



DECISION

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

The Motor Trade Association of South Australia Incorporated
(E2026/65)

MR STEENSON

SYDNEY, 22 MAY 2026

Arrangement for conduct of election.

[1] On 13 May 2026 the Motor Trade Association of South Australia Incorporated (the **organisation**) lodged 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] Under the organisation's rules, there are seven (7) Board members, each elected for a two-year term – three (3) of whom are due for election in an even-numbered year and four (4) are due for election in an odd-numbered year. The election for the Chair and Deputy Chair is an annual election by and from the Board Members.¹

[3] It is important to note that, relevant to this election, on 5 May 2026 the organisation lodged an application under subsection 159(1) *Fair Work (Registered Organisations) Act 2009* (**RO Act**) to alter its rules (Commission matter **R2026/62**). The alterations will affect the conduct of this election.

[4] Rule 13.3 of the organisation's rules provides that the date that nominations open must be at least seven (7) weeks prior to the date of the Annual General Meeting (**AGM**). The organisation has indicated that the AGM date is scheduled for 29 September 2026 and that its preferred date for nominations to open for the direct voting system (Stage 1) election of the Board Members is 28 July 2026. While such dates are ultimately determined by the Returning Officer, the Commission is aware of these preferred dates and is therefore giving appropriate priority to the organisation's subsection 159(1) application, with a view to finalising it before nominations open.

¹ Rulebook R2019/148 & D2019/22, certified on 6 April 2020 in [2020] FWCD1000. See rules 12.1, 12.2 and 14.1.

[5] As part of its prescribed information, the organisation outlined the nature of the rule changes submitted, and this information was passed on to the Australian Electoral Commission (AEC) when this Commission provided the prescribed information to it.

[6] 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 RO Act, I am making arrangements for the conduct of the election by the AEC, with consideration to be giving to the timing in light of the impending rule alterations.



DELEGATE OF THE GENERAL MANAGER

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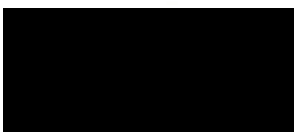
PR810274

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 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 been lodged with the Fair Work Commission. The proposed alterations were lodged on 5 May 2026.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:

A black rectangular redaction box covering the signature of Mark McGuire.

Dated: 13 MAY 2026

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 – Rule 14.1(a). AGM is scheduled for 29 September 2026. First Board meeting after AGM is scheduled for 27 October 2026.
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 were approved by members by a vote on 21 April 2026 and lodged with the Fair Work Commission on 5 May 2026. The rule alterations that affect the conduct of elections are summarised below:

Current Rules	Proposed Rules
<p>12.1 Composition of the Board</p> <p>The Association will have a Board of seven, at least one of which must be a Zone Representative, all of whom will be elected under rules 13 and 14 (as applicable) and hold office as members of the Board for two calendar years or until others are elected in accordance with these rules.</p>	<p>12.1 Composition of the Board</p> <p>The Association will have a Board of seven all of whom will be elected under rules 13 and 14 (as applicable) and hold office as members of the Board for two calendar years or until others are elected in accordance with these rules.</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 shall be elected by ballot by the members of that Division or Zone, and nomination is open to any member of that Division or Zone.</p> <p>(c) If the positions on the Board not up for election do not include a Board member who is a Zone Representative, there must be at least one nomination from a Zone Representative.</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, as follows:</p> <ul style="list-style-type: none"> (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 (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>(c) For the avoidance of doubt, a Division or Zone is not entitled to nominate a member for a vacant position on the Board if a member of the Board not up for election already represents that Division or Zone.</p>
<p>13.2 Returning Officer</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>(a) The Returning Officer for each election is the person appointed by the Australian Electoral Commission (AEC). The AEC may also decide to appoint Assistant Returning Officers.</p> <p>(b) A person appointed as a Returning Officer or Assistant Returning Officer must not be:</p> <ul style="list-style-type: none"> (i) The holder of an office in the Association, (ii) Employed by the Association, or (iii) A nominee or candidate for election under these Rules.
<p>13.6 Nominated more than once No person may be nominated by more than one Division or Zone. If a person is nominated by more than one Division and/or Zone, that person must give up all but one of the positions and each vacant position will be filled by someone appointed by the relevant Division or Zone.</p>	<p>13.6 Nominated more than once (a) No person may be nominated for the office of Board member by more than one Division or Zone. If a person is nominated by more than one Division and/or Zone, that person must give up all but one of the nominations. (b) Only the Division or Zone that no longer has a nominee for an office on the Board because their nominee has withdrawn under Subrule 13.6(a) may, despite nominations having been closed, nominate another member of the Division or Zone. The Returning Officer will set the timeline for the reopening and closing of nominations from that Division or Zone.</p>
<p>13.8 Withdrawal of nomination A person nominated for any Office may at any time prior to the closing of nominations withdraw their nomination which will render that person's nomination null and void.</p>	<p>13.8 Withdrawal of nomination A person nominated for any Office may at any time prior to the closing of nominations withdraw their nomination which will render that person's nomination null and void. The exception to this rule would be that anyone who has been nominated to more than one office as outlined in Subrule 13.6(a) must withdraw all but one nomination after the close of the nomination period.</p>
<p>13.9 Less candidates than vacancies 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>13.9 Less candidates than vacancies (a) 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. (b) If, on the closing of nominations, insufficient nominations are received for any of the offices, the Returning Officer shall recall nominations limited to those offices not filled.</p>

	<p>(c) If, in a recall for nominations, the number of candidates for an Office is equal to or fewer than the number to be filled, the Returning Officer must declare that candidate or those candidates elected.</p> <p>(d) If insufficient nominations are received for any of the offices when recalled, the size of the Board shall be reduced accordingly for that two (2) year term only.</p> <p>(e) Where the size of the Board has been reduced under 13.9(d), the Board may, at any time during the two (2) year term, resolve to call for nominations for any unfilled office. The Returning Officer shall conduct an election in accordance with the election rules of the Association, and the successful candidate shall hold office for the remainder of the two (2) year term only.</p>
<p>14. Election of Chair and Deputy Chair</p> <p>14.1 Election process</p> <p>(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</p> <p>14.1 Election process</p> <p>(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 first past the post voting.</p>
<p>15.1 Secret ballot</p> <p>Any ballot required for the election of Officers shall be a secret ballot and conducted in accordance with this rule 15.</p>	<p>15.1 Secret ballot</p> <p>Any ballot required for the election of Members of the Board shall be a secret postal ballot and conducted in accordance with this rule 15.</p>
<p>N/A</p>	<p>15.2 Voting method</p> <p>(a) The secret ballot will be conducted as a poll and the eligible nominee/s who receives the highest number of votes will be elected to fill the Officer position/s.</p> <p>(b) The voting of the secret ballot shall be conducted using the first past the post voting method.</p>
<p>15.2 Ballot papers</p> <p>(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.</p>	<p>15.3 Ballot papers</p> <p>(a) The Returning Officer must cause ballot papers to be printed and 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 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) The number of vacancies to be filled from the candidates in the list. (iii) The day and hour on or previous to which the ballot paper must be returned to the Returning Officer. (iv) A notice that the election of candidates shall be conducted using the first past the post voting method.
<p>N/A</p>	<p>15.4 Candidate statements</p> <p>(a) Nominees may submit to the Returning Officer one or both of the following:</p> <ul style="list-style-type: none"> (i) A photograph of themselves that is no larger than one hundred (100) square centimetres in size; and (ii) A statement in support of their candidature which must be no more than three hundred (300) words. <p>(b) The Returning Officer must reject any statement that:</p> <ul style="list-style-type: none"> (i) Includes content that is unreasonable, unacceptable, inappropriate or offensive; or (ii) Does not comply with these Rules. <p>(c) If the Returning Officer rejects a nominee’s statement, the Returning Officer must:</p> <ul style="list-style-type: none"> (i) Notify the nominee whose statement was rejected, and give reasons for the rejection, and give two (2) working days to remedy the statement; and (ii) If the statement is not remedied within two (2) working days, reject the statement. <p>(d) The Returning Officer must collate the candidates’ statements and photographs and include them with the ballot papers issued for the election, published as follows:</p> <ul style="list-style-type: none"> (i) In the same order as the candidates’ names appear on the ballot paper; and (ii) Where a candidate did not submit a valid statement, a notation to that effect must be included.

<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>15.6 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 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>(b) If any Member has done so the Returning Officer must not declare the result of the ballot until the relevant Member has been given a reasonable opportunity to vote.</p>	<p>15.7 Absentee vote</p> <p>(a) A member who will be absent from their usual address during the period in which the ballot is to be conducted may apply in writing to the Returning Officer, using a form approved by the Returning Officer, for their ballot material to be posted to them.</p> <p>(b) Such application must be submitted to the Returning Officer at least seven (7) days before the ballot closes.</p> <p>(c) The Returning Officer must grant any such application they consider to have been properly made.</p>
<p>5.15 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.</p> <p>(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>(c) The Board may appoint a scrutineer or scrutineers in respect of any ballot.</p> <p>(d) The conduct and duties of scrutineers shall be as follows:</p> <ul style="list-style-type: none"> (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 	<p>15.8 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> <p>(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.</p> <p>(c) The Board may appoint a scrutineer or scrutineers in respect of any ballot.</p> <p>(d) A scrutineer shall not be a candidate for any position included in a ballot in the election.</p> <p>(e) The conduct and duties of scrutineers shall be as follows:</p> <ul style="list-style-type: none"> (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;

<p>(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.</p>	<p>(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.</p>
<p>15.12 Completing and returning the ballot</p> <p>(a) Ballot papers shall be completed by the Member placing a cross in the square opposite the name of each candidate for whom the Member desires to vote, placing the ballot paper in the ballot paper envelope and sealing the envelope. (b) The Member or the Nominated Representative (as the case may be) must then sign the envelope and place it in the return envelope. (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>15.11 Completing and returning the ballot paper</p> <p>(a) Ballot papers shall be completed by the Member placing a cross in the square opposite the name of each candidate for whom the Member desires to vote, placing the ballot paper in the ballot paper envelope and sealing the envelope. (b) The Member or the Nominated Representative (as the case may be) must then sign the envelope and place it in the return envelope. (c) The Member will post or cause to be delivered to the Returning Officer the addressed return envelope 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>15.9 Counting the votes</p> <p>The Returning Officer must:</p> <p>(a) after the close of the ballot, open the ballot box and count all the votes cast, in accordance with clause 15.10; (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>15.13 Counting the votes</p> <p>(a) The result of the ballot shall be ascertained by scrutiny. (b) The scrutiny shall be conducted as follows: (i) It shall commence as soon as practicable after the close of the ballot. (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> <ul style="list-style-type: none"> (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 and in accordance with rule 15.12.
<p>15.10 Preferential counting for Zone Representative</p> <p>(a) If the positions on the Board not up for election do not include a Board member who is a Zone Representative, if after the votes have been counted there is no Zone Representative with enough votes to be elected, the Zone Representative with the most votes will be deemed to have one vote more than the nominee who would have the lowest number of votes needed to be elected were it not for this clause 15.10.</p> <p>(b) For the avoidance of doubt, if clause 15.14(a) is triggered, the Zone Representative with the highest number of votes will be elected and the nominee who would have the lowest number of votes needed to be elected were it not for this clause 15.10 will not be elected.</p>	<p>15.14 Preferential counting for Zone Representative</p> <p>(a) If the positions on the Board not up for election do not include a Board member who is a Zone Representative, if after the votes have been counted there is no Zone Representative with enough votes to be elected, the Zone Representative with the most votes will be deemed to have one vote more than the nominee who would have the lowest number of votes needed to be elected were it not for this clause 15.14.</p> <p>(b) For the avoidance of doubt, if clause 15.14(a) is triggered, the Zone Representative with the highest number of votes will be elected and the nominee who would have been elected in the last vacant Board position if not for this rule 15.12, will not be elected.</p> <p>(c) For the avoidance of doubt, if no Zone Representatives nominated to be elected, then clause 15.14(a) is not triggered.</p>
<p>15.11 Declaring the results</p> <p>(a) A member of the Board must, at the Annual General Meeting, declare the results of the election.</p> <p>(b) The Returning Officer must, at the Annual General Meeting or before, submit a full report on the ballot indicating the number of ballot papers printed, the number distributed, the number on hand and any other relevant matters.</p>	<p>15.17 Declaring the results</p> <p>(a) The Returning Officer must, before the Annual General Meeting, declare the election result and submit a full report on the ballot indicating the number of ballot papers printed, the number distributed, the number on hand and any other relevant matters.</p> <p>(b) A representative of the Association must, at the Annual General Meeting, report the results of the election.</p>