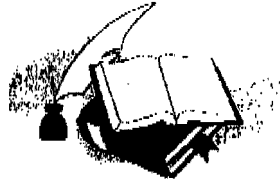


Australian Electoral Commission

AEC**FAX SHEET**Australian Electoral Commission
PO Box 496
HAYMARKET NSW 1239**To: Ms Belinda Penna****AIR Sydney****Telephone: (02) 9332 0666****Facsimile: (02) 9380 6990****From:****Roy Hill****Industrial & Commercial Elections****Telephone: (02) 9375 6362****Facsimile: (02) 9212 7336****E-mail: roy.hill@aec.gov.au****Number of pages including cover sheet:****2****Date: 27/03/2002****COMMENTS:**Following, is my '**Declaration of Results of Uncontested Offices**'.

The election is now complete.

A handwritten signature in black ink, appearing to read 'Roy Hill'. The signature is written in a cursive style with a large initial 'R'.
Roy Hill
Returning Officer

DECLARATION OF RESULTS OF UNCONTESTED OFFICES

Election: E No 267 of 2001

Motor Traders Association of New South Wales**Office: Secretary****Candidate/s:****Number of Vacancies: 1**

TALO

Joseph

As the number of nominations accepted did not exceed the number of vacancies, a ballot was not necessary. Accordingly, I declare the abovenamed candidate/s elected unopposed.

for



Roy Hill
Returning Officer
27 March 2002



AUSTRALIAN INDUSTRIAL REGISTRY

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 9332 0666
Fax: (02) 9380 6990

Fax
Electoral Commissioner Through
Australian Electoral Officer for New South Wales

Under subsection 214(2) of the *Workplace Relations Act 1996*, please arrange for the conduct of the following election by the Sydney office of the Australian Electoral Commission:

E2001/267

Motor Traders' Association of New South Wales
Positions:

See Decision

Relevant Information:

Contact: Mr G Hatton
Director, Industrial Relations and Training

Phone: (02) 9213 4222

The Rules of this organisation are available through our website at www.airc.gov.au.
Please note that the Rules contain rule alterations certified on 29 January 2002.

I further request that you arrange for this office to be notified that arrangements for the conduct of this election have been made, by facsimile transmission on (02) 9380 6990.

Belinda Penna
for Deputy Industrial Registrar

29 January 2002

PR913691

WORKPLACE RELATIONS ACT 1996
s.214 arrangements for conduct of an election

Motor Traders' Association of New South Wales
(E2001/267)

MARGARET BUCHANAN
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 29 JANUARY 2002

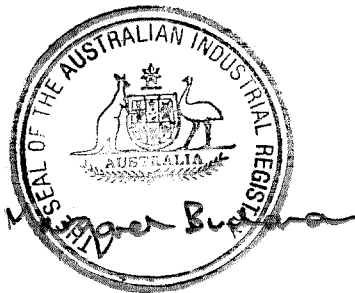
DECISION

On 27 December 2001 the abovenamed organisation lodged in the Industrial Registry prescribed information in relation to the conduct of an election for the following office:

Secretary

(1)

I am satisfied that an election for the above office is required to be held under the rules of the organisation and, under subsection 214(2) of the Act, I am making arrangements for the conduct of the election by the Australian Electoral Commission.





MOTOR TRADERS' ASSOCIATION OF NEW SOUTH WALES

Attention: Stephen Kallert.

Established 1910

43-51 Brisbane Street, Sydney 2000 - Locked Bag 5012, Darlinghurst 2010 - Phone: (02) 9213 4222 - Fax: (02) 9212 6889

Jim Gibbons BA, MBA
Executive Director

25 January, 2002

MTA REPRESENTS:

Air Conditioning Specialists

Auction Houses

*Australian Automobile
Dealers Association*

Auto Dismantlers

Auto Electrical Specialists

*Automotive & Marine
Trimmers*

*Automotive Mechanical
Repairers*

*Automatic Transmission
& Rebuilders*

Body Repair Specialists

Brake Repair Specialists

*Carburettor & Tune-up
Specialists*

Caravan Dealers

*Commercial Body
Rebuilders, Manufacturers
& Repairers*

Engineers

*Engine Reconditioners
Association of NSW*

Exhaust System Specialists

Farm Machinery Dealers

Finance Houses

General Trades

*Hire Car & Chauffeur
Limousine Operators*

Licensed Used Car Dealers

*Motor Boat & Marine
Dealers*

Motor Bus Operators

*Motor Cycle Industry
Association*

Petrol & Oil Sellers

Parts & Accessories Outlets

Radiator Repair Specialists

Rental Vehicle Operators

Rustproofing Specialists

Service Stations

*Steering & Suspension
Specialists*

Tow Truck Operators

Tyre Dealers & Retreaders

Margaret Buchanan
Deputy Industrial Registrar
Level 8, Terrace Towers
80 William Street
East Sydney NSW 2011

Dear Margaret,

Thank you for your timely reply to my correspondence on the election of Secretary and issues surrounding the Association's Rules.

This Association supports the logic of your approach. It is the opinion of the Executive Director and myself that your proposed approach as set out in your correspondence of 24th January 2002 is in accordance with the intention of the membership.

I look forward to receiving an advice and certificate from you with reference to the changes to the Association's Rules and contact from the Australian Electoral Office for the conduct of the election in the coming weeks.

Thank you again for your assistance.

Yours Faithfully
Motor Traders' Association of NSW


Greg Hatton
Director, Industrial Relations and Training



MOTOR TRADERS' ASSOCIATION OF NEW SOUTH WALES

Established 1910

43-51 Brisbane Street, Sydney 2000 - Locked Bag 5012, Darlinghurst 2010 - Phone: (02) 9213 4222 - Fax: (02) 9212 6889

Jim Gibbons BA, MBA
Executive Director

21 December 2001

MTA REPRESENTS:

Air Conditioning Specialists

Auction Houses

*Australian Automobile
Dealers Association*

Auto Dismantlers

Auto Electrical Specialists

*Automotive & Marine
Trimmers*

*Automotive Mechanical
Repairers*

*Automatic Transmission
& Rebuilders*

Body Repair Specialists

Brake Repair Specialists

*Carburettor & Tune-up
Specialists*

Caravan Dealers

*Commercial Body
Rebuilders, Manufacturers
& Repairers*

Engineers

*Engine Reconditioners
Association of NSW*

Exhaust System Specialists

Farm Machinery Dealers

Finance Houses

General Trades

*Hire Car & Chauffeured
Limousine Operators*

Licensed Used Car Dealers

*Motor Boat & Marine
Dealers*

Motor Bus Operators

*Motor Cycle Industry
Association*

Petrol & Oil Sellers

Parts & Accessories Outlets

Radiator Repair Specialists

Rental Vehicle Operators

Rustproofing Specialists

Service Stations

*Steering & Suspension
Specialists*

Tow Truck Operators

Tyre Dealers & Retreaders

Deputy Industrial Registrar
Level 8, Terrace Towers
80 William Street
East Sydney NSW 2011

Dear Sir/Madam,

Re: Notice of Pending Election.

I write to advise your office that an election for the office of "Secretary" is scheduled to be conducted by the Australian Electoral Commission.

The office of Secretary of the Association is a new office to be created upon the vacation of the office of Executive Director. Rule 35B (3), attached, indicates that the election can occur at a time to enable the elected Secretary to take office at the conclusion of the annual general meeting of the Association held in 2002. Presently the annual general meeting of the Association is scheduled for 26 March 2002.

It is also timely to remind your office that following the abovementioned election it will be necessary for this Association to advise you of the outcome in order to facilitate a number of consequential changes that will need to be made to this Association's Rules. For your information I have attached correspondence from your office that will put this in context and I have also included a copy of the consequential changes referred to.

Thank you for your co-operation in this matter and I await contact from the Australian Electoral Office.

May you and your staff have a peaceful and happy Christmas and New Year.

Yours Faithfully
Motor Traders' Association of NSW


Greg Hatton
Director, Industrial Relations and Training.



35B - SECRETARY

35A - CHIEF EXECUTIVE OFFICER

- (1) The Association shall employ a Chief Executive Officer who shall be an employee of the Association on such remuneration, emoluments and conditions of employment (including the termination of employment) as are determined by the Executive Board from time to time.
- (2) The Chief Executive Officer shall be appointed by the Executive Board on behalf of the Association and shall be responsible to the President, or in his absence the office bearer so acting, for the performance of his duties.
- (3) The Chief Executive Officer shall be the chief administrative and executive officer of the Association and shall be the public officer of the Association for all such purposes as may be required and the officer nominated by the Association to sue or be sued or to issue or accept legal process on behalf of the Association.
- (4) Subject to this Constitution and these Rules and to the directions of the President from time to time, the Chief Executive officer shall:
 - (a) convene general meetings of the Association, meetings of the Council and the Executive Board and by direction of the President, meetings of any Division of the Association;
 - (b) Attend general meetings of the Association, the Council and the Executive Board and may attend a meeting of any committee of the Council or of any Division or its committees;
 - (c) Keep or cause to be kept minutes of all general meetings of the Association and of all meetings of the Council, its committees, the Executive Board, its committees, and all Divisions and their Committees;
 - (d) Keep and maintain the Register;
 - (e) Collect all subscriptions, levies and other monies payable to the Association or otherwise and promptly pay the same to the credit of the Association's bank account;
 - (f) Keep and maintain all books of account required by law and keep all books, documents records and papers of the Association;
 - (g) Prepare all notices and returns required to be given by or on behalf of the Association;
 - (h) Engage, suspend, dismiss and have full charge and management of the Association's employees and he/she shall have authority to delegate his powers and duties to such employees;
 - (i) Bring or defend or cause to be brought or defended any action, prosecution or complaint on or before any Court, Commissioner, Committee, Inquiry, Board, Tribunal or authority established under the Act or any law of Australia or the State;
 - (j) Conduct all correspondence on behalf of the Association; and
 - (k) Carry out such other duties as may be required by this Constitution and these Rules or by the President from time to time.

35B - SECRETARY

- (1) Upon the retirement , resignation from, or vacation of the office of Executive Director by James Robert Gibbons there shall be created the office of Secretary of the Association.
- (2) The Secretary shall be an individual who shall not be an employee of the Association, a member or the nominated representative of a member of the Association.

37 - TRUSTEES

- (3) Subject to Rule 35B (4) the inaugural Secretary of the Association shall be elected pursuant to Rule 39 and hold office,
 - (a) if elected to take office at any time up to and including the conclusion of the annual general meeting of the Association held in 2002: until the conclusion of the annual general meeting of the Association in 2003 at which time he/she shall be deemed to have retired but shall be eligible for re-election to the position; and
 - (b) thereafter until the conclusion of the annual general meeting of the Association held two years after the annual general meeting of the Association at the conclusion of which the Secretary last took office, when he/she shall be deemed to have retired but shall be eligible for re-election to the position.
- (4) The Council may dismiss the Secretary from office only in accordance with Rule 41 but his office shall ipso facto become vacant without any resolution for his dismissal if he shall die or resign the same by notice in writing given to the President. Any vacancy occurring in the office of Secretary of the Association may be filled by election in accordance with Rule 39 provided always that if such vacancy occurs within one year before the expiration of the term of office of the Secretary the vacancy may be filled by appointment by the Council in such manner as it shall deem fit. Any person so elected or appointed shall hold office from the declaration of the result of the ballot by which he is elected or from his appointment and he shall be subject to retirement at the same time as if he had become the Secretary on the day on which the Secretary in whose place he is elected or appointed was last elected or appointed as the Secretary.
- (5) The Secretary may attend general meetings of the Association , the Council and the Executive Board and may attend a meeting of any committee of the Council or of any Division or its committees.
- (6) The fees of the Secretary shall be determined by the Council.

36 - HONORARY TREASURER

- (1) The Honorary Treasurer shall be elected from among the Councillors elect in accordance with Rule 40.
- (2) The Honorary Treasurer shall have a right of access to the books of account and financial records of the Association.
- (3) The Honorary Treasurer shall:
 - (a) Certify the Association's balance sheets and accounts as may be required by law;
 - (b) Present a duly audited balance sheet and accounts to each annual general meeting of the Association together with the report of the auditor thereon;
 - (c) Present such financial statements to each special general meeting of the Association as the Council may require; and
 - (d) Perform such other duties as the Council may require from time to time.

37 - TRUSTEES

- (1) There shall be three Trustees of the Association.



AUSTRALIAN INDUSTRIAL REGISTRY

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990

Mr Greg Hatton
Director, Industrial Relations and Training
Motor Traders' Association of New South Wales
Locked Bag 5012
Darlinghurst NSW 2010

Dear Mr Hatton

Alterations to Rules (R No. 10013 of 2000)

I refer to your letter dated 11 December 2000 enclosing particulars of alterations to the rules of the Motor Traders' Association of New South Wales accompanied by a written statement made by Mr J Gibbons, Executive Director, and an extract from the Association's journal.

I have certified the alterations to rules 2(1) and the insertion of the new provisions of rule 35(1)(a), 35A and 35B.

At this stage, I am unable to certify the alterations to rule 35(1)(b) and the remaining alterations set out in the Schedule because in my view the operation of these provisions lacks sufficient certainty. The operation of the provisions is contingent upon the retirement, resignation or vacation of the office of Executive Director by the incumbent. However, it is not possible for a person to ascertain from reading the rules whether any of these events have occurred.

It appears to me that it would be consistent with the intention of the special general meeting that these alterations be certified when either the incumbent Executive Director resigns, retires or otherwise vacates this office. It would be appreciated if the organisation could advise me when this occurs and the certification of the proposed alterations may then proceed.

Yours sincerely

Margaret Buchanan
Deputy Industrial Registrar

25 January 2001

- (2) THAT the Constitution and Rules of the Association be amended by the inclusion of the following schedule of amendments to the Constitution and Rules which are to take effect from the day upon which the position of Executive Director becomes vacant through the retirement, resignation, dismissal or death of the incumbent of the position, James Robert Gibbons:

“SECOND SCHEDULE

Rule	Amendment
5 (4)	Delete “Executive Director” wherever occurring and replace with “Chief Executive Officer”.
8 (1)	Delete “Executive Director” wherever occurring and replace with “Chief Executive Officer”.
9 (2)	Delete “Executive Director” wherever occurring and replace with “Chief Executive Officer”.
10 (1)	Delete “Executive Director” wherever occurring and replace with “Chief Executive Officer”.
10 (2)	Delete “Executive Director” wherever occurring and replace with “Chief Executive Officer”.
10 (4)	Delete “Executive Director” wherever occurring and replace with “Chief Executive Officer”.
12 (3) (a)	Delete “Executive Director” wherever occurring and replace with “Secretary”.
12 (3) (b)	Delete “Executive Director” wherever occurring and replace with “Secretary”.
12 (3) (ba)	Insert a new Rule to read as follows: “(ba) A copy of the notice referred to in Rule 12 (3) (b) shall be provided by the Secretary to the Chief Executive Officer who shall not act upon the resolution or decision referred to therein until that resolution or decision has been approved by the Council.”
12 (4) (c)	Delete “Executive Director” and “or his nominee” and replace with “Chief Executive Officer and the Secretary or their nominees.”
13 (1)	Delete “Executive Director” wherever occurring and replace with “Chief Executive Officer”.
13 (5)	Delete “Executive Director” wherever occurring and replace with “Chief Executive Officer”.

Rule	Amendment
13 (6)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
13 (8)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
13 (9)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
13 (10)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
13 (11)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
14 (2) (a)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
14 (2) (c)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
14 (2) (d)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
14 (3)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
14 (4)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
15 (3)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
15 (5)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
15 (6)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
15 (7)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
15 (13)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
15 (15)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".

Rule	Amendment
20 (7b)	<p>Insert a new Rule to lead as follows:</p> <p>"20 (7b) If, pursuant to Rule 20 (5) the Council determines that a member should be expelled from membership, the Chief Executive Officer shall, if a notice of appeal is lodged in accordance with Rule 20 (6), not remove that member's name from the register until the member's appeal has been dealt with under these Rules, and then as directed by a special general meeting of members".</p>
22 (2)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
22 (3)	Delete "Executive Director" wherever occurring and replace with "Secretary".
23 (2)	Delete "Executive Director" wherever occurring and replace with Secretary".
23 (2a)	<p>Insert a new Rule to read as follows:</p> <p>"23 (2a) Notwithstanding the provisions of Rule 23 (2) the Chief Executive Officer shall, when directed to do so by the President, convene a special general meeting as promptly as possible".</p>
24 (2)	Delete "Executive Director" wherever occurring and replace with "Secretary".
28 (5) (b)	Delete "Executive Director" wherever occurring and replace with "Secretary".
28 (15)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
29 (6) (a)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
30 (5)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
31 (4)	Delete "Executive Director" where first occurring and replace with "Chief Executive Officer".
31 (4) (a)	Delete "Executive Director" wherever occurring and replace with "Secretary".
32 (1)	Delete "Executive Director" wherever occurring and replace with Secretary".

Rule	Amendment
42 (7)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
42 (9)	Insert after the words "Executive Director" where second appearing the words "Chief Executive Officer".
43 (1)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
43 (2)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
44 (1)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
49 (2)	Delete "Executive Director" wherever occurring and replace with "Chief Executive Officer".
50	Insert immediately after the words "Executive Director" wherever appearing the words ", Secretary, Chief Executive Officer".