



Australian Government
Registered Organisations Commission

Stavros Yallouridis
Chief Executive Officer
Motor Traders' Association of New South Wales
Sent via email: stavros.yallouridis@mtansw.com.au

Cc: Rita Haitas, rita.haitas@mtansw.com.au
Dougald Watson, dougal.watson@mtansw.com.au

Dear Stavros Yallouridis

Organisation must respond to the post-election report of the Australian Electoral Commission: E2018/236

On 28/05/2019 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2018/236. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular Rules 38(5) and 39(6), 38 16(d), 38.3 and 39.12. This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regs 141(4) and (5)).

A written response must be provided to the AEC

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

Extract of report must be made available to members

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

Written response must be made available to members

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and
- within 30 days of giving the response to the AEC:
 - lodges with the ROC a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
 - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

Penalties may apply

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the ROC for assistance by email to regorgs@roc.gov.au.

If the organisation or branch decides to alter its rules in response to the AEC's report

If the organisation or branch decides to alter its rules in response to the AEC's report, the ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

Christine Hibberd
Registered Organisations Commission



4 June 2019

Stavros Yallouridis
Chief Executive Officer
Motor Traders' Association of New South Wales
Sent via email: stavros.yallouridis@mtansw.com.au

Cc: Rita Haitas, rita.haitas@mtansw.com.au
Dougal Watson, dougal.watson@mtansw.com.au

Dear Stavros Yallouridis

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of contested and uncontested offices, stage 1 and 2 in matter E2018/236. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must, as soon as practicable after receiving the post-election report, publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

Holders of office required to undertake approved training

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Motor Traders' Association of New South Wales must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.

2. Person(s) who have commenced to hold office:

- the name of the office now held;
- the date of the change of office holder;
- the name of the person now holding the office;
- the postal address of the person (generally the postal address of the organisation); and
- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Yours faithfully,

Christine Hibberd
Registered Organisations Commission



**MOTOR TRADERS'
ASSOCIATION OF NSW**

3 June 2019

Dear AEC

Response to Section 198 – Organisation's response to adverse report on rules

Thank you for providing the Post Election Report for MTA NSW. We note in the report that you identified a number of rules that were either difficult to interpret or to apply.

These rules have been identified as the following:

- Rule 38 (5) and 39 (6)
- Rule 38 16 (d)
- Rule 38.3
- Rule 39.12

We wish to advise that we will discuss these rules at our next Constitution Rules Change Committee which currently meets to consider the updating of the MTA NSW Constitution, which we are working towards submitting to FW by the end of 2019.

Kind Regards



Stavros Yallouridis
Chief Executive Officer

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PO Box 715, Burwood NSW 1805 ABN 63 000 008 088

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28/05/2019

Post-election report

**Motor Trader's Association of New South Wales
E2018/236**

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Election(s) Covered in this Report

Organisation: Motor Trader's Association of New South Wales
Election Decision Number(s): E2018/236

Rules

Rules used for the election: [066N: Incorporates alterations of 22 December 2014 in matter number D2014/64]

Rules difficult to apply/interpret: 1) Rule 38 (5) and 39 (6) state that the candidate has the right to withdraw his candidature at any time before the returning officer finalises the ballot paper where a ballot for the respective position is required or before the declaration of the election if a ballot is not required.

This is not the best practice as it is difficult to advise candidates when the ballot papers will be finalised depending on the number of contested positions and other election activities. It is strongly recommended that the Association specify the day for withdrawal, for example, 7 days after close of nominations. This would allow the AEC to inform the candidates ahead of time and be included in advance on the Election for transparency to all eligible candidates.

2) Rule 38 16 (d) states that“ each candidate will be requested to, but is not required to, lodge within seven days, of the notice of ballot, a written statement signed by him not exceeding 200 words in length setting out such information in relation to his candidature as he may consider relevant.”

Like the above, this is not the best practice as it relies on candidates knowing whether or not there is to be a ballot. It is strongly recommended that the Association specify the day for candidate statements, for example, 7 days after close of nominations. This would allow the AEC to inform the candidates ahead of time and be included in advance on the Election Notice for transparency to all eligible candidates.

3) Rule 38.3 is difficult to apply as the Returning Officer is appointed by Australian Electoral Commission after receiving instruction from Registered Organisations Commission to conduct the election. The Returning Officer recommends that this issue be resolved.

4) Rule 39.12 states to notify Candidate about any defective nomination by telegram. The communication method is not in practice. The Returning Officer recommends that this issue be resolved.

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website:

(https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

Roll of Voters

Stage – 2 Election of Executive Board

Total number of voters on the Roll:	15
Number of apparent workplace addresses:	None
Number of non-current addresses:	N/A
Other matters pertaining to the roll of voters:	None

Irregularities

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

Other irregularities identified, and action taken: None

Other Matters

Rule 38 (5) of the Association mentions about the eligibility of the nominator for the position of Councillor. But the rules are silent about the eligibility of nominator for the position of Alternate Councillor. The Returning Officer recommends that this issue be resolved.

Returning Officer actions required (Section 193): Yes

Details: The withdrawal period of nomination for the position of Secretary is silent in the rules. Rule 38.5 of the Association was to be followed in this regards. The Returning Officer recommends that this issue be resolved.

Signed



Ishtiaq Ahmed
Returning Officer
Australian Electoral Commission
E: Ishtiaq.ahmed@aec.gov.au
P: 02 93756331

Date: 28/05/2019

Attachments

- 1) Declaration of results for Uncontested Offices (Stage -1).
- 2) Declaration of results for Contested & Uncontested Offices (Stage-2).

Motor Trader's Association of New South Wales

DECLARATION OF RESULTS – E2018/236 (Stage 2)

Contested and Uncontested Offices

Election of Executive Board

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:

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters	15
Number of voters issued with voting material	15
Total number of voters issued with replacement voting material	1
Total number of voting material packs issued	16
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot	14
Number of declaration envelopes rejected at preliminary scrutiny	0
Number of ballot papers returned outside declaration envelopes	0
COUNT	
Total ballot papers admitted to the count	14
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	0
Voting material packs not returned by voters by closing date of the ballot	2
Percentage of voting material packs returned by voters to number of people on the roll of voters	93 %

Metropolitan Vice- President (4)

<u>Candidates</u>	<u>Final Votes</u>
BEEKMAN, Ray	11
MARSTON, David	5
YOUNG, John Victor	14
HESELTINE, Rodney Stuart	13
COWAN, Brian Philip	13
Total ballot papers admitted for this office	14
Formal Ballot papers	14
Informal Ballot papers	0

I declare the following elected:

- YOUNG, John Victor
- COWAN, Brian Philip
- HESELTINE, Rodney Stuart
- BEEKMAN, Ray

Order Elected

1
2
3
4

President (1)

Candidates

KEATS David

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

Country Vice- President (4)

Candidates

GARLAND Robert

LOWE Geoffrey

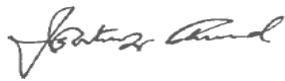
VIDLER Lindsay

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

Honorary Treasurer (1)

Candidates

As Ray Beekman has been elected as Metropolitan Vice-President, he is not eligible to hold the uncontested position of Honorary Treasurer according to the rules of the Association. No other nomination was received.



Ishtiaq Ahmed
Returning Officer
Telephone: 02 9375 6331
Email: nswelections@aec.gov.au
23/05/2019

Motor Traders' Association of New South Wales

DECLARATION OF RESULTS - E2018/236

Scheduled Election- 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:

MTANSW members - Financial members of MTANSW

Secretary (1)

Candidates

No Nominations Received

Trade Division - Australian Automobile Dealers Association Metropolitan Division

Councillor **No. Of Vacancies: 1** **No. Of Nominees: 0** **Contested: No**

Candidate/s

No Nominations Received

Alternate Councillor **No. Of Vacancies: 1** **No. Of Nominees: 0** **Contested: No**

Candidate/s

No Nominations Received

Trade Division - Australian Automobile Dealers Association North and North West Division

Councillor (2)

Candidates

VAN RYSWYK Mark

Alternate Councillor (2)

Candidates

No Nominations Received

Trade Division - Australian Automobile Dealers Association South and South West Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Australian Heavy Vehicle Repairers Association

Councillor (1)

Candidates

NATHAN Richard

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Auto Dismantlers Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Automotive and Marine Trimmers Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Automotive Electrical Specialists Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Automotive Mechanical Repair Division

Councillor (7)

Candidates

BEEKMAN Ray

GARLAND Robert

MARSTON David

VIDLER Lindsay

YOUNG John

Alternate Councillor (7)

Candidates

No Nominations Received

Trade Division - Automotive Transmission and Rebuilders Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Body Repair Division

Councillor (2)

Candidates

COWAN Brian Philip

Alternate Councillor (2)

Candidates

No Nominations Received

Trade Division - Brake Repair Specialist Division

Councillor (1)

Candidates

KEATS David

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Caravan Industry Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Commercial Vehicle Industry Association of NSW Division

Councillor (1)

Candidates

GARLAND Robert

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Engine Reconditioners Association of NSW Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Exhaust System Specialist Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Farm Machinery Dealers Association Division

Councillor (2)

Candidates

No Nominations Received

Alternate Councillor (2)

Candidates

No Nominations Received

Trade Division - General Trades Division

Councillor (1)

Candidates

TALBOTT Robert .W.J.

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Hire Car and Chauffeur Driven Limousines Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Licensed Used Car Dealers Division

Councillor (1)

Candidates

FOLLETT James

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Motor Cycle Industry Association of NSW Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Motor Vehicle Assessor and Inspector Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Parts and Accessories Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Radiator Repair Specialists Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Rental Vehicle Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Rustproofing Specialists Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Service Station Division

Councillor (2)

Candidates

No Nominations Received

Alternate Councillor (2)

Candidates

No Nominations Received

Trade Division - Steering and Suspension Specialists Division

Councillor (1)

Candidates

LOWE Geoffrey

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Tow-Truck Operators Division

Councillor (1)

Candidates

HESELTINE Rodney

Alternate Councillor (1)

Candidates

No Nominations Received

Trade Division - Tyre Dealers & Retreaders Association of NSW Division

Councillor (2)

Candidates

No Nominations Received

Alternate Councillor (2)

Candidates

No Nominations Received

District Division - Australian Capital Territory Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

District Division - Central Coast District Division

Councillor (2)

Candidates

No Nominations Received

Alternate Councillor (2)

Candidates

No Nominations Received

District Division - Central West District Division

Councillor (2)

Candidates

No Nominations Received

Alternate Councillor (2)

Candidates

No Nominations Received

District Division - Clarence/Coffs Harbour District Division

Councillor (1)

Candidates

VAN RYSWYK Mark

Alternate Councillor (1)

Candidates

No Nominations Received

District Division - Gwydir/North West District Division

Councillor (2)

Candidates

No Nominations Received

Alternate Councillor (2)

Candidates

No Nominations Received

District Division - Illawarra District Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

District Division - Kempsey/Manning/Port Macquarie District Division

Councillor (2)

Candidates

GARLAND Robert

Alternate Councillor (2)

Candidates

No Nominations Received

District Division - Metropolitan District Division

Councillor (7)

Candidates

BEEKMAN Ray

COWAN Brian Philip
KEATS David
YOUNG John

Alternate Councillor (7)

Candidates

No Nominations Received

District Division - Newcastle and Hunter District Division

Councillor (2)

Candidates

No Nominations Received

Alternate Councillor (2)

Candidates

No Nominations Received

District Division - North and New England District Division

Councillor (2)

Candidates

No Nominations Accepted

Alternate Councillor (2)

Candidates

No Nominations Received

District Division - Richmond and Tweed District Division

Councillor (2)

Candidates

WEBB Ken

Alternate Councillor (2)

Candidates

No Nominations Received

District Division - Shoalhaven District Division

Councillor (1)

Candidates

FLANAGAN Peter John

Alternate Councillor (1)

Candidates

No Nominations Received

District Division - South Coast District Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

District Division - South District Division

Councillor (1)

Candidates

No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

District Division - South West District Division

Councillor (2)

Candidates

VIDLER Lindsay

Alternate Councillor (2)

Candidates

No Nominations Received

District Division - West District Division

Councillor (1)

Candidates


No Nominations Received

Alternate Councillor (1)

Candidates

No Nominations Received

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



Ishtiaq Ahmed
Returning Officer
Telephone: 02 9375 6331
Email: nswelections@aec.gov.au
14/03/2019



DECISION

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

Motor Traders' Association of New South Wales
(E2018/236)

MR ENRIGHT

MELBOURNE, 17 DECEMBER 2018

Arrangement for conduct of election.

[1] On 30 October 2018 the Motor Traders' Association of New South Wales lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

[2] The offices are those set out in Attachment A.

[3] I am satisfied that an election for the offices set out in Attachment A of this decision is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



ACTING COMMISSIONER

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ATTACHMENT A

Executive Board

President	(1)
Metropolitan Vice-President	(4)
Country Vice-President	(4)
Honorary Treasurer	(1)
Secretary	(1)

Governing Council

Councillors (to be elected from the following Divisions; Numbers to be determined in accordance with rules).

Trade Divisions

Australian Automobile Dealers Association Metropolitan Division;
 Australian Automobile Dealers Association North and North West Division;
 Australian Automobile Dealers Association South and South West Division;
 Australian Heavy Vehicle Repairers Association;
 Auto Dismantlers Division;
 Automotive and Marine Trimmers Division;
 Automotive Electrical Specialists Division;
 Automotive Mechanical Repair Division;
 Automotive Transmission and Rebuilders Division;
 Body Repair Division;
 Brake Repair Specialist Division;
 Caravan Industry Division;
 Commercial Vehicle Industry Association of NSW Division;
 Engine Reconditioners Association of NSW Division;
 Exhaust System Specialist Division;
 Farm Machinery Dealers Association Division;
 General Trades Division;
 Hire Car and Chauffeur Driven Limousines Division;
 Licensed Used Car Dealers Division;
 Motor Bus Division;
 Motor Cycle Industry Association of NSW Division;
 Motor Vehicle Assessor and Inspector Division;
 Parts and Accessories Division;
 Radiator Repair Specialists Division;
 Rental Vehicle Division;
 Rustproofing Specialists Division;
 Service Station Division;
 Steering and Suspension Specialists Division;
 Tow-Truck Operators Division;
 Tyre Dealers and Retreaders Association of NSW Division.

District Divisions

Australian Capital Territory Division;
 Central Coast District Division;
 Central West District Division;

Clarence/Coffs Harbour District Division;
Gwydir/North West District Division;
Illawarra District Division;
Kempsey/Manning/Port Macquarie District Division;
Metropolitan District Division;
Newcastle and Hunter District Division;
North and New England District Division;
Richmond and Tweed District Division;
Shoalhaven District Division;
South Coast District Division;
South District Division;
South West District Division;
West District Division.

Alternate Councillors (to be elected from the following Divisions. Number to be determined in accordance with rules).

Trade Divisions

Australian Automobile Dealers Association Metropolitan Division;
Australian Automobile Dealers Association North and North West Division;
Australian Automobile Dealers Association South and South West Division;
Australian Heavy Vehicle Repairers Association;
Auto Dismantlers Division;
Automotive and Marine Trimmers Division;
Automotive Electrical Specialists Division;
Automotive Mechanical Repair Division;
Automotive Transmission and Rebuilders Division;
Body Repair Division;
Brake Repair Specialist Division;
Caravan Industry Division;
Commercial Vehicle Industry Association of NSW Division;
Engine Reconditioners Association of NSW Division;
Exhaust System Specialist Division;
Farm Machinery Dealers Association Division;
General Trades Division;
Hire Car and Chauffeur Driven Limousines Division;
Licensed Used Car Dealers Division;
Motor Bus Division;
Motor Cycle Industry Association of NSW Division;
Motor Vehicle Assessor and Inspector Division;
Parts and Accessories Division;
Radiator Repair Specialists Division;
Rental Vehicle Division;
Rustproofing Specialists Division;
Service Station Division;
Steering and Suspension Specialists Division;
Tow-Truck Operators Division;
Tyre Dealers and Retreaders Association of NSW Division.

District Divisions

Australian Capital Territory Division;
Central Coast District Division;

Central West District Division;
Clarence/Coffs Harbour District Division;
Gwydir/North West District Division;
Illawarra District Division;
Kempsey/Manning/Port Macquarie District Division;
Metropolitan District Division;
Newcastle and Hunter District Division;
North and New England District Division;
Richmond and Tweed District Division;
Shoalhaven District Division;
South Coast District Division;
South District Division;
South West District Division;
West District Division.



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, David Keats, being the President of the Motor Traders' Association of New South Wales
make the following statement:

1. I am the President of the Motor Traders' Association of New South Wales. I am authorised to sign this statement containing prescribed information concerning the forthcoming elections of the Motor traders' Association of New South Wales.
2. I confirm that the following information is being lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The terms of the below mentioned offices of the organisation are scheduled to expire in the normal course of event under the Rules of the organisation.

The following information for the election is provided:

a) The offices are:

- (i) Division Councillors [numbers to be determined in accordance with the rules] - Rule 29;
- (ii) Division Alternate Councillors [numbers to be determined in accordance with the rules] - Rule 29;
- (iii) Office Bearers [ten (10) offices in total: One (1) President, Four (4) Metropolitan Vice Presidents, Four (4) Country Vice Presidents and One (1) Honorary Treasurer] - Rule 30;
- (iv) Secretary [one (1)] - Rule 36

b) The election is necessary as the existing term of office is due to expire at the next annual general meeting of the Association due to be held within 6 months of the end of the Association's financial year being 31 December, 2018. It is anticipated at this time that the annual general meeting of the Association will be held at the end of May, 2019 as it was the previous year.

c) The Association's Rules set out the election process for the positions as follows:

- Councillors, Alternate Councillors and Secretary are elected from members of each respective Division of the Association as set out in Rule 38.
- Executive Board members are elected from Councillors elect as set out in Rule 39.

Rule 29(2)(a) establishes the timing of the assessment of the number of Councillors and Alternate Councillors to be elected for each Division is determined at the nomination opening time. Hence when nomination opening time is declared MTA will be able to provide details of the numbers of members in each Division which in turn will determine numbers of Councillor and Alternate Councillor vacancies.

Rule 11 sets out the Trade and District Divisions of the Association to which the election will apply.

Councillors [and Alternate Councillors] to be elected from the following Trade Divisions [numbers to be determined in accordance with the rules]:

Trade Divisions:

- (i) Australian Automobile Dealers Association Metropolitan Division;
- (ii) Australian Automobile Dealers Association North and North West Division;
- (iii) Australian Automobile Dealers Association South and South West Division;
- (iv) Australian Heavy Vehicle Repairers Association;
- (v) Auto Dismantlers Division;
- (vi) Automotive and Marine Trimmers Division;

- (vii) Automotive Electrical Specialists Division;
- (viii) Automotive Mechanical Repair Division;
- (ix) Automotive Transmission and Rebuilders Division;
- (x) Body Repair Division;
- (xi) Brake Repair Specialist Division;
- (xii) Caravan Industry Division;
- (xiii) Commercial Vehicle Industry Association of NSW Division;
- (xiv) Engine Reconditioners Association of NSW Division;
- (xv) Exhaust System Specialist Division;
- (xvi) Farm Machinery Dealers Association Division;
- (xvii) General Trades Division;
- (xviii) Hire Car and Chauffeur Driven Limousines Division;
- (xix) Licensed Used Car Dealers Division;
- (xx) Motor Bus Division;
- (xxi) Motor Cycle Industry Association of NSW Division;
- (xxii) Motor Vehicle Assessor and Inspector Division;
- (xxiii) Parts and Accessories Division;
- (xxiv) Radiator Repair Specialists Division;
- (xxv) Rental Vehicle Division;
- (xxvi) Rustproofing Specialists Division;
- (xxvii) Service Station Division;
- (xxviii) Steering and Suspension Specialists Division;
- (xxix) Tow-Truck Operators Division;
- (xxx) Tyre Dealers and Retreaders Association of NSW Division;

District Divisions:

- (i) Australian Capital Territory Division;
- (ii) Central Coast District Division;
- (iii) Central West District Division;
- (iv) Clarence/Coffs Harbour District Division;
- (v) Gwydir/North West District Division;
- (vi) Illawarra District Division;
- (vii) Kempsey/Manning/Port Macquarie District Division;
- (viii) Metropolitan District Division;
- (ix) Newcastle and Hunter District Division;
- (x) North and New England District Division;
- (xi) Richmond and Tweed District Division;
- (xii) Shoalhaven District Division;
- (xiii) South Coast District Division;
- (xiv) South District Division;
- (xv) South West District Division;
- (xvi) West District Division.

The Executive Board offices as set out in Rule 33(1) are as follows:

- One President,
- Four Metropolitan Vice Presidents,
- Four Country Vice Presidents,
- One Honorary Treasurer.

The Executive Board is elected from the Councillors elect as set out in Rule 39.

d) Rule 38(7) provides that the roll of voters is to close seven (7) days before the date of commencement of the period for lodging nominations. Although there is no particular date or time set in the Rules of the Association for the commencement or close of a period for the receipt of nominations, MTA historically has opened the electoral process by printing a nomination form for the positions of Councillors and Alternate Councillors in the MTA Journal [see Rules 38(8) and 38(9)].

e) The voting system:

- The Councillors, Alternate Councillors and Secretary is the first stage of a collegiate voting system;
- The Executive Board is the second stage of a collegiate voting system.

4. A brief outline of the proposed rule alterations affecting this election is attached. 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 below.

Signed:

A handwritten signature in black ink, appearing to be 'L. E. B.', written in a cursive style.

PRESIDENT

Dated: 30 October 2018