

18 December 2020

Post-election report

Australian Trainers' Association
Scheduled election
E2020/174

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Election(s) Covered in this Report

Organisation: Australian Trainers' Association
Election: Scheduled
Election Decision No/s: E2020/174

Rules

Rules used for the election: [245V: Incorporates alterations of 22/10/2014] [R2013/77]
(replaces 27/5/2005 version)

Rules difficult to apply/interpret: None

Irregularities

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: None

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

1. Withdrawal of nominations

Application of s.193 of the Act is required to allow for the withdrawal of Nominations prior to the close of nominations.

2. Timetable / notification to members

Application of s.193 of the Act is required to adjust the election timetable and the method of notifying members to invite nominations as a consequence of restrictions caused by the coronavirus pandemic.

Signed



Ann Dougan
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7161
18 December 2020

Declaration of Results for – E2020/174

Australian Trainers' Association DECLARATION OF RESULTS - E2020/174 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:

Federal

Chief Executive Officer (1)

Candidates

NICHOLL Andrew

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



Ann Dougan
Returning Officer
Telephone: 03 9285 7161
Email: IEEvents@aec.gov.au
11/12/2020





DECISION

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

Australian Trainers' Association
(E2020/174)

MR ENRIGHT

MELBOURNE, 2 SEPTEMBER 2020

Arrangement for conduct of election.

[1] On 26 August 2020 the Australian Trainers' Association lodged with the Registered Organisations Commission prescribed information requesting an election under section 187 of the *Fair Work (Registered Organisations) Act 2009* to fill the following non-office position:

Chief Executive Officer

(1)

[2] The organisation did not lodge the prescribed information before the prescribed day as required by regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. The prescribed information should have been lodged by 6 May 2020. In its correspondence dated 26 August 2020, the President of the organisation stated that the delay was due to a clerical error in omitting to include the non-office position of Chief Executive Officer (which is elected every four years) in the prescribed information lodged on 10 March 2020 (E2020/67), which dealt with offices elected annually.

[3] I note that while the delay in lodging prescribed information for the position of Chief Executive Officer was relatively lengthy (i.e. more than three months after it should have been lodged), I have had regard to the organisation's previous and relevant compliance history. The normal and reasonable expectation is that registered organisations will take steps to ensure that they comply with the time-frame requirements set out not only in the *Fair Work (Registered Organisations) Act 2009* (the Act) but also in instruments or references pertaining to their own governance (such as their own rules). Having considered the organisation's request for an extension, on this occasion I allow a later day for lodgement section under 189(2) of the Act.

[4] I am satisfied that an election for the abovenamed **non-office position** is required to be held under the rules of the organisation and, under subsection 189(3) of the Act, I am making arrangements for the conduct of the election by the Australian Electoral Commission (the AEC). I note that in circumstances where the AEC has not yet called for nominations in the organisation's pending election of officers (E2020/67), it may be possible to include the election for the abovenamed position in that election process. Ultimately that is a matter for the AEC.



DELEGATE OF THE COMMISSIONER

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FEDERAL BRANCH

ABN: 86 182 142 206

400 Epsom Road
FLEMINGTON VIC 3031

Phone: (03) 9372 1688

Facsimile: (03) 9372 1699

Email: ata@austrainers.com.au

Website: www.austrainers.com.au

Subsidiary Entity:



26 August 2020

Registered Organisations Commission
GPO Box 2983
MELBOURNE VIC 3001

Via Email : regorgs@roc.gov.au

RE: Australian Trainers' Association

Notification of Elections

I, Robbie Griffiths, President of the Australian Trainers' Association (ATA), make the following statement.

I am authorised to lodge the following prescribed information concerning forthcoming elections in the branches of the ATA.

This information is ancillary to the original prescribed information lodged 10 March 2020. It's omission from the original was a clerical oversight.

I confirm the following information is being lodged as required under the *Fair Work (Registered Organisations) Act 2009 (s.189)*.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Robbie Griffiths', with a long horizontal stroke extending to the right.

ROBBIE GRIFFITHS
President

Elections required under the rules of the organisation

Elections are required in respect of the following office(s).

<u>Federal</u>	Date Commence	Date Close
i) Chief Executive Officer	TBA	TBA

Dates to be advised by AEC owing to the current COVID-19 pandemic / restrictions

- a) The reason for the election being held is due to the expiration of the term of office.
- b) The electorate for these elections consists of the financial members of this Association (ATA) in the relevant state in which they reside.
- c) The voting system to be used in these elections is

Federal

Chief Executive Officer – Direct Voting System

- d) The day provided for in the rules of the organisation as the day on which the roll of voters is to be closed, is as follows :

Federal

Chief Executive Officer - to be determined by the Returning officer