



Our Ref: E2010/2630

Ms Louise Tarrant  
National Secretary  
Liquor, Hospitality & Miscellaneous Union

Attention: David McElrea  
National Director  
Email: [david.mcelrea@lhmu.org.au](mailto:david.mcelrea@lhmu.org.au)

Dear Ms Tarrant

**Re Liquor, Hospitality & Miscellaneous Union  
Election for National Executive  
E2010/2630**

I refer to my previous letter of 30 August 2010.

Attached is my declaration of the results for the election. The election is now completed.

Note that as there are eleven female members of the nineteen member National Executive, there is no requirement for additional affirmative action delegate/s. Ms Reilly's nomination has therefore lapsed.

Please advise all candidates of the results.

Yours sincerely

Lee Jones  
Returning Officer

7 September 2010

# Liquor, Hospitality and Miscellaneous Union Election for National Executive

## DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Fair Work Act 2009 and the rules of the organisation.

E2010/E2630

### **National President**

Candidate

DALEY, Brian John

### **National Vice-Presidents (2)**

Candidates

RYAN, Lyndal

WALSH, Jess

### **National Secretary**

Candidate

TARRANT, Louise

### **Assistant National Secretaries (2)**

Candidates

BURTON, Troy Douglas

LINES, Sue

### **National Executive member (New South Wales Branch) (2)**

Candidates

BOYD, Mark

GATFIELD, Mel

### **National Executive members (Queensland Branch) (2)**

Candidates

BULLOCK, Gary

TOMLINSON, Kerry

**National Executive members (South Australia Branch) (2)**

Candidates

BUCKLER, Robyn  
DI TROIA, David

**National Executive members (Victoria Branch) (2)**

Candidates

DALEY, Brian John  
WALSH, Jess

**National Executive members (Western Australia Branch) (2)**

Candidates

KELLY, Dave  
SMITH, Carloyn

**National Executive member (Australian Capital Territory Branch)**

Candidate

RYAN, Lyndal

**National Executive member (Northern Territory Branch)**

Candidate

GARDINER, Matthew John

**National Executive member (Tasmania Branch)**

Candidate

GIBBONS, Helen Mary

As the number of nominations accepted did not exceed the number of positions to be filled, I declare all the above candidates elected.

**Affirmative Action National Executive Members**

Candidate

REILLY, Rebecca

As there are eleven female members of the nineteen member National Executive, there is no requirement for additional affirmative action delegates. Ms Reilly's nomination has therefore lapsed.

LEE JONES  
Returning Officer  
7 September 2010

**AEC**

Australian Electoral Commission

**Fair Work (Registered Organisations) Act 2009****POST ELECTION REPORT****Client:** Liquor, Hospitality and Miscellaneous Union**Contact details:** Louise Tarrant  
Secretary  
Locked Bag 9  
HAYMARKET NSW 1240**Email:** lhmu@lhmu.org.au  
**Tel:** 02 8204 3000**FWA contact officer:** David Vale**Email:** Industrial.elections@fwa.gov.au  
**Tel:** 02 8374 6509**ELECTIONS COVERED IN THIS REPORT****Election Decision No/s:** E2010/2630**RULES****Rules used for elections Rule ID:** 108V: Incorporates the alterations of 05/01/2010 in matters R2009/10084, R2009/10085 & R2009/10086.**Rules difficult to apply/interpret:** N/A**Model Rule reference (if any):****ROLL OF VOTERS**

<b>Total number of voters on the roll</b>	N/A	
<b>Number of apparent workplace addresses</b>	0	0 %
<b>Number of non-current addresses</b>	0	0 %
<b>Other Matters</b>	0	

**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 Uncontested Offices – Election of the National Executive.Lee Jones  
Returning Officer  
Australian Electoral Office  
8 September 2010

**Post Election Report For: LHMU**  
**Election E No 2010/2630**

I refer to the above election for your organisation.

Section 197(1) of the Fair Work (Registered Organisations) Act 2009(" the Act") requires the AEC to provide a written report on the conduct of the election to Fair Work Australia and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of the Act requires that if an organisation or branch is given a post election report under Section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (Registered Organisations) Regulations requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Lee Jones  
Returning Officer

**Lee Jones | Operations Manager & Senior Returning Officer**

Industrial Elections Branch

Australian Electoral Commission

T: 02 9375 6361 | M: 0412 268 599 | F: 02 9212 7336



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FAIR WORK  
AUSTRALIA

27 July 2010

Ms Louise Tarrant  
National Secretary  
Liquor, Hospitality and Miscellaneous Union  
Locked Bag 9  
HAYMARKET NSW 1240

Dear Ms Tarrant

**Re: Arrangements for the conduct of an Election  
(E2010/2630)**

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

Fair Work Australia is making arrangements, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, 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

David Vale  
Fair Work Australia



FAIR WORK  
AUSTRALIA

## DECISION

*Fair Work (Registered Organisations) Act 2009*  
s.189 – Arrangement for conduct of an election

**Liquor, Hospitality and Miscellaneous Union**  
(E2010/2630)

B.R. JENKINS

SYDNEY, 27 JULY 2010

*Arrangement for conduct of election.*

[1] On 19 July 2010 the Liquor, Hospitality and Miscellaneous Union lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

### NATIONAL EXECUTIVE

National President (1)

National Vice President (subject to Rule 20(c)) (2)

National Secretary (1)

Assistant National Secretary (2)

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

New South Wales (2)

Queensland (2)

South Australia (2)

Victoria (2)

Western Australia (2)

Australian Capital Territory (1)

Northern Territory (1)

Tasmania (1)

Affirmative Action National Executive Members (if required,  
pursuant to Rule 20(c)(vii))

[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 the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER  
FAIR WORK AUSTRALIA

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## **VALE, David**

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**From:** VALE, David  
**Sent:** Tuesday, 27 July 2010 3:04 PM  
**To:** 'Industrial Elections'  
**Subject:** E2010/2630  
**Attachments:** E2010\_2630 LHMU signed decision\_27072010.pdf

Dear AEC,

Please find attached a copy of the Decision for the upcoming election of the LHMU (E2010/2630).

Yours sincerely

**DAVID VALE**  
Manager, Organisations - NSW

**Fair Work Australia**  
Tel: 02 8374 6509  
Fax: 02 9380 6990

[david.vale@fwa.gov.au](mailto:david.vale@fwa.gov.au)

Level 8, Terrace Tower  
80 William Street  
East Sydney NSW 2011

[www.fwa.gov.au](http://www.fwa.gov.au)



FAIR WORK  
AUSTRALIA

27 July 2010

Electoral Commissioner Through  
Australian Electoral Officer ([industrial.elections@aec.gov.au](mailto:industrial.elections@aec.gov.au))

Under subsection 189 of the Fair Work (Registered Organisations) Act 2009, please arrange for the conduct of the following election by the Australian Electoral Commission:

**E No 2010/2630**

**RE: LIQUOR, HOSPITALITY AND MISCELLANEOUS UNION**

Position:

See Decision

Relevant Information: Scheduled election; direct voting system; collegiate voting system; secret ballot.

Contact: Ms Louise Tarrant  
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@fwa.gov.au](mailto:industrial.elections@fwa.gov.au).

David Vale  
Fair Work Australia

**VALE, David**

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**From:** VALE, David  
**Sent:** Monday, 19 July 2010 3:34 PM  
**To:** 'Industrial Elections'  
**Subject:** E2010/2630  
**Attachments:** LHMU E2010\_2630 lodged 19072010.pdf; LHMU R2009\_10084, 10085 & 10086\_05012010.doc

Dear AEC,

Please find attached a copy of the prescribed information and a copy of the current rule book of the LHMU for an upcoming election (E2010/2630).

Yours sincerely

**DAVID VALE**  
Manager, Organisations - NSW

**Fair Work Australia**  
Tel: 02 8374 6509  
Fax: 02 9380 6990

[david.vale@fwa.gov.au](mailto:david.vale@fwa.gov.au)

Level 8, Terrace Tower  
80 William Street  
East Sydney NSW 2011

[www.fwa.gov.au](http://www.fwa.gov.au)

**National Office**  
303 Cleveland St  
Redfern  
NSW 2016

**Louise Tarrant**  
National Secretary

**Brian Daley**  
National President

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

**Sue Lines**  
**Troy Burton**  
Assistant National Secretaries



**LHMU**

Organising for the future

ABN: 5272 8088 684

15 July 2010

The General Manager  
Fair Work Australia  
80 William Street  
EAST SYDNEY NSW 2010



Dear Sir/Madam

**Re: Application pursuant to Section 182 of the Fair Work (Registered Organisations) Act 2009**

I write to request that an election be conducted by the AEC for members of the National Executive of the LHMU pursuant to Section 182 of the *Fair Work (Registered Organisations) Act 2009* ("the Act").

The prescribed information required under Regulation 138 for the purposes of Section 189(1) of the Act is as follows:

1. The names of the offices in respect of which an election is required are (from Rule 20(c) of the rules of the LHMU):

- (i) a National President;
- (ii) two (2) National Vice Presidents;
- (iii) a National Secretary;
- (iv) two (2) Assistant National Secretaries;
- (v) Members from each of the following branches:

New South Wales - two (2)  
Queensland - two (2)  
South Australia - two (2)  
Victoria - two (2)  
Western Australia - two (2)  
Australian Capital Territory – one (1)  
Northern Territory – one (1)  
Tasmania – one (1)

2. The reason for the election is that the terms of the offices have expired or is due to expire in the normal course of events.

3. The numbers of the offices in respect of which an election is required are set out in paragraph 1 above.

4. The electorate for the position is the members of the National Council of the LHMU.

5. The date and time of the commencement and expiration of the period during which nomination of candidates will be called are dealt with in Rule 22. Nomination must be called for at least seven days prior to the meeting of the National Council on 3 September 2010.
6. The voting system to be employed in the conduct of the election is a direct voting system.

The rules provide that this election take place at the National Council meeting to be held on 3 September 2010. Copies of Rules 20, 21 and 22 of the LHMU are attached for your information.

I confirm that I am authorised to sign a statement that this information is lodged under subsection 189(1) of the Act.

Please contact David McElrea on 02 8204 3048 or [david.mcelrea@lhmu.org.au](mailto:david.mcelrea@lhmu.org.au) if you have any enquiries in relation to these matters.

Yours faithfully



**Louise Tarrant**  
**NATIONAL SECRETARY**

## 20. NATIONAL EXECUTIVE

- (a) Members of the National Executive shall be elected quadrennially
- (b) The National Executive shall be the committee of management of the union.
- (c) The National Executive shall consist of:
  - (i) a National President;
  - (ii) two (2) National Vice Presidents;
  - (iii) a National Secretary;
  - (iv) two (2) Assistant National Secretaries;

provided that one of the National Vice-Presidents shall be a woman.

- (v) Members from each of the following branches:

- New South Wales - two (2)
- Queensland - two (2)
- South Australia - two (2)
- Victoria - two (2)
- Western Australia - two (2)

provided that at least one member from each of the branches shall be a woman and provided further that where a delegate to National Council from any of these branches has already been elected as National President or National Vice President that Branch's two members shall be inclusive of the National President or National Vice President as the case may be.

- (vi) one member from each of the following branches:

- Australian Capital Territory
- Northern Territory
- Tasmania

provided that where a delegate to National Council from any of these branches has already been elected as National President or National Vice-President that Branch's member shall be inclusive of the National President or National Vice President as the case may be.

- (vii) such additional female affirmative action delegates (if any) as will be sufficient to provide that the National Executive will consist of not less than 50% female members. These additional delegates shall be known as the affirmative action delegates.

[Note: the objective of the provision for affirmative action delegates is to ensure that 50% of the members of the National Executive are women at the time that the National Executive is elected.]

## 21. MEETINGS OF NATIONAL EXECUTIVE

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- (d) Should an extraordinary vacancy occur in the office of any member of the National Executive, who is not an affirmative action delegate pursuant to sub rule 20(c)(vii), through death, resignation, removal in accordance with rule 66, dismissal or otherwise, the National Council shall elect in accordance with sub rule (g) of rule 22 another delegate to National Executive without the requirement that the percentage quota be maintained, provided that the percentage quota shall again be met at the next quadrennial election. Should an extraordinary vacancy occur in any of the affirmative action delegates (in sub rule (c)(vii)), National Council shall, where it is necessary to maintain the percentage quota, elect another affirmative action delegate from female candidates. Otherwise, there shall be no gender restriction upon nominating for any casual vacancy.
- (e) Between meetings of the National Council and subject to any directions of the National Council the National Executive may exercise all the powers of the National Council, except the power to repeal, alter and add to the rules. The National Council may review any act of the National Executive.
- (f) Should a member of the National Executive (other than the National Secretary or an Assistant National Secretary) be unable to attend a meeting of National Executive, the Branch Executive of the Branch of which such person is a member may appoint another member of the Branch as proxy to National Executive for such meeting. Where a Branch has more than one member on National Executive, the Branch may, instead of appointing another member, give the proxy to one of its other members on the National Executive provided that no member shall exercise more than one proxy. The proxy may be given to a member by resolution of the Branch Executive of the Branch concerned, and the fact of the giving of such proxy shall be certified in writing by the Secretary of the Branch concerned and forwarded to the National Secretary. The proxy may be general or limited to some particular meeting or meetings or to a certain period or otherwise. The proxy, unless limited as to exclude same, shall be available for postal voting as well as meetings of the National Executive.

## 21. MEETINGS OF NATIONAL EXECUTIVE

- (a) The National Executive shall meet at least twice in each calendar year, and additionally:
  - (i) when decided by the National Council or the National Executive or the National Secretary, or
  - (ii) when requested in writing by any ten members of the National Executive, or
  - (iii) upon petition of any Branch or Branches authorised in the case of any Branch by the Branch Council, Branch Executive or a special meeting of the Branch, or
  - (iv) upon petition signed by any 500 members.

## 22. ELECTIONS FOR NATIONAL EXECUTIVE

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If in the opinion of the National Council the National Executive has been convened without good cause in the case of a meeting called under (iii) above, the National Council may order the Branch or Branches petitioning as aforesaid to pay all or part of the cost incidental to the meeting of National Executive in such proportion as the National Council may think fit.

- (b) Meetings of the National Executive may be called by letter, circular, notice, electronic mail, telephone, facsimile transmission or orally.
- (c) The National Council shall pay reasonable fares, accommodation and breakfast to delegates attending any meetings of the National Executive or when engaged in the business thereof. The relevant Branch shall pay the delegate's expense allowance.
- (d) A quorum of the National Executive shall be ten.
- (e) Voting at National Executive meetings shall be by show of hands, unless a division is demanded by any member, in which case a division shall be held. The Chairperson shall be entitled to an ordinary vote but not to a casting vote. In the event of a tie, the question shall lapse.
- (f) The National Secretary may, and whenever directed to do so by the National Council or National Executive or requested to do so by any Branch Council or Branch Executive shall, convene and/or hold any meeting by audio or video conferencing or submit any question to a vote of the Executive by postal, telephonic, email, facsimile transmission or by similar means.

## 22. ELECTIONS FOR NATIONAL EXECUTIVE

- (a) The National Executive, shall be elected (and take office) quadrennially at the meeting of the National Council next following the quadrennial Branch elections or otherwise as provided for in these rules.
- (b) Except for the filling of extraordinary vacancies, election of the members of the National Executive shall be held at a meeting of National Council, which shall appoint a person as returning officer who shall not be the holder of any office in and shall not be an employee of the union. Such returning officer shall have the conduct of the election of the members of the National Executive in accordance with these rules.
- (c) To be eligible to nominate as a candidate for the position of member of National Executive where the nomination relates to the position of National President, National Secretary or Assistant National Secretaries, the member must be a delegate to National Council and:
  - (i) must be a financial member of the union at the closing of nominations; and



## 22. ELECTIONS FOR NATIONAL EXECUTIVE

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- (ii) must have been a member of the union for at least twelve months immediately prior to the closing of nominations; and
  - (iii) at the time of closing of nominations, must not have been unfinancial in accordance with Rule 16 at any time during the twelve months immediately preceding the closing of nominations; and
  - (iv) during the twelve months immediately prior to the closing of nominations must have been regularly employed in an industry or industrial pursuit covered by these rules, or have been an officer or official of the union; provided that any period in the said twelve months during which that person held a position as an officer or official of the union shall be deemed to be a period of being regularly employed in such an industry or industrial pursuit. The nomination must contain particulars relating to the person concerned of the occupation(s) in which the member has been employed during the twelve months immediately preceding the close of nominations and the name of each employer by whom the person nominated has been employed during that period. Provided that of itself a want of form in the provision of such particulars shall not invalidate a nomination.
- (cc) (i) To be eligible to nominate as a candidate for the position of member of National Executive where the nomination relates to a position other than the positions of National President, National Secretary or Assistant National Secretaries, the member must be a delegate to National Council, a financial member of the union at the closing of nominations; and have been a member of the union for at least twelve months immediately prior to the closing of nominations.
- (ii) Only female members who are otherwise qualified to nominate for a position on National Executive are eligible to nominate as an affirmative action delegate.
- (d) A person shall not be eligible to nominate for the position of member of the National Executive:
- (i) if the person is not a delegate to National Council;
  - (ii) if the person has been guilty of larceny, embezzlement, or any other form of dishonesty in relation to the property or funds of any trade union, registered organisation, voluntary association or similar body;
  - (iii) if at the time of closing of such nominations, twelve months or more have elapsed since the person was last employed in any of the callings in the industry covered by the union unless the person is an officer or official of the union;
  - (iv) in the case of the National Secretary or an Assistant National Secretary, if the person has attained the age of sixty five years.

## 22. ELECTIONS FOR NATIONAL EXECUTIVE

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(e) The returning officer shall have the power in accordance with these rules to accept or reject such nominations; provided that if the returning officer rejects any nomination the following provisions shall have effect:

(i) the returning officer shall notify the person concerned of the defect in the nominations; and

(ii) the returning officer shall, give the person concerned the opportunity if possible of remedying the defect before the conduct of the ballot; and

(iii) if the person concerned within such period is able to and does in fact remedy the defect in the nomination in accordance with these rules, the returning officer shall thereupon accept such nomination.

(f) (i) Subject to paragraph (ii) of this sub-clause, the returning officer shall call for nominations such that nominations close at least seven days prior to the meeting and nomination for the election of the members of the National Executive shall be dealt with and completed in the following order:

National President (1)

National Vice Presidents (2)

National Secretary (1)

Assistant National Secretaries (2)

Members of the National Executive

Additional Female Affirmative Action Delegates

Nominations shall be in writing in accordance with these rules by any delegate to National Council and must be agreed to by the candidate in writing. If there is only one candidate for a single position or the number of candidates is equal to or less than the number of positions for any multiple office the returning officer shall declare to the National Council that such candidates are elected. If there is more than one candidate for a single position or if the number of nominations exceed the number of multiple offices the returning officer shall prepare voting papers. The election shall be by secret ballot of the members of the National Council and any candidate may appoint a scrutineer whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Provided that the returning officer shall exclude any candidate declared elected to a more senior office in accordance with the order of election prescribed above from candidature in the ballot for any other office.

In the case of the National Vice Presidents and the members from each of New South Wales, Queensland, South Australian, Victorian and Western Australian Branch the returning officer shall call for nominations and shall conduct an election for the two positions, if necessary, sequentially. In the event that a male is elected to the first position then the returning officer shall only accept nominations from women for the second position.

## 22. ELECTIONS FOR NATIONAL EXECUTIVE

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- (ii) The ballot for all positions shall be conducted by the returning officer as a single exercise according to a system of 'cascading' first past the post voting such that in an election a person shall mark his or her vote on the ballot paper by sequential numbering [1,2,3 etc.] in the square opposite the name of the candidate or candidates for whom the person votes, such that all squares are completed.
- (iii) When counting a vote, the returning officer shall
  - (a) exclude from the ballot the subject of the vote any candidate elected to a more senior office in accordance with the order of election prescribed in sub rule (f)(i);
  - (b) where the number "1" is marked in the square opposite the name of a candidate already declared elected to a more senior office, reallocate the numbering on the ballot such that the candidate marked as number "2" in the sequential numbering receives the number "1" vote, and the returning officer shall reallocate the numbering of the vote until the numbering against all squares on the ballot paper has been completed.
- (iv) Any delegate to National Council who will not be present at the meeting at which the election is to be held may lodge with the returning officer a request for an absent vote. The returning officer shall declare to National Council the result as soon as the count is completed. In the event of equality of vote for any two or more candidates, the returning officer shall determine by lot which of the candidates is elected.
- (v) In the case of additional Female Affirmative Action Delegates, if there are insufficient female members of the National Council nominating for all or any of the Female Affirmative Action Delegates, any vacancy may subsequently be filled in accordance with the rules relating to extraordinary vacancies.
- (g) Should an extraordinary vacancy occur in the office of any member of the National Executive through death, resignation, removal in accordance with rule 66, dismissal or otherwise, the National Council shall elect at a meeting in the same manner as near as possible as provided in subrule (f) hereof a delegate to National Council to the office and such member shall hold office for the residue of the term for which such member's predecessor was elected.

Provided that, if so decided by the National Executive, or National Secretary, either in meetings or by postal vote, the election may be conducted by secret postal ballot of the members of the National Council in accordance with this rule. The returning officer shall have the conduct of such election. The returning officer shall call for nominations to be made by members of the National Council in writing and shall determine a manner and time within which such nominations are to be made.

## 22. ELECTIONS FOR NATIONAL EXECUTIVE

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The returning officer shall have the power in accordance with these rules to accept or reject such nominations provided that if the returning officer rejects any nominations the following provisions shall have effect:

- (i) The returning officer shall notify the eligible delegate concerned of the defect in the nomination; and
- (ii) The returning officer shall give the eligible delegate concerned the opportunity, if possible, of remedying the defect before the conduct of the election; and
- (iii) If the eligible delegate concerned within such period is able to and does in fact remedy the defect in the nomination in accordance with these rules, the returning officer shall there upon accept such nomination.

Any candidate may appoint a scrutineer whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Where required the returning officer shall prepare ballot papers and initial same and forward them to members of the National Council and give proper directions for the return of the ballot paper in such a way as to preserve the secrecy and regularity of the ballot.

The ballot for all positions shall be conducted by the returning officer as a single exercise according to a system of 'cascading' first past the post voting such that in an election a person shall mark his or her vote on the ballot paper by sequential numbering [1,2,3 etc.] in the square opposite the name of the candidate or candidates for whom the person votes, such that all squares are completed.

Where more than one office is to be filled, the returning officer shall exclude any candidate declared elected to a more senior office in accordance with the order of election prescribed in subclause (f)(i) from candidature in the ballot for any other office.

- (iv) When counting a vote, the returning officer shall
  - (a) exclude from the ballot the subject of the vote any candidate elected to a more senior office in accordance with the order of election prescribed in sub rule (f)(i);
  - (b) where the number "1" is marked in the square opposite the name of a candidate already declared elected to a more senior office, reallocate the numbering on the ballot such that the candidate marked as number "2" in the sequential numbering receives the number "1" vote, and the returning officer shall reallocate the numbering of the vote until the numbering against all squares on the ballot paper has been completed.

## 24. NATIONAL VICE-PRESIDENTS

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In the case of equality of votes for any two or more candidates the returning officer shall determine by lot which of the candidates is elected.

The returning officer shall declare the result to the members of the National Council by post, telephone, electronic mail, facsimile transmission or verbally as soon as the count is completed.

- (h) All members of the National Executive, unless such officers die, resign or are dismissed or removed or their offices become vacant shall hold office until their successors are elected, where upon all records and property concerning the said office shall be handed over to the National Secretary.
- (i) Should any person be irregularly elected as a member of the National Executive or irregularly exercise any office in the union, any business transacted bona fide by such member of the National Executive or by the National Executive or any other body on which such persons may have acted shall nevertheless (unless bad for some other reason) be deemed to have been properly and lawfully transacted.

## 23. NATIONAL PRESIDENT

The National President shall attend all meetings of the National Council and National Executive and any meeting in the union held by decision of the National Council or National Executive and preside at these meetings and may, if the National President so desires preside over any other meeting of the union where the National President is present. The National President shall preserve order so that the business may be conducted in due form and with propriety and upon the minutes being confirmed the National President shall sign the minute book in the presence of the meeting. The National President shall have an ordinary vote and not a casting vote. In the event of an equality of votes, the proposal before the meeting shall lapse except in the case of a motion of dissent from the chair in which case the President's ruling shall be upheld. The National President shall be impartial in all transactions and shall see that the rules are observed.

## 24. NATIONAL VICE-PRESIDENTS

- (a) The National Vice-Presidents shall assist the National President in the proper discharge of the National President's duties.
- (b) In the absence of the National President, a National Vice-President shall preside at all meetings of the National Council and National Executive and any meeting in the union held by decision of the National Council or National Executive and when doing so shall have the same power as the National President. Where more than one National Vice President is present, the precedence for chairing of meetings will be determined by the meeting at the time.