



*Deal with Someone You Can Trust*

43-51 Brisbane Street (Locked Bag 5012) Darlinghurst NSW 2010  
Phone: 02 9213 4222 Facsimile: 02 9212 6889  
Website: www.mtansw.com.au  
ABN: 63 000 008 088

*The Voice of the  
Motor Industry*

Friday, 23 January 2004

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



Dear Mr Sir/Madam,

**RE: Election of Trustees  
Motor Traders' Association of New South Wales**

I am writing to you to request that you arrange for the election of the 3 positions of Trustees for the Association. I supply the following information with regard to the election as required by Reg 61 of the Work Place Relations Act.

Rule 37 of the Associations Rules states the term of office for Trustees will expire at the Associations AGM, which is expected to be held in March 2004.

The Constitution sets out the election process for the positions to be conducted as per Rule 39.

I trust that the above information meets the requirements of Regulation 61 and should further information be required please contact Greg Patten at MTA by phone 02 9213 4220 or by fax 02 9212 6889.

Yours faithfully  
**Motor Traders' Association of NSW**

**Greg Patten**  
Director Administration, Membership & IT



AUSTRALIAN INDUSTRIAL REGISTRY

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

Mr Greg Patten  
Director, Administration, Membership & IT  
Motor Traders' Association of NSW  
Locked Bag 5012  
DARLINGHURST NSW 2010

Dear Mr Patten

**Re: Arrangements for the conduct of an Election**

Your letter dated 23 ~~February~~ 2004 requesting the arrangement of an election for three Trustee positions was received in the Registry on 27 January 2004.

The letter referred to some of the information required however, in view of the changes to the legislation under Schedule 1B of the *Workplace Relations Act 1996* ('RAO schedule') which came into effect on 12 May 2003, I must ask you to forward a fresh request that conforms to the new section and requirements.

Your letter should state that the request is made under section 189 of the RAO Schedule and sets out explicitly the information required by RAO regulation 138, including:-

- the name and number of the positions ("3 Trustees");
- the reason for the election (being the expiry of term of office);
- the electorate which is entitled to vote;
- the date and time of *both* the beginning and the end of the nomination period;
- the day on which the roll of voters is to be closed (if that is already specified in the rules);
- the system of voting that is used for the positions (whether direct or collegiate).

The above information will greatly assist the Registrar's consideration of the request. Please contact me if you have any queries regarding the above.

Yours Sincerely

Stephen Kellett  
for Deputy Industrial Registrar

30 January 2004



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Friday, 23 January 2004

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



Dear Mr Kellett,

**RE: Election of Trustees  
Motor Traders' Association of New South Wales**

Motor Traders' Association of New South Wales requests that you arrange for the election of the Associations Trustees, under section 189 of the RAO schedule of the Work Place Relations Act 1996.

The following information required by RAO regulation 138 is supplied with regard to the election.

1. Name of the positions is Trustees and number of positions is 3.
2. The reason that the election is required is that the term of office for the positions has expired.
3. All financial members of the Association are entitled to vote.
4. The date and time for the commencement of the nominations is 9.00 am Monday 5<sup>th</sup> April 2004 and the date and time for the close of the nominations on Friday 24<sup>th</sup> April 2004.
5. The Returning Officer will as soon as practicable after the nomination closing time, prepare and maintain a roll of voters if more than the required number of valid nominations is received (Rule 39 (16) (a)).
6. The election system for the Trustee positions is direct.

Rule 39 of the Associations Rules set out the election process for these positions.

We trust that the above information meets the necessary requirements and should further information be required please contact Greg Patten at MTA by phone 02 9213 4220 or by fax 02 9212 6889.

Yours faithfully  
**Motor Traders' Association of NSW**

**Greg Patten**  
Director Administration, Membership & IT

**KELLETT, Stephen**  
**From:** KELLETT, Stephen  
**Sent:** Tuesday, 17 February 2004 12:58 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** Motor Traders' Association E2004/110

Please see attached newly lodged prescribed information for above election. Deficient PI previously forwarded may be disregarded.



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nation\_mtansw

Stephen Kellett

ph. 8374 6607



AUSTRALIAN INDUSTRIAL REGISTRY

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

Mr Greg Patten  
Director, Administration, Membership & IT  
Motor Traders' Association of NSW  
Locked Bag 5012  
DARLINGHURST NSW 2010

Dear Mr Patten

**Re: Arrangements for the conduct of an Election (E2004/110)**

I refer to your letter dated 23 January 2004 requesting the arrangement of an election for three Trustee positions under section 189 of Schedule 1B of the *Workplace Relations Act 1996* which was received in the Registry on 17 February 2004.

After considering files relating to previous elections for the Trustee positions, I have formed a preliminary view that the term of office for the incumbent Trustees will not expire until the conclusion of the Annual General Meeting in 2005.

In a letter to my predecessor Margaret Buchanan dated 21 December 1998, the then Executive Director, Mr James Gibbons, stated that the incumbent Trustees were "*elected unopposed for a four year term expiring at the Annual General Meeting to be held in 2001*". Subsequently, on 10 January 2001, three Trustees were declared elected in the election that followed the decision issued on 15 September 2000. The four year term for these three Trustees should therefore expire in 2005.

If I am correct, your lodgement of the prescribed information is considerably earlier than would be expected and my preliminary view is that I cannot be satisfied that the term of office has expired or is due to expire in the normal course of events.

I would appreciate your comments on this issue. If you wish to discuss the matter directly, please do not hesitate to contact me on 8374 6504 or, in my absence, Stephen Kellett, on 8374 6607.

Yours Sincerely

Barry Jenkins  
Deputy Industrial Registrar

18 February 2004



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Phone: 02 9213 4222 Facsimile: 02 9212 6889  
Website: www.mtansw.com.au  
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***The Voice of the  
Motor Industry***

Thursday, 11 March 2004

Mr Barry Jenkins *rec'd 12/2/04*  
Deputy Industrial Registrar  
Australian Industrial Registry  
Level 8, Terrace Towers  
80 William Street  
East Sydney NSW 2011

Dear Mr Jenkins,

**RE: Election of Trustees  
Motor Traders' Association of New South Wales**

This letter is written in response to your letter of 18<sup>th</sup> February, 2004, and subsequent discussions with Mr Stephen Kellett of your office.

The request to the Australian Industrial Registry to conduct elections for the 3 Trustee positions was made for the following reasons.

The reasons for the request are:

1. The existing Trustees resigned from office in late 2003 (copies of the letters of resignation are attached).
2. When reviewing the Rules of the Association it was found that (Rule 37 (7)) a vacancy can be filled in the manner required by Rule 39. Rule 37 (7) also included reference to the unexpired term of office and described an alternative means to fill the vacancy.
3. To take this opportunity to rectify a defect in the Trustee election timetable.

Investigation of our Rules to identify the remaining unexpired period of the term of office of the Trustees found that the first election of Trustees took place in 1984, as set out in Rule 37 (2).

By our figuring, taking 1988 as the first election anniversary it appears to us that the term of office for the Trustees (4 year terms) expired and an election is due this year (election anniversaries are 1988, 1992, 1996, 2000, and 2004).

MTA respectfully requests that the Australian Industrial Registry arrange for the election of the Associations Trustees, under section 189 of the RAO schedule of the Work Place Relations Act 1996.

Yours faithfully  
**Motor Traders' Association of NSW**

**Greg Patten**  
Director Administration, Membership & IT



**AUSTRALIAN INDUSTRIAL REGISTRY**

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

Mr Greg Patten  
Director, Administration, Membership & IT  
Motor Traders' Association of NSW  
Locked Bag 5012  
DARLINGHURST NSW 2010

Dear Mr Patten

**Re: Arrangements for the conduct of an Election (E2004/110)**

Thank you for your letter of 11 March 2004 in relation to the request for an election for the three Trustee positions under section 189 of Schedule 1B of the *Workplace Relations Act 1996*.

A copy of the Registrar's decision in relation to the above matter is enclosed.

The Registrar is making arrangements, under subsection 189(3) of Schedule 1B of the *Workplace Relations Act 1996*, with the Electoral Commissioner for the conduct of the subject election by a member of staff of the Australian Electoral Commission, who will contact you in the near future about the election.

Yours Sincerely

Stephen Kellett  
for Deputy Industrial Registrar

18 March 2004

PR944748

WORKPLACE RELATIONS ACT 1996  
s189 RAO Schedule - arrangement for conduct of an election

**Motor Traders' Association of New South Wales  
(E2004/110)**

BARRY JENKINS  
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 18 March 2004

DECISION

On 17 February 2004 the abovenamed organisation lodged in the Industrial Registry prescribed information in relation to an election for the following positions:

Trustee (3)

I am satisfied that an election for the abovenamed positions is required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1B of the Workplace Relations Act 1996, I am making arrangements for the conduct of the election by the Australian Electoral Commission.





**PATERSON, Alana**

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**From:** McKERROW, Peter  
**Sent:** Thursday, 17 June 2004 8:57 AM  
**To:** PATERSON, Alana  
**Subject:** FW: MTA-NSW E110



pic18467.jpg



MTA-NSW  
E110.doc

Please upload when you have time.

-----Original Message-----

**From:** CARNEY, Mary Jo  
**Sent:** Thursday, 17 June 2004 8:51 AM  
**To:** McKERROW, Peter  
**Subject:** FW: MTA-NSW E110

-----Original Message-----

**From:** ice.post.election.reports@aec.gov.au  
[mailto:ice.post.election.reports@aec.gov.au]  
**Sent:** Wednesday, 16 June 2004 4:31 PM  
**To:** greg.patten@mtansw.com.au  
**Cc:** industrial.elections@air.gov.au; Robert.Buchanan@aec.gov.au  
**Subject:** MTA-NSW E110

(Embedded image moved to file: pic18467.jpg)

Greg Patten  
Director Administration, Membership & IT  
Motor Traders' Association  
Locked Bag 5012  
Darlinghurst NSW 2010

Post Election Report

I refer to the recently completed election for your organisation.

Section 197(1) of Schedule 1B of the Workplace Relations Act 1996 requires the AEC to provide a written report on the conduct of the election. A copy of the report in relation to this election is attached. The file can be opened by selecting the 'Read Only' option when prompted.

Further, Regulation 141(4) of the Workplace Relations (RAO) Regulations requires an organisation or branch to publish a notice on its web site advising members that a copy of the Post Election Report is available upon request.

Please contact me if you wish to clarify any aspect of this report.

Melanie Tant  
Coordinating Officer

(See attached file: MTA-NSW E110.doc)

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Industrial and Commercial Elections  
1st Floor, 8-10 Hobart Place  
GPO Box 1824, Canberra ACT 2601  
Tel: (02) 6230 0088 Fax: (02) 6249 8375

# Australian Electoral Commission / AEC

Workplace Relations Act 1996 – Schedule 1B

## RETURNING OFFICER - POST ELECTION REPORT

<u>Client:</u>	Motor Traders' Association of New South Wales		
<u>Contact details:</u>	Greg Patten Director Administration, Membership & IT Motor Traders' Association Locked Bag 5012 Darlinghurst NSW 2010	<u>Email:</u>	greg.patten@mtansw.com.au
		<u>Tel:</u>	(02) 9212 4222
		<u>Fax:</u>	(02) 9212 6889
<u>AIR contact officer:</u>	Barry Jenkins	<u>Email:</u>	industrial.elections@air.gov.au

### ELECTIONS COVERED IN THIS REPORT

<u>Election Decision No/s:</u>	E2004/110
<u>Election:</u>	Scheduled Election For Trustee (3 Positions)
<u>Returning Officer:</u>	Robert Buchanan

### RULES

<u>Rules used for elections Rule ID</u>	[066N: Incorporates alterations of 20 April 2004 in matter R2004/221]
<u>Rule/s re eligibility to vote</u>	Rule: 39

### ROLL OF VOTERS

As a Ballot was not required therefore a Roll of Voters was not necessary
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### ALLEGATIONS OF IRREGULARITIES RECEIVED

There were no written complaints or allegations of irregularities
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### ATTACHMENTS

Declaration of Results For Uncontested Offices
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Robert Buchanan  
Returning Officer

4 June 2004

**Motor Traders' Association of New South Wales  
Motor Traders Association of NSW**

**DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

Results of the election for the following offices conducted in accordance with Schedule 1B of the Workplace Relations Act 1996 and the rules of the organisation.

E No. 2004/110

**Trustee:** 3 positions

Candidates:

BEEKMAN, Raymond Hilton

No other nominations were received

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

Robert Buchanan  
Returning Officer