

Workplace Relations Act 1996 – Schedule 1**POST ELECTION REPORT**

Client: Liquor, Hospitality and Miscellaneous Union

Contact details: Tim Ferrari
Secretary
Locked Bag 9
HAYMARKET NSW 1240

Email: tim@lhmu.org.au
Tel: 02 8204 3000

AIR contact officer: Steve Teece

Email: Industrial.elections@air.gov.au
Tel: 02 8374 6516

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2007/285

RULES

Rules used for elections Rule ID: [108V: Incorporates alterations of 17/12/2007]
[R2007/350]

Rules difficult to apply/interpret: N/A

Model Rule reference (if any):

ROLL OF VOTERS

Total number of voters on the roll	83	
Number of apparent workplace addresses	0	0 %
Number of non-current addresses	83	0 %
Other Matters	83	

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: N/A

Other irregularities identified, and action taken: N/A

ATTACHMENTS

A: Declaration of Contested and Uncontested Offices – Election of the Vice Presidents and the National Executive Members

Lee Jones
Returning Officer
Australian Electoral Office
7 March 2008

**Liquor, Hospitality and Miscellaneous Union
Election of the Vice Presidents and the National Executive Members**

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.

E2007/E285

National

Total number of persons on the roll of voters	83
Ballot papers issued	83
Duplicate ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	83
Ballot papers / envelopes returned for scrutiny	59
Less ballot papers / envelopes rejected at preliminary scrutiny	1
Adjusting Balance	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	58
Percentage of ballot papers returned to number issued	71%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	24

National Executive members (Western Australia Branch)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
SMITH, Carolyn	53	53
O'MAHONY, Paul William	4	4
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	57	57
Formal ballot papers	57	57
Informal ballot papers	1	1

I declare Carolyn Smith elected.

National Vice-Presidents (2)

Candidates

O'BYRNE, David
WALSH, Jess

I declare David O'Byrne and Jess Walsh elected.

National Executive members (Queensland Branch)

Candidate

BULLOCK, Gary John

I declare Gary John Bullock elected.

National Executive members (South Australia Branch)

Candidate

DI TROIA, David

I declare David Di Troia elected.

National Executive members (Victoria Branch)

Candidate

WALSH, Jess

In accordance with Rule 22(f), Jess Walsh is excluded as she is elected to the higher office of National Vice-President..

National Executive member (Northern Territory Branch)

Candidate

GARDINER, Matthew John

I declare Matthew John Gardiner elected.

National Executive member (Australian Capital Territory Branch)

Candidate

RYAN, Lyndal

I declare Lyndal Ryan elected.

Lee Jones
Returning Officer
Australian Electoral Commission

4 March 2008

TEECE, Steve

From: TEECE, Steve
Sent: Thursday, 17 January 2008 1:13 PM
To: 'Tim Ferrari'; 'industrial.elections@aec.gov.au'
Subject: E2007/285 Replacement decision

Attachments: E2007_285 LHMU PR980447.doc

Dear Tim & AEC

For administrative reasons, I've been asked to issue a replacement decision to that sent earlier today.

The only difference is in the Print number and Media citation numbers. All other details remain the same.



E2007_285 LHMU
PR980447.doc (1...

Steve Teece

Research Information Advice Team
NSW Registry
Australian Industrial Registry

Ph: (02) 8374 6516 Fax: (02) 9380 6990
steve.teece@air.gov.au

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

Liquor, Hospitality and Miscellaneous Union
(E2007/285)

T. NASSIOS
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE, 17 JANUARY 2008

DECISION

[1] On 11 December 2007 the Liquor, Hospitality and Miscellaneous Union lodged in the Industrial Registry the prescribed information in relation to an election to fill vacancies in the following offices:

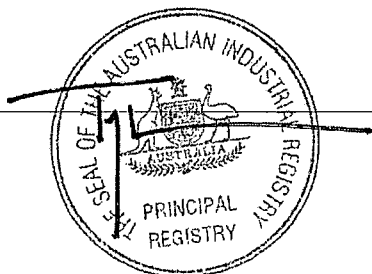
National Executive

National Vice Presidents (2)
(subject to rule 20(c) "...provided that one of the National Vice Presidents shall be a woman)

National Executive Members representing the following Branches (and subject to rule 20(c)(v) or 20(c)(vi) as the case may be):

Queensland Branch	(1)
South Australia Branch	(1)
Victoria Branch	(1)
Western Australia Branch	(1)
Northern Territory Branch	(1)
Australian Capital Territory Branch	(1)

[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 1 of the *Workplace Relations Act 1996*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



TEECE, Steve

From: Publications
Sent: Thursday, 17 January 2008 12:15 PM
To: TEECE, Steve
Subject: FW: Registrar - Deputy Industrial Registrar Nassios - 980332 - E2007/285

Attachments: E2007_285 LHMU PR980332.doc

Hi Steve,

Just a quick note regarding the attached Registrar decision.

I've spoken to Kris and she has said that the code on the decision will need to be changed.

Basically, the MNC code on your document is for 2007. The signing date of the decision is 2008. You can't have a 2007 MNC code on a document that has been signed in 2008.



E2007_285 LHMU
PR980332.doc (1...

Kris has said that you will need to get a whole new code so that you MNC code has 2008 in it.

What you will need to do is get another Print Id for your decision and that will give you a new MNC code for 2008 and file the new version in CMS.

You will also have to let you parties know about the change.

Once filed, Kris will remove any decisions with the incorrect code.

If you have any problems, please contact Kris (x3802) and she will be able to help you more.

Thanks,

Katie Edney
Subscription Services
Australian Industrial Registry

P: (03) 8661 7812
F: (03) 9655 0406
E: katie.edney@air.gov.au

-----Original Message-----

From: Registry Decisions
Sent: Thursday, 17 January 2008 11:08 AM
To: Publications
Subject: FW: Registrar - Deputy Industrial Registrar Nassios - 980332 - E2007/285

From: TEECE, Steve
Sent: Thursday, January 17, 2008 11:07:39 AM
To: Registry Decisions
Subject: Registrar - Deputy Industrial Registrar Nassios - 980332 - E2007/285 Auto forwarded by

Matter Type: s.189(1) RAO Schedule - Notification of elections for office Short Title:
Application/Notification by Liquor, Hospitality and Miscellaneous Union



Australian Government
Australian Industrial Registry

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990
Email: sydney@air.gov.au

Mr Tim Ferrari
Assistant National Secretary,
Liquor, Hospitality and Miscellaneous Union
Level 9
187 Thomas Street
HAYMARKET NSW 2000

Dear Mr Ferrari

**Re: Arrangements for the conduct of an Election
(E2007/285)**

A copy of the Registrar's decision in relation to the above matter is enclosed.

The Registrar is making arrangements, under subsection 189(3) of Schedule 1 of the *Workplace Relations Act 1996*, with the Electoral Commissioner for the conduct of the subject election by a member of staff of the Australian Electoral Commission, who will contact you in the near future about the election.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steve Teece'.

Steve Teece
for Deputy Industrial Registrar
17 January 2008

Electoral Commissioner Through
Australian Electoral Officer (industrial.elections@aec.gov.au)

Under subsection 189 of Schedule 1 of the Workplace Relations Act 1996, please arrange for the conduct of the following election by the Australian Electoral Commission:

E No 2007/285

**RE: LIQUOR, HOSPITALITY AND MISCELLANEOUS UNION -
QUEENSLAND BRANCH**

Positions:

See Decision

Relevant Information: Casual vacancies, collegiate voting system, secret ballot

Contact: Tim Ferrari
Assistant National Secretary

Phone: (02) 8204 3000

A copy of the decision is enclosed.

I further request that you arrange for this office to be notified that arrangements for the conduct of this election have been made, by email transmission at industrial.elections@air.gov.au



Steve Teece
for Deputy Industrial Registrar

17 January 2008

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

Liquor, Hospitality and Miscellaneous Union
(E2007/285)

T. NASSIOS
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE, 17 JANUARY 2008

DECISION

[1] On 11 December 2007 the Liquor, Hospitality and Miscellaneous Union lodged in the Industrial Registry the prescribed information in relation to an election to fill vacancies in the following offices:

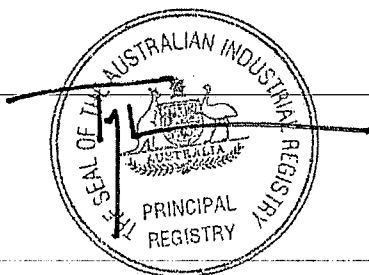
National Executive

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(subject to rule 20(c) "...provided that one of the National Vice Presidents shall be a woman)

National Executive Members representing the following Branches (and subject to rule 20(c)(v) or 20(c)(vi) as the case may be):

Queensland Branch	(1)
South Australia Branch	(1)
Victoria Branch	(1)
Western Australia Branch	(1)
Northern Territory Branch	(1)
Australian Capital Territory Branch	(1)

[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 1 of the *Workplace Relations Act 1996*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



 **TEECE, Steve**

From: TEECE, Steve
Sent: Tuesday, 18 December 2007 10:24 AM
To: 'industrial.elections@aec.gov.au'
Subject: E2007/286 LHMU Election Casual vacancies

Attachments: E2007_285 LHMU Casual PI.pdf; LHMU Rules as at 171207.doc

Prescribed Information & Rulebook:



E2007_285 LHMU LHMU Rules as at
Casual PI.pdf (... 171207.doc (1...

Steve Teece

Research Information Advice Team
NSW Registry
Australian Industrial Registry

Ph: (02) 8374 6516 Fax: (02) 9380 6990
steve.teece@air.gov.au

National Office

Level 9
187 Thomas Street
Haymarket NSW 2000

Locked Bag 9
Haymarket NSW 1240
Telephone: (02) 8204 3000
Facsimile: (02) 9281 4480
E-mail: lhmu@lhmu.org.au
Web address: www.lhmu.org.au

Louise Tarrant
National Secretary

Brian Daley
National President

Tim Ferrari
Sue Lines
Troy Burton
Assistant National Secretaries



LHMU

Organising for the future

ABN: 5272 8088 684

Please address all correspondence to the National Secretary

10 December 2007

Mr Barry Jenkins
Deputy Industrial Registrar
Australian Industrial Registry
80 William Street
EAST SYDNEY NSW 2010



Dear Mr Jenkins

Re: APPLICATION PURSUANT TO SECTION 189 OF SCHEDULE 1 OF THE WORKPLACE RELATIONS ACT 1996.

I am writing to request that an election be conducted under section 189 of Schedule 1 of the Workplace Relations Act 1996 for the office set out in the attached statement so as to ensure that no irregularity occurs in or in connection with the election.

Yours sincerely

TIM FERRARI
ASSISTANT NATIONAL SECRETARY

STATEMENT AND NOTICE OF PRESCRIBED INFORMATION UNDER REGULATION 138 re: ROA SCHEDULE s189(1) OF THE WORKPLACE RELATIONS ACT 1996.

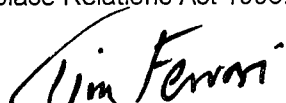
I, Tim Ferrari, Assistant National Secretary of the Liquor Hospitality and Miscellaneous Union, make the following statement:

I am the Assistant National Secretary of the Liquor Hospitality and Miscellaneous Union,

I am authorised to lodge the following prescribed information concerning elections for the National Executive of the Liquor Hospitality and Miscellaneous Union, and

I confirm that the following information is being lodged under subsection 189(1) of the RAO schedule of the Workplace Relations Act 1996.

Signed:



Tim Ferrari, Assistant National Secretary, Liquor Hospitality and Miscellaneous Union

Dated: 10 December 2007

Offices/Positions

National Executive

National Vice President (2)

Member (Queensland Branch)

Member (South Australia Branch)

Member (Victoria Branch)

Member (Western Australia Branch)

Member (Northern Territory Branch)

Member (Australian Capital Territory Branch)

Reason for Election:

The reasons for the election is the resignation of a number of incumbents as follows

Ron Monaghan	(QLD and National Vice President)
Gil Anderson	(ACT)
Jane Farrell	(VIC)
Irene Munro	(NT)
Annie Owens	(National Vice President)
Mark Butler	(SA)

Also, Sue Lines has recently been elected as Assistant National Secretary and resigned her position as Member of the National Executive from Western Australia. All resignations have taken place since the National Council in August 2007 and the filling of such vacancies in accordance with the LHMU rules is sought (particularly see Rule 22)

Elected by:

1. The electorate for these positions are delegates to National Council.

 **TEECE, Steve**

From: Tim Ferrari [tim@lhmu.org.au]
Sent: Wednesday, 19 December 2007 3:52 PM
To: TEECE, Steve
Subject: Gil anderson resignation
Attachments: ACTbranchcouncil minutes.doc

Steve..this is all i can find re resignation of Gil Anderson in the ACT in August.Together with my statement in support of the Nat Exec application for ballot..I might hope this might be sufficient until we find Gil and get a more specific resignation letter...re the application decision to go to the ACT.Cheers

Tim Ferrari Assistant National Secretary LHMU
Phone: (02) 8204 3024 Fax: (02) 9281 4480
Locked Bag 9, Haymarket, NSW 1240, Australia
www.lhmu.org.au

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19/12/2007

**BRANCH COUNCIL MEETING
ACT BRANCH
6TH SEPTEMBER 2007**

CHAIR: C Wagland

PRESENT: L Ryan, K Gardner, K Harris, K Onstenk, J McInerney, S Reid,
S Goodlet, R Henderson, D Terrance

APOLOGIES: G Anderson (LSL), I Gair, S Scanlain
Moved: Onstenk/Reid
"That apologies be accepted."

CARRIED

MINUTES: Minutes of Branch Council Meeting held on 30th August 2006 were distributed.
Moved: Gardner/Reid
"That Minutes be received."
Moved: Gardner/Reid
"That Minutes be adopted."

CARRIED

CARRIED

CORRESPONDENCE: From Chris Wagland – Re: Rule Change to Increase Union Contributions
Moved: Gardner/Onstenk
"That rule 75A Australian Capital Territory Branch, sub-rule A5 Contributions, be deleted and replaced with the following:

"A5. CONTRIBUTIONS

(A) Rates of contributions by members shall be as follows:

- (i) for all members who are permanent full time and part time employees and whose membership contributions are paid to the union under a system of deduction of union dues by the employer:

	Basic contribution	Additional contribution	Total contribution
per year	\$340.60	\$192.40	\$533.00
per half year	\$170.30	\$96.20	\$266.50
per quarter	\$85.15	\$48.10	\$133.25
per month	\$28.40	\$16.05	\$44.45
per fortnight	\$13.10	\$7.40	\$20.50
per week	\$6.55	\$3.70	\$10.25

- (ii) for members who are casual adult employees and whose contributions are paid to the union under a system of deduction of union dues by the employer and all members who are adult employees and whose contributions are paid to the union as a result of an arrangement for payment of dues with the person's authorisation under a bank or similar debit, or debit from the person's credit card, or where the member pays their contributions in cash to the union office:

	Basic contribution	Additional contribution	Total contribution
per year	\$340.60	\$140.40	\$481.00
per half year	\$170.30	\$70.20	\$240.50
per quarter	\$85.15	\$35.10	\$120.25
per month	\$28.40	\$11.70	\$40.10
per fortnight	\$13.10	\$5.40	\$18.50
per week	\$6.55	\$2.70	\$9.25

- (iii) for members who are apprentices or trainees or juniors as prescribed in the appropriate award or agreement and who are not in receipt of the adult rate prescribed in that award or agreement and whose membership contributions are paid to the union under a system of deduction of union dues by the employer:

	Basic contribution	Additional contribution	Total contribution
per year	\$304.20	\$117.00	\$421.20
per half year	\$152.10	\$58.50	\$210.60
per quarter	\$76.05	\$29.25	\$105.30
per month	\$25.35	\$9.75	\$35.10
per fortnight	\$11.70	\$4.50	\$16.20
per week	\$5.85	\$2.25	\$8.10

- (iv) for members who are apprentices or trainees or juniors as prescribed in the appropriate award or agreement and who are not in receipt of the adult rate prescribed in that award or agreement and whose contributions are paid to the union as a result of an arrangement for payment of dues with the person's authorisation under a bank or similar debit, or debit from the person's credit card, or where the member pays their contributions in cash to the union office:

	Basic contribution	Additional contribution	Total contribution
per year	\$273.00	\$106.60	\$379.60
per half year	\$136.50	\$53.30	\$189.80
per quarter	\$68.25	\$26.65	\$94.90
per month	\$22.75	\$8.90	\$31.65
per fortnight	\$10.50	\$4.10	\$14.60
per week	\$5.25	\$2.05	\$7.30

- (B) The basic contribution rates above take effect from 1 July 2007. The total contribution rates above shall take effect from 1 October 2007."

CARRIED

REPORTS:

Acting Branch Secretary reported on –

- Delegates Convention
Evaluations noted the convention as either – very good or excellent. Participant numbers were down this year indicating a need to develop our delegate structures.

Sarah Goodlet reported on –

- Chubb
The Branch has run a very focused recruitment campaign in relation to the issue of underpayments, signing over 70 members during last few months. Chubb has been found by OWS to owe approximately \$250,000.

Acting Branch Secretary reported on –

- Resignation of Gil Anderson on 23rd August 2007. Which has led to a casual vacancy to fill the position and a rule change to abolish the position of Assistant Branch Secretary.
- An advertisement was placed in the Canberra Times on 27th August 2007, with a closing date of 31st August 2007. Acting Branch Secretary Lyndal Ryan nominated for the position. No other nominations were received.

- Under existing arrangements Yvette Berry is the Co-ordinator for the Growth Team and David Bibo co-ordinates the Service and Maintenance Team.
- If circumstances in the future require the Branch to re-create the position of Assistant Branch Secretary it will be open for us to do so.

Moved: Onstenk/Reid
"That reports be received."

CARRIED

CASUAL VACANCY: Moved: Onstenk/Reid
"That Lyndal Ryan be appointed Branch Secretary as provided for by Rule 42."

CARRIED

RULE CHANGE: Moved: McInerney/Onstenk
"That Rule 75A of the rules of the Liquor Hospitality and Miscellaneous Union be amended by deleting sub-rule A4 Branch Executive and inserting in lieu thereof the following –

A4. Branch Executive

The Branch shall have an Executive consisting of:

- (a) Branch President, Branch Vice President and Branch Secretary.
- (b) Six (6) other members."

CARRIED

MEETING CLOSED: 2 PM

CHAIRPERSON

DATE

Facsimile Transmission



Liquor, Hospitality &
Miscellaneous Union

Date: 19/12/07
To: Brian Daley
Fax No: NO
From: Mark Butler
Subject: Resignation
Number of Pages 1 (including cover)

Boyd MacRae - Branch President
Mark Butler - Branch Secretary

101 Henley Beach Road
Mile End SA 5031
PO Box 220
Torrensville Plaza SA 5031

t - 08 8352 9300
f - 08 8443 7678
w - www.lhmu.org.au
e - lhmu@lhmu.org.au

Routine Attention ☒

Urgent Attention ☐

Message:

as attached

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