

20 November 2024

Post-election report

The Motor Trade Association of South
Australia Incorporated

Scheduled Election

E2024/63

Contents

Election(s) Covered in Post-Election Report (PER).....	3
Relevant legal provisions.....	3
Declaration of result of election	6
Rules.....	6
Roll of Voters.....	6
Written allegations of any irregularities.....	6
Other irregularities.....	6
Signed.....	6
Attachments	7
A. Declaration of Election Results.....	7
B. Declaration of Election Results.....	7

Election(s) Covered in Post-Election Report (PER)

Organisation: The Motor Trade Association of South Australia Inc.

Election Decision No: E2024/63

Election: Scheduled Election

(If uncontested) **Date the nominations closed:** Stage 1: 31/7/2024 - Stage 2: 22/10/2024

Date results declared: Stage 1: 1/8/2024 - Stage 2: 23/10/2024

Date PER due: 22/11/2024

Relevant legal provisions

Fair Work (Registered Organisations) Act 2009 ('the Act')

197 Post-election report by AEC

Requirement for AEC to make report

- (1) After the completion of an election conducted under this Part by the AEC, the AEC must give a written report on the conduct of the election to:
 - (a) the General Manager; and
 - (b) the organisation or branch for whom the election was conducted.

Note: The AEC may be able, in the same report, to report on more than one election it has conducted for an organisation. However, regulations made under paragraph 359(2)(c) may impose requirements about the manner and timing of reports.

- (2) The report must include details of the prescribed matters.

Contents of report—register of members

- (3) If the AEC is of the opinion that the register of members, or the part of the register, made available to the AEC for the purposes of the election contained, at the time of the election:
 - (a) an unusually large proportion of members' addresses that were not current; or
 - (b) in the case of a register kept by an organisation of employees—an unusually large proportion of members' addresses that were workplace addresses;

this fact must be included in the report, together with a reference to any relevant model rules which, in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: Model rules are relevant only to the conduct of elections for office, not for elections for other positions (see section 147).

Contents of report—difficult rules

- (4) If the report identifies a rule of the organisation or branch that, in the AEC's opinion, was difficult to interpret or apply in relation to the conduct of the election, the report must also refer to any relevant model rules, which in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: For model rules, see section 147.

Subsection (3) relevant only for postal ballots

- (5) Subsection (3) applies only in relation to elections conducted by postal ballot.

Note: An organisation can obtain an exemption from the requirement to hold elections for office by postal ballot (see section 144).

190 Organisation or branch must not assist one candidate over another

An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.

Penalty: 100 penalty units.

193 Provisions applicable to elections conducted by AEC

- (1) If an electoral official is conducting an election, or taking a step in relation to an election, for an office or other position in an organisation, or branch of an organisation, the electoral official:
 - (a) subject to paragraph (b), must comply with the rules of the organisation or branch; and
 - (b) may, in spite of anything in the rules of the organisation or branch, take such action, and give such directions, as the electoral official considers necessary:
 - (i) to ensure that no irregularities occur in or in relation to the election; or
 - (ii) to remedy any procedural defects that appear to the electoral official to exist in the rules; or
 - (iii) to ensure the security of ballot papers and envelopes that are for use, or used, in the election.
- (2) A person commits an offence if the person does not comply with a direction under subsection (1).

Penalty: 30 penalty units.
- (3) Subsection (2) does not apply so far as the person is not capable of complying.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).
- (4) Subsection (2) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (4), see subsection 13.3(3) of the *Criminal Code*.
- (5) An offence against subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.
- (6) An election for an office or other position conducted by an electoral official, or step taken in relation to such an election, is not invalid merely because of a breach of the rules of the organisation or branch because of:
 - (a) action taken under subsection (1); or
 - (b) an act done in compliance with a direction under subsection (1).
- (7) If an electoral official conducting, or taking a step in connection with, an election for an office or other position:
 - (a) dies or becomes unable to complete the conduct of the election or the taking of the step; or
 - (b) ceases to be qualified to conduct the election or to take the step;the Electoral Commissioner must arrange for the completion of the conduct of the election, or the taking of the step, by another electoral official.

6 Definitions

irregularity, in relation to an election or ballot, includes:

- (a) a breach of the rules of an organisation or branch of an organisation; and
- (b) an act or omission by means of which:
 - (i) the full and free recording of votes by all persons entitled to record votes and by no other persons; or
 - (ii) a correct ascertainment or declaration of the results of the voting; is, or is attempted to be, prevented or hindered; and
- (c) a contravention of section 190.

Fair Work (Registered Organisations) Regulations 2009 ('the Regulations')

140 Declaration of result of election (s 193)

- (1) Within 14 days after the closing day of an election, the AEC must issue a declaration stating the following:
 - (a) the total number of persons on the roll of voters;
 - (b) the total number of ballot papers issued (if applicable);
 - (c) the total number of envelopes that were returned undelivered by the closing day of the ballot to the AEC (if applicable);
 - (d) the total number of ballot papers received by the electoral official by the closing day of the ballot (if applicable);
 - (e) the result of the election;
 - (f) the total number of informal ballot papers (if applicable).
- (2) In subregulation (1), **closing day**, for an election, means:
 - (a) if a ballot is not required—the day on which nominations for the election close; or
 - (b) if a ballot is required—the closing day of the ballot.
- (3) Immediately after issuing a declaration under subregulation (1), the AEC must give a copy of the declaration to:
 - (a) the General Manager; and
 - (b) the organisation or branch for whom the election was conducted.

141 Post-election report by AEC (s 197(2))

- (1) For subsection 197(2) of the Act, the following matters are prescribed for inclusion in the report (the **post-election report**) given under subsection 197(1) of the Act:
 - (a) the declaration mentioned in regulation 140;
 - (b) any rules of the organisation or branch which because of ambiguity or other reason, were difficult to interpret or apply;
 - (c) any matters in relation to the roll of voters including those matters contained in subsection 197(3) of the Act;
 - (d) the number of written allegations (if any) of irregularities made to the AEC during the election;
 - (e) action taken by the AEC in relation to those allegations;
 - (f) any other irregularities identified by the AEC and action taken by the AEC in relation to those other irregularities.
- (2) The AEC must:
 - (a) give the post-election report within 30 days after the closing day of the election; and
 - (b) publish a notice on its web site advising that a copy of the post-election report can be obtained from the AEC on the request of a member who was eligible to vote in the election.
- (3) The AEC must supply a copy of the post-election report to the member as soon as practicable, but no later than 7 days, after receiving a request under paragraph (2)(b).

145 Elections conducted by AEC—no unauthorised action

- (1) For any election conducted by the AEC under Part 2 of Chapter 7 of the Act, a person other than the person conducting the election must not do, or purport to do, any act in the conduct of the election other than as directed or authorised by the person conducting the election.

Note: This subregulation is a civil penalty provision (see regulation 168).
- (2) The AEC must advise the General Manager of a possible contravention of subregulation (1) not later than 21 days after the AEC has become aware of the possible contravention.

Declaration of result of election

In accordance with reg 140 of the Regulations, the AEC issued a declaration of the result of election:

- E2024/63 – Stage 1 on 1/8/2024. For a copy, see **Attachment A**.
- E2024/63 – Stage 2 on 23/8/2024. For a copy, see **Attachment B**.

The Motot Traders Association of South Australia Incorporated Rules

The Motor Traders Association of South Australia Rules used for the election:

- [234V: Incorporates alterations of 06/04/20 [R2019/148 & D2019/22] (replaces rulebook dated 18/07/2014 [R2013/376])

Roll of Voters

There were no matters in relation to the roll of voters.

Written allegations of any irregularities

There were no written allegations of irregularities during this election.

Other irregularities

There were no other irregularities.

Signed

Benjamin Murray
Returning Officer
Australian Electoral Commission
E: IEBevents@aec.gov.au
P: 03 9285 7111
20 November 2024

Attachments

- A. Stage 1 - Declaration of Results for Uncontested Offices
- B. Stage 2 - Declaration of Results for Uncontested Offices



18 November 2024

Mark Maguire
Deputy Chair
The Motor Trade Association of South Australia Incorporated
Sent via email: mta@mtaofsa.com.au

Dear Mark Maguire



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2024/63

An election has recently been completed by the Australian Electoral Commission (AEC) for the Motor Trade Association of South Australia Incorporated and a post-election report has been issued by the AEC.

This letter explains the next steps you must take, including what information you need to give to members and what information you need to lodge with the Fair Work Commission (the Commission).

What you must do right now

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to the Commission at regorgs@fwc.gov.au

This letter explains these steps and the tools available to help you.

STEP 1: Notify members

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (regulation 141). The notice must be on your website for at least three months.



Can we put more information on our website?

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than three months. You can always do more than the regulatory minimum.

The Commission will also publish your declaration of results on our [website](#).

STEP 2: Financial training

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete approved financial training (section 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face-to-face and online [financial training packages on the Commission website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR receive an [exemption by the Commission](#) **within six months** of beginning to hold office.



Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the *Fair Work (Registered Organisations) Act 2009* (the RO Act), and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast](#), such as [episode 17 - conflicts of interest](#).

STEP 3: Notifications of change



A notification of change must be lodged with the Commission within **35 days** of the change occurring.

We have a [template](#) to help you with this, which you can send to regorgs@fwc.gov.au. An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

Note: One election may result in many notifications of change.



Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

Real-life example of penalties in Court An organisation failed to make a series of notifications of change on time.

The Full Court said ‘The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.’

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).

If you have any queries we can be contacted on 1300 341 665 or by email at regorgs@fwc.gov.au.

Yours sincerely

Fair Work Commission



The Commission has an interim [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

**The Motor Trade Association of South
Australia Incorporated**
DECLARATION OF RESULTS - E2024/63 - Stage 2
Uncontested Offices

Scheduled Election

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

Board

Chair (1)

Candidates

MCGUIRE Mark

Deputy Chair (1)

Candidates

FLYNN Mark

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

Marisa Lovisatti
Returning Officer
Telephone: 03 9285 7111
Email: IEEvents@aec.gov.au
23/10/2024





26 September 2024

Mark Maguire
Deputy Chair
The Motor Trade Association of South Australia Incorporated
Sent via email: mta@mtaofsa.com.au

Dear Mark Maguire



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2024/63

An election has recently been completed by the Australian Electoral Commission (AEC) for the Motor Trade Association of South Australia Incorporated and a post-election report has been issued by the AEC.

This letter explains the next steps you must take, including what information you need to give to members and what information you need to lodge with the Fair Work Commission (the Commission).

What you must do right now

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to the Commission at regorgs@fwc.gov.au

This letter explains these steps and the tools available to help you.

STEP 1: Notify members

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (regulation 141). The notice must be on your website for at least three months.



Can we put more information on our website?

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than three months. You can always do more than the regulatory minimum.

The Commission will also publish your declaration of results on our [website](#).

STEP 2: Financial training

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete approved financial training (section 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face-to-face and online [financial training packages on the Commission website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR receive an [exemption by the Commission](#) **within six months** of beginning to hold office.



Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the *Fair Work (Registered Organisations) Act 2009* (the RO Act), and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast](#), such as [episode 17 - conflicts of interest](#).

STEP 3: Notifications of change



A notification of change must be lodged with the Commission within **35 days** of the change occurring.

We have a [template](#) to help you with this, which you can send to regorgs@fwc.gov.au. An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

Note: One election may result in many notifications of change.



Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

Real-life example of penalties in Court An organisation failed to make a series of notifications of change on time.

The Full Court said ‘The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.’

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).

If you have any queries we can be contacted on 1300 341 665 or by email at regorgs@fwc.gov.au.

Yours sincerely

Fair Work Commission



The Commission has an interim [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

The Motor Trade Association of South Australia Incorporated
DECLARATION OF RESULTS - E2024/63 - Stage 1
Uncontested Offices

Scheduled Election

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

Motor Trade Association of South Australia

Board Member (3)

Candidates

FLYNN Mark

POLLEY Clive

ROBERTS Peter Owen

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

Benjamin Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEEvents@aec.gov.au
01/08/2024





DECISION

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

The Motor Trade Association of South Australia Incorporated
(E2024/63)

MR STEENSON

SYDNEY, 17 APRIL 2024

Arrangement for conduct of election.

[1] On 28 March 2024 the Motor Trade Association of South Australia Incorporated (**the Association**) lodged with the Fair Work Commission (**the Commission**) prescribed information for an election to fill the following offices for a new term of office:

Board Members	(3)
Chair	(1)
Deputy Chair	(1)

[2] The prescribed information also provided a copy of proposed rule alterations to a number of sub-rules in Rule 13 ‘Election of Board’, Rule 14 ‘Election of Chair and Deputy Chair’, and Rule 15 ‘Ballot’. I note that the proposed rule alterations are in relation to the election process and would (if certified) make changes to that. However, the names (and corresponding numbers) of the offices listed above would be unchanged.

[3] If the rule alterations are certified before the election commences, the rule alterations will affect this election. To date, the alterations have not yet been passed by resolution of a general meeting of members.¹ The information about the proposed rule alterations foreshadowed an intention to put them to a vote on 31 May 2024 and, if passed, subsequently lodged them with the Commission.

[4] On 10 and 11 April 2024 Commission staff corresponded and discussed the matter with the Association and requested that it provide a copy of the proposed rule alterations to the Commission’s ‘Rules Team’ so that they could provide expert advice on the rules before the alterations are presented to a vote. Engaging with advice before proceeding with the formal rule alteration procedure will assist the Association in achieving its objectives in a manner that is both expedient and results in rules that are capable of certification by the Commission.

¹ Rule 32 of the MTASA rule book R2019/148 (6 April 2024) setting out the rule altering procedure.

[5] On 11 April 2024, a representative from the Association confirmed that it would provide the Rules Team with a copy of the draft rule alterations to seek advice and assistance. I am advised that a copy of the draft rule alterations was provided to the Rules Team on 12 April 2024 for review.

[6] The Association's representative also acknowledged that they understood that the rules that will apply to the upcoming election (**E2024/63**) will be the rules that are in effect as at the date the nominations open.

[7] Under the rules of the Association, the date that nominations are due to open for stage 1 of this election (that is, the election of the Board Members), is a date to be determined by the returning officer, which must be at least seven (7) weeks before the Annual General Meeting. The 2024 Annual General Meeting is scheduled for the 24 September 2024. Accordingly, the date for nominations to open for the election of Board Members is expected to be a date on or before 6 August 2024.

[8] In the event that rule alterations are transacted by the Association and then certified by the Commission, these will be communicated to the Australian Electoral Commission (AEC).

[9] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the AEC.



DELEGATE OF THE GENERAL MANAGER

Printed by authority of the Commonwealth Government Printer

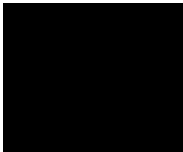
PR755250

PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009*

I, Mark McGuire, being the Deputy Chair of the Motor Trade Association of South Australia Inc. make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Motor Trade Association of South Australia Inc.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. A brief outline of the proposed rule alterations affecting this election is attached (Annexure B). These rule alterations HAVE NOT been lodged with the Fair Work Commission.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:



Dated: 25 March 2024

NOTE: This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@fwc.gov.au.

Annexure A

- Elections that are required

Branch	Name of Office	Number required	Voting System Direct voting system; Collegiate electoral system	Reason for Election Scheduled; Casual vacancy; New office created; Insufficient nominations	Electorate
Motor Trade Association of South Australia Inc.	Board Members	Three	Direct Voting System	Scheduled	Membership – Rule 13
Board	Chair	One	Collegiate electoral system	Scheduled	Board – Rule 14
Board	Deputy Chair	One	Collegiate electoral system	Scheduled	Board – Rule 14

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by Returning Officer – at least seven weeks before AGM – Rule 13.3.	To be determined by Returning Officer.
Nominations CLOSE	TO be determined by Returning Officer – at least five weeks before AGM, scheduled for 24 September 2024 – Rule 13.4.	To be determined by Returning Officer. Allowing sufficient time for the election to be conducted at the first meeting of the Board following the AGM, scheduled for 22 October 2024 – Rule 14.1(a)
Roll of Voters cut off date	Seven days prior to the opening date for nominations – Rule 11.1.	Seven days prior to the opening date for nominations – Rule 11.1.

Annexure B: Pending Rule Alterations

The below rule alterations will be put to a vote on 31 May 2024 and subsequently lodged with the Fair Work Commission. Assuming a successful vote, the rule alterations that affect the conduct of elections are summarised below:

Current Rules	Proposed Rules
<p>13.1 Nominations</p> <p>(a) Each Division and Zone is entitled to one nomination for the seven positions on the Board.</p> <p>(b) Each Division or Zone's nomination shall be elected by ballot by the members of that Division or Zone</p>	<p>13.1 Nominations</p> <p>(a) Each Division and Zone is entitled to one nomination for the seven positions on the Board.</p> <p>(b) Each Division or Zone's nomination is open to any member of that Division or Zone and shall be elected by secret ballot by the members of that Division or Zone, and nomination is open to any member of that Division or Zone as follows:</p> <p style="padding-left: 40px;">(i) if only one Division or Zone member (as applicable) is nominated to be the nominee, then that person will be declared the nominee; or</p> <p style="padding-left: 40px;">(ii) if more than one Division or Zone member (as applicable) is nominated to be the nominee, the Returning Officer will deliver the nominations to the Association, following which, a secret ballot shall be conducted by the Association to determine the nominee. The voting of the secret ballot shall be conducted in such manner as may be determined by the Board from time to time, including by electronic means.</p>
<p>13.2 Returning Officer</p> <p>(a) The Board must, at least seven weeks prior to the date of the Annual General Meeting in each year, appoint a Returning Officer for the election.</p>	<p>13.2 Returning Officer</p> <p>(a) The Board must, at least seven weeks prior to the date of the Annual General Meeting in each year, appoint a Returning Officer for the election.</p> <p>(b) The Board may also appoint an Assistant Returning Officer if required to assist the Returning Officer conduct the election.</p>
<p>13.9 Less candidates than vacancies</p>	<p>13.9 Less candidates than vacancies</p>

<p>If on the closing of nominations the number of candidates does not exceed the number of vacancies to be filled, no vote shall be taken and the candidate or candidates shall be declared elected by the Returning Officer at the Annual General Meeting.</p>	<p>If on the closing of nominations the number of candidates does not exceed is equal to or less than the number of vacancies to be filled, no vote shall be taken and the candidate or candidates shall be declared elected by the Returning Officer at the Annual General Meeting and, where there are less candidates than vacancies, the vacant positions shall be deemed casual vacancies and dealt with in accordance with rule 17.2.</p>
<p>14. Election of Chair and Deputy Chair 14.1 Election process (h) Where there is more than one nomination for the position of Chair or Deputy Chair, there shall be an election by secret ballot and the result ascertained on the basis of preferential voting.</p>	<p>14. Election of Chair and Deputy Chair 14.1 Election process (h) Where there is more than one nomination for the position of Chair or Deputy Chair, there shall be an election by secret ballot and the result ascertained on the basis of preferential voting first past the post voting or otherwise as may be determined by the Board from time to time.</p>
<p>N/A</p>	<p>15 Ballot 15.2 Voting method (a) The secret ballot will be conducted as a poll and, subject to rule 15.15, the eligible nominee/s who receives the highest number of votes will be elected to fill the Officer position/s. (b) The voting of the secret ballot shall be conducted using the first past the post voting method or otherwise as may be determined by the Board from time to time.</p>
<p>15.2 Ballot papers (a) The Returning Officer must cause ballot papers to be printed setting out the names of the candidates for each office in alphabetical order indicating the number to be elected to each office, the manner in which votes are to be recorded and the date and time for closing of the ballot. (b) The Returning Officer must obtain from the printer a certificate of the number of ballot papers printed and shall initial each ballot paper prior to distribution.</p>	<p>15.3 Ballot papers (a) The Returning Officer must cause ballot papers to be printed setting out the names of the candidates for each office in alphabetical order indicating the number to be elected to each office, the manner in which votes are to be recorded and the date and time for closing of the ballot. and (b) The Returning Officer must obtain from the printer a certificate of the number of ballot papers printed and shall initial each ballot paper prior to distribution.</p>

	<p>(b) The ballot paper shall be in such form as the Board from time to time directs and shall contain the following particulars:</p> <ul style="list-style-type: none"> (i) The names of the candidates nominated shall be arranged in random order determined by lot. (ii) A short biography not exceeding 100 words for each candidate. (iii) The number of vacancies to be filled from the candidates in the list. (iv) The day and hour on or previous to which the ballot paper must be returned to the Returning Officer. (v) A notice that the election of candidates shall be conducted using the first past the post voting method (or such other method as determined by the Board in accordance with rule 15.2).
<p>15.4 Setting date and posting ballot papers</p> <p>The Returning Officer must:</p> <p>(a) determine the date of commencement of issuing ballot papers, which must not be less than 7 days prior to the date determined for the Annual General Meeting, and the time and date of the close of the ballot</p>	<p>15.5 Setting date and posting ballot papers</p> <p>The Returning Officer must:</p> <p>(a) determine the date of commencement of issuing ballot papers, which must not be less than 7 days 4 weeks prior to the date determined for the Annual General Meeting, and the time and date of the close of the ballot</p>
<p>15.5 Absentee vote</p> <p>(a) Any Member who will be absent from that Member’s postal address, as shown in the register of members, may lodge with the Returning Officer a request for an absentee vote together with an address where they can receive communications.</p>	<p>15.5 Absentee vote</p> <p>(a) Any Member who will be absent from that Member’s postal address, as shown in the register of members, may lodge with the Returning Officer, no later than 2 weeks prior to the date set by the Returning Officer for the ballot opening, a request for an absentee vote together with an address where they can receive communications.</p>
<p>15.9 Counting the votes</p> <p>The Returning Officer must:</p> <ul style="list-style-type: none"> (a) after the close of the ballot, open the ballot box and count all the votes cast, in accordance with clause 15.10; 	<p>15.10 Counting the votes</p> <p>The Returning Officer must:</p> <ul style="list-style-type: none"> (a) The result of the ballot shall be ascertained by scrutiny. (b) The scrutiny shall be conducted as follows: <ul style="list-style-type: none"> (i) It shall commence as soon as practicable after the close of the ballot,.

<p>(b) after all the votes have been counted, place all the used and unused ballot papers in a strong parcel and then seal the parcel and hand it to the CEO.</p>	<p>(ii) The Returning Officer and Assistant Returning Officer (as applicable) shall be present and the scrutineers may be present if they so desire. (iii) All the proceedings at the scrutiny shall be open to the inspection of the scrutineers if they exercise their right to be present at the scrutiny. (iv) The scrutiny may be adjourned from time to time until the counting of the votes is complete provided that the scrutiny shall be completed before the close of the Annual General Meeting.</p> <p>(c) After close of the ballot, the Returning Officer must in the presence of the Assistant Returning Officer (as applicable) and the scrutineers if they exercise their right to be present at the scrutiny:</p> <p>(i) open the ballot box and open the envelopes containing the ballot papers; (ii) reject all informal ballot papers; and (iii) count all the votes cast, for each candidate on all unrejected ballot papers under the first past the post voting method (or such other method as determined by the Board in accordance with clause 15.10 rule 15.2) and in accordance with rule 15.11.</p> <p>(b) after all the votes have been counted, place all the used and unused ballot papers in a strong parcel and then seal the parcel and hand it to the CEO.</p>
<p>15.12 Completing and returning the ballot paper</p> <p>(c) The Member will post or cause to be delivered to the Returning Officer the addressed return envelope not later than 4 p.m. on the day preceding the Annual General Meeting.</p>	<p>15.13 Completing and returning the ballot paper</p> <p>(c) The Member will post or cause to be delivered to the Returning Officer the addressed return envelope not later than 4 p.m. on the day preceding the Annual General Meeting such that the Returning Officer receives it no later than the date and time stipulated for the closing of ballots as determined by the Returning Officer. No votes will be accepted by the Returning Officer after this deadline.</p>
<p>15.15 Scrutineers</p> <p>(a) Any candidate may appoint a scrutineer who shall be a Member to represent the candidate’s interests at all stages, or at any stage, of the conduct of the ballot. (b) A candidate appointing a scrutineer must notify the Returning Officer of the appointment and the name of the scrutineer before the commencement of the ballot.</p>	<p>15.16 Scrutineers</p> <p>(a) Any candidate may appoint a scrutineer who shall be a Member (and who may be a Nominated Representative) to represent the candidate’s interests at all stages, or at any stage, of the conduct of the ballot.</p>

(c) The Board may appoint a scrutineer or scrutineers in respect of any ballot.

(d) The conduct and duties of scrutineers shall be as follows:

- (i) a scrutineer shall be entitled to be present throughout a ballot and may query the inclusion or exclusion of any vote in the count, but the Returning Officer shall have final determination of any queried votes;
- (ii) a scrutineer shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election;
- (iii) a scrutineer must not interfere with, or attempt to influence, the casting of any Member's vote; and
- (iv) in every case the scrutineer must observe any direction given by the Returning Officer and the Returning Officer must take all reasonable steps by notification or otherwise to enable each scrutineer to exercise the rights of a scrutineer, but no election shall be vitiated because a scrutineer does not exercise any or all such rights if the scrutineer has had reasonable opportunity so to do.

(b) A candidate appointing a scrutineer must notify the Returning Officer of the appointment and the name of the scrutineer **no later than 24 hours** before the commencement of the ballot.

(c) The Board may appoint a scrutineer or scrutineers in respect of any ballot.

(d) A scrutineer shall not be a candidate for any position included in a ballot in the election.

(e) The conduct and duties of scrutineers shall be as follows:

- (i) a scrutineer shall be entitled to be present throughout a ballot and may query the inclusion or exclusion of any vote in the count, but the Returning Officer shall have final determination of any queried votes;
- (ii) a scrutineer shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election;
- (iii) a scrutineer must not interfere with, or attempt to influence, the casting of any Member's vote; and
- (iv) in every case the scrutineer must observe any direction given by the Returning Officer and the Returning Officer must take all reasonable steps by notification or otherwise to enable each scrutineer to exercise the rights of a scrutineer, but no election shall be vitiated because a scrutineer does not exercise any or all such rights if the scrutineer has had reasonable opportunity so to do.

(f) Failure of a scrutineer to attend any scheduled event shall not delay any step in the election.