



21 December 2018

Mr Paul Peterson
Chairman
Motor Trades Association of Queensland Industrial Organisation of Employers
info@mtaq.com.au

Dear Mr Peterson,

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 stage 1 and 3 uncontested and contested offices for Head Branch [E2018/39]. 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 Trades Association of Queensland Industrial Organisation of Employers 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.

Regards

Matthew Indrigo
Registered Organisations Commission



18TH December 2018

Australian Electoral Commission
qldelections@aec.gov.au

RE: Post Election Report E2018/39

We acknowledge receipt of the Post-election Report received by email 05th December 2018.

Issue raised in Other Matters:

The current rules are silent in regard to members nominating for multiple positions in the collegiate stages of the election.

We thank you for your advice and recommendation to investigate making changes to the rules in regard to nominating for multiple positions in collegiate elections and/or ballot procedures should nominations for multiple positions be allowed.

This rule change formed part of our rule changes application submitted for approval Monday 26th November 2018 and an extract is provided below.

Background: There is no current provision to prevent Division Committee and MTA Queensland Board Members from holding another position in the structure of Chair, Vice Chairman and Secretary, this is anomaly in the rules as it would be difficult for the same person to hold the position of Chair and Vice Chair when the Vice Chairs primary function is to Chair the meeting in the Chairman's absence. The affects section 4.6(b), 4.6(c) and 4.6(d) and 7.1, 7.2 and 7.3

Proposed amendment ADD additional rule to each section 4.6(b)(vi) shall not hold the position of Vice Chair or Secretary 4.6(c)(iv) shall not hold the position of Chairman or Secretary 4.6(d)(iii) shall not hold the position of Chairman or Vice Chairman ADD additional rule to each section 7.1(i) shall not hold the position of Vice Chair or Secretary 7.2(c) shall not hold the position of Chairman or Secretary 7.3(d) shall not hold the position of Chairman or Vice Chairman

Yours faithfully

James Robertson
Secretary MTA Queensland

MTA Queensland

Address Freeway Office Park, Building 8, 2728 Logan Road, Eight Mile Plains Qld 4113 [Postal PO Box 4530, Eight Mile Plains Qld 4113]

Telephone +61 7 3237 8777 | **Toll Free** 1800 177 951 | **Email** info@mtaq.com.au | **Website** www.mtaq.com.au

Post-election Report

E2018/39

**Motor Trades Association of Queensland
Industrial Organisation of Employers**

Contents

Election(s) Covered in this Report..... 3

Rules 3

Roll of Voters 3

Irregularities 3

Other Matters..... 4

Attachments 4

Election(s) Covered in this Report

Election Decision No/s: E2018/39

Rules

Rules used for the election:	015Q: Rules certified on 14/02/2018 in matter R2017/276
Rules difficult to apply/interpret:	None
Module Rule reference (if any)	N/A

Roll of Voters

Total number of voters on the Roll:	Stage 1: Roll not required as all ballots uncontested Stage 2: 37 Stage 3: 14
Number of apparent workplace addresses:	Not applicable Members are businesses/organisations and not individual staff that work there, so most addresses are workplace addresses.
Number of non-current addresses:	Nil
Other matters pertaining to the roll of voters:	Nil

Irregularities

Details of written allegations of irregularities, and action taken by AEC:	Nil
Other irregularities identified, and action taken:	Nil

Other Matters

The current rules are silent in regard to members nominating for multiple positions in the collegiate stages of the election. As such, a single member could, in theory, nominate and be successful in all three board positions in individual Divisions or for the three Executive Board positions.

The AEC was approached by the Organisation in relation to this matter and was advised that if a member nominated for multiple positions, then the ballot would be conducted in the usual manner. If a candidate was successful in winning multiple positions, then the AEC would have no choice but to declare them as the successful candidate for each of those positions.

The Organisation may wish to investigate making changes to the rules in regard to nominating for multiple positions in collegiate elections and/or ballot procedures should nominations for multiple positions be allowed.

Attachments

- 1) Declaration of Results for Uncontested Offices – Stage 1
- 2) Declaration of Results for Uncontested Offices – Stage 2
- 3) Declaration of Results for Uncontested Offices – Stage 3
- 4) Declaration of Results for Contested Offices – Stage 3

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

Darren Drysdale
Returning Officer

5 December 2018

Motor Trades Association of Queensland Industrial Organisation of Employers

DECLARATION OF RESULTS - E2018/39 Stage 3 Board and Executive - Contested 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:

District Representatives and District Chairmen

Total number of persons on the roll of voters	13
Ballot Papers Issued	13
Replacement ballot papers issued	Nil
TOTAL BALLOT PAPERS ISSUED	13
Ballot papers/envelopes returned for scrutiny	13
Less ballot papers/envelopes rejected at preliminary scrutiny	Nil
Adjusting balance	Nil
TOTAL BALLOT PAPERS	13
Percentage of ballot papers returned to number issued	100%
Ballot papers returned as unclaimed mail by closing date of ballot	Nil
Ballot papers not returned by voters	Nil

MTA Queensland Chairman (1)

<u>Candidates</u>	<u>Votes</u>
DODGE Mark	6
PETERSON Paul	7

Total Ballot papers admitted for this office	13
Formal ballot papers	13
Informal ballot papers	Nil

I declare the following elected:

- PETERSON Paul

MTA Queensland Secretary (1)

<u>Candidates</u>	<u>Votes</u>
ROBERTSON James	7
PETERSON Paul	6

Total Ballot papers admitted for this office	13
Formal ballot papers	13
Informal ballot papers	Nil

I declare the following elected:

- ROBERTSON James



Darren Drysdale
Returning Officer
Australian Electoral Commission
12/11/2018



Motor Trades Association of Queensland Industrial Organisation of Employers

DECLARATION OF RESULTS - E2018/39 Stage 3 - 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:

MTA Queensland Vice-Chairman

No. Of Vacancies: 1

No. Of Nominees: 1

Candidate

BRYERS, Mark

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



Darren Drysdale
Returning Officer
Australian Electoral Commission

16 October 2018

Motor Trades Association of Queensland Industrial Organisation of Employers

DECLARATION OF RESULTS - E2018/39 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:

Division Committee Member

Queensland Farm and Industrial Machinery Dealers Division (QFIMDD)

FRASER, David
DOVER, Murray
LAWSON, Grahame
SOMMERFELD, Bruce
VANDERSEE, Robert

Division Committee Member

Queensland Motor Cycle Industry Division (QMID)

PETERSON, Paul
LYNIS, Alex
MILNE, Sharine
D'ESPOSITO, Rob
MUGGERIDGE, Muggeridge

Division Committee Member

Tyre and Undercar Division Qld (TUDQ)

HAYES, Steve
COLLETT, Bradley
SIMMONS, Paul
HART, Michael
PARKER, Timothy
GRACE, Neil

Division Committee Member

Australian Automobile Dealers Association Queensland (AADA(QLD))

ROBERTS, Peter
STURGES, James
BONNICI, Michael
MADILL, Garth
IRELAND, Richard

Division Committee Member

Automotive Engineers Division (AED)

FRANGIOSA, Angelo Paul
DONOVAN, Maurice
WEBER, Michael
FAIRBANKS, Rob
BONANNO, Anthony
HOMAN, Gary
DODGE, Mark
GEORGAS, Michael

Division Committee Member

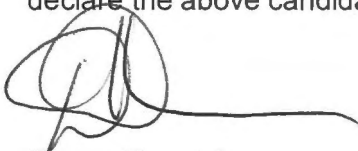
National Auto Collision Alliance (NACA)

AGNEW, Chris
BRYAN, Matthew
MANTEIT, Chris
CHESTERFIELD, Ben
DAVIES, Steve
MCCARTHY, Andrea
SAVVA, Tony
CONTARINO, Nick

District Representative Northern District

BILLINGSLEY, Mark

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



Darren Drysdale
Returning Officer
Australian Electoral Commission
12 June 2018



21 August 2018

Mr Paul Peterson
Secretary
Motor Trades Association of Queensland Industrial Organisation of Employers
info@mtaq.com.au

Dear Mr Peterson,

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 stage 2 uncontested offices for [E2018/39]. 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 Trades Association of Queensland Industrial Organisation of Employers 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.

Regards

Christine Hibberd
Registered Organisations Commission

**Motor Trades Association of Queensland Industrial
Organisation of Employers**
**Motor Trades Association of Queensland Industrial Organisation of
Employers**
DECLARATION OF RESULTS - E2018/39
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:

Queensland Farm and Industrial Machinery Dealers Division (QFIMDD)

Division Chairman (QFIMDD) (1)

Candidates

FRASER, David Keith

Division Vice-Chairman (QFIMDD) (1)

Candidates

SOMMERFELD, Bruce John

Division Secretary (QFIMDD) (1)

Candidates

VANDERSEE, Robert Gordon

Queensland Motor Cycle Industry Division (QMID)

Division Chairman (QMID) (1)

Candidates

PETERSON, Paul John

Division Vice-Chairman (QMID) (1)

Candidates

MILNE, Sharine Anne Jeanette

Division Secretary (QMID) (1)

Candidates

LYNIS, Alex

Tyre and Undercar Division Qld (TUDQ)

Division Chairman (TUDQ) (1)

Candidates

COLLETT, Bradley

Division Vice-Chairman (TUDQ) (1)

Candidates

HART, Michael

Division Secretary (TUDQ) (1)

Candidates

HAYES, Stephen

Australian Automobile Dealers Association Queensland (AADA(QLD))

Division Chairman (AADA(QLD)) (1)

Candidates

STURGES, James Francis

Division Vice-Chairman (AADA(QLD)) (1)

Candidates

MADILL, Garth

Division Secretary (AADA(QLD)) (1)

Candidates

BONNICI, Michael Anthony

Automotive Engineers Division (AED)

Division Chairman (AED) (1)

Candidates

DODGE, Mark

Division Vice-Chairman (AED) (1)

Candidates

HOMAN, Gary David

Division Secretary (AED) (1)

Candidates

FAIRBANKS, Robert

National Auto Collision Alliance (NACA)

Division Chairman (NACA) (1)

Candidates

CHESTERFIELD, Ben

Division Vice-Chairman (NACA) (1)

Candidates

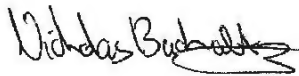
MANTEIT, Chris

Division Secretary (NACA) (1)

Candidates

MCCARTHY, Andrea

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



Nicholas Bucholtz
Returning Officer
Australian Electoral Commission
15/08/2018



DECISION

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

Motor Trades Association of Queensland Industrial Organisation of Employers (E2018/39)

MR ENRIGHT

MELBOURNE, 23 MARCH 2018

Arrangement for conduct of election.

[1] On 27 February 2018 the Motor Trades Association of Queensland Industrial Organisation of Employers lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Division Committee Member - Queensland Farm and Industrial Machinery Dealers Division (QFIMDD)	(5)
Division Chairman (QFIMDD)	(1)
Division Vice-Chairman (QFIMDD)	(1)
Division Secretary (QFIMDD)	(1)
Division Committee Member - Queensland Motor Cycle Industry Division (QMID)	(5)
Division Chairman (QMID)	(1)
Division Vice-Chairman (QMID)	(1)
Division Secretary (QMID)	(1)
Division Committee Member - Tyre and Undercar Division Qld (TUDQ)	(7)
Division Chairman (TUDQ)	(1)
Division Vice-Chairman (TUDQ)	(1)
Division Secretary (TUDQ)	(1)
Division Committee Member - Australian Automobile Dealers Association Queensland (AADA(QLD))	(5)
Division Chairman (AADA(QLD))	(1)
Division Vice-Chairman (AADA(QLD))	(1)
Division Secretary (AADA(QLD))	(1)
Division Committee Member - Automotive Engineers Division (AED)	(10)
Division Chairman (AED)	(1)
Division Vice-Chairman (AED)	(1)
Division Secretary (AED)	(1)

Division Committee Member - National Auto Collision Alliance (NACA)	(8)
Division Chairman (NACA)	(1)
Division Vice-Chairman (NACA)	(1)
Division Secretary (NACA)	(1)
District Representative Northern District	(1)
MTA Queensland Chairman	(1)
MTA Queensland Vice-Chairman	(1)
MTA Queensland Secretary	(1)

[2] 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 *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE COMMISSIONER

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<PR351017>


Notice and Statement of Prescribed Information for an Election

I, Paul John Peterson, being the Secretary of Motor Trades Association of Queensland, Industrial Organisation of Employers (MTA Queensland), make the following statement:

I am the Secretary of the Motor Trades Association of Queensland, Industrial Organisation of Employers (MTA Queensland),

I am authorised to lodge the following prescribed information concerning forthcoming elections in the Queensland Branch of the Motor Trades Association of Queensland, Industrial Organisation of Employers, and

I confirm that the following information is being lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*.

Signed:  _____

Dated: 27/02/2018

Offices/Positions

A	Queensland Farm and Industrial Machinery Committee QFMIDD (5) Queensland Farm and Industrial Machinery Chairman (1) Queensland Farm and Industrial Machinery Vice Chairman (1) Queensland Farm and Industrial Machinery Secretary (1)
	Queensland Motor Cycle Industry Division QMID (5) Queensland Motor Cycle Industry Division Chairman (1) Queensland Motor Cycle Industry Division Vice Chairman (1) Queensland Motor Cycle Industry Division Secretary (1)
	Tyre and Undercar Division Qld Committee TUDQ (7) Tyre and Undercar Division Qld Chairman (1) Tyre and Undercar Division Qld Vice Chairman (1) Tyre and Undercar Division Qld Secretary (1)
	Australian Automobile Dealers Association Queensland Committee AADA(Q) (5) Australian Automobile Dealers Association Queensland Chairman (1) Australian Automobile Dealers Association Queensland Vice Chairman (1) Australian Automobile Dealers Association Queensland Secretary (1)
	Automotive Engineers Division Committee AED (10) Automotive Engineers Division Chairman (1) Automotive Engineers Division Vice Chairman (1) Automotive Engineers Division Secretary (1)

	National Auto Collision Alliance Committee NACA (8) National Auto Collision Alliance Chairman (1) National Auto Collision Alliance Vice Chairman (1) National Auto Collision Alliance Secretary (1)
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B	District Representative North Queensland (1)
C	MTA Queensland Chairman (1)
	MTA Queensland Vice Chairman (1)
	MTA Queensland Secretary (1)

Reasons for election:

- Election for offices and positions marked A, B and C respectively is required as the terms of office are due to expire in the normal course of events under the rules of the organisation.

Elected by Direct Vote:

- Division Committee Member;
- District Representatives; and

Elected by Collegiate Vote:

- Division Chairman, Vice Chairman and Secretary
- MTA Queensland Board Chairman, Vice Chairman and Secretary

Elected by:

- The electorate for the direct voting system for A:
 - Committee is the whole of each Division
 - Chairman, Vice Chairman and Secretary of each Division the collegiate electoral system is by and from the Elected Committee Representatives
- The electorate for the direct voting system for B is by and from the Members in each District
- The electorate for collegiate electoral system for C is by and from the Elected Industry Chairman and District Representatives

Nominations open:

- For offices to be elected by direct voting system for A Committee Members and B District Representatives – 1 May (Rule 13.1(a))
- For offices to be elected by collegiate voting system for A Chairman, Vice Chairman and Secretary – 26 July (Rule 18(e) (i) (A))
 - The Manager will conduct an election by secret ballot at the first meeting of the relevant college following the close of nominations (AGM) (Rule 18(f) (i))
- For offices to be elected by collegiate election for C – 01 October (Rule 18(e) (ii) (A))

Nominations close:

- For offices to be elected by direct voting system for A Committee Members and B District Representatives - 12 noon, 01 June (Rule 13.1(b))
 - Candidate may withdraw nomination 10 June
 - Defective nominations to be rectified 10 June
 - Opening date for secret ballot (if required) 25 June
 - Closing date for secret ballot (if required) 16 July
- For offices to be elected by collegiate voting system for A Chairman, Vice Chairman and Secretary – 12 noon, 9 August (Rule 18(e) (i) (B))
- For offices to be elected by collegiate election for C - 15 October (Rule 18(e) (ii) (b))

Cut off date for roll:

- In all cases – Both the eligible member and the Member they are nominating for office must have been a financial Member for a period of thirty (30) days prior to the opening date for nominations (Rule 13.5(b))

Note:**Rule 12.3 Dates**

Should any of the dates specified in these Rules for the appointment of Elected Office Holders fall on a non-business day, the revised date will be taken to be the first business day following the original date. If a date is revised all other dates are to remain as specified in these Rules for the appointment of Elected Office Holders.



2 February 2018

Mr Paul Peterson
Secretary
Motor Trades Association of Queensland Industrial Organisation of Employers

Sent via email: info@mtaq.com.au

CC: AEC Returning Officer by email: industrial.elections@aec.gov.au

Dear Mr Peterson,

Courtesy Letter - Election for offices [E2018/39]

The rules of the Motor Trades Association of Queensland Industrial Organisation of Employers indicate that an election for offices within the organisation is due to commence shortly.

- Division Committees (Industry Divisions)
- District (Regional) Representative
- Division Committee Chairman, Vice-Chairman, Secretary
- Board Chairman, Vice-Chairman, Secretary

It appears that nominations for the election for the above-named offices open in May this year.

Reminder: prescribed information must be lodged

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') within the month. Prescribed information must be lodged with the Registered Organisations Commission (the ROC) two months before nominations open for the election.

If you do NOT agree that an election is due

If you have a different interpretation for the commencement of the election or the offices due for election under your rules, please let the ROC know on regorgs@roc.gov.au as soon as possible.

If you agree that an election is due

If you agree that an election is due, the prescribed information must be lodged within the month. The prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at <http://www.roc.gov.au/resources-and-decisions/fact-sheets-templates-and-webinars>.

The prescribed information should be emailed to regorgs@roc.gov.au. When lodging the prescribed information, please quote [E2018/39]

If you are unable to lodge the prescribed information on time

If your organisation believes that it will be unable to comply with the prescribed day as set out in the Regulations, it will need to apply to the Commissioner within the month for a later date. Such request will need to set out in detail the reason why your organisation is unable to comply with the requirement. While the Commissioner will consider such an application, there is no assurance that consent to a later day will be allowed.

Penalties apply

It should be noted Section 189(2) is a civil penalty provision. Failure for an organisation to lodge prescribed information at least two months before nominations open may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation.

The ROC intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the ROC cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

Insufficient nominations

If there are insufficient nominations, or if a casual vacancy arises after the conduct of this election, then those unfilled or vacated offices must be filled in accordance the organisation's rules, and in any event in a timely manner.

Should you seek any clarification in relation to the above, please contact the ROC on regorgs@roc.gov.au.

Yours faithfully,



Sam Gallichio
Registered Organisations Commission