret ballot and voting shall be by way of placing a cross beside the name of the candidate


.....
Dur-e Dara
President
3 December 2004





9 December 2004

Mr J Mellor
Australian Electoral Commission
GPO Box 4382
MELBOURNE VIC 3001

Dear Mr Mellor

Pursuant to the provisions of Section 187 of schedule 1B of the Workplace Relations Act 1996, Restaurant & Catering Victoria submits the following information:

Nominations will be required to be called during the period commencing 1 January 2004 for the following Association Employee

DIRECTOR - Restaurant & Catering Victoria

Rule 14(A) of the Association's Constitution relates to the nomination of the candidates for election (see copy attached). The reason for the election is that the current term of office is due to expire. 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 take place.

The election must be completed on or before the Annual General Meeting of the Association which must be held within three months from the end of the Financial Year 31 December 2004. Nominations must open not less than sixty days prior to the Annual General Meeting and close not less than 21 days later.

Please contact Wendy Jones, Director on 9654 5866 for any additional information that you may require.

A copy of this letter has been sent to the Industrial Registrar in Melbourne.

Yours Sincerely

Dur-e Dara OAM
President

CC: Industry Registrar – AIR – I Stewart

Major
Sponsor



Corporate
Partners



SOUTHCORP WINES



14. ELECTIONS

The Director shall be responsible for the general administration of the Association.

- (d) Treasurer The Treasurer shall keep or cause to be kept the accounts of the Association and shall do all such other things and acts as are required by these Rules, the Workplace Relations Act 1996 or by any successor thereto or by resolution of the Executive Council to be done by the Treasurer.

14. ELECTIONS

A. Election of Councillors and Director

The election of Members of the Council and Director shall be conducted by secret ballot in the following manner:-

- (a) Not less than three months before the date of the Annual General Meeting the Executive Council shall appoint a Returning Officer. Such Returning Officer shall not be the holder of any office in nor be an employee of the Association or of a branch, section or division thereof.
- (b) Not less than sixty days prior to the Annual General Meeting the Returning Officer shall forward by post to each member of the Association a notice calling for nominations for Councillors and Director with a notification therewith of the closing date of nominations which shall be not less than 21 days from the issue of such notice. Nominations shall close at 12 noon on the day of closing of nominations.

The date on which the roll of voters for the ballot to be closed is seven days before the day on which nominations open. It will be sufficient compliance with this rule if the notice is in the form of a service letter or journal issued to all members. Nominations for Councillor shall be in writing signed by the nominee. A candidate for Councillor shall be a financial member at the close of the nominations. Nominations for Director shall be signed by two financial members of the Association and endorsed by the Nominee. A candidate for Director need not be a member of the Association.

- (c) The Returning Officer shall check all nominations for validity. If s/he finds any nomination to be defective s/he shall, before rejecting the same, notify the person concerned of the defect and where it is practicable to do so shall give the person concerned the opportunity of remedying the defect within a period of not less than seven days of his/her notice.
- (d) If the number of candidates nominated for any office does not exceed the number of vacancies to be filled no vote shall be taken in respect of that office and the candidate or candidates as the case may be shall be declared elected by the Returning Officer at the Annual General Meeting. Provided that where the Returning Officer for the time being is an Officer of the Australian Electoral Commission or the Industrial Registrar's Office, and where all positions for, which an election is required are filled without a ballot the Returning Officer may declare the result of the election or elections by delivering or causing to be delivered to the Director no later than the day of the Annual General Meeting a written notification signed by the Returning Officer stating the name of each person elected to each position to be filled. In such case such notification shall be read to the meeting by the Director of the meeting.
- (e) If in respect of any office more candidates are nominated than are required to fill the vacant offices an election shall be held in the manner hereinafter provided.

14. ELECTIONS

(f) The Returning Officer:-

- (i) shall cause ballot papers to be prepared -
 - setting out the names of the candidates in an order drawn by lot of the Returning Officer,
 - indicating the number to be elected to each office, the manner in which votes are to be recorded and date and time for closing of the ballot;
- (ii) shall within a period of 21 days after the closing of nomination cause ballot papers to be posted by pre-paid post to all financial members of the Association together with a declaration envelope and a post paid return envelope both in the form prescribed by the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003 or any successor thereto.. The ballot shall close at 9.00am not less than fourteen days after the issue of the ballot papers. A post office box shall be used exclusively for such ballot papers;
- (iii) shall record the number of ballot papers issued and shall keep a register of the name and address of each member to whom a ballot paper is posted and the date of posting and shall initial or cause a facsimile of his initials to be printed on each prior to distribution;
- (iv) shall at all times control the ballot box and in the presence of the scrutineers if they desire to be present inspect the ballot box to see that it is empty immediately prior to the opening of the ballot and ensure that it remains sealed until the time of the closing the ballot;
- (v) shall at the close of the ballot and in the presence of the scrutineers if any
 - open the reply paid envelopes;
 - set aside informal ballot papers;
 - count the votes on the ballot paper admitted as formal;
- (vi) shall declare the result of the election or elections by delivering or causing to be delivered to the Director not later than the day of the Annual General Meeting a written notification signed by the Returning Officer stating the name of each person elected to each position to be filled.

In such case notification shall be read to the meeting by the Director.
- (vii) The Returning Officer shall make provision for the use of absentee voting so that any member who expects to be absent from his/her usual postal address at the time of any ballot shall be entitled to have his ballot paper forwarded to his/her temporary address upon making written application to the Returning Officer.
- (g) Voting shall be by placing a cross beside the name of the candidate for whom the voter wishes to vote. The ballot paper shall not be informal if the intention of the voter is clear.
- (h) In the case of an equality of votes the Returning Officer shall determine by lot the candidate to be elected.
- (i) Any candidate may, if he so desires, appoint a scrutineer to represent him/her at the ballot. A candidate appointing a scrutineer shall before the commencement of the ballot notify the Returning Officer in writing of the name of the scrutineer.

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- (j) The conduct of scrutineers shall be as follows:-
- (i) a scrutineer shall be entitled to be present throughout the counting of a ballot:
 - s/he may query the inclusion or exclusion of any vote in the count;
 - the Returning Officer shall have final determination of any votes so queried and shall endorse his/her determination on the ballot paper;
 - (ii) a scrutineer shall not be entitled to remove mark alter or deface any ballot paper or other document used in connection with the election;
 - (iii) a scrutineer shall not interfere with or attempt to influence any member at the time such member is casting his/her vote;
 - (iv) in every case the scrutineer shall observe any direction given by the Returning Officer and the Returning Officer shall take all reasonable steps by notification or otherwise to enable such scrutineer to exercise his/her rights but no election shall be vitiated by reason of the fact that a scrutineer does not in fact exercise any or all such rights.
- (k) The Returning Officer and every other officer who is able to do so shall take such steps as are necessary to ensure that all ballot papers, envelopes, lists and other documents used in connection with, or relevant to, an election for an office are preserved and kept at the registered office of the organisation for a period of one year after the completion of the election.
- (l) In the event of a position or positions on the Council not being filled at the annual election the Executive Council may appoint a willing member or number of members to fill the vacant position on the Executive Council and such member or members shall hold office until the next Annual General Meeting.

B. Election of Officers

- (a) The Officers shall be elected by secret ballot by the Executive Council from its own membership immediately following the Declaration by the Returning Officer.
- (i) The returning officer shall make provision for absent voting.
- (b) Within 7 days after the Returning Officer has declared the results of the Council elections s/he shall forward by post to each member of the Council nomination forms calling for nominations for the Offices of President, Vice Presidents (2) and Treasurer with a notification therewith of the closing date of nominations which shall be not less than 14 days from the date of such posting.
- Nominations shall be in writing and signed by the Nominees.
- Nominations shall only be made by and from members of the Council.
- (c) The returning officer shall check all nominations for validity. If he finds any nomination defective he shall, before rejecting the same, notify the person concerned of the defect and where it is practicable to do so shall give the person concerned the opportunity of remedying the defect within a period of not less than seven days of his/her notice.