

[175V: Incorporates alterations of 17 January 2020 [R2019/122]]  
replaces rulebook dated 6 November 2017

## **The Pharmacy Guild of Australia**

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 98 both inclusive contain a true and correct copy of the registered rules of The Pharmacy Guild of Australia

DELEGATE OF THE GENERAL MANAGER  
FAIR WORK COMMISSION

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# Rules of The Pharmacy Guild of Australia

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## PART 1 GENERAL

### 1 – NAME

The name of the Organisation shall be THE PHARMACY GUILD OF AUSTRALIA ("the Guild").

### 2 - DEFINITIONS

In this Constitution

- (a) "the Act" means the "Fair Work (Registered Organisations) Act 2009", as amended from time to time.
- (b) "Annual Subscription" means the combination of the proprietor component and premises component set out in Rule 31A of this Constitution.
- (c) "Branch Committee" means the body elected to administer the affairs of a Branch.
- (d) "District" means a geographic subdivision within a State.
- (e) "Member" means a pharmacist who is an employer, as specified in Rule 6(a) of the Constitution, and registered as a pharmacist by the relevant state authority who has been admitted to membership of the Guild and who has paid the annual subscription as set out in Rule 31A of this Constitution.
- (f) "Member in the Branch" or "Member in a Branch" means a member of the Guild registered by the Branch in the State in which the member carries on the profession and business of a pharmacist in private practice. Provided that in the case of a Territory where there is no branch of Guild, a member of the Guild who carries on the profession and business of pharmacist in private practice in such Territory but who is registered in a Branch in another state, shall be deemed to be carrying on such a profession and business in the State in which he is registered.
- (g) "the National Secretariat" means the National Office of the Guild.
- (h) "Notice" means any notice required to be given pursuant to the Constitution may be given by mail, by fax, by email, or by any other form of electronic communication, to the address of the intended recipient of the notice.
- (i) "officer" and "office" each have the meaning given to those terms in section 6 of the Act.
- (j) "Pharmacist" is a person or company registered as a Pharmacist by the relevant State Authority.
- (k) "Returning Officer" where applicable shall include an officer appointed by the Australian Electoral Commission to conduct Guild elections.
- (l) "State" where applicable shall include a Territory of the Commonwealth.
- (m) The singular shall include the plural and masculine gender shall include all genders.

### 3 - INDUSTRY

The industry of the members of the Guild shall consist of retailing, the compounding, dispensing, manufacturing and/or distribution of drugs, medicines, chemicals, pharmaceutical products, druggists' sundries and/or medicinal substances used in pharmacy or in the treatment of any ailment, illness, complaint or disease (including those used in the treatment of animals, and for horticultural purposes), and the provision of pharmaceutical services.

### 4 - NATIONAL OFFICE

The National Office of the Guild shall be at level 2, 15 National Circuit, Barton ACT 2600, until otherwise determined by the National Council.

### 5 - OBJECTS OF THE GUILD

The Pharmacy Guild of Australia is a not for profit employers organisation registered under the Fair Work (Registered Organisations) Act 2009.

The objects of the Guild shall be:

- (a) to represent the interests of members in industrial matters,
- (b) to further and protect the interests of and generally to do anything which may be considered beneficial for its members.

### 6 - ELIGIBILITY FOR MEMBERSHIP

- (a) (i) Any person, partnership of persons, association of persons, company or estate of a deceased person, excepting any Friendly Society Dispensary or Lodge Dispensary, or pharmacist, pharmacy partnership or company pharmacy trading in a manner similar there to, being an employer and registered as a pharmacist by the relevant state authority and as such carrying on the business and profession of a pharmacist in private practice within the Commonwealth of Australia and/or its Territories, shall be eligible for membership PROVIDED THAT in the case of an application by a company for membership:

- A a majority of its directors must be pharmacists, or, in the case of a company having only two directors, one of those directors must be a pharmacist, and
- B a majority of the issued voting shares in the company must be held legally and beneficially by pharmacists, and
- C the company must comply with the relevant State and Territory legislation applicable in the Branch to which the application for membership is made, which prescribes requirements for pharmacy ownership and similar matters, even if those requirements are more onerous than the requirements of this sub-rule.

PROVIDED FURTHER THAT a company which is now a member but which does not comply with the requirements of sub-paragraphs A and B, shall be entitled to remain a member of the Guild.

- (ii) Notwithstanding the provisions of rule 6(a)(i), any company listed on the Australian Stock Exchange or similar stock exchange or any related body corporate to, or subsidiary of, that listed company shall not be eligible for membership.

## 6B – OTHER CLASSES OF ASSOCIATESHIP

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- (b) All the members of a partnership applying for membership shall be signatories to an application for membership and shall pay the appropriate membership subscription as set out in Rule 31A of this constitution.
- (c) All Pharmacist directors of a company applying for membership shall be signatories to an application for membership and shall pay the appropriate membership subscription as set out in Rule 31A of this constitution.

An application for membership from a company shall be under seal or if not sealed shall be signed by the persons authorised to make application for membership on its behalf, who must include the pharmacist directors.

- (d) A person appointed as Executive Director or Branch Director of the Guild, shall be deemed to be a financial member of the Guild during the term of his office.

## 6A - HONORARY LIFE MEMBERSHIP

Any person who has made an outstanding contribution to the profession of pharmacy in Australia and/or the Guild, may be proposed by any member for nomination by the National Executive and be elected by the National Council as an Honorary Life Member.

A person elected as an Honorary Life Member who is a member of the Guild, or who is eligible for membership and becomes a member of the Guild, shall be exempt from the payment of the annual subscription comprising one Proprietor Component and one Premises Component to the Guild but shall retain all the rights and obligations of a financial member.

A person elected as an Honorary Life Member does not, by reason of that election alone, become a member or become eligible for membership of the Guild. The elected individual, therefore, is not entitled to vote, attend meetings or hold office in the Guild. Whether that person is a member or is eligible for membership of the Guild is determined in accordance with Rule 6.

The National Council may at any time suspend or terminate an Honorary Life Membership.

## 6B – OTHER CLASSES OF ASSOCIATESHIP

The National Council may at any time award to any person the following status:

- Overseas associate
- Associate
- Nominal associateship.

on such terms as it thinks fit. Any such award granted and conferred shall not confer the status of membership on the recipient and the recipient shall not be eligible to be a member of the Guild unless the recipient is otherwise entitled to membership pursuant to Rule 6. The Guild may terminate such award at any time.

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**7 - ELIGIBILITY TO ATTEND MEETINGS, VOTE AND HOLD OFFICE**

- (a) Any pharmacist who is a member of the Guild or who is a member of a partnership which is a member of the Guild or who is a director or shareholder of a company which is a member of the Guild shall be eligible to attend meetings of members, but is only eligible to vote and to hold office in the Guild in the Branch of the Guild where his proprietor component of the membership subscription is paid.
- (b) Each member other than a person appointed to the office of Executive Director or Branch Director shall be entitled to one vote in any ballot, referendum or at any meeting of members provided that:
  - (i) a member may be represented at any meeting of members of the Guild by a nominee, (who must be a pharmacist appointed by the member) by lodging with the Branch Director a completed Form 13,
  - (ii) such nominee shall be entitled to vote in any ballot or meeting of members but shall not be eligible to hold office in the Guild except when so entitled under sub-paragraph (c) of this rule,
  - (iii) the chairman of the meeting shall have full discretion to determine which persons not being members of the Guild shall be permitted to attend the meeting.
- (c) No person may hold office in the Guild unless at the time of his nomination for such office and at the time of his election thereto he is:-
  - (i) a financial member who is a pharmacist, or
  - (ii) a pharmacist who is a member of a partnership which is a financial member, or
  - (iii) a pharmacist director or shareholder of a company which is a financial member
- (d) Notwithstanding any other provision of these Rules, any office held by a member may be declared vacant by National Council if the office is a National office, and by the relevant Branch Committee if the office is a Branch office if the member fails to pay, within the time prescribed or allowed by the Rules, the annual membership subscription or any levy duly struck, PROVIDED THAT the member has first been given by the Guild 10 days notice within which to make the appropriate payment or payments, and has failed to do so. This rule shall not apply in the case of a member who has obtained a discharge of liabilities pursuant to Rule 34, for so long as such discharge remains in force.

**7A - CONFLICT OF INTEREST**

- (i) Any member who holds any office in the Guild shall not be disqualified by his office from contracting with the Guild or from being engaged or acting in any capacity professionally or otherwise by or on behalf of the Guild, provided that he declares his interest in any such contract or engagement or action to the Guild.
- (ii) No contract made by an officer of the Guild with the Guild and no contract or arrangement entered into by or on behalf of the Guild with any company or partnership of or in which such officer is a director member or otherwise in any way interested shall be liable to be impeached affected or avoided by reason of the officer holding his office or by reason of the officer being a party thereto or otherwise interested therein.



## 9 - NATIONAL COUNCIL

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- (iii) An officer so contracting or being so interested shall not be liable to account to the Guild for any profit realised by any such contract or arrangement by reason only of such officer holding his office or of the fiduciary relationship thereby established or by reason of his interest, provided that he has declared the nature of his interest in any such contract or arrangement at the relevant meeting of the National Council, National Executive, Branch Committee, Branch Executive, Branch Meeting, or any meeting of any Guild Committee (as the case may be) at which the contract or arrangement is entered into if his interest then exists, or in any other case at the first relevant meeting after the acquisition of his interest. Such declaration shall be recorded in the minutes of the relevant meeting but failure to record such declaration shall not in any way affect the validity of such contract or arrangement.
- (iv) An officer may vote in respect of any contract or arrangement in which he is so interested as aforesaid and may attest the affixing of the seal of the Guild to any deed or document relating thereto, provided that he has declared his interest in accordance with sub-paragraph (iii).

## **PART 11 - DIVISION 1 - NATIONAL COMMITTEES OF MANAGEMENT AND NATIONAL OFFICERS OF THE ORGANISATION**

### **8 - MANAGEMENT**

- (a) Subject to the powers conferred by the Constitution and the requirements of the Act the management of the Guild shall be vested in the National Council and the National Executive and in the case of matters which are more particularly of local interest and importance by the relevant Branch Committee and the Branch Executive.
- (b) Subject to the provisions of the Act in the case of the irregular election of any officers, any business transacted by such officer, member, council or committees shall not be deemed to be invalid by reason only of such irregularity.

### **9 - NATIONAL COUNCIL**

- (a) The supreme governing body of the Guild shall be the National Council. National Councillors shall be elected from each Branch of the Guild by members in the Branches in accordance with Rule 76.
- (b) The position of an office bearer or member of the National Council shall be declared vacant:
  - (i) if he is or has become disqualified under the Constitution, or, subject to the provisions of the Act, he has been convicted of a prescribed offence as that expression is defined in the Act,
  - (ii) upon his death or resignation,
  - (iii) if no nomination is received for the vacancy,
  - (iv) if he is found guilty in accordance with the Constitution of a substantial breach of the Constitution, gross misbehaviour in his capacity as a member of National Council, or gross neglect of duty in his capacity as a member of National Council.

## 10 - POWERS OF THE NATIONAL COUNCIL

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Any member of National Council who has reason to believe that an office bearer or member of the National Council has committed any of the offences specified in this sub-rule may bring the matter in writing to the attention of the National Council which may in its discretion direct the Executive Director or some other person to notify the person concerned in writing of the nature of the offence and the place and time of hearing of the matter by National Council, provided that not less than 14 days notice of the hearing shall be given. The office bearer or member of the National Council charged shall have the right to appear personally or by his legal representative or to attend personally accompanied by his legal representative at the meeting of National Council and to be heard in his defence. National Council may proceed to hear and determine the matter under this rule notwithstanding the absence of the person concerned or his failure to submit a reply to the charge if due notice of the hearing in accordance with this Rule has been given.

### 10 - POWERS OF THE NATIONAL COUNCIL

Subject to the Constitution and the autonomy of a Branch in matters affecting members in a Branch only and matters concerning the participation of a Branch in any State Conciliation and Arbitration System, the National Council shall have power:

- (a) (i) to determine the policy and administration of the Guild in industrial and all other matters affecting the interests of members,
- (ii) to direct the policy and administration of the Guild in industrial and all other matters affecting the interests of members,
- (b) to initiate, manage and control any actions, proceedings, submissions in respect to industrial disputes and other matters and to appoint a member, or Solicitor, or Counsel, or both, to represent the Guild or any of its members in any Court or proceedings, legal or otherwise,
- (c) to make, vary or terminate industrial agreements,
- (d) to determine any matters or consider any report referred to it,
- (e) to submit any matter to the members of the Guild for decision by postal ballot,
- (f) to delegate any of its powers to the National Executive or to one or all of the Branch Committees, such delegation to be recorded in the National Council Minutes,
- (g) to hear and decide any appeal from a decision of the National Executive,
- (h) to control the National Fund and to vote money and to pass accounts relating to the National Fund in accordance with Rules 42, 43 and 44.
- (i) to receive, adopt or otherwise deal with the Annual Report and Financial Statements,
- (j) subject to Rules 42, 43 and 44 to negotiate and enter into any contracts on behalf of the Guild and to make purchases, sell, acquire, dispose, grant or accept leases, grant or enter into mortgages and licenses and otherwise deal with all real and personal property,
- (k) to fix allowances of National Councillors and other persons where determined,
- (l) to establish and/or contribute to a special fund to achieve any of the objects of the Guild,

## 11 - TRANSFER OF ACTIVITIES

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- (m) to establish superannuation or other Retirement Funds for the benefit of the members, their employees, officers and employees of the Guild,
- (n) to consider and deal with any application for financial assistance from a Branch, and if considered necessary, to grant such assistance upon such conditions as the National Council shall deem fit provided that the granting of temporary financial assistance to a Branch for periods not exceeding six months may be approved as follows:-
  - 1. requests for cumulative amounts up to \$50,000 by the National President and Executive Director jointly,
  - 2. requests for any further amounts by the National Executive,
- (o) to expel or suspend any member guilty of a breach of the Constitution or of neglecting or refusing to carry out any resolution of the National Council,
- (p) to authorise the formation of a Branch of the Guild in any State or Territory of Australia where a petition is received signed by not less than either 5 per cent of the persons eligible to become members of the proposed Branch or fifty such persons, whichever is the greater,
- (q) to establish an Employment Bureau,
- (r) to establish an Unemployment Fund,
- (s) to exercise any powers which may from time to time be vested in it in addition to or in lieu of the powers conferred by this Rule,
- (t) to determine anything whereon the Constitution is silent,
- (u) to make, alter, amend or rescind Rules, except Rules 11, 31(a) and 57,
- (v) to appoint an auditor
- (w) to appoint (and may remove and replace) the Executive Director (noting that the appointment will be put in place by National Council through a common service agreement with an agreed annual workplan and performance agreement. National Council also reserves the right to review the service agreement from time to time as required); and
- (x) to exercise all such other powers as are not specifically granted under this Rule and which are necessarily incidental to the execution of any power vested in the National Council by this or any Rules of the Constitution or to the attainment of any of the objects of the Guild.

## 11 - TRANSFER OF ACTIVITIES

Notwithstanding any other provisions in the Constitution and Rules the National Council or the National Executive shall not take over or assume the conduct or control of any activity previously carried on by a Branch unless a resolution decided by a poll conducted pursuant to the provisions of Rule 22 (a) (ii) and passed by a majority representing more than 75% of financial members of the Guild, authorises such action. This Rule may only be amended by a referendum conducted pursuant to Rule 27.

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**12 - NATIONAL EXECUTIVE**

- (a) Between meetings of the National Council, the National Executive shall be responsible for the implementation and carrying out of the policies of the Guild which have been determined by the National Council.
- (b) The National Executive shall consist of the National President and each Branch President elected from each Branch. Each Branch President shall be a National Vice President.
- (c) Where a member of the National Executive is temporarily unable to carry out his duties another National Councillor or Alternate National Councillor from the Branch which elected him may be appointed in his stead.

**13 - POWERS AND FUNCTIONS OF THE NATIONAL EXECUTIVE**

Subject to the Constitution the National Executive may:

- (a) When the National Council is not in session, and for the purpose of implementing and carrying out the policies of the Guild as determined by National Council:
  - (i) exercise those powers of the National Council which are set out in Rules 10(a)(ii), 10(b), (c), (e), (h), (j), (l), (m), (o), (q), (r),
  - (ii) exercise such other powers which may be delegated to the National Executive in accordance with Rule 10(f).
- (b) Determine the salary of the Executive Director. Authorise the appointment of other executive employees of the National Secretariat as may be necessary and determine their salaries. Authorise the suspension or dismissal of any executive employee of the National Secretariat. Delegate such powers in respect of other executive employees of the National Secretariat to the Executive Director.
- (c) Direct that any member or employee deliver on demand to the National Executive, through the Executive Director or other person authorised by the National Executive, all books, papers, writings, letters, accounts, money, goods and property in his possession, custody or control belonging to the Guild.
- (d) Appoint (and may replace) a National Vice President as acting National President for a stated period, in the event of the National President or Senior Vice President being unavailable to carry out the duties of that office, or where leave of absence is granted.
- (e) Delegate specific authority to the National President and/or Executive Director as it sees fit.
- (f) Appoint an elected member or an employee to carry out functions of the position of Executive Director in the event of the death or resignation of the Executive Director and pending the earliest possible appointment of a replacement, or during the absence of the Executive Director due to illness, leave or otherwise. Provided that such appointment shall not be for a period in excess of six months for each occasion.

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**14 - NATIONAL PRESIDENT**

The National President shall:

- (a) preside at all meetings of the National Council and National Executive and upon the minutes being confirmed shall sign the minutes in the presence of the meeting,
- (b) convene meetings of the National Council and National Executive,
- (c) have power in conjunction with the Executive Director to execute industrial agreements as prescribed in Rule 53 and any other documents requiring the affixing thereto of the seal of the Guild,
- (d) be an ex-officio member of any committee of the National Council and shall have the right to attend and address any committee meeting or general or special meeting of any Branch or District,
- (e) have power to call or otherwise convene meetings of members in any Branch or District and to address or to otherwise communicate with such members,
- (f) at such meetings over which he presides as Chairman, decide all disputed points of order, and on a vote being taken thereon, unless more than half of the votes cast shall dissent therefrom, his decision shall be final.

**15 - NATIONAL VICE PRESIDENTS**

A The Vice Presidents shall assist the National President at meetings of the National Council and National Executive. In the absence of the National President a Vice President appointed by the National Executive shall occupy the chair and conduct the business of meetings of the National Council and the National Executive and shall be empowered to carry out all other duties of the National President and shall have the rights and duties set out in Rule 14.

B The National Executive shall:

- (a) designate (and may replace) a National Vice President to be Senior Vice President who shall assume the office of Acting National President whenever the National President is unwilling or unable to act. The Senior Vice President may also hold the office of National Vice President (Finance).

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

When a National Council Meeting is held during a period when a Senior Vice President or Vice President is Acting National President, an alternate National Councillor from the Branch from which the Acting National President has been elected, shall become a National Councillor for that Meeting.

- (b) designate (and may replace) a National Vice President to be National Vice President (Finance) to:
  - (i) ensure that a proper record is kept of all money received and paid by National Council and National Executive,

## 16 - EXECUTIVE DIRECTOR

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- (ii) produce bank statements, pass books and other such records for inspection when requested by the National Council, National Executive or National President,
  - (iii) examine accounts certified for payment,
  - (iv) ensure annual preparation of the annual accounts and their audit,
  - (v) ensure presentation of the annual accounts to the annual meeting of National Council,
  - (vi) ensure that financial statements are submitted to the National Executive as may be required.
  - (vii) present a statement of the total allowances and expenses received or incurred by officers and the members of the National Council to the Annual Meeting of the National Council. Such statement to include the amounts provided from both the National and Branch Funds and all controlled entities.
- C The term of appointment of the Senior Vice President and the National Vice President (Finance) shall be for a period not exceeding the period between the date of declaration of national office bearers at consecutive elections.
- D The National Executive may terminate the appointment of the Senior Vice President and or the Vice President (Finance) at any time.
- E The National Executive or National President may authorise National Councillors to attend meetings of Committees of the National Council as ex-officio members and to attend and address any Committee meeting or general or specific meeting of any Branch or District as may be considered necessary.

## 16 - EXECUTIVE DIRECTOR

- (a) There shall be an Executive Director who shall be the chief executive officer of the Guild, the head of the National Secretariat the public officer of the Guild and be competent to act on behalf of the Guild.
- (b) The position of Executive Director is one of a full-time employee.
- (c) The Executive Director shall:
  - (i) be subject to the control of the National Council and to the direction of the National Executive and National President,
  - (ii) receive remuneration in accordance with a scale determined from time to time by the National Executive,
  - (iii) take annual leave at a time approved by the National President,
  - (iv) give notice as set out in his terms of employment,
  - (v) be dismissed by the National Executive (if it should so determine) if found guilty in accordance with the Rules, of misappropriation of funds of the Guild, of a substantial breach of the Constitution, or of gross misbehaviour or of gross neglect of duty or if he has ceased according to the Constitution to be eligible to hold office.

## 17 - NATIONAL COUNCIL MEETINGS - ANNUAL

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Any member or officer of the Guild who has reason to believe that the Executive Director has committed any of the offences specified in this sub-rule, may bring the matter to the attention of the National President who may if he considers it appropriate in the circumstances then notify the Executive Director in writing of the nature of the charge and the place and time of hearing of the matter by the National Executive. The Executive Director shall have the right to appear personally and/or to be legally represented at the meeting of the National Executive and to be heard in his defence. The National Executive may proceed to hear and determine a matter under this rule notwithstanding the absence of the Executive 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 Executive Director's duties and responsibilities shall include:
- (i) calling of meetings of the National Council and/or the National Executive, when so directed by the National Council, the National Executive or the National President, and calling meetings of Members in any Branch Committee to consider any matter affecting the Guild as a whole when so directed by the National Council the National Executive or the National President,
  - (ii) attendance at meetings of National Council and National Executive wherever possible, and responsibility for the preparation of minutes incorporating resolutions passed and a record of all other business transacted and their circulation to National Councillors and Branch Directors,
  - (iii) carrying out directions of the National Council, National Executive and National President,
  - (iv) notification to Branch Directors of the time and place of the annual meeting of National Council at least 4 months before the date of such meeting,
  - (v) provision of an agenda to each National Councillor and Branch Director, for such meetings of National Council, at least 14 days prior to the meeting,
  - (vi) control and direction of the National Secretariat and staff employed therein,
  - (vii) supervision and control of the National Fund, in accordance with any relevant provisions of the Act or regulations made thereunder, and policies as laid down by National Council.
  - (viii) maintenance of a register of all members and preparation of returns as required by the Act.
- (e) The amendments made to this Rule on 27 February 2007 shall not affect the existing rights and obligations of the Guild and of the Executive Director in office as at the abovementioned date.

### **DIVISION 11 - NATIONAL MEETINGS**

## **17 - NATIONAL COUNCIL MEETINGS - ANNUAL**

The National Council shall hold an annual meeting in October or November.

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**18 - NOTICES OF MOTION**

- (a) Subject to the provisions of Rule 21(c) the Executive Director shall require notice in writing (hereinafter referred to as "Notice of Motion") of all matters to be submitted at a meeting of the National Council by the National Executive, a Branch, a Branch Committee, or from any officer of the Guild, at least 45 days before the date of such meeting. Leave may be granted by a majority vote of National Council during a meeting to introduce other business provided it is of a special or urgent nature.
- (b) A short memorandum of explanation shall accompany each such Notice of Motion presented.
- (c) As soon as practicable after the closing date for Notices of Motion for a meeting of the National Council, the Executive Director shall cause the Notices of Motion and any accompanying memorandum of explanation received by him to be printed on the agenda paper, which shall be forwarded to members of each Branch committee and each Branch Director at least 14 days before the meeting.
- (d) Subject to Rule 27 a decision of the National Council on any Notice of Motion duly arrived at in accordance with the Constitution shall be final.
- (e) Notices of Motion for a meeting of National Council shall be considered by each relevant Branch Committee or at a general meeting of members of such Branch.
- (f) The failure of a Branch Committee or general meeting to consider Notices of Motion as required by sub-paragraph (e) hereof shall not by reason only of such failure invalidate any decision made by National Council in respect of such Notice of Motion.

**19 - AGENDA**

The agenda shall provide for National Council inter alia to:

- (a)
  - (i) confirm minutes of previous meeting(s)
  - (ii) ratify actions of the National Executive,
- (b) receive from the Returning Officer a declaration of election of office bearers of the National Council in the years in which elections are held,
- (c) where appropriate, receive a statement of the National and Consolidated accounts, duly audited and certified for the preceding financial year,
- (d) transact all and any business of which due notice shall have been given or which on the majority vote of councillors present, is considered to be, special or urgent business,
- (e) receive reports from divisions and committees of the Guild, the Guild's corporate subsidiaries and of affiliates,
- (f) make appointments to positions where no election is required by the Constitution or by the Act,
- (g) where appropriate, fix the time and place of the future meetings for the next calendar year.



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**20 - QUORUM**

A quorum of the National Council shall consist of such number the National Councillors entitled to vote as shall be determined by the National Council provided that the number so determined shall not be less than a majority of the number of National Councillors from time to time. If at any meeting of the National Council a quorum is not present at the expiration of half an hour of the notified starting time for the meeting, the meeting shall stand adjourned to a time and place decided by the National President of which all National Councillors will be informed. If a quorum is not present at the expiration of half an hour of the starting time of the adjourned meeting those present being not less than four shall constitute a quorum.

**21 – NATIONAL COUNCIL MEETINGS - SPECIAL**

- (a) A special meeting of the National Council may be convened:
  - (i) by the National President, or,
  - (ii) by decision of the National Council or National Executive, or
  - (iii) at the request in writing of at least four Councillors.
- (b) A Special Meeting of the National Council shall not be held unless:
  - (i) at least 5 days' notice has been given to members of the National Council,
  - (ii) such notice sets out the subject or subjects to be dealt with by the meeting and is accompanied by an explanation of the reasons for calling the meeting.
- (c) Notwithstanding anything contained in the last preceding sub-rule matters of a special or urgent nature, other than those of which notice has been given, may be dealt with by the National Council at any special meeting if the National Council at such meeting so decides.
- (d) Meetings of the National Council of a special or urgent nature may be held by means of a telephone conference call or by any other similar form of electronic communication, or by means of facsimile communication and with the approval of National Council, without the five days notice as specified in sub-rule (b)(i) being given provided that if four or more members of the National Council object to the lack of notice, the special meeting not be held.

**22 - VOTING**

- (a) (i) At all meetings of the National Council each member except the National President shall have one vote. Voting shall be by show of hands unless a secret ballot is requested by at least four Councillors. The result of the vote shall be announced and unless a poll is then requested by at least four Councillors the result shall be declared.
- (ii) Upon a poll being requested the number of votes which each Councillor present is entitled to cast shall be in accordance with the number of financial members of the Branch from which he has been elected as at June 30 preceding the date of meeting, divided equally by the number of National Councillors representing such Branch who are present and entitled to vote.

## 23 - VOTING BY POST

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- (b) In the event of voting on any question being equal the question shall be deemed to have been decided in the negative.
- (c) The names of persons who voted for or against resolutions at meetings of the National Council shall be confidential to those present or entitled to attend the meetings provided that any member may require to have his vote recorded. Any breach of this Rule shall be considered to be a substantial breach of the Constitution
- (d) If the meeting is held by telephone hook up, the conduct of the meeting and the method of voting and of recognising a vote shall be at the discretion (subject to the Constitution) of the Chairman of the Meeting.

## 23 - VOTING BY POST

- (a) Whenever the National Council is not in session and the National President or National Executive resolves to submit any matter coming within the jurisdiction of the National Council to the members of the National Council for decision:
  - (i) where the matter involves an alteration to the Constitution then the provisions of Rule 57(a) shall apply,
  - (ii) the matter shall be reduced to writing and forwarded in the form of a letter, lettergram, facsimile, electronic transfer or other form of written submission to each member of the National Council by the Executive Director,
  - (iii) a ballot paper providing for the entry of a vote on each separate issue shall accompany the submission,
  - (iv) the ballot shall close not less than 48 hours from the time of dispatch of the ballot paper by facsimile to members of National Council, or, if the National President or National Executive determine in the case of emergency, such shorter period as he or it deems reasonable.
  - (v) In event of a ballot by post being conducted, the times of opening and closing of the ballot shall be determined by the National President or the Executive Director.
  - (vi) The Executive Director shall notify the National Councillors of the results of the ballot by facsimile within 24 hours of the close of the ballot.
- (b) In respect of the matters submitted to the National Council in accordance with the provisions of the last preceding sub-rule the decisions of a majority of the Councillors transmitted to the Executive Director by letter, lettergram, facsimile, electronic transfer or other form of written submission shall have the same effect as if decided by a resolution of a meeting of the National Council. Provided that such majority represents a quorum in accordance with Rule 20.
- (c) If the Executive Director is notified within 48 hours at the time of dispatching the facsimile referred to in sub-rule (a)(iv) (or within such shorter period as may be determined pursuant to that subrule) by:
  - (i) four or more Councillors that they require the result to be determined by a poll then the provisions of Rule 22(a)(ii) will apply, or

## 25 - NATIONAL EXECUTIVE - VOTING OF MEMBERS

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- (ii) four or more Councillors that they require the matter to be determined by a meeting of National Council, then such meeting shall be convened by the National President.
- (iii) where a poll is requested, the Executive Director will dispatch the material for the poll to members of National Council within 24 hours from the time of the request for the poll. Voting for the poll will close 24 hours after the time of the dispatch of the poll material.
- (d) Where a ballot is held in accordance with this rule the completed ballot papers shall be tabled at the next meeting of the National Council or National Executive and the result of the voting by post shall be entered in minutes signed by the National President and shall be as valid and effectual as if it had been decided by a meeting of National Council duly convened and properly constituted.

## 24 - NATIONAL EXECUTIVE - MEETINGS AND QUORUM

- (a) A meeting of the National Executive may be called by either the National President or the duly appointed acting National President or any two members of the National Executive, provided that at least 5 days notice is given for such meeting.
- (b) A special meeting of the National Executive may be called by the National President or the duly appointed acting National President at any time at a place nominated by him, or such a meeting may be held by means of a telephone conference call or by any other similar form of electronic communication, provided that if two or more members of the National Executive object to the lack of notice the special meeting shall not be held.
- (c) A quorum of the National Executive shall be five. If at any meeting of the National Executive a quorum is not present at the expiration of half an hour of the notified starting time for the meeting, the meeting shall stand adjourned to a time and place decided by the National President of which all members of the National Executive will be informed. If a quorum is not present at the expiration of half an hour of the starting time of the adjourned meeting those present being not less than three shall constitute a quorum.

## 25 - NATIONAL EXECUTIVE - VOTING OF MEMBERS

- (a) At all meetings of the National Executive, unless a secret ballot is requested by at least two members of the National Executive, each member of the National Executive except the National President shall have one vote. The National Executive shall refer the matter to the National Council when so requested by two members of the National Executive.
- (b) The names of persons who voted for or against resolutions at meetings of the National Executive shall be confidential to those present or entitled to attend the meetings provided that any member may require to have his vote recorded. Any breach of this rule shall be considered to be a substantial breach of the Constitution
- (c) If the meeting is held by telephone hook up, the conduct of the meeting and the method of voting and of recognising a vote shall be at the discretion (subject to the Constitution) of the Chairman of the Meeting.

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**DIVISION III - ELECTIONS & REFERENDUM**

**26 - ELECTIONS**

- (i) From 1996 elections for Branch Committees, Branch Office Bearers and National Councillors shall be conducted each three years. Members may nominate candidates for all such offices and vote for their election.
- (ii) The rolls for eligible voters for Guild elections shall close 14 days prior to the day on which nominations for the elections open.

**27 - REFERENDUM**

- (a) A general referendum shall be held among financial members to determine any specific questions or proposals whenever:
  - (i) a petition signed by not less than 5% of the financial members of the Guild and sent to the Guild at its National office so requests. The petition shall authorise one or more of the petitioners to consult and prepare arguments in the manner described in sub-rule (c) (i), and/or to withdraw the request for a referendum,
  - (ii) the National Council or the National Executive deems fit,
  - (iii) any two or more Branches or Branch Committees representing a majority of members of the Guild so request,
  - (iv) otherwise provided for in the Constitution.
- (b) Subject to Rule 35 a referendum shall be held among the financial members in a Branch to determine any question relating solely and exclusively to that Branch and not relating to or touching upon any question or matter with which the National Council is empowered to deal whenever:
  - (i) a petition signed by not less than 5% or 20 of the financial members of the Branch which ever is the greater and sent to the Branch at its registered office, so requests. The petition shall authorise one or more of the petitioners to consult and prepare arguments in the manner described in subrule (c)(i) and/or to withdraw the request for a referendum.
  - (ii) the Branch Committee deems fit,
  - (iii) the Branch Committee is so directed by any general meeting of members in that Branch.
- (c) A referendum shall be conducted in the following manner:
  - (i) the proponents and opponents of the referendum where appropriate shall prepare a statement of arguments advanced in connection with the question going to referendum and submit it for approval to the National Executive or the Branch Executive as the case may be, provided that such approval shall not be unreasonably withheld, and a copy sent by the returning officer together with a ballot paper to each member entitled to vote at his address recorded in the register of members. The ballot paper shall be in accordance with Form 5, subject to such modifications as the National Executive or National Council may determine.

## 28 - SUBMISSIONS

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- (ii) the member shall vote in favour of the proposal by placing a ✓ opposite the word "for" or against the proposal by placing a ✓ opposite the word "against".
- (iii) the voter having duly completed the ballot paper shall enclose the same in the envelope provided marked "Place Referendum Ballot Paper only in this envelope", insert that envelope in a return addressed envelope also provided, place his name and address and signature on the return address envelope in the place indicated and then forward same to reach the Returning Officer on or before the closing time and date of the ballot.
- (d) A question or proposal submitted to a general referendum shall be carried provided that:
  - (i) a majority of financial members who voted thereon voted in favour thereof, and
  - (ii) a majority of financial members who voted thereon in favour thereof was obtained in at least five branches.
- (e) A question or proposal submitted to a Branch referendum shall be carried provided a majority of members who voted thereon voted in favour thereof.
- (f) Notwithstanding anything contained in this or any other clause of the Constitution a referendum shall not be invalidated by reason of any member not receiving due notice thereof.
- (g) The National Council or National Executive or Branch Committee or Branch Executive concerned shall appoint a Returning Officer and fix the time for closing the ballot so as to enable all members to return the ballot paper in the ordinary course of post on or before the day named. No referendum shall be challenged or objection taken by reason of any insufficiency of time being allowed or that any member did not receive a ballot paper.
- (h) The ballot papers shall be opened as soon as practicable after the close of the ballot and the votes counted by the Returning Officer. Such returning officer shall certify in writing the result of the ballot.
- (i) The decision of any referendum held pursuant to this Rule shall be final and binding on the Guild or on a Branch as the case may be from the date of certification pursuant to sub-rule (h) or where a referendum approves a change of the Constitution, from the date of certification by the General Manager of Fair Work Australia provided that a referendum decision shall not be capable of affecting in any way any contract agreement or obligation already entered into or undertaken by the Guild.
- (j) Where a referendum of members is in favour of a change in the rules or the addition of a new rule or new rules that decision is binding on the Guild and 28 days notice to each Branch is not required.

## 28 - SUBMISSIONS

A member may at any time present to the Branch Committee of the Branch in which he is registered or to the National Council, National Executive or National President, a written submission relating to the policies or activities of the organisation provided that such a submission when made to National Council is lodged with the Executive Director at least 45 days before a National Council Meeting for inclusion in the Agenda.

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**DIVISION IV - MEMBERSHIP**

**29 - ADMISSION TO MEMBERSHIP**

- (a) Any applicant eligible for and seeking admission to membership of the Guild shall lodge with the Branch in the State in which the applicant is conducting his business a completed application for membership on Form 1, 2, 3 or 4 as appropriate together with any application fee as determined by National Council from time to time and the subscription as prescribed by Rules 30 and 31.
- (b) The Committee of the Branch to which the application is addressed shall consider such application and any further particulars thereof received by the Branch Director at its first meeting held after receipt of such application, and the acceptance or rejection thereof shall be decided by a majority of votes on a ballot provided that consideration of any application which is received less than 7 days before the day on which a meeting of the Branch Committee is to be held or in respect of which the applicant has failed to furnish further particulars required by the Branch Director may be deferred until the next ordinary meeting of such Committee.
- (c) An applicant for membership whose application has been rejected shall have any subscription paid by him refunded by the Branch Director, but the application fee if any shall not be refunded.
- (d) An applicant whose application for membership has been rejected may appeal against any such decision to the National Executive or Council and in respect thereof the provisions of Rule 41 shall apply.
- (e) No person other than an Honorary or Honorary Life Member shall be entitled to any of the rights or privileges of membership until he has paid the application fee where required and the membership subscription and been admitted as a member.

**30 - MEMBERSHIP - APPLICATION FEE**

- (a) The application fee for membership of the Guild shall be determined from time to time by National Council. Such application fee if any shall be paid prior to the date on which the application is considered by the Branch Committee, provided that a member rejoining the Guild under the provisions of subrule 31(e) is not obliged to pay any joining fee which may apply.
- (b) Upon receipt of an application for membership the Branch Director shall acknowledge receipt of same and inform the applicant, in writing of:
  - (i) the financial obligations arising from membership, and
  - (ii) the circumstances, and the manner, in which a member may resign from the Guild.

**31 - MEMBERSHIP - SUBSCRIPTIONS**

- (a) Subject to Rule 31(aa), the annual membership subscription may comprise a "premises" component and a "proprietor" component as set out in Rule 31A (or either component) and shall be determined by the National Council from time to time in accordance with the cost of services and current purchasing power provided that any variation in such annual subscription is not more than 20% in any one year.

### 31 - MEMBERSHIP - SUBSCRIPTIONS

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- (aa) The National Council may vary the annual subscription by more than 20% for one annual subscription period only (**transition subscription period**) for the sole purpose of introducing, and transitioning to, a new annual membership subscription model that removes the “proprietor” component of the annual subscription.
- (ab) With effect on and from the end of the transition subscription period Rule 31(aa) is of no further force or effect, and Rule 31(a) is read to exclude the words “Subject to Rule 31(aa),”, so as to commence “The annual membership subscription...”.
- (b) The annual subscription of a member shall become due and payable on 1 July in each year except that where a member requests to pay the annual subscription by instalments and such request is accepted by the relevant Branch Committee, equal instalments of the annual subscription shall be due and payable on 1 July, 1 October and 1 January in each subscription year. The membership subscription or membership subscription instalments shall be paid within one month of the due date or dates and shall be paid by the member to the Director of his Branch.
- (c) A person joining the Guild on or after the first day of July shall pay the application fee if any and a pro rata subscription based on the remaining complete months for the financial year.
- (d) A member whose annual subscription in accordance with Rules 31(a) and 31(b) for the current year is not paid within one month of the due date, or who fails to pay a subscription instalment within one month of the due date for payment of that instalment, or who otherwise owes money to the Guild in respect of a levy shall be deemed to be unfinancial and his rights and privileges shall cease:
- (i) until he has paid any annual subscription or subscription instalment owing to the Guild and
  - (ii) until he has paid any levy he owes to the Guild, or
  - (iii) unless the provisions of Rule 34 have been applied and the reduced amount owing for the subscription, levy, if any, has been paid.
- Provided that if a nomination form for any elected office in the Guild is defective or invalid because a member has failed to pay by the due date any annual subscription, subscription instalment or levy due to the Guild AND PROVIDED THAT the reason for the failure of the member to pay the relevant amount was due to inadvertence, and if the member pays the relevant amount owing to the Guild within 10 days of being required so to do by the Guild, or by the Executive Director or by a Branch Director,
- (i) the member's rights and privileges shall be restored ab initio and the member shall be deemed never to have been unfinancial and his rights and privileges shall be deemed never to have ceased, and
  - (ii) such member shall not be required to vacate any office he holds pursuant to Rules 9(b)(i) or (iv) or 74(e)(i) or (iv).
- (e) A member who has been continuously unfinancial for more than two years shall have his name removed from the register of members provided that a member cannot be made to pay a rejoining fee if he rejoins the organisation within six months of being removed from the register in this way.
- (f) Membership subscriptions shall be treated in accordance with the provisions of Rule 43
- (g) A service charge may be made when moneys are paid by instalments in accordance with Rule 31(b). The service charge shall be as prescribed by National Council from time to time.

### 31A – CALCULATION OF MEMBERSHIP SUBSCRIPTION

- (a) The "premises" component shall be applied to all pharmacies which are owned by the applicant for membership in which the applicant has a pecuniary interest including branch premises irrespective of the state or territory in which they are located.
- (b) The "proprietor" component shall be applied to all proprietors whether operating singly, in partnership or as a director but shall be applied once only to any one individual proprietor.
- (c) In calculating the annual membership subscription the following formula should be applied. The symbol "X" represents the "proprietor" component and the symbol "Y" represents the "premises" component.
  - (i) Where the member or applicant for membership carries on business only on his own account as a sole trader, the annual subscription shall be X dollars, plus Y dollars for each set of premises owned by or from which the member or applicant for membership carries on business.
  - (ii) Where a partnership or company is the proprietor, the proprietor component shall be "X" dollars times the number of partners or the number of pharmacists who are directors who are not members of the Guild plus "Y" dollars for each premises at which it carries on the business of a pharmacist. If a member of the partnership or a director of the company is an Honorary Life Member, no reduction in the premises component of the total annual subscription otherwise payable shall be allowed by reason of that fact.
  - (iii) Where the member or applicant for membership is an estate of a deceased person the annual subscription shall be X dollars plus Y dollars for each set of premises owned by or from which the estate carries on the business of a pharmacist.

### 32 - NOMINAL MEMBER REGISTRATION FEE

A person accepted as a nominal member shall pay to the Guild an annual registration fee of 50% of the proprietor component of the Annual Membership Subscription, payable on 1st July in each year.

### 33 - ARREARS

- (a) A member in arrears with his subscription, levy, fee or liability of any kind due by him to the Guild shall be liable to and may be required to pay a fee of not more than ten cents per month in respect of each dollar in the aggregate owing.
- (b) A member who has remained unfinancial for a period of 60 days may be struck off the membership roll of the Guild by the Branch Committee, but such member shall be liable for any dues and any subscriptions, levy, fee or other liability due and payable by him at any time during the period of seven years immediately preceding the date when his name was actually removed from the register of members. Any member so struck off the membership register shall not be reinstated to membership except with the consent of the Committee of the Branch which expelled him and upon payment of all money due by him to the Guild prior to his removal from the Register.
- (c) A subscription, levy, or liability of any kind due or payable to the Guild may at any time be sued for and recovered in the name of the Guild by the Executive Director or a Branch Director in the State of registration of the member concerned.



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**34 - DISCHARGE OF LIABILITIES OF MEMBERS**

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A Branch Committee may in its discretion discharge a member or former member of part or all of his liabilities to the Guild if the Branch Committee considers the special circumstances warrant such action.

**35 - LEVIES**

- (a) (iA) The National Council may strike a levy on the members of the Guild, pharmacists who are members of partnerships that are members of the Guild, pharmacists who are directors of companies that are members of the Guild, and pharmacists who are members of associations of persons who are members of the Guild, for any purposes of the Guild.
- (iB) In striking a levy pursuant to subrule (a)(iA), the National Council in its discretion may strike the levy so that it is calculated and payable by reference to the premises with which a member has a pecuniary interest or association, but so that in respect of any such premises, no more than the amount of the levy struck shall be payable by the member or members (as the case may be) who has or have such pecuniary interest or association.
- In the case where more than one member has such pecuniary interest or association, they shall be jointly and severally liable as amongst themselves for payment of the levy.
- (iiA) The National Council may with the prior written approval of the Branch Committee concerned strike a levy on the pharmacist members of a Branch, pharmacists who are members of partnerships that are members of a Branch, pharmacists who are directors of companies that are members of a Branch, and pharmacists who are members of associations of persons who are members of a Branch for the purposes of the members of that Branch only.
- (iiB) In striking a levy pursuant to subrule (a)(iiA), the National Council in its discretion may strike the levy so that it is calculated and payable by reference to the premises with which a member has a pecuniary interest or association, but so that in respect of any such premises, no more than the amount of the levy struck shall be payable by the member or members (as the case may be) who has or have such pecuniary interest or association. In the case where more than one member has such pecuniary interest or association, they shall be jointly and severally liable as amongst themselves for payment of the levy.
- (b) The Executive Director shall give the members of National Council written notice of any proposal to strike a levy, at least 14 days prior to any meeting of the National Council convened to consider such proposal.
- (c) If National Council decides to strike the levy, it shall fix the date upon which the levy shall become due and payable by all or any of the members of the Guild, and may also prescribe such conditions in respect to the payment thereof as it thinks fit.
- (d) The minute of the resolution of the meeting of the National Council signed by the National President, or a copy thereof certified by the Executive Director to be a true copy, shall in any proceedings to recover any money in consequence of the said resolution of the National Council be conclusive evidence in all courts of law that the levy was properly made in accordance with the Constitution and is payable.
- (e) A levy shall be payable to the Branch Director or his authorised agent within 14 days from the receipt of notification thereof or any longer period which the National Council may prescribe. At the expiration of 30 days after the date when any levy is payable the Branch Director shall forward to the Executive Director a list of all members in the Branch who have not paid, and shall, unless otherwise determined by National Council, pay the proceeds of such levy to the Executive Director to be applied by him for the purpose of the levy.

## 36 - MEMBERSHIP - TERMINATION

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- (f) The National Council, on the recommendation of a Branch Committee, may exempt any member from the payment of the whole or part of a levy.
- (g) With the prior approval of National Council, a Branch Committee may submit to financial members in that Branch by referendum a proposal to strike a levy on members of the Guild in that Branch for any of the purposes of the Guild.
- (h) In the event of the members of the Branch deciding by referendum to strike the levy aforesaid, the Branch Committee shall fix a date upon which the levy shall become due and payable by all the members of the Branch of the Guild, and may also in its discretion prescribe such conditions in respect of payment thereof as it thinks fit.
- (i) The minute of the Branch Committee recording the result of the referendum signed by the Branch President, or a copy certified by the Branch Director to be a true copy thereof, shall in any proceedings to recover any money in consequence of the said referendum of the Branch, be conclusive evidence in all courts of law and that the levy was property made in accordance with the Constitution and is payable.
- (j) A levy shall be payable to the Branch Director within 14 days from the receipt of notification thereof or any longer period which the Branch Committee may prescribe.
- (k) A Branch Committee may exempt any member from the payment of the whole or part of any levy approved by referendum of the members of that Branch.
- (l) Notwithstanding anything contained in this or any other rule of the Constitution, the National Council or Branch shall not strike levies in any one financial year upon members of the Guild exceeding in total a sum equivalent to three times the proprietor element of the membership subscription.
- (m) Any such levy shall be in addition to and not in lieu of any subscription, or other dues payable by members of the Guild and such referendum shall be conducted in accordance with rule 27.

### 36 - MEMBERSHIP - TERMINATION

- (a) A member may resign from membership by written notice addressed and delivered to the Branch Director.
- (b) A notice of resignation from membership takes effect:
  - (i) where the member ceases to be eligible to become a member of the Guild:
    - (a) on the day on which the notice is received by the Guild, or
    - (b) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member:whichever is the later, or
  - (ii) in any other case:
    - (a) at the end of two weeks after the notice is received by the Guild, or
    - (b) on the day specified in the notice whichever is the later.

### 38 - OBLIGATIONS OF MEMBERS

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- (c) Any dues payable but not paid by the former member in relation to a period before the member's resignation took effect, may be sued for and recovered in the name of the Guild, in a court of competent jurisdiction, as a debt due to the Guild.
- (d) A notice delivered to the Branch Director shall be taken to have been received by the Guild when it was delivered.
- (e) A notice of resignation that has been received by the Guild is not invalid because it was not addressed and delivered in accordance with sub-rule (a).
- (f) A resignation from membership is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the Guild that the resignation has been accepted.
- (g) A notice of resignation received by the Branch shall be tabled at the next meeting of the Branch Committee.
- (h) A member having complied with Rule 36(a) and (b) shall be notified in writing by the Branch Director that his resignation has been accepted.
- (i) Membership of the Guild shall be automatically terminated immediately a member ceases to be eligible for membership under the provisions of this Constitution PROVIDED THAT in the case of a member which is a company, if the number of directors or shareholders who are Pharmacists becomes less than the number prescribed in Rule 6(a)(i), the Member shall be allowed a period of 90 days within which to take such steps as will procure compliance with Rule 6(a)(i).
- (j) Upon the death of a member the membership shall be automatically transferred without fee to the Estate of the deceased on the receipt by the Branch Director of a declaration on Form 12 signed by the Executors, Trustees or Administrators.
- (k) A member who ceases to be eligible for ordinary membership and who is elected as a nominal associate shall not be required to pay the prescribed registration fee until the termination of the period for which an associateship subscription has been paid.

### 37 - MEMBERSHIP - TRANSFERS

When requested by a Member, who wishes to transfer from one Branch to another, the Branch Director shall issue a Certificate of Transfer.

### 38 - OBLIGATIONS OF MEMBERS

Each member shall:

- (a) abide by and observe the Constitution and Resolutions of the Guild,
- (b) actively support the aims and objectives of the Guild,
- (c) notify the Branch Director in writing within 14 days of any change of address in his place of business,

## 39 - MISCONDUCT

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- (d) notify the Branch Director in writing within 14 days of the address of:
  - (i) Any additional pharmacy which the member has acquired and the hours per week that the pharmacy is open for business.
  - (ii) Any other pharmacy in which the member has acquired an interest and the hours per week that the pharmacy is open for business.
- (e) Notify the Branch Director within 14 days of the name and address of any person who has acquired an interest in his pharmacy.

A member who fails to comply with the provisions of Sub-rule 38(d)(i) and (ii) or Sub-rule 38(e) and as a consequence fails to pay the premises component for the additional pharmacy or the proprietor's component for the additional proprietor, within one month of the date on which the subscription for those components would have been due (had the member complied with those Sub-rules), irrespective of whether the Branch Director has requested payment of the appropriate annual subscription, shall be deemed to be unfinancial and shall lose all rights and privileges of membership until such time as the additional annual subscription or the appropriate subscription instalment in accordance with Rule 31 has been paid.

- (f) Deliver up to the Branch at his own expense, or cease using and remove or obliterate the Gold Cross and other symbols, signs and the like relating to Guild membership within 30 days of his:
  - (i) termination of membership,
  - (ii) disposal of the business to other than a Guild member or to a person who has not made application to be admitted as a member of the Guild.
- (g) A member shall, within 14 days after:
  - (i) the business, or part of the business of that member is assigned or transferred to a person who is not a member of the Guild, or
  - (ii) a person who is not a member of the Guild succeeds to the business, or part of the business of that member,

notify the Branch Director of the assignment, transfer or succession.

## 39 - MISCONDUCT

- (a) When a member:
  - (i) knowingly fails or refuses to abide by and observe the Constitution and Resolutions of the Guild, or
  - (ii) knowingly fails or refuses to abide by and observe any resolution of the Branch Committee of the Branch in which he is a member,
  - (iii) wilfully divulges or makes known correspondence or business of the Guild or a corporate subsidiary of the Guild, to a person or persons not entitled to such information,
  - (iv) is guilty of any act, default, error, omission or unprofessional conduct prejudicial to the Guild or the members thereof, or

#### 40 - COMPLAINTS AGAINST MEMBERS AND PENALTIES

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- (v) violates or has violated the terms of any industrial award or agreement or enters into or is in any way whatsoever party or privy to any agreement contrary to the provisions of any award or agreement secured by the Guild and applicable to him, such member may be:
  - 1. suspended from membership of the Guild for such period as that Branch Committee deems fit,
  - 2. expelled from the Guild by such Branch Committee,
  - 3. required to reimburse that Branch in respect of all proper costs and expenses incurred by it in proving the misconduct of which such member may be found guilty,or more than one of the above.
- (b) Where a Branch Committee wishes to charge a member with any matter specified in sub-rule (a) of this rule, the Branch Committee shall:
  - (i) fully, clearly and accurately inform such member in writing of the matter of complaint against him, and in the same writing give such member at least 14 days in which to reply thereto in writing if he so desires.
  - (ii) meet to deal with the matters of complaint as soon as practicable after the expiry of the time stipulated for the member concerned to reply to the written complaint referred to in sub-clause (b) (i), but on such a date so as to give such member at least 7 further days written notice of the date of such meeting.
  - (iii) have the right to engage counsel and/or a solicitor to appear at such meeting to advise and assist the Committee and to call evidence, including any documentary evidence, and examine witnesses.
  - (iv) give such member the right to appear and the right to engage counsel and/or solicitor to appear at such meeting, and the right to call evidence, including any documentary evidence and examine witnesses and to be fully heard in his defence. Such member shall be advised of all the facts which are alleged against him as constituting an offence within the Constitution.
- (c) An application for re-admission as a member of the Guild from a person who has been expelled shall not be considered until:
  - (i) the expiration of three months from the date of expulsion, and
  - (ii) all money due and payable by such expelled person to the Guild has been paid.

#### 40 - COMPLAINTS AGAINST MEMBERS AND PENALTIES

- (a) Upon receiving a complaint in writing from a member in a Branch that a member in that Branch has committed an offence against the Constitution the Branch Committee may empower the Branch Director to make careful enquiries and report on the matter to the Branch Committee. If the Branch Committee finds there is a case to be answered it may endeavour to satisfy the complaint by conciliation or may:

- (i) Cause the Branch Director to dispatch a true copy of such complaint to the alleged offender, and
  - (ii) cause the Branch Director to give seven days' notice in writing to all persons interested in or required to attend the hearing of the said complaint of the holding of a meeting of the Branch Committee to hear and determine the said complaint, and
  - (iii) have the right to engage counsel and/or a solicitor to appear at such meeting to advise and assist the Committee and to call evidence, including any documentary evidence and examine witnesses.
  - (iv) give such member the right to appear and the right to engage counsel and/or solicitor to appear at such meeting and for the right to call evidence, including any documentary evidence and examine witnesses and to be fully heard in his defence. Such member shall be advised of all the facts which are alleged against him as constituting an offence within the Constitution.
  - (v) notify the complainant and the alleged offender of the holding of the meeting of the Branch Committee and of the provisions of sub-rules (iii) and (iv) of this Rule.
  - (vi) have the sole right to hear and determine such complaint.
  - (vii) have the power, if in its opinion such complaint has been proved, to
    - (a) suspend such member for any period it deems fit,
    - (b) recover from such member and/or require such member to pay all such costs and expenses as may be properly incurred by the Branch and/or the Complainant member in proving the matters alleged in such complaint,
    - (c) have power to recover from the complainant all costs and expenses properly incurred by the Branch Committee and by the member charged, where it is determined that the complaint is frivolous or vexatious,or more than one of the above.
- (b) If the complainant is dissatisfied with any decision or determination of the Branch Committee pursuant to this Rule, he may appeal from any such decision or determination within 28 days of the date thereof. The provisions of Rule 41 shall apply to any such appeal.

#### 41 - APPEALS

Subject to the Act:

- (a) a member may appeal to the National Executive from any decision of a Branch Committee imposing a suspension or expulsion or both. Both the member and the Branch Committee shall have a further right of appeal to the National Council whose decision shall be final,
- (b) any member or Branch Committee appealing under the provision of sub-rule (a) of this Rule shall, within 28 days from the date on which the decision appealed against was given, deliver a notice of appeal to the Executive Director, setting out precisely and accurately the alleged facts of the case, the decision appealed against, and the grounds on which the appeal is made,

## 43 - FUNDS - CONTROL

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- (c) a copy of the Notice of Appeal shall be served on the body against whose decision or order the appeal is being brought and such body shall be entitled to appear and be heard at the hearing of the appeal,
- (d) the appellant shall be given at least 7 days notice of the date and place set out for the hearing of the appeal,
- (e) the provisions of Rule 39(b)(iii) and (iv) shall apply to the hearing of the appeal,
- (f) if on any appeal under sub-paragraph (a) hereof the National Executive or the National Council as the case may be confirms the decision of the Branch Committee which is the subject of appeal they and each of them may require the member charged to reimburse the Branch concerned and the

Guild in respect of all costs and expenses properly incurred by either or both of them in respect of the hearing of such appeal or appeals.

- (g) the National Executive or the National Council, as the case may be, after due consideration may dismiss the charge against the member or may confirm or vary the penalty imposed in accordance with rule 40(vii).

## **DIVISION V - FUNDS OF THE GUILD**

### **42 - FUNDS**

Subject to the provisions of the Constitution:

- (a) the funds and assets of the Guild shall consist of all real and personal property of the Guild  
  
including all moneys raised by way of subscription, interest, levy, rents, commissions, dividends, fees, contributions or from any source or by any means and shall be held in the name of the Guild whether under the control of the National Council or of a Branch,
- (b) the funds of the Guild shall be divided into a National Fund which shall be managed and controlled in accordance with the Rules of the Guild as a whole and Branch Funds which shall be managed and controlled in accordance with such of these Rules as relate to a Branch,
- (c) should any Branch cease to exist, the Branch Fund at that time under the control and management of that Branch shall revert to the direct control of the National Council.

### **43 - FUNDS - CONTROL**

- (a) Membership subscriptions shall be under the control of the National Council which shall determine from time to time the proportion to be allocated to a Branch or Branches.

- (b) The National Fund shall consist of:
- (i) any real or personal property of which National Council or National Executive by the Constitution or by any established practice not inconsistent with the Constitution, has, or in the absence of any limited term lease, bailment or arrangement, would have the right of custody, control or management,
  - (ii) the proportion of membership subscriptions not allocated by National Council to the Branches,
  - (iii) contributions and payments to the National Council from any other source,
  - (iv) any levy, fee or due raised and/or imposed by the National Council,
  - (v) any interest, rents, dividends or other income derived from investment or use of the National Fund,
  - (vi) any superannuation or long service leave or other fund operated or controlled in accordance with rules relating to the Guild as a whole for the benefit of members, their employees, officers and employees of the Guild,
  - (vii) any sick pay fund, accident pay fund, funeral fund, or like fund operated in accordance with rules relating to the Guild as a whole for the benefit of its members,
  - (viii) any property acquired wholly or mainly by expenditure of the moneys of the National Fund or derived from other assets of the National Fund,
  - (ix) the proceeds of any disposal of parts of the National Fund,
  - (x) any funds from any other source due to or generated by the National Secretariat.
- (c) A Branch Fund shall consist of:
- (i) any real or personal property of which the Branch of the Guild, by the Constitution or by any established practice not inconsistent with the Constitution, has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management,
  - (ii) the proportion of the subscription of members of the Branch as allocated to the Branch by the National Council,
  - (iii) the amounts of entrance fees, fees or levies received by a Branch, less so much of those amounts as is payable by the Branch to the National Fund,
  - (iv) any interest, rents, dividends or other income derived from investment or use of the Branch Fund,
  - (v) any property acquired wholly or mainly by expenditure of the moneys of the Branch Fund or derived from other assets of the Branch Fund,
  - (vi) the proceeds of any disposal of parts of the Branch Fund,



- (vii) any commissions and royalties directly relating to activities of the Branch,
  - (viii) any funds from any other source due to or generated by the Branch.
- (d) Nothing in this Constitution shall empower the National Council to demand or require in any one year the payment by or from any Branch of any amount for annual membership subscriptions in excess of one hundred per cent of the annual membership subscriptions paid by members in that Branch during that year.

#### 44 - FUNDS - APPLICATION

- (a) The National Fund shall be controlled by the National Council and managed by the National Executive. The National Council or the National Executive may apply the National Fund to all or any of the following ordinary purposes:
- (i) provision of assets and investments in the interest of members in accordance with the overall policies of the National Council,
  - (ii) defraying the cost of management of the Guild actually and necessarily incurred in accordance with the overall policies of the National Council,
  - (iii) subject to the Constitution for such other purposes as the National Council may from time to time determine,
- (b) No loan grant or donation exceeding \$1,000 shall be made from the National Fund unless the National Council or the National Executive:
- (i) is satisfied that the making of the loan grant or donation would be in accordance with the Constitution,
  - (ii) is satisfied in the case of a loan, that arrangements for security and repayment of the loan are satisfactory, and
  - (iii) has approved the making of the loan grant or donation.
- (c) A Branch Fund shall be managed and controlled by the Branch concerned. Rules relating to a Branch Fund shall not be altered except with the consent of the Branch concerned.
- (d) If a Branch incurs any liability as a result of the actions of the Branch Committee the Branch Executive or any of the officers or employees of the Branch such liability shall be met exclusively from the Branch Fund.

If the Branch Fund is insufficient to meet the liability and if any payment has to be made from the National Fund to meet the liability then the National Fund shall be entitled to be indemnified out of the Branch Fund to the extent of the payment so made.

Notwithstanding the provisions of Rule 35, the National Council may then cause a levy of members in the Branch concerned to be struck to the extent necessary to reimburse the National Fund for any payments made pursuant to this sub-rule. Such levy shall be conducted pursuant to the provisions of Rule 35.

#### 46 - NATIONAL CURRENT ACCOUNT

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- (e) No Branch and no Branch Committee Branch Executive or officer or employee of a Branch shall have power to bind the Guild or to undertake any liability affecting the National Fund without the written consent of the National Council or the National Executive.
- (f) The Guild, by the National Council and the National Secretariat, must develop and implement policies relating to the expenditure of the Guild.
- (g) Each Branch must develop and implement policies relating to the expenditure of that Branch.

#### 44A - FUNDS - TRAINING

Each officer of the Guild and of each Branch of the Guild whose duties include duties (**financial duties**) that relate to the financial management of the Guild or of the Branch (as the case may be) must undertake training:

- (a) approved by the General Manager of the Fair Work Commission under section 154C of the Act; and
  - (b) that covers each of the officer's financial duties,
- and complete such training
- (c) if the officer is an officer of the Guild or of the Branch when section 154D of the Act commences, within six months after the commencement of that section; and
  - (d) in all other cases, within six months after the person begins to hold office.

#### 45 - ACCESS TO THE BOOKS OF THE GUILD

- (a) The accounting records of the Guild shall be kept at its registered office and shall include a register of the names and addresses of members arranged according to Branches.
- (b) The accounting records of a Branch shall be kept at its registered office and shall include a record of the names and addresses of the members of such Branch.
- (c) The membership records and annual audited accounts, the annual report and a copy of the Constitution of the Guild shall be available at any reasonable time for inspection by any member of the Guild.

#### 46 - NATIONAL CURRENT ACCOUNT

Funds under the direct control of National Council shall be deposited in an account with an accredited bank in the name of the Guild and withdrawals of any money shall be effected by cheque signed by two signatories drawn from a panel of persons authorised by National Council to sign cheques, or by any other means used in contemporary business practice and approved by National Council. Provided that the National Council or National Executive may authorise the establishment of an imprest account for the National Secretariat of an amount not exceeding the operation expenses of the National Secretariat for the period of one week and shall specify the terms and conditions under which such imprest account shall be operated.

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**47 - THE FINANCIAL YEAR**

- (a) The financial year of the Guild shall commence on 1st July and terminate on the 30th June of the next following year, and all books and accounts shall close on that date. A duly audited consolidated statement of all assets and liabilities of the Guild shall be presented to the National Council in addition to the audited statement of annual accounts of the National Secretariat.

Provided that where 5% of the financial members of the Guild so request, a general meeting of members shall be held in accordance with Rule 47A for the purpose of considering the Auditor's report, the general purpose financial report and the operating report of the National Secretariat for the financial year.

- (b) The National Vice President designated pursuant to Rule 15 and the Executive Director and or a person nominated by the Executive Director shall have such access to the books and records in respect of a Branch or a Branch Fund as is reasonably required to enable the preparation of an annual consolidated statement of all assets and liabilities of the Guild.

**47A - GENERAL MEETING - FINANCIAL REPORTS**

- (a) The Executive Director shall summon a meeting of the members of the Guild upon receipt of a written request signed by no less than 5% of the membership of the Guild calling for a general meeting for the purpose of considering the Auditor's report, the general financial report and the operating report.
- (b) A general meeting of the members of the Guild called pursuant to this Rule may be conducted as a series of meetings held at different locations.
- (c) The Executive Director shall give 28 days notice to the members of the Guild of any general meeting called pursuant to this Rule.
- (d) The Executive Director shall give notice of any meeting to be conducted pursuant to this Rule by written notice sent or delivered to each member's place of business or by email communication to each member or by notice published on the Guild's website to all members who have immediate access to that website, or by publication sent to each member at their home address or by notice to each member.
- (e) A meeting conducted pursuant to this Rule is taken to have been completed at the time of the last of the meetings in any series of meetings.
- (f) All decisions at a meeting held in accordance with this Rule shall be taken by a show of hands except where a resolution is carried which determines to submit the question to a secret ballot.
- (g) Attendance at meetings conducted under this Rule shall be recorded and such attendance records shall be used to ensure that each member records only one vote.

**48 - NATIONAL AUDITOR**

The National Auditor appointed by National Council in accordance with Rule 10(v) shall be an approved auditor, who once a year and at other times if requested by the National Council or National Executive, shall audit the accounts of the Guild and certify as to their correctness. Should the auditor find any irregularity he shall report forthwith to each member of the Executive and to the Executive Director.

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**49 - CONTRACTS AND OTHER DOCUMENTS**

- (i) All documents required by law to be under seal shall be sealed with the seal of the Guild and signed by the National President (or in his absence a National Vice President) and the Executive Director (or in his absence any other person appointed by the National Council).
- (ii) In the case of any documents not required to be under seal and relating to the National Fund, or to the affairs of the National Secretariat, or to any other matter not relating exclusively to the affairs of a Branch, such document may be signed by:
- the National President, or
  - a National Vice President, or
  - the Executive Director, or
  - in the absence of the foregoing, any other person authorised by the National Executive.
- (iii) (a) In the case of any document not required to be under seal and relating to a Branch Fund or to any matter relating exclusively to the affairs of a Branch, such document may be signed by:
- the Branch President, or
  - any member of the Branch Executive, or
  - the Branch Director, or
  - in the absence of the foregoing, any other person duly authorised in writing by the Branch Executive
- (b) In the case of routine or standard contracts necessary for the ordinary conduct of the business of the Branch, by the Branch Director or in his absence any other person authorised in writing by the Branch Executive.
- (iv) National Council may from time to time authorise in writing any other person to sign documents on behalf of the Guild in respect to the National fund and Branch funds.

**50 - THE SEAL OF THE GUILD**

The seal of the Guild shall be held by the Executive Director and shall not be affixed to any document except under the hand of the National President (or in his absence the Vice President appointed in his stead) and the Executive Director or other person appointed by National Council in pursuance of a resolution of the National Council or National Executive.

**51 - INDEMNITY**

Every officer or member shall be indemnified by the Guild against all costs, losses and expenses which any such person may incur, or become liable to pay, by reason of an authorised contract entered into, or authorised act or thing done by him in the discharge of his duties as such officer or member including discharge of his duties as a Director or officer of any company in which the Guild holds shares or in which the Guild is the beneficial owner of shares or in respect whereof he has been appointed a Director or officer by the National Council or Branch Committee including travelling expense necessarily incurred, provided always that this indemnity shall be limited to such costs, losses and expenses incurred by such officer or Member whilst acting in the course of, and within the scope of, his authorised duties and not otherwise.

## 53 - INDUSTRIAL AGREEMENTS

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No such person shall be liable for the acts, errors, omissions or defaults of any other person or for any loss or damage arising from any bankruptcy or wrongful act of any person with whom any money, securities or effects shall be deposited or any loss occasioned by any error of judgement or oversight on his part or for any other loss, damage or misfortune whatever which may happen in the execution of the duties of his office or in relation thereto unless the same shall happen through his dishonesty or by reason of his exceeding the powers and/or authority vested in him by or under these Rules.

### 52 - DISSOLUTION OF THE GUILD

Should the National Council decide to recommend the dissolution of the Guild it shall fairly and clearly set out in writing a statement fully explaining the reasons for such a decision and an explanation of the intended distribution of the assets of the Guild.

The statement shall provide that any surplus remaining after satisfying the Guild's financial obligations shall be distributed to one or more organisations whose objectives are generally to support and enhance the practice of Pharmacy, provided that such organisations shall prohibit the distribution of assets among their members.

A copy of this statement shall be sent to each of the then existing financial members and upon obtaining the written consent of nine-tenths of those members the National Council shall take such action as is necessary to dissolve the Guild and distribute the assets in accordance with the statement of disbursement previously circulated to members.

## DIVISION VI - INDUSTRIAL AGREEMENTS AND INDUSTRIAL DISPUTES

### 53 - INDUSTRIAL AGREEMENTS

- (a) The National Council may on behalf of the members:
- (i) make, enter into, and execute any industrial agreements within the meaning of the Act for the time being in force,
  - (ii) alter, vary, amend, modify, or cancel from time to time any industrial agreement as aforesaid,
  - (iii) do all acts and things necessary to give effect to any such industrial agreement.

Provided that all industrial agreements made or entered into and any alterations, variations, amendments, modifications and cancellations thereof shall be signed by the National President (or in his absence the Vice President appointed in his stead) and the Executive Director or in his absence some other person appointed by the National Council, and shall be sealed with the seal of the Guild.

- (b) A Branch may on behalf of the Members in that Branch:
- (i) enter into any agreement to regulate conditions of employment of the employees of its members within that State in accordance with the industrial laws of that State,
  - (ii) do all acts and things necessary to give effect to any such industrial agreement.

**54 - INDUSTRIAL DISPUTES**

- (a) In the event of the occurrence of an industrial dispute, in more than one State, affecting any of the members of the Guild, the National Council shall take all necessary steps to notify the appropriate authorities specified by law, and will also endeavour to settle such dispute by means of conciliation and arbitration.
- (b) The National Council shall have full power to do or authorise to be done all such acts and things as are deemed necessary in connection with the submission of any interstate industrial dispute to arbitration.
- (c) In the event of a dispute taking place in one State, the Branch Committee of the State affected shall inform the Executive Director and try by means of conciliation or arbitration to settle the same and endeavour to arrive at an agreement thereon. In the event of a Branch Committee not being able to settle the dispute or come to a satisfactory arrangement the Director of the said Branch Committee shall at once report the matter to the National Council.

**DIVISION VII - ELECTIONS**

**55A - DIRECTIONS FOR VOTING**

- (i) 'PREFERENTIAL VOTING'. The voter shall place the number '1' in the square opposite the name of the candidate for whom he wishes to vote as his first preference then place the numbers '2', '3', '4' and so on as appropriate in the squares opposite the names of the remaining candidates in order of preference. A consecutive number must be placed in each square commencing with the number '1' otherwise the ballot paper will be rejected as informal.
- (ii) 'ORDINARY SECRET BALLOT'. The voter shall place 'x' in the square opposite the name(s) of the candidate(s) for whom he wishes to vote. A vote for more or less candidates than the number of vacancies will be rejected as informal

**55B - ELECTIONS OF OFFICE BEARERS OF THE NATIONAL COUNCIL**

- (a) Any pharmacist who is a financial member of the Guild and has been elected a member of the National Council in accordance with an announcement of a Returning Officer but has not yet assumed office (hereafter called a "Councillor elect") may be nominated for the office of National President.  
  
The office of the National President shall be nominated by and elected from the Councillors elect.
- (b) If a person elected Branch President is elected to the office of National President, he or she shall be deemed to have resigned the office of Branch President.
- (c) If two or more persons be nominated for the office of National President, a ballot for the office of National President shall be conducted using either the 'Preferential Voting' system, or the 'Ordinary Secret Ballot' system as set out in Rule 55A(i) as the case may be.

## 55B - ELECTIONS OF OFFICE BEARERS OF THE NATIONAL COUNCIL

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- (d) The National President shall hold office for three years or until the successors in office has been declared elected, commencing on the first day of the annual National Council meeting in the year of election and completing the term on the day preceding the annual National Council meeting three years later PROVIDED THAT in respect to elections for National President after 2008, a National President who has served three full consecutive terms after 2008 shall not be eligible to be nominated or elected for a fourth consecutive term.
- (e) If a casual vacancy occurs in the office of National President the National Council shall appoint a member of National Council to fill such casual vacancy and the National Councillor so appointed shall hold office for the unexpired portion of the term of office, provided that
- where the unexpired part of the term exceeds the greater of:
- o 12 months, or
  - o three-quarters of the term of office,

an election shall be held to fill such casual vacancy for the unexpired part of the term.

- (f) (i) When the National President has been elected, or has been appointed to fill a casual vacancy, the alternate National Councillor first named in that Branch in accordance with Rule 76(a) whose National Councillor has been elected National President shall become a National Councillor. The Alternate National Councillor will remain a National Councillor while the National President holds office and will be eligible to be nominated for election, or be appointed to fill a casual vacancy, in an office during his or her term as National Councillor.
- (ii) Where the person elected or appointed as National President had been elected to the office of Branch President:
- A. the person elected or appointed to replace him as Branch President will become a National Councillor, unless that person has already been elected as a National Councillor, in which case sub-rule 55B(f)(i) applies;
  - B. the Branch Vice President will, in accordance with Rule 64, act in the Branch President's absence until the election or appointment of a replacement Branch President (**Acting Branch President**);
  - C. the Acting Branch President, while he or she is acting in that office, holds the title of Acting National Vice President if he or she is a National Councillor or Alternate National Councillor; and
  - D. if the Acting Branch President is not a National Councillor or Alternate National Councillor, the Branch Committee may appoint an Acting National Vice President from the elected National Councillors or Alternate National Councillors of the Branch.
- (iii) Such further elections or appointments as may be necessary shall then be held or made to ensure that after the events referred to in sub-rules 55B(f) (i) and (ii) above, the Branch shall have all the office bearers referred to in Rule 76.

- (g) (i) Nominations for the election of the office of National President shall be called for by the Returning Officer by a notice sent to each Councillor Elect accompanied by a nomination paper not less than 14 days prior to the closing of nominations. Nomination papers shall not be recognised unless they contain the signature of the nominee (who must sign a statement on the form agreeing to accept the office if elected) and the signatures of two Councillors Elect 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 date of closing nominations shall be fixed by the Returning Officer provided that such date shall not be less than 21 days prior to the date of closing of the ballot for the proposed election. 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) The Returning Officer not being the holder of any other office in, and not being an employee of the Guild shall receive nominations of candidates for election (including acceptance and rejection of nominations) and prepare and distribute ballot papers and conduct a secret ballot.

Where the Returning Officer conducting such an election finds a nomination paper to be defective he shall, before rejecting a nomination, notify the person/persons 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.

When the ballot has been completed, the Returning Officer shall count the votes cast for each candidate. Each candidate, at his own cost, shall have the right to appoint a scrutineer who is not a candidate for election from among the financial members of the Guild to observe the conduct of the ballot and the count of votes.

Notification in writing of the appointment of a scrutineer must be in the hands of the Returning Officer at least seven days prior to the closing of the ballot. A scrutineer shall be entitled to be present while the Returning Officer carries out his functions. He may direct the attention of the Returning Officer to any irregularity concerning the issue of ballot papers, the admission of any envelope to scrutiny, the admission of a ballot paper as formal or the rejection of a ballot paper as informal. A scrutineer shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election. 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 rights but no election shall be vitiated by reason of the fact that a scrutineer does not exercise any or all such rights.

- (i) (i) The Returning Officer shall provide a locked ballot box for the receipt of the ballot papers which shall not be opened prior to the close of the ballot and until the commencement of the counting of the votes.
- (ii) The election for the office of National President shall be conducted either by a 'Preferential Voting' system, or the 'Ordinary Secret Ballot' system as set out in Rule 55A(i) as the case may be and the ballot paper showing the names of the candidates in order of surnames determined by lot by the Returning Officer shall be in or to the effect of Form 18.



- (iii) The Returning Officer shall post by prepaid ordinary post to each Councillor Elect entitled to vote, a ballot paper unnumbered and unmarked save for the initials of the Returning Officer (which initials shall be placed by the Returning Officer on each ballot paper posted). With each ballot paper the Returning Officer shall place an envelope on which shall be printed the words 'place ballot paper only in this envelope' and also a reply paid envelope addressed to the Returning Officer. The last mentioned envelope shall make provision on the reverse side for the signature of the Councillor Elect. A 'Directions for Voting' sheet which shall be in or to the effect of Form 20 for the ballot for National President or Form 21 for the ballot for National Vice President(s) shall accompany each ballot paper posted.
- (iv) Ballot papers and other required documents which may include a short personal statement of no more than 200 words by the candidates, which shall be provided at their expense, shall be forwarded to Councillors elect at least fourteen days prior to the close of the ballot. The personal statement must be lodged with the Returning Officer no later than seven days after the close of nominations.
- (j) (i) As soon as practicable after the close of the ballot the returning officer shall cause the ballot box to be opened and the votes to be counted, in the presence of the scrutineers, if any. Votes cast by councillors elect who are not financial members of the guild in accordance with the constitution on the day the votes are counted shall be disregarded.
- (ii) Procedure for election of National President
  - (A) If there are only two candidates the vote shall be by Ordinary Secret Ballot.
    - (i) if one candidate receives an absolute majority (i.e. more than half of the votes cast), that candidate shall be eligible to be declared elected.
    - (ii) if the vote is tied, the Returning Officer shall then determine the result by allocating to each candidate, in accordance with the vote cast by such National Councillor elect, the number of votes that such National Councillor elect would have been entitled to cast if a poll had been requested pursuant to Rule 22(a) and (b). The candidate who then receives a majority of the votes so cast shall be eligible to be declared elected. The procedure in this sub-rule is called 'Determined by Poll'.
  - (B) If there are three or more candidates the vote shall initially be conducted by Preferential Voting and;
    - (i) if one candidate receives an absolute majority (i.e. more than half of the votes cast), that candidate shall be eligible to be declared elected.
    - (ii) if no candidate receives an absolute majority of the votes cast, and if one only of the candidates receives fewer votes than any other candidate, that candidate's preferences shall be distributed between the other candidates by the Returning Officer. If such distribution results in a candidate receiving an absolute majority of votes cast, that candidate shall be eligible to be declared elected. If the distribution of preferences pursuant to this sub-rule does not result in a candidate receiving an absolute majority of votes cast, the result is then to be Determined by Poll by the Returning Officer.
    - (iii) if no candidate receives an absolute majority of the votes cast, and at least two candidates receive the same number of lowest votes cast, the result shall be Determined by Poll by the Returning Officer.

- (C) If all candidates receive the same number of votes cast, the Returning Officer shall conduct a second secret ballot as soon as possible after the commencement of the annual meeting of National Council immediately following the election. If no candidate obtains an absolute majority of the votes then cast, the result is then to be Determined by Poll by the Returning Officer but by reference to the votes cast at the second secret ballot.
- (k) (i) The Returning Officer shall notify the candidates and the Executive Director in writing of the result of the ballot as soon as practicable after all counting has been completed and the results determined.
- (k) (ii) The Executive Director or a person nominated by the Chairman of the meeting shall read the notice from the Returning Officer officially declaring the election of office bearers of the National Council for the ensuing term at the commencement of the Annual Meeting of the National Council immediately following the election.
- (l) 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.

## **DIVISION VIII - INTERPRETATION OF THE CONSTITUTION AND THE REPEAL, ALTERATION OF AND ADDITION TO THE RULES**

### **56 - INTERPRETATION OF THE CONSTITUTION**

- (a) The National Council or the National Executive subject to review by the National Council, may determine any question arising at any time on any matter which in the opinion of the National Council or the National Executive is not provided for in the Constitution or on which there is doubt as to the correctness of interpretation.
- (b) Where the Constitution requires a form to be completed or used, substantial compliance with the forms attached to the Constitution shall be sufficient.

### **57 - NEW RULES AND ALTERATION OF RULES**

- (a) Except as otherwise provided in this Rule, the National Council either of its own motion or at the request in writing of a Branch may make new rules or vary, alter or repeal existing rules. Provided that no new Rule shall be made or existing Rules varied, altered or repealed unless and until each Branch has been given not less than 28 days notice of the intended proposal.
- (b) If for any reason after receipt by the National Council of a request in writing from any three Branches, representing a majority of members of the Guild requiring any addition, variation or repeal of any rule or rules, such addition, variation or repeal is not so made during the month following receipt of the last of such requests, the National Council shall cause a Referendum to be held on the proposals contained in such request.
- (c) The referendum herein referred to shall be conducted in the manner provided by Rule 27 but subject to the following conditions:-
  - (i) the Referendum shall be held not earlier than one month, nor later than two months after the receipt by the National Council of the last of the requests herein before referred to,

- (ii) the proposal submitted at such Referendum shall not be carried unless in each of at least three Branches such proposals shall have been approved by a majority of the votes cast by financial members in these Branches and by a majority of all votes of financial members.
- (d) Any such addition, variation or repeal when effected shall be registered as required by these rules or by law.
- (e) A Referendum shall be necessary for the validity of:-
  - (i) any addition to, variation or repeal of this Rule,
  - (ii) any addition to, or variation or repeal of any Rule whereby the Annual Subscription (Rule 31) payable by members may be directly or indirectly varied or increased by more than 20% in any one year.

### **PART III - BRANCHES**

#### **58 - FUNCTIONS AND STRUCTURE**

- (a) There may be a Branch of the Guild in each State of the Commonwealth as may be approved by National Council, for the purpose of:
  - (i) assisting the National Council and the National Executive in carrying out the overall policy and objects of the Guild,
  - (ii) administering the business and the affairs of the Guild which are more particularly of local interest and importance.
- (b) The control of each Branch shall be conducted through the medium of General Meetings of members in the Branch duly convened in accordance with the Constitution.
- (c) A Branch shall consist of all members of the Guild in a particular State or States. With the consent of the National Council a Branch may merge with another Branch if a majority of the members in both Branches so approve. Provided that where the number of proprietor subscriptions in the Branch becomes less than fifty, the Branch may be merged with another Branch at the direction of the National Council.
- (d) Each Branch shall have power to determine any question and to conduct the business of the Branch within the scope of the Constitution, subject to the provisions of Rules 10 and 58 (a)(ii).
- (e) A Branch shall not intrude in any way whatsoever in the affairs, business, functions or activities of any other Branch.
- (f) Notwithstanding any other provision in the Constitution, Branches shall not take over or assume the conduct or control of any activity previously carried on by National Council unless a resolution decided by a poll conducted pursuant to the provisions of Rule 22(a)(ii) and passed by a majority representing at least 75% of votes cast at such poll authorises such action, subject nevertheless to the rights of Branches pursuant to the provisions of the Act. This Sub-rule may only be amended by a referendum conducted pursuant to Rule 27.

The Branches of the Guild shall be located in:

New South Wales  
Victoria  
Queensland  
South Australia  
Western Australia  
Tasmania  
Australian Capital Territory  
Northern Territory

and shall be at such addresses as shall be approved by National Council from time to time.

**60 - BRANCH MANAGEMENT - THE BRANCH COMMITTEE**

- (a) Each Branch shall elect a Committee of Management, hereinafter referred to as the "Branch Committee", of such number of members as shall be determined by the Branch Committee.
- (b) The Branch Committee shall control and manage the Branch, subject to resolutions carried by Annual General and Special General Meetings of such Branch, and to overall control by the National Council and the National Executive in accordance with the Constitution provided that such control may only be exercised having regard to the rights of Branches pursuant to the Act.
- (c) Subject to the provisions of the Act each Branch Committee shall carry into effect all decisions, resolutions or directions of the National Council or the National Executive and of Annual or Special General Meetings of members.
- (d) To assist in the proper exercise of its functions, a Branch Committee may appoint Sub-Committees to carry out a general or particular function other than a function of management of the Branch and such Sub-Committees shall report direct to the Branch Committee.
- (e) In the event of a charge of mismanagement against a Branch Committee the Executive Director shall report on the matter to the National Executive, which shall be empowered to instruct him to make careful enquiries and if necessary to take over the affairs of such Branch provided that the relevant Branch Committee shall be given at least 7 days' notice of such proposed action to enable the said Committee to show cause by written or oral representations to the National Executive why such action should not be taken, and provided further that the Executive Director shall not take over the affairs of a Branch pursuant to this sub-rule unless and until the National Executive has considered the said representations.
- (f) A Branch Committee may appoint a member of the Committee to temporarily carry out the duties of a member of the Branch Executive where such member of the Executive has been granted a temporary leave of absence from the Branch Executive.
- (g) A Branch Committee may appoint a member or an employee to carry out the functions of the position of Branch Director in the event of the death or resignation of the Branch Director and pending the earliest possible appointment of a replacement, during the absence of the Branch Director due to illness, leave or otherwise, provided that such appointment shall not be for a period in excess of six months.

- (h) A Branch Committee shall appoint an auditor of the Branch.
- (i) The Branch Committee shall consider and deal with any application for financial assistance from the National Secretariat and if considered necessary to grant such assistance upon such conditions as the Branch Committee shall deem fit provided that the granting of temporary financial assistance to the National Secretariat for periods of not exceeding six months may be approved by the Branch Executive.
- (j) A Branch Committee shall appoint (and may remove and replace) the Branch Director (noting that the appointment will be put in place by the Branch Committee through a common service agreement with an agreed annual workplan and performance agreement. The Branch Committee also reserves the right to review the service agreement from time to time as required).

### **61 - THE DISTRICTS**

- (a) Subject to the approval of the National Council each Branch Committee may establish or dissolve sub-divisions (hereinafter referred to as 'Districts') within its State, and may delegate to the Districts specific powers and functions.
- (b) When determining the boundaries or re-determining the boundaries of Districts each member of the Branch Committee shall as far as practicable represent an equal number of members.
- (c) The Districts of a Branch shall be directly responsible to and under the control of the Branch Committee.
- (d) A Branch Committee shall be responsible to the National Council for the conduct and efficient functioning of the Districts formed in its State.
- (e) Where a District system is introduced by a Branch the members of such Branch Committee shall be elected on a District basis in accordance with Rule 75.

### **62 - THE BRANCH EXECUTIVE**

- (a) Members of each Branch shall elect an Executive in accordance with Rule 76. The Branch Executive shall consist of the office bearers as set out in sub-rule 76(c).
- (b) Subject to the Constitution the Branch Executive may exercise all the powers and functions of the Branch Committee between meetings of the Branch Committee.
- (c) In the event of the Branch President or Senior Branch Vice President being unavailable to carry out the duties of the office of Branch President or where leave of absence is granted, a Branch Vice President shall be appointed for a stated period to carry out the duties of that office.
- (d) Where a member of the Branch Executive is temporarily unable to carry out his duties another Branch Committee member may be appointed by the Branch Committee to carry out his duties during his absence from the Branch Executive.

## 66 - THE BRANCH DIRECTOR

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- (e) A majority of the members of the Branch Executive shall constitute a quorum for a meeting of the Branch Executive. If at any meeting of a Branch Executive a quorum is not present within half an hour of the notified starting time the meeting shall stand adjourned to a time and place decided by the Branch President of which all members of the Branch Executive will be informed. If a quorum is not present after a half hour of the starting time of the adjourned meeting those present being not less than two shall constitute a quorum.
- (f) The names of persons who voted for or against resolutions at meetings of the Branch Executive shall be confidential to those present or entitled to attend the meetings provided that any member may require to have his vote recorded. Any breach of this Rule shall be considered to be a substantial breach of the Constitution.

## 63 - THE BRANCH PRESIDENT

The Branch President shall preside at all meetings of the Branch and of the Branch Committee and Branch Executive. He shall convene special and ordinary meetings of the Branch Committee and Branch Executive. He shall decide all disputed 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.

## 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.

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

## 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) There shall be a Branch Director who shall be the senior Executive officer of the Branch.
- (b) The position of Branch Director is one of a full-time employee.

- (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 notice as set out in his terms of employment.
  - (v) If found guilty in accordance with the Rules, 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 in accordance with any relevant provisions of the Act or regulations made thereunder, and policies as laid down by Branch Committee and National Council.
  - (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.

## 67 - MEETINGS - BRANCH COMMITTEE

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- (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) 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.
  - (xii) 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.
  - (xiii) 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.
- (e) The amendments made to this Rule on 27 February 2007 shall not affect the existing rights and obligations of the Guild and of the Branch Director in office as at the abovementioned date.

### **67 - MEETINGS - BRANCH COMMITTEE**

- (a)
  - (i) The Branch Committee shall hold ordinary meetings on such days and at such hours as the Committee may from time to time determine, provided that at least 10 days notice is given and that not less than four ordinary meetings shall be held in each financial year. Special meetings of the Branch Committee may be called from time to time as is deemed necessary by the Branch Committee or the Branch President or when requested in writing by not less than four members of the Branch Committee provided that at least 5 days notice is given for such meetings. Such request shall clearly state the purpose for which the meeting is being called and shall include any motion the members desire to have discussed. Meetings of the Branch Committee of a special or urgent nature may be held by means of a telephone conference call or by any other similar form of electronic communication, or by means of facsimile communication and with the approval of Branch Committee, without the five days notice as above being given provided that if four or more members of the Branch Committee object to the lack of notice, the special meeting not be held.
  - (ii) The names of persons who voted for or against resolutions at meetings of the Branch Committee shall be confidential to those present or entitled to attend the meetings provided that any member may require to have his vote recorded. Any breach of this Rule shall be considered to be a substantial breach of the Constitution.
  - (iii) If the meeting is held by telephone hook up, the conduct of the meeting and the method of voting and of recognising a vote shall be at the discretion (subject to the Constitution) of the Chairman of the meeting.
- (b) An agenda shall be prepared for each meeting of the Branch Committee the first item on which shall be the confirmation of the minutes of the previous ordinary meeting and/or special meeting.



(c) Quorum Branch Committee Meetings

A quorum of a Branch Committee shall consist of such number of persons as shall be determined by the Branch Committee provided that the number so determined shall not be less than a majority of the number of members of the Branch Committee from time to time. If at any meeting of a Branch Committee a quorum is not present within half an hour of the notified starting time the meeting shall stand adjourned to a time and place decided by the Branch President of which all members of the Branch Committee will be informed. If a quorum is not present within half an hour of the starting time of the adjourned meeting those present being not less than three shall constitute a quorum.

**68 - ANNUAL GENERAL MEETING - BRANCH**

- (a) The annual general meeting of members in the Branch shall be held prior to the Annual National Council meeting but no later than 30 September each year (or at such date as National Council or National Executive may in writing allow) at such place and time as may be determined by the Branch Committee, and shall deal with the following:
- (i) confirmation of Minutes of previous Annual and Special General Meetings,
  - (ii) declaration by the Returning Officer of the election of members of the Branch Committee (when appropriate),
  - (iii) the annual report, income and expenditure statement and balance sheet,
  - (iv) subject to the Constitution, the annual general meeting shall discuss and act upon any motion of which 28 days' notice in writing has been given to the Branch Director.
- (b) The Branch Director for and on behalf of the Branch Committee shall give each member in the Branch not less than 60 days' notice of such annual general meeting. The omission to give notice of a meeting to, or the non-receipt of notice of meeting by, any member shall not invalidate the proceedings at any meeting.
- (c) An agenda paper including notices of motion shall be distributed to members 21 days before the annual general meeting.
- (d) The financial members in the Branch shall be entitled to vote by written proxy at the annual general meetings. Proxy holders shall be pharmacists. Proxies shall be deposited with the Branch Director at least 48 hours before the time for holding of the Annual General Meeting.
- (e) Any pharmacist who is entitled to vote in accordance with Rule 7 shall be entitled to attend any General Meeting of that Branch.

**69 - SPECIAL MEETINGS - BRANCH**

- (a) A special meeting of members in a Branch shall be called:
- (i) by direction of the National Council,
  - (ii) by direction of the Branch Committee, provided that not less than 7 days' notice of such meeting shall be given by the Branch Director to every member in that Branch and the National President,

## 71 - FINANCIAL YEAR

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- (iii) by a requisition made in writing signed by at least three per hundred financial members or part thereof aggregating not less than ten such members in that Branch. The requisition shall state clearly the purpose for which the meeting is being called and shall include any motion it is desired to have discussed. On receipt of such requisition the Branch President shall convene the said meeting to be held within thirty days of the notification of such requisition. All financial members in the Branch shall be given at least 7 days' written notice of the said meeting and of the business to be conducted. The omission to give notice of a meeting to, or the non-receipt of a notice of meeting by, any member shall not invalidate the proceedings at any meeting.
- (b) Any pharmacist who is entitled to vote in accordance with Rule 7 shall be entitled to attend any special meetings of that Branch.
- (c) At a special meeting of members in a Branch, financial members shall be entitled to vote by written proxy. Proxy holders shall be pharmacists. Proxies shall be deposited with the Branch Director at least 48 hours before the time for holding of the special meeting.
- (d) Notwithstanding anything contained in this clause, when a special meeting has been held on any matter or matters and another special meeting is requested in accordance with sub-rule (a)(iii) of this rule for the purpose of considering or dealing with the same or substantially the same subjects within six months of the holding of such special meeting, the Branch Committee may in its discretion refuse to convene such other meeting if it is of the opinion that:
  - (i) such request for another special meeting is frivolous and without good faith,
  - (ii) such other special meeting would not be in the best interests of the Guild,
  - (iii) such other special meeting would serve no useful purpose.

Provided that if the Branch Committee refuses to convene such special meeting it shall within 7 days so inform the members in the Branch who made the request. Both the members in the Branch and the Branch Committee shall have a right of appeal to the National Council whose decision shall be final.

## 70 - QUORUM

- (a) A quorum at all meetings of members of the Branch shall be such number of persons present entitled to vote as may be determined by the Branch Committee provided that such quorum shall not be less than ten.
- (b) If within half an hour from the time appointed for a meeting of the Branch a quorum is not present, the meeting if convened upon the requisition of members, shall be dissolved. In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day at such other time and place as the Chairman may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members in the Branch present (being not less than three) shall be a quorum.

## 71 - FINANCIAL YEAR

The financial year of a Branch shall commence on 1st July in one year and terminate on 30th June in the next following year. All books and accounts shall close on the 30th June. An annual report and duly audited balance sheet and revenue account shall be submitted to the next annual meeting of the Branch after that closing date. The balance sheet shall show all assets and liabilities of the Branch.

## 72 - BRANCH FUNDS

- (a) A Branch fund shall be controlled by a Branch Committee which may apply it to all or any of the following purposes:
- (i) provision of assets and investments in the interest of the members of the Branch,
  - (ii) defraying the costs of management of the Branch actually and necessarily incurred,
  - (iii) subject to the Constitution for such other purposes as the Branch Committee may from time to time determine.
- Provided that no loan grant or donation exceeding \$1,000 shall be made unless the Branch Committee:
- (iv) is satisfied that the making of the loan grant or donation would be in accordance with the Constitution of the Guild,
  - (v) is satisfied in the case of a loan, that arrangements for security and repayment of the loan are satisfactory, and
  - (vi) has approved the making of the loan grant or donation.
- (b) Branch Funds represented by money shall be deposited in an account with an accredited bank in the name of The Pharmacy Guild of Australia ..... Branch Fund (the name of the State before the word "Branch") and withdrawal of any money shall be effected by cheque signed by two signatories drawn from a panel of persons duly authorised by the Branch Committee to sign cheques, or by any other means used in contemporary business practice and approved by the Branch Committee or Branch Executive. Provided that the Branch Committee may authorise the establishment of an imprest account for the Branch of an amount not exceeding the operating expenses of such Branch for a period of one week and shall specify terms and conditions under which such imprest account shall operate.
- (c) An approved auditor shall be appointed by the Branch Committee to audit the books, receipts and other documents at least once a year, and at such other times as instructed by the Branch Committee. Should the auditor find any irregularity he shall report forthwith to each member of the Branch Executive and to the Executive Director.

## 73 - CHEQUE SIGNING

Where cheques are required to be signed for the purpose of investment of monies held by the Guild in the capacity of Trustee in investments previously approved by the National Council such cheques shall be signed by two signatories drawn from a panel of persons duly authorised by the Branch Committee to sign cheques. At least one signatory of each cheque shall be a member of the Branch Committee. PROVIDED THAT the Branch Committee or the Branch Executive may authorise the signing of such cheques by both the Branch Director and the Branch Accountant if a member of the Branch Committee is unavailable for the purpose of signing such cheques.

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**74 - ELECTION OF COMMITTEE MEMBERS**

- (a) (i) A Branch Committee shall comprise the number of members determined in accordance with Rule (60)(a).
- (ii) Each member of a Branch Committee shall hold office for a period of three years or until his successor in office (if any) is declared elected.
- (iii) For the purpose of this Rule the term of the office shall be deemed to expire on 30 September in the third year following the declaration of the poll.

(b) From 1996 Branch Committee elections shall be conducted every three years by:

- (i) a postal ballot conducted among the financial members in that Branch, or
- (ii) a postal ballot conducted among the financial members of the Guild in each District established by the Branch in accordance with Rule 61, in which an election is to be held.

Provided that no ballot as aforesaid shall be taken when the number of candidates presenting for election to the Branch Committee does not exceed the number of vacancies to be filled.

- (c) A retiring member of a Branch Committee shall be eligible for re-election.
- (d) Any financial member who is a pharmacist shall be eligible as a candidate for election as a member of Branch Committee unless disqualified by any of the provisions of Rule 74(e).

(e) The position of a Committee member shall be declared vacant:

- (i) subject to Rule 6B if he is or has become disqualified under the Constitution or if he ceases to be eligible for membership of the Guild, or, subject to the provisions of the Act, he has been convicted of a prescribed offence as that expression is defined in the Act,
- (ii) upon his death or resignation,
- (iii) if no nomination is received for the vacancy,
- (iv) if he is found guilty in accordance with the Rules, of misappropriation of funds of the Guild a substantial breach of the Rules, or gross misbehaviour or gross neglect of duty or has ceased to be eligible to hold the position. Any member or officer of the Guild who has reason to believe that a member of the Branch Committee has committed any of the offences specified in this sub-rule, may bring the matter to the attention of the Branch Committee which may if it considers it appropriate in the circumstances notify the Branch Committee Member in writing of the nature of the charge and the place and time of the matter by the Branch Committee. The Branch Committee Member shall have the right to appear personally and/or be legally represented at the meeting of the Branch Committee and to be heard in his defence.

The Branch Committee may proceed to hear and determine a matter under this rule notwithstanding the absence of the Branch Committee Member or his failure to submit a reply to the charge if due notice of the hearing in accordance with this rule has been given,

- (v) if he absents himself for more than three consecutive ordinary meetings without leave of absence being granted by the Branch Committee.

- (f) Where a casual vacancy occurs in the office of a member of Branch Committee, the Branch Committee shall appoint a financial member of the Branch to fill such vacancy for the unexpired part of the term of office, provided that where the unexpired part of the term exceeds the greater of:
- o 12 months, or
  - o three-quarters of the term of office,

an election shall be held to fill such casual vacancy for the unexpired part of the term.

- (g) (i) The rolls for eligible voters for elections of Committee members shall close 14 days prior to the day on which nominations for the elections open.
- (ii) Nominations for elections to 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 6. 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 Office within seven days after the close of nominations. The time and date shall be fixed by the Returning Officer. Provided that such date shall not be less than 21 days prior to the date of 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.

- (iii) 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) (i) The Returning Officer shall not be the holder of any office in, and not be an employee of the organisation or of any Branch or District. The duties of such Returning Officer will be in accordance with Rules 74(g), (j), (k), (l).
- (ii) Where insufficient nominations are received for all positions on a Branch Committee the Returning Officer may after consultation with the Branch Director, proceed to call nominations for the election of the office bearers for the Branch in accordance with Rule 76 prior to calling for nominations to fill the vacant position/positions on the Branch Committee. Provided that at all times there are sufficient nominations to form a quorum of the Branch Committee. Where the 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 not less than seven days after being so notified.
- (i) A Candidate may appoint a Scrutineer, who shall be a financial member of the Guild and who is not a candidate for election to observe the conduct of the ballot and the count of votes. Any expense incurred by the Scrutineer shall be borne by the candidate.

Advice of the appointment of a Scrutineer shall be conveyed in writing or facsimile or by Electronic Transfer to the Returning Officer at least 7 days prior to the closing of the ballot provided that the original facsimile or Electronic Transfer advice is forwarded to the Returning Officer by post within 7 days.

A Scrutineer shall be entitled to be present while the Returning Officer carries out his functions. He may direct the attention of the Returning Officer to any irregularity concerning the issue of ballot papers, the admission of any envelope to scrutiny, the admission of a ballot paper as formal or the rejection of a ballot paper as informal. A Scrutineer shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election. 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 rights but no election shall be vitiated by reason of the fact that a Scrutineer does not exercise any or all such rights.

- (j) (i) The Returning Officer shall provide an adequate number of ballot boxes which shall be clearly marked for the receipt of ballot papers. Immediately ballot papers have been posted to members the Returning Officer shall cause the ballot boxes to be securely locked. The keys for the ballot boxes shall be kept by the Returning Officer and the ballot boxes shall not be again opened prior to the close of the ballot and until the commencement of counting the votes.
- (ii) The election shall be conducted by ordinary secret ballot and the ballot paper showing the names of the candidates in order of surnames determined by lot by the Returning Officer shall be prepared in accordance with Form 7.
- (iii) The Returning Officer shall initial each ballot paper to be posted and shall post by prepaid ordinary post to each financial member of the Branch at his address appearing in the membership register of the Branch a ballot paper unnumbered and unmarked save for the initials of the Returning Officer.
- (iv) With each ballot paper the Returning Officer shall place a 'Directions for Voting' sheet in accordance with Form 8, a declaration envelope which shall be printed with the words 'place ballot paper only in this envelope' together with a reply paid envelope.
  - (a) The declaration envelope must be a smaller envelope that fits inside the reply paid envelope without being folded and must contain on it a removable flap or label printed with the following details:
    - (i) the name and pharmacy postal address of the voter;
    - (ii) a declaration which must state that the voter;
      - (a) is the voter named on the envelope; and
      - (b) has voted on the ballot paper contained in the envelope; and
      - (c) has not voted before in the ballot.
    - (iii) a place for the signature of the voter.
  - (b) (i) The reply paid envelope must be an outer envelope that the Returning Officer conducting the election is satisfied is large enough to have a declaration envelope placed in it for the return to him.
  - (ii) The return address of the Returning Officer must be printed on the envelope.
- (v) The Returning Officer shall cause all sealed envelopes addressed and signed in accordance with Rule 74 (j)(iv) which are received by the nominated closing date and time to be immediately placed in the locked ballot boxes provided for the purposes.

## 75 - ELECTION OF COMMITTEE MEMBERS - DISTRICT SYSTEM

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- (vi) Ballot papers and other required documents which may include a short personal statement of no more than 200 words by the candidates, which shall be provided at their expense, shall be forwarded to reach financial members at least 14 days prior to the close of the ballot. The personal statement must be lodged with the Returning Officer no later than 7 days after the close of nominations.
- (k)
  - (i) As soon as practicable after the close of the ballot the Returning Officer shall open the ballot boxes and have the votes counted in his presence and that of the Scrutineers, if any.
  - (ii) The votes cast for each candidate shall be listed and the requisite number of candidates who receive the highest number of votes shall be deemed to be elected.
  - (iii) In the case of equal voting for the last position to be filled the matter shall be determined by lot conducted by the Returning Officer.
  - (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.

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**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 and a National Vice President.
  - (ii) two or three Branch Vice Presidents as determined by the Branch, one of whom will be appointed and may be replaced 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 or may be replaced by the Branch Committee to assume the responsibilities for Finance. The Senior Branch 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 1 March in the year in which the elections take place, provided that this subrule as amended shall only apply to all elections during 2008 (and thereafter),
  - (iv) one National Councillor who may also be a Branch Vice President where the Branch has 100 members or more but less than 1,000 members, or two National Councillors who may also be Branch Vice Presidents where the Branch has more 1,000 members or more,
  - (v) one Alternate National Councillor who may also be a Branch Vice President where the Branch has less than 100 members, or two Alternate National Councillors who may also be Branch Vice Presidents where the Branch has 100 members or more but less than 1,000 members.

Three Alternate National Councillors who may also be Branch Vice Presidents where the Branch has 1,000 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) 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 PROVIDED THAT in respect to elections for Branch President after 2008, a Branch President who has served three full consecutive terms after 2008 shall not be eligible to be nominated or elected for a fourth consecutive term.

Notwithstanding the provisions of Rule 76(a)(ii), (iv) and (v), no member of the Committee may hold more than one office in the Branch at a particular time.

A member of the Committee is eligible to be nominated for and contest more than one office bearer position, provided that the member of the Committee is not declared elected to more than one office bearer position that cannot be held concurrently.



The Returning Officer must conduct the ballot and determine the successful candidate or candidates for each office bearer position (each such position being an “**office**”) in accordance with the following procedure:

- (i) The ballot for each office set out below must be conducted concurrently, but the counting of the votes and the declaration of the successful candidate for each office must be carried out in the following order, listed in descending ranking:

Hierarchy A

1. Branch President
2. Branch Vice President

Hierarchy B

1. National Councillor, who is also Branch President
2. National Councillor, who is not a Branch President
3. Alternate National Councillor

That is, the Returning Officer must count the votes and declare the successful candidate in the election for Branch President first, Branch Vice President second, and so on.

- (ii) If a member of the Committee is successfully elected to an office in the Branch that cannot under this rule be held concurrently with an office lower in the hierarchy as set out in the above list, then that Committee member’s nomination for each such office lower in the hierarchy shall be automatically withdrawn, and the votes that the Committee member receives in the election for each of those offices shall be disregarded for the purposes of determining the results of the election.
  - (iii) If a member of the Committee is declared elected to an office for which they have nominated without the need for a ballot to be conducted in accordance with Rule 76(h), that Committee member’s nomination for each office lower in the hierarchy shall be automatically withdrawn, and disregarded for the purposes of determining the results of the election.
- (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 Councillors.
  - (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.

## PART IV - DISCLOSURES

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- (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 the proposed election. Nomination papers completed as required shall be returned to 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) Where a casual vacancy occurs in any of the offices referred to in Rule 76(a) as a consequence of any of the events referred to in Rule 74(e), the Branch Committee shall appoint a financial member of the Branch to fill such vacancy for the unexpired part of the term of office, provided that where the unexpired part of the term exceeds the greater of:
- 12 months, or
  - three-quarters of the term of office,
- an election shall be held to fill such casual vacancy for the unexpired part of the term.
- (j) 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**

The amendments made to rules 12(b), 55B and 76 shall come into effect and shall apply in respect to the elections for Branch Presidents held in 2008. Any National Vice President holding office as at the date of these amendments shall continue to hold office, and the rules as in force immediately prior to these amendments shall apply to the Guild and to such National Vice Presidents.

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**PART IV - DISCLOSURES**

**78 - DEFINITIONS UNDER PART IV**

In Part IV of this Constitution:

- (a) **board** means a board of directors, committee of management, council or other group of persons who supervise, govern or otherwise have oversight of any corporation, organisation, association or other body corporate.
- (b) **disclosure period** for any disclosure required to be made under this Part IV means:
  - (i) if the requirement is for disclosure to be made in relation to a financial year - the financial year; or
  - (ii) if the requirement is for disclosure to be made in relation to a shorter period - the shorter period.
- (c) **electronic communication** has the meaning given to that term in section 5 of the Electronic Transactions Act 1999.
- (d) **non-cash benefit** means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.
- (e) **information** has the meaning given to that term in section 5 of the Electronic Transaction Act 1999.
- (f) **information system** has the meaning given to that term in section 5 of the Electronic Transactions Act 1999.
- (g) **peak council** has the meaning given to that term in section 12 of the Fair Work Act 2009.
- (h) **related party** has the meaning given to that term in section 9B of the Act.
- (i) **relative** in relation to a person, means:
  - (i) parent, step-parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
  - (ii) the spouse of the first mentioned person,

and in this definition the terms **child, parent, spouse, stepchild** and **step-parent** have the meanings given to those terms in the Act.

- (j) **relevant non-cash benefits** in relation to an officer of the Guild or of a Branch (as the case may be) for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Guild or the Branch (as the case may be) or by a related party of the Guild or the Branch (as the case may be).

## 79 - DISCLOSURES OF RELEVANT REMUNERATION AND NON-CASH BENEFITS

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- (k) **relevant remuneration** in relation to an officer of the Guild or of a Branch (as the case may be) for a disclosure period is the sum of the following:
  - (i) any remuneration disclosed to the Guild or the Branch (as the case may be) by the officer under Rules 79(a) and (b) during the disclosure period;
  - (ii) any remuneration paid, during the disclosure period, to the officer by the Guild or the Branch (as the case may be).
- (l) **remuneration**
  - (i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
  - (ii) does not include a non-cash benefit; and
  - (iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.

## 79 - DISCLOSURES OF RELEVANT REMUNERATION AND NON-CASH BENEFITS

- (a) Each officer of the Guild, and each officer of a Branch of the Guild, shall disclose:
  - (i) any remuneration paid to the officer because the officer is a member of a board, if:
    - (a) the officer is a member of the board only because the officer is an officer of the Guild or the Branch (as the case may be); or
    - (b) the officer was nominated for the position of member of the board by the Guild, a Branch, or a peak council; or
  - (ii) any remuneration paid or non-cash benefit provided to the officer by any related party of the Guild or the Branch (as the case may be) in connection with the performance of the officer's duties as an officer.
- (b) The disclosure required by Rule 79(a) shall be made:
  - (i) in the case of an officer of the Guild - to the Guild; and
  - (i) in the case of an officer of a Branch - to the relevant Branch,

in writing as soon as practicable after the remuneration is paid, or non-cash benefit is provided, to the officer.
- (c) The Guild shall disclose to its members and its Branches:
  - (i) the identity of the officers of the Guild who are the five highest paid officers of the Guild in terms of relevant remuneration for the disclosure period; and

## 80 - DISCLOSURES OF MATERIAL PERSONAL INTERESTS

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- (ii) for each of those officers:
  - (a) either the actual amount of the officer's relevant remuneration for the disclosure period, or the remuneration band into which the officer's relevant remuneration falls; and
  - (b) either the value of the officer's relevant non-cash benefits, or the form of the officer's relevant non-cash benefits, for the disclosure period.
- (d) Each Branch shall disclose to the Members in the Branch:
  - (i) the identity of the officers of the Branch who are the two highest paid officers of the Branch in terms of relevant remuneration for the disclosure period; and
  - (ii) for each of those officers:
    - (a) either the actual amount of the officer's relevant remuneration for the disclosure period, or the remuneration band into which the officer's relevant remuneration falls; and
    - (b) either the value of the officer's relevant non-cash benefits, or the form of the officer's relevant non-cash benefits, for the disclosure period.
- (e) The disclosures under Rules 79(c) and (d) shall be made:
  - (i) in relation to each financial year;
  - (ii) within six months after the end of the financial year; and
  - (iii) in writing.

## 80 - DISCLOSURES OF MATERIAL PERSONAL INTERESTS

- (a) Each officer of the Guild, and each officer of a Branch of the Guild, shall disclose any material personal interest in a matter that:
  - (i) the officer has or acquires; or
  - (ii) a relative of the officer has or acquires,that relates to:
  - (iii) in the case of an officer of the Guild, the affairs of the Guild;
  - (iv) in the case of an officer of the Branch, the affairs of the Branch.
- (b) The disclosure required by Rule 80(a) shall be made:
  - (i) in the case of an officer of the Guild - to the Guild; and

## 81 - DISCLOSURES OF PAYMENTS

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- (ii) in the case of an officer of a Branch - to the relevant Branch,  
  
in writing as soon as practicable after the interest is acquired.
- (c) The Guild must disclose to its members and its Branches any interests disclosed to the Guild pursuant to Rules 80(a) and (b).
- (d) A Branch must disclose to its members any interests disclosed to the Branch pursuant to Rules 80(a) and (b).
- (e) The disclosure under Rules 80(c) and (d) shall be made:
  - (i) in relation to each financial year;
  - (ii) within six months after the end of the financial year; and
  - (iii) in writing.

## 81 - DISCLOSURES OF PAYMENTS

- (a) The Guild shall disclose to its members and its Branches either:
  - (i) Each payment made by the Guild, during the disclosure period:
    - (a) to a related party of the Guild or of a Branch of the Guild; or
    - (b) to a declared person or body of the Guild; or
  - (ii) the total of the payments made by the Guild, during the disclosure period:
    - (a) to each related party of the Guild or of a Branch of the Guild; and
    - (b) to each declared person or body of the Guild.
- (b) A Branch shall disclose to its members either:
  - (i) each payment made by the Branch, during the disclosure period:
    - (a) to a related party of the Branch; or
    - (b) to a declared person or body of the Branch; or
  - (ii) the total of the payments made by the Branch, during the disclosure period:
    - (a) to each related party of the Branch; and
    - (b) to each declared person or body of the Branch.

## 82 - MANNER OF DISCLOSURE

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- (c) Rules 81(a) and (b) do not apply to a payment made to a related party if:
  - (i) the related party is an officer of the Guild or the Branch (as the case may be) and the payment:
    - (a) consists of remuneration paid to the officer by the Guild or the Branch (as the case may be); or
    - (b) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer; or
  - (ii) the payment consists of amounts deducted by the Guild or the Branch (as the case may be) from remuneration payable to one or more officers or employees of the Guild or the Branch (as the case may be).
- (d) The disclosures under Rules 81(a) and (b) shall be made:
  - (i) in relation to each financial year;
  - (ii) within six months after the end of the financial year; and
  - (iii) in writing.
- (e) For the purposes of this Rule 81, a person or body is a **declared person or body** of the Guild or a Branch of the Guild if:
  - (i) an officer of the Guild or the Branch (as the case may be) has disclosed a material personal interest under Rules 80(a) and (b); and
  - (ii) the interest relates to, or is in, the person or body; and
  - (iii) the officer has not notified the Guild or the Branch (as the case may be) that the officer no longer has the interest.

## 82 - MANNER OF DISCLOSURE

- (a) Where the Guild or a Branch is required to give information in writing, information may be given to the member by electronic communication or by making the information available to the member in accordance with Rule 82(c), if the member consents to the information being given or made available in this way.
- (b) For the purposes of Rule 82(a) a member will be taken to have provided consent if such consent can be reasonably inferred from the conduct of that member.
- (c) The Guild will be taken to have made disclosure in writing to its members and its Branches under Rules 79, 80 and 81 if the information is made available to members and:
  - (i) the information is readily accessible so as to be useable for a subsequent reference by the members and its Branches;

- (ii) the members and its Branches are promptly notified by electronic means that the information is available for retrieval on that information system and the nature of the information; and
- (iii) the information is available on the Guild's information system for retrieval by electronic communication for a minimum of seven (7) years from the date the disclosure is made.



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**FORMS**

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THE PHARMACY GUILD OF AUSTRALIA  
FORM 1 - RULE 29

APPLICATION FOR MEMBERSHIP  
SOLE PROPRIETOR ONLY

The Branch Director,

..... Branch,

The Pharmacy Guild of Australia.

I ..... being an employer and eligible for Membership hereby apply for admission to membership of the Guild and upon election and while a member of the Guild agree to be bound by the Constitution of the Guild and by Resolutions of the National Council and of the Branch Committee now or hereafter in force and to pay to the Guild all subscription thereafter in force and to pay to the Guild all subscription levies or other money payable from time to time as a member of the Guild pursuant to such Constitution or Resolutions.

NAME IN FULL: .....

PRIVATE ADDRESS: .....

PR. TEL. NO. ....

BUSINESS NAME OF PRINCIPAL PHARMACY: .....

ADDRESS: .....

BUSINESS NAME(S), ADDRESS(ES) & TEL. NO(S) OF OTHER PHARMACIES SOLELY OWNED BY APPLICANT

1. ....

2. ....

3. ....

I agree to furnish in writing any further particulars in relation to this application upon request of the Branch Director.

Enclosed herewith is total of fees due.

Signature: .....

Date: .....

Note: Where the applicant wishes to appoint a nominee under Rule 7(b)(i) Form 13 should be completed at the same time as this membership form and lodged with the Branch Director.

THE PHARMACY GUILD OF AUSTRALIA  
FORM 2 - RULE 29

SOLE PROPRIETOR WITH INTEREST IN ANOTHER PHARMACY

Branch Director,

..... Branch,

The Pharmacy Guild of Australia.

I ..... being an employer and eligible for Membership hereby apply for admission to Membership of the Guild and upon election and while a member of the Guild agree to be bound by the Constitution of the Guild and by Resolutions of the National Council and of the Branch Committee now or hereafter in force and to pay to the Guild all subscription hereafter in force and to pay to the Guild all subscription levies or other money payable from time to time as a member of the Guild pursuant to such Constitution or Resolutions.

NAME IN FULL: .....

PRIVATE ADDRESS: .....

TEL. NO. ....

BUSINESS NAME OF PRINCIPAL PHARMACY: .....

ADDRESS: .....

**BUSINESS NAME(S), ADDRESS(ES) & TEL. NO(S) OF OTHER PHARMACIES SOLELY OWNED BY APPLICANT**

- 1. ....
- 2. ....
- 3. ....

(If more, please enter on back of form)

I agree to furnish in writing any further particulars in relation to this application upon request of the Branch Director.

Enclosed herewith is total of fees due.

Signature: .....

Date: .....

Note: Where the applicant wishes to appoint a nominee under Rule 7(b)(i) Form 13 should be completed at the same time as this membership form and lodged with the Branch Director.

THE PHARMACY GUILD OF AUSTRALIA  
FORM 3 - RULE 29

APPLICATION FOR MEMBERSHIP - PARTNERSHIP ONLY

The Branch Director, ..... Branch,  
The Pharmacy Guild of Australia.

We the undersigned being employers and eligible for Membership and being all of the Partners in the partnership conducting the business of a pharmacist at ..... (business address and tel. no.) hereby apply for admission of the partnership as a member of the Guild and upon election and while the partnership is a member of the Guild agree to be bound by the Constitution of the Guild and by Resolutions of the National Council and of the Branch Committee now or hereafter in force and to pay to the Guild all subscription levies or other money payable from time to time as a member of the Guild pursuant to such Constitution or Resolutions.

NAMES IN FULL, PRIVATE ADDRESSES AND PRIVATE TELEPHONE NOS. (Please list)

1. I, .....  
of .....  
phone no.....

Declare that I am/am not a member of the Pharmacy Guild as a sole proprietor, member of a partnership or a director of a company which is a member of the Guild.

Signature: ..... Date: .....

2. I, .....  
of .....  
phone no.....

Declare that I am/am not a member of the Pharmacy Guild as a sole proprietor, member of a partnership or a director of a company which is a member of the Guild.

Signature: ..... Date: .....

3. I, .....  
of .....  
phone no.....

Declare that I am/am not a member of the Pharmacy Guild as a sole proprietor, member of a partnership or a director of a company which is a member of the Guild.

Signature: ..... Date: .....

(if more than three partners please attach a separate list)

BUSINESS NAME(S), ADDRESS(ES) & TEL. NO(S). OF OTHER PHARMACIES OWNED BY THE PARTNERSHIP OR IN WHICH THE PARTNERSHIP HAS A FINANCIAL INTEREST

- 1. ....
  - 2. ....
  - 3. ....
- (If more please enter on back of form)

Where individual partners are Guild members or are in other partnerships which are members of the Guild, please supply the appropriate information on a separate sheet and attach it to this form.

We agree to furnish in writing any further particulars in relation to this application upon request of the Branch Director.

Enclosed herewith is total of fees due.

Note: Where the applicant wishes to appoint a nominee under Rule 7(b)(i) Form 13 should be completed at the same time as this membership form and lodged with the Branch Director.

And I make this solemn declaration by virtue of the relevant legislation governing Statutory Declarations and subject to the penalties provided by that legislation for the making of false statements and statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

DECLARED AT ..... )  
 )  
 THIS..... DAY OF ) Before me  
 )  
 .....20..... )  
 .....  
 A person Duly Authorised To Witness  
 Statutory Declarations

THE PHARMACY GUILD OF AUSTRALIA  
FORM 4 - RULE 29

APPLICATION FOR MEMBERSHIP COMPANY

TO: The Branch Director, .....Branch, The Pharmacy Guild of Australia.

.....  
(Company Name, ACN, Business Address and Tel No.)

The company, being an employer and eligible for membership hereby applies for admission as a member of the Guild. The company agrees upon admission and while a member of the Guild to be bound by the Constitution of the Guild and by Resolutions of the National Council and of the Branch Committee now or hereafter in force and to pay to the Guild all subscription levies or other money payable from time to time as a member of the Guild pursuant to such Constitution and Resolutions.

SIGNED for and on behalf of the company by those persons who are authorised under its Constitution to do so:

..... Director  
..... [PRINT NAME]

..... Secretary  
..... [PRINT NAME]

NAMES OF DIRECTORS IN FULL, PRIVATE ADDRESSES AND PRIVATE TELEPHONE NOS.  
(Please list)

1. .... of .....  
Tel no .....  
Date .....

2. .... of .....  
Tel no .....  
Date .....

3. .... of .....

Tel no .....

Date .....

4. .... of .....

Tel no .....

Date .....

5. .... of .....

Tel no .....

Date .....

(if more than five Directors please attach separate list)

**STATUTORY DECLARATION**

We, the above directors, of the addresses set out above DO SOLEMNLY AND SINCERELY DECLARE:

1. We are all of the directors of the applicant company and more than one half of us are pharmacists (or in the case of a company having only two directors, one of us is a pharmacist), namely:

.....  
.....  
.....

2. A majority of the issued voting shares in the company are beneficially owned by pharmacists, namely:

.....  
.....  
.....

3. The company complies with the relevant legislation governing ownership and control of pharmacies in the State or Territory in which it carries on business.

4. The business name(s), address(es), and tel. no(s) of other pharmacies owned by the applicant company, or in which it has a proprietary, legal or beneficial interest are:

(a) ..... of .....  
.....  
Tel. no .....

(b) ..... of .....  
.....  
Tel. no .....

(c) ..... of .....  
.....  
Tel. no .....

(d) ..... of .....  
.....  
Tel. no .....

(e) ..... of .....  
.....  
Tel. no .....

(if more than five please attach separate list)



5. We further state that the business name(s), address(es) and tel.no(s) of other pharmacies owned either individually or as a partner in a partnership which is a member of the Guild by any of us are as follows:

(a) ..... of .....

Tel. no .....

(b) ..... of .....

Tel. no .....

(c) ..... of .....

Tel. no .....

(d) ..... of .....

Tel. no .....

(e) ..... of .....

Tel. no .....

(if more than five please attach separate list)

6. We further agree to furnish in writing any further particulars in relation to this application upon request of the Branch Director.

And we make this solemn declaration by virtue of the relevant legislation governing Statutory Declarations and subject to the penalties provided by that legislation for the making of false statements and statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

DECLARED AT ..... )  
 )  
THIS .....DAY OF )  
 )  
 .....20..... )

.....  
Before me  
.....  
A person Duly Authorised To Witness  
Statutory Declarations

DECLARED AT ..... )  
 )  
THIS .....DAY OF )  
 )  
 .....20..... )

.....  
Before me  
.....  
A person Duly Authorised To Witness  
Statutory Declarations

DECLARED AT ..... )  
 )  
THIS .....DAY OF )  
 )  
 .....20..... )

.....  
Before me  
.....  
A person Duly Authorised To Witness  
Statutory Declarations

DECLARED AT ..... )  
 )  
THIS .....DAY OF )  
 )  
 .....20..... )

.....  
Before me  
.....  
A person Duly Authorised To Witness  
Statutory Declarations

DECLARED AT ..... )  
 )  
THIS .....DAY OF )  
 )  
 .....20..... )

.....  
Before me  
.....  
A person Duly Authorised To Witness  
Statutory Declarations

FORM 4

---

Return this declaration with the fee payable namely \$.....

Note: Where the applicant wishes to appoint a nominee under Rule 7(b)(i) Form 13 should be completed at the same time as this membership form and lodged with the Branch Director.

FORM 5 (Rule 27)

THE PHARMACY GUILD OF AUSTRALIA

(Insert name of Branch if applicable)

REFERENDUM - BALLOT PAPER

Referendum of the members to be taken on the following matters:-

(Set out matter here)

You must place ✓ opposite the word "for" if you are in favour of the proposal, or opposite the word "against" if you do not approve of the proposal.

FOR .....

AGAINST .....

This form, duly completed, must be in the hands of the Returning Officer at the registered office of the Guild at Level 2, 15 National Circuit, Barton ACT, 2600 (or if by a Branch at the Registered Office of the Branch) not later than ..... o'clock in the forenoon (or afternoon) on the ..... day of ..... 20

.....  
Name of Executive (Or Branch) Director

NB: Delays can occur in mail delivery. Therefore to ensure that your vote is counted, it is essential that ballot papers are posted at least five clear business or working days prior to the date of the close of the ballot. Ballot papers received after the close of the ballot, cannot be counted.

FORM 6 (Rule 74)

THE PHARMACY GUILD OF AUSTRALIA ( \_\_\_\_\_ BRANCH)

NOMINATION FORM (BRANCH COMMITTEE)  
ELECTION OF BRANCH COMMITTEE MEMBERS FOR THE TERM 20 /  
(insert ensuing three year term)

In accordance with the provisions of Rule 74 of the Constitution nominations are hereby called for the election of \* .....members of the Branch Committee for the ensuing three year term.

All present members of the Branch Committee are required to retire in accordance with the rules but are eligible for re-election.

Any registered pharmacist who is a financial member of the Guild shall be eligible to be nominated as a candidate for election as a member of the Branch Committee.

We, the undersigned Financial Members of the Guild \* .....Branch (insert name of Branch) do hereby nominate:

.....

(insert full name of nominee)

of .....

as a candidate for the election of members of the Branch Committee for the said Branch for the term 20 /

\* (insert ensuing three year term)

(Signature) .....

Nominator

(Signature) .....

Nominator

(Date) .....

I, the undersigned being a registered pharmacist and a financial member of the Guild \* ..... Branch (insert name of Branch) being the person named herein as Nominee, do hereby consent to such nomination.

(Signature) .....

Nominee for Election

This nomination form must be forwarded to reach the Returning Officer at the address shown hereunder on or before 5 p.m. on \* .....(day of week) the \* ..... day of \* ..... 20 .....  
(insert time and date for the closing of nominations as fixed by the Returning Officer. 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.

It is the responsibility of a nominee to ensure that he is a registered Pharmacist and ascertain whether he and his nominators and financial members of the Guild at the time the forms are signed.

The Returning Officer,

The Pharmacy Guild of Australia,

\*.....Branch

\*.....

**FORM 6A**

THE PHARMACY GUILD OF AUSTRALIA..... BRANCH  
FORM NO 6A - RULE 75  
NOMINATION FORM

Note to Prospective Candidates and Nominators. You should verify your financial status and any other qualifications required by your Organisation's rules prior to lodging nominations. The nominee must be nominated by AT LEAST TWO financial and eligible members of the DISTRICT.

We, the undersigned, do hereby nominate:

\_\_\_\_\_  
(CANDIDATE'S NAME IN FULL - PLEASE USE BLOCK LETTERS)

for the election to the office of \_\_\_\_\_  
(a list of offices is shown on the reverse side of this form)

**DISTRICT:** \_\_\_\_\_

NOMINATOR'S FULL NAME \_\_\_\_\_

DISTRICT \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_ PHONE \_\_\_\_\_

NOMINATOR'S FULL NAME \_\_\_\_\_

DISTRICT \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_ PHONE \_\_\_\_\_

NOMINATOR'S FULL NAME \_\_\_\_\_

DISTRICT \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_ PHONE \_\_\_\_\_

**CONSENT OF PERSON BEING NOMINATED**

I, the undersigned being a registered pharmacist and a financial member of the Guild  
.....Branch being the person named herein as Nominee, do  
hereby consent to the above nomination.

CANDIDATE'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

ADDRESS (for correspondence): \_\_\_\_\_

\_\_\_\_\_ POSTCODE \_\_\_\_\_ PHONE \_\_\_\_\_

\_\_\_\_\_  
(PRINT YOUR NAME AS YOU WISH IT TO APPEAR ON THE BALLOT PAPER)

FORM 7 (Rule 74)

THE PHARMACY GUILD OF AUSTRALIA

.....BRANCH (Insert name of Branch)

ELECTION OF ..... MEMBERS (here insert number to be elected) TO THE BRANCH COMMITTEE. 20..../..... (Insert ensuing three year term).

BALLOT PAPER

Candidates for ELECTION in order of surname determined by lot

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

.....

Initials of Returning Officer

(To be entered before despatch)

This ballot paper must be forwarded to reach the Returning Officer not later than 5 p.m. on ..... (day of week) the..... day of ..... 20.... (here insert the time and date fixed for the closing of the poll.

Note: For Branch Directors:  
 Suitably amend this form where the election is  
 conducted in Districts



**FORM 8**

FORM 8 (Rule 74 &amp; 76)

THE PHARMACY GUILD OF AUSTRALIA

..... BRANCH (Insert name of Branch)

ELECTION OF ..... MEMBERS (Insert number of candidates to be elected TO THE BRANCH COMMITTEE 20 ...../..... (Insert ensuing three year term).

## DIRECTIONS FOR VOTING

1. It is necessary to vote for ..... (here insert number of candidates to be elected) candidates for the offices of Committee-members. In casting your votes place a cross (X) in the square opposite the names of ..... (insert number of candidates to be elected) candidates for whom you wish to vote.

(NOTE: You must vote for ..... (insert number of candidates to be elected) candidates, neither more or less, otherwise the ballot paper will be rejected as informal).

2. Fold the ballot paper and place it alone in the declaration envelope supplied and marked "PLACE BALLOT PAPER ONLY IN THIS ENVELOPE". Seal this envelope.

Ensure that the removable flap or printed label on the declaration envelope has been printed with the following details:

- (a) Your name and pharmacy postal address
- (b) A declaration that you are the voter named on the declaration envelope, that you have voted on the ballot paper contained in the envelope and that you have not voted before in the ballot.
- (c) Insert your signature where required on the removable flap or label.

Enclose this sealed envelope containing the ballot paper in the reply paid envelope addressed to the Returning Officer. Seal this envelope.

3. Post the envelope, which is reply paid, so as to reach the Returning Officer not later than 5 p.m. on ..... (day of the week) ..... 20 ..... (here insert date fixed for the closing of the poll).
4. Ballot papers which are not marked and otherwise dealt with in accordance with these directions will be treated as informal.
5. Do not under any circumstances enclose any other mailing with the ballot paper.

(NOTE: Financial Members - members who have paid all subscriptions, levies, fees, etc. for the financial year in which election is held).

(NOTE: Suitably amend this form where the election is conducted in Districts).

**FORM 9**

FORM 9 (Rule 76)

THE PHARMACY GUILD OF AUSTRALIA.....BRANCH (Insert name of Branch)

NOMINATION FORM - OFFICE BEARERS

ELECTION OF OFFICE BEARERS FOR THE TERM 20...../.....  
(here insert the ensuing three year term)

In accordance with the provisions of Rule 76 of the Constitution, nominations are hereby called for the election of the following office bearers:-

- Branch President
- Branch Vice President(s)
- National Councillor (2) or (3)
- Alternate Councillor (2) or (3)

The following members have been elected to the Branch Committee and being financial members of the Guild are therefore eligible to election as office bearers. Any two financial members of the Branch may nominate a committee member for election as an office bearer.

(insert list of Committee members elect).

..... We, the undersigned members of the .....  
 (insert name of Branch), do hereby nominate.....  
 .....(insert full name) for election to the office of .....  
 .....(here insert President, Vice President as the case may be) for the 20.../... (insert three year term) term.

Signature: .....

Nominator

Signature: .....

Nominator

.....

Date

I the undersigned member elect of the Branch Committee, do hereby consent to my nomination for election to the office of ..... (insert President, Vice President National Councillor or Alternate National Councillor as the case may be) for the 20.../....term (insert ensuing three year term).

Signature: .....

Nominee for Election

.....

Date

FORM 9

---

This nomination form must be forwarded to reach the Returning Officer at the address shown hereunder on or before 5 p.m. on \* .....(day of week) the \* .....day of \*..... 20.....  
(\*insert time and date for the closing of nominations as fixed by the Returning Officer.

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.

It is the responsibility of a nominee to ascertain whether he and his nominators are financial members of the Guild at the time the forms are signed.

The Returning Officer,  
Election of Officers,  
Pharmacy Guild of Australia,  
.....Branch.

FORM 10 (Rule 37)

THE PHARMACY GUILD OF AUSTRALIA  
..... BRANCH (insert name of Branch)  
APPLICATION FOR MEMBERSHIP TRANSFER CERTIFICATE

I/We .....  
of ..... make application for a Membership transfer certificate  
from .....  
Branch to ..... Branch.

.....  
..... Signature/s  
.....

MEMBERSHIP TRANSFER CERTIFICATE

I ..... Branch Director of .....Branch hereby certify that the above person has paid all  
subscriptions, levies, fees in accordance with the Constitution and Rules owing to this Branch to the .....  
day of ..... 20.... and ceased to be a financial member of the Branch on .....

..... Signature

This form should be lodged with the Branch Director of the Branch to which the person is applying for  
membership.

FORM 11 (Rule 23)

THE PHARMACY GUILD OF AUSTRALIA  
NATIONAL COUNCIL - VOTING BY POST

POSTAL BALLOT

Please vote by placing "X" opposite the word "FOR" if you are in favour of the proposal(s) described in the attachment or opposite the word "AGAINST" if you do not approve of the proposal(s). The ballot closes at .....p.m. on ..... day of .....20..... at the National Secretariat.

FOR .....

AGAINST .....

.....  
Signature of Member of National Council

.....  
Date

.....  
Name of Member of National Council (Block letters please)

.....  
Executive Director

.....  
Date

Validated and received within the time frame allowed for voting.

.....  
Executive Director

.....  
Date

FORM 12 (Rule 36)

THE PHARMACY GUILD OF AUSTRALIA  
.....BRANCH (insert name of Branch)  
DECLARATION

I/We advise that ..... died on ..... and the following person/s  
has/have been appointed to handle his/her Estate.

.....

..... Signature/s

.....

Until the Estate is finalised please record the membership under the title of Estate of

.....

.....  
Executors, Trustees or Administrators

.....  
Justice of the Peace/Public Notary

FORM 13 (Rule 7)

THE PHARMACY GUILD OF AUSTRALIA  
NOTIFICATION OF APPOINTMENT OF NOMINEE

The Branch Director,

.....Branch

The Pharmacy Guild of Australia.

Notice is hereby given that as from ..... (insert date) Mr./Mrs./or Miss .....  
.....of ..... being a  
pharmacist will be my/our nominee appointed in accordance with the Constitution.

Name and address of previous nominee (if any)

.....  
.....  
.....

Name of Member .....

Signature .....

All partners to a partnership should sign and companies should sign under seal.

NOTE: Such nominee shall be entitled to vote in any ballot, referendum or meeting of members but shall only be eligible to hold office in the Guild if so entitled under Rule 7(c).

FORM 14 (Rule 6B)

THE PHARMACY GUILD OF AUSTRALIA

APPLICATION FOR NOMINAL ASSOCIATESHIP

The Branch Director,

.....Branch,

The Pharmacy Guild of Australia

I (name) .....

of (private address) .....

..... am/have been a financial member of The Pharmacy Guild of Australia ..... Branch, hereby apply in accordance with the Constitution (Rule 6B) of The Pharmacy Guild of Australia for nominal associateship as from

.....

If accepted, I agree to be bound by the Constitution of the Guild and to pay all money from time to time due and payable by me up to the time I cease to be a nominal associate.

Signature of Applicant .....

Dated the ..... day of .....20.....



FORM 15 (Rules 68 & 69)

THE PHARMACY GUILD OF AUSTRALIA  
PROXY FORM

I/We ..... of.....  
..... being a financial member/members of the  
.....Branch, hereby appoint ..... of  
..... or failing  
him ..... of.....  
..... or failing him the Chairman of the Meeting as my/our  
proxy to attend and vote for me us and in my/our name(s) at the Annual/Special General Meeting of this  
Branch to be held on the ..... day of .....20.....  
..... and at any adjournment thereof or on any poll relating to  
the meeting or adjournment.

Should you desire to direct your proxy how to vote please complete the following section of this form by  
inserting X in the appropriate boxes. If you do not direct your proxy on any items he may vote on it as he  
thinks fit or may abstain from voting.

I instruct my/our proxy as indicated below in respect of:-

(for example)

FOR

AGAINST

- Confirmation of Minutes of previous  
Annual & Special General Meetings. (Item 1)
- Adoption of Accounts & Reports (Item 2)
- Election of Branch Auditors (Item 3)
- Motion to reject National Health Scheme.
- Signed this ..... day of ..... 20.....

Signature(s)

This proxy must be deposited with the Branch Director at least forty-eight hours before the time for the  
holding of the meeting.

The person appointed must be a pharmacist.

THE PHARMACY GUILD OF AUSTRALIA  
NOMINATION FORM (NATIONAL OFFICE BEARERS)  
ELECTION OF NATIONAL PRESIDENT for the term  
20...../..... (insert ensuing three year term)

\_\_\_\_\_  
We, the undersigned being financial members of the Guild and Councillors elect do hereby nominate -

\_\_\_\_\_  
(insert full name)

for election to the office of National President.

Signature: .....  
Nominator

Signature: .....  
Nominator

Date .....

I, the undersigned, being a financial member of the Guild and a National Councillor elect, do hereby consent to my nomination for election to the office of National President.

Signature: .....  
(nominee for election)

Date: .....

This nomination form must be forwarded to reach the Returning Officer at the address shown hereunder on or before 5 p.m. on \* .....(day of week) the \* ..... day of ....., 20..... (insert time and date for the closing of nomination as fixed by National Executive). 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.

It is the responsibility of a nominee to ascertain whether he and his nominators are financial members of the Guild at the time the forms are signed.

The Returning Officer  
Election of National Office Bearers,  
The Pharmacy Guild of Australia

**FORM 17A**

FORM 17A (Rule 55B(j)(ii))

**THE PHARMACY GUILD OF AUSTRALIA**

**ELECTION OF NATIONAL OFFICE BEARERS**  
**NATIONAL PRESIDENT – Preferential Voting only**

Election of National President for the term ...../.....  
(insert ensuing three year term)

**BALLOT PAPER**

Candidates for Election in order of surname determined by lot

\_\_\_\_\_  
\_\_\_\_\_

.....  
(Initials of Returning Officer  
To be entered before despatch)

This ballot paper must be forwarded to reach the Returning Officer not later than 5 p.m. on  
.....(day of week) the  
.....day of .....20.....

(here insert the time and date fixed for the closing of the Poll).

FORM 17B (Rule 55B(j)(ii))

THE PHARMACY GUILD OF AUSTRALIA

ELECTION OF NATIONAL OFFICE BEARERS  
NATIONAL PRESIDENT – Ordinary Secret Ballot for 2 candidates only

Election of National President for the term ...../.....  
(insert ensuing three year term)

BALLOT PAPER

Candidates for Election in order of surname determined by lot

\_\_\_\_\_  
\_\_\_\_\_

.....  
(Initials of Returning Officer  
To be entered before despatch)

This ballot paper must be forwarded to reach the Returning Officer not later than 5 p.m. on  
.....(day of week) the

.....day of .....20.....

(here insert the time and date fixed for the closing of the Poll).

**FORM 18A**

FORM 18A (Rule 55B(j)(ii))

**THE PHARMACY GUILD OF AUSTRALIA**

**ELECTION OF NATIONAL OFFICE BEARERS**

**NATIONAL PRESIDENT (1)**

**DIRECTIONS FOR VOTING – Preferential Voting only**

1. It is necessary to record your preference for each candidate for the office of National President. In casting your vote place the number '1' in the square opposite the name of the candidate who is your first preference, then place the numbers '2', '3', '4' and so on as appropriate in the squares opposite the names of the other candidates in order of preference.

NOTE: You must place a consecutive number in each square commencing with the number '1' otherwise the ballot paper will be rejected as informal.

2. Fold the ballot paper and place it alone in the plain envelope supplied and marked "PLACE BALLOT PAPER ONLY IN THIS ENVELOPE" being careful not to mark this envelope in any way whatsoever. Seal this envelope. Enclose this sealed envelope containing the ballot paper in the envelope addressed to the Returning Officer. Seal this envelope. Inscribe your signature on this envelope in the place provided and add the address of your pharmacy stamp.
3. Post the envelope, which is reply paid, so as to reach the Returning Officer not later than 5 o'clock in the afternoon on .....
4. Ballot papers which are not marked and otherwise dealt with in accordance with these directions will be treated as informal.
5. Do not under any circumstances enclose any other mailing with the ballot paper.

FORM 18B (Rule 55B(j)(ii))

THE PHARMACY GUILD OF AUSTRALIA

ELECTION OF NATIONAL OFFICE BEARERS

NATIONAL PRESIDENT (1)

DIRECTIONS FOR VOTING – Ordinary Secret Ballot only

1. It is necessary to vote for one candidate for the office of National President. In casting your vote place a cross (x) in the square opposite the name of the candidate for whom you wish to vote.

NOTE: You must vote for one candidate for the office of National President otherwise the ballot paper will be rejected as informal.

2. Fold the ballot paper and place it alone in the plain envelope supplied and marked "PLACE BALLOT PAPER ONLY IN THIS ENVELOPE" being careful not to mark this envelope in any way whatsoever. Seal this envelope. Enclose this sealed envelope containing the ballot paper in the envelope addressed to the Returning Officer. Seal this envelope. Inscribe your signature on this envelope in the place provided and add the address of your pharmacy stamp.
3. Post the envelope, which is reply paid, so as to reach the Returning Officer not later than 5 o'clock in the afternoon on .....
4. Ballot papers which are not marked and otherwise dealt with in accordance with these directions will be treated as informal.
5. Do not under any circumstances enclose any other mailing with the ballot paper.

THE PHARMACY GUILD OF AUSTRALIA  
FORM NO. 19

PHARMACY RECORDING FORM

(To be completed by a member owning, or having an interest in more than one pharmacy).

NAMES OF MEMBERS .....  
(in full) .....

NUMBER OF PHARMACIES .....  
OWNED, AS A SOLE .....  
PROPRIETOR, .....  
OR IN WHICH .....  
THE MEMBER HAS A .....  
FINANCIAL INTEREST .....  
(Please indicate in .....  
which capacity the .....  
interest is held) .....

TRADING NAME, ADDRESS ..... a) .....  
& TELEPHONE NUMBER OF .....  
EACH PHARMACY .....  
b) .....  
c) .....

POSTAL ADDRESS ..... a) .....  
b) .....  
c) .....

One premises component per annum for each pharmacy owned or controlled by an individual, partnership or company is required under the provisions of Rule 31 (a).

DATED the ..... day of ..... 20....

SIGNATURES .....  
(All partners to a .....  
partnership must sign) .....

Company to sign under seal

Is the business a new ..... a) ..... b) .....  
or acquired pharmacy? .....  
c) .....

If acquired, please ..... a) ..... Date .....  
state previous owner ..... b) ..... Date .....  
and date purchased. ..... c) ..... Date .....

**FORM 20**

THE PHARMACY GUILD OF AUSTRALIA.....BRANCH

DECLARATION FOR A PHARMACIST SEEKING AN EXEMPTION  
FROM THE PAYMENT OF THE ANNUAL MEMBERSHIP SUBSCRIPTION  
FOR THE YEAR 1 JULY 2 \_\_\_ TO 30 JUNE 2 \_\_\_\_\_

FORM 20 - RULE 34

I, .....am a Pharmacist Proprietor in/,  
.....

A Pharmacist Partner .....

A Pharmacist Director of .....  
(Strike out as appropriate)

conducting a pharmacy at .....

.....  
(Main Pharmacy)

.....  
(Branch Pharmacy)

and hereby state that I am currently suffering financial hardship in that pharmacy or those pharmacies and accordingly hereby seek, under the provision of Rule 34, exemption by the Branch Committee from the payment of the Proprietor component of the members subscription for the year 20.....

And I make this solemn declaration by virtue of the relevant legislation governing Statutory Declarations and subject to the penalties provided by that legislation for the making of false statements and statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

DECLARED AT .....)

THIS .....DAY OF )  
.....20..... )  
)

Before me

.....  
A Person Duly Authorised To Witness  
Statutory Declarations

Please return this declaration, if applicable, with the membership subscription for all working partner/s, Pharmacist director/s.



**FORM 21**

**THE PHARMACY GUILD OF AUSTRALIA**

.....BRANCH

**DECLARATION FOR NON-WORKING PARTNER**

**FORM 21 - RULE 34**

I .....of

.....

Do solemnly declare as follows:

I, .....am a partner in

.....

Pharmacist director of .....

conducting a pharmacy at .....

.....

(Main Pharmacy)

.....

(Branch Pharmacy)

and hereby state that I will be working for less than 520 hours in that pharmacy or those pharmacies between 1 July 20..... and 30 June 20..... and accordingly seek under the provision of Rule 34, exemption by the Branch Committee from the payment of the Proprietor component of the members' subscription for the year 20.....

And I make this solemn declaration by virtue of the relevant legislation governing Statutory Declarations and subject to the penalties provided by that legislation for the making of false statements and statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

DECLARED AT .....)

)

THIS .....DAY OF )

)

.....20..... )

)

Before me

.....  
A Person Duly Authorised To Witness  
Statutory Declarations

Please return this declaration, if applicable, with the membership subscription for all working partner/s, Pharmacist director/s.

THE PHARMACY GUILD OF AUSTRALIA

..... BRANCH

ELECTION OF BRANCH OFFICE BEARERS  
FORM 22 : RULE 76

.....  
(Insert one of the following)

- BRANCH PRESIDENT
- BRANCH VICE PRESIDENT (2 OR 3)
- NATIONAL COUNCILLORS (1 OR 2)
- ALTERNATE NATIONAL COUNCILLORS (2 OR 3)

ELECTION OF ..... FOR THE TERM ...../.....  
(Insert ensuing three years term).

B A L L O T P A P E R

Candidates for Election (in order of surname determined by lot)

.....  
(Initials of Returning  
Officer - To be entered  
before despatch)

This ballot paper must be forwarded to reach the Returning Officer not later than 5.00 p.m. on ..... (day of week) the ..... (day of ..... day of ..... 20... (here insert the time and date fixed for the closing of the Poll)

**FORM 23**

THE PHARMACY GUILD OF AUSTRALIA

..... BRANCH

FORM 23 (Rule 76)

**ELECTION OF BRANCH OFFICE BEARERS**

.....  
(Insert one of the following)

- BRANCH PRESIDENT
- BRANCH VICE PRESIDENTS (2 OR 3)
- NATIONAL COUNCILLORS (1 OR 2)
- ALTERNATE NATIONAL COUNCILLORS (2 OR 3)

**DIRECTIONS FOR VOTING**

1. It is necessary to vote/s for ..... insert (1), (2 or (3, (1 or 2), (2 or 3) as appropriate) for the office of ..... (insert appropriate office). In casting your vote/s place a cross (X) in the square opposite the name/s of the candidate/s for whom you wish to vote.

NOTE: You must vote for ..... (insert as appropriate) candidate/s for ..... (insert as appropriate), neither more nor less, otherwise the ballot paper will be regarded as informal.

2. Fold the ballot paper and place it alone in the declaration envelope supplied and marked "PLACE BALLOT PAPER ONLY IN THIS ENVELOPE". Seal this envelope.

Ensure that the removable flap or printed label on the declaration envelope has been printed with the following details:

- (a) Your name and pharmacy postal address
- (b) A declaration that you are the voter named on the declaration envelope, that you have voted on the ballot paper contained in the envelope and that you have not voted before in the ballot.
- (c) Insert your signature where required on the removable flap or label.

Enclose this sealed envelope containing the ballot paper in the reply paid envelope addressed to the Returning Officer. Seal this envelope.

3. Post the envelope, which is reply paid, so as to reach the Returning Officer not later than 5 p.m. on ..... (day of the week) ..... 20 ..... (here insert date fixed for the closing of the poll).
4. Ballot papers which are not marked and otherwise dealt with in accordance with these directions will be treated as informal.
5. Do not under any circumstances enclose any other mailing with the ballot paper.

NOTE: Financial Members - members who have paid all subscriptions, levies, fees, etc. for the financial year in which election is held.

FORM 24 (Rule 6B)

**THE PHARMACY GUILD OF AUSTRALIA**  
**APPLICATION FOR ASSOCIATE STATUS**  
**PHARMACY STUDENT**

The Branch Director,

.....Branch,

The Pharmacy Guild of Australia

I (name) .....

of (private address) .....

.....

a student at .....

(insert name of Pharmacy College)

hereby apply in accordance with the Constitution (Rule 6B) of The Pharmacy Guild of Australia for Associate Status as from .....

If accepted, I agree to be bound by Rule 6B of the Constitution of the Guild and to pay all money from time to time due and payable by me up to the time I cease to be an associate.

Signature of Applicant .....

Dated the ..... day of .....20.....

FORM 25 (Rule 6B)

**THE PHARMACY GUILD OF AUSTRALIA**

**APPLICATION FOR ASSOCIATE STATUS  
INDIVIDUAL PHARMACIST**

The Branch Director,

.....Branch,

I (name) .....

of (private address) .....

.....

an employed pharmacist hereby apply in accordance with the Constitution (Rule 6B) of The Pharmacy Guild of Australia for Associate Status as from .....

If accepted, I agree to be bound by Rule 6B of the Constitution of the Guild and to pay all money from time to time due and payable by me up to the time I cease to be an associate.

Signature of Applicant .....

Dated the ..... day of .....20.....

FORM 26 (Rule 6B)

**THE PHARMACY GUILD OF AUSTRALIA**  
**APPLICATION FOR ASSOCIATE STATUS**  
**COMPANY**

The Branch Director,

.....Branch, The Pharmacy Guild of Australia

.....  
(Company name)

ACN Number: .....

.....  
(Address)

.....  
(Telephone Number)

being eligible in accordance with Rule 6B the Constitution of The Pharmacy Guild of Australia hereby applied for Associate Status as from .....

If accepted the company agrees to be bound by Rule 6B of the Constitution of the Guild and to pay all money from time to time due and payable by the Company up to the time it ceases to be an Associate.

Sign on behalf of the Company by .....  
(Director)

.....  
Director/Secretary (Delete as Appropriate)

Dated the ..... day of .....20...

FULL NAMES OF DIRECTORS TO BE SUPPLIED HERE UNDER:

.....  
.....  
.....  
.....  
.....

\*\*\*END OF RULES\*\*\*