

# **Australian Electoral Commission /AEC**

Fair Work (Registered Organisations) Act 2009

## **POST ELECTION REPORT**

**Traffic Management Association of Australia**

**2012 Election**

### **ELECTION/S COVERED IN THIS REPORT**

Election Decision No/s: *E2011/2701*

### **RULES**

Rules used for the election: *R2011/244 – Incorporates alterations of 12/12/2011*

Rules difficult to apply/interpret: *None*

Model Rule reference (if any): *N/A*

### **ROLL OF VOTERS**

The First stage of the election was contested and the roll of voters was required for this part of the election. For the Office Bearers Stage 2 of the election, there was no contested positions and the Roll of Voters was not required for this part of election.

### **IRREGULARITIES**

Details of written allegations of irregularities and action taken by AEC: *Nil*

Other irregularities identified, and action taken: *Nil*

### **ATTACHMENTS**

Declaration of Results for Contested Offices 1<sup>st</sup> Tier - dated 05 April 2012.

Declaration of Results for Uncontested Offices 2<sup>nd</sup> Tier - dated 19 April 2012

Terry Ballard  
Returning Officer

20 April 2012

# Traffic Management Association of Australia Management Committee Election

## DECLARATION OF RESULTS FOR CONTESTED OFFICES

Results of the election E2011/2701 for the following offices conducted in accordance with the provisions of the Fair Work (Registered Organisations) Act 2009 and the rules of the organisation.

E2011/2701

### Membership

|   |           |
|---|-----------|
| Total number of persons on the roll of voters                   | 62        |
| Ballot papers issued  | 62        |
| Duplicate ballot papers issued                                  | 0         |
| <b>TOTAL BALLOT PAPERS ISSUED</b>                               | <b>62</b> |
| Ballot papers / envelopes returned for scrutiny                 | 40        |
| Less ballot papers / envelopes rejected at preliminary scrutiny | 1         |
| Adjusting Balance   | 0         |
| <b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>                 | <b>39</b> |
| Percentage of ballot papers returned to number issued           | 64%       |
| Ballot papers returned as unclaimed mail                        | 1         |
| Ballot papers not returned                                      | 21        |

### Management Committee Member (4)

| <u>Candidates</u>      | <u>First Preference Votes</u> | <u>Votes</u> |
|------------------------|-------------------------------|--------------|
| CHAPMAN, Mark Allan    | 20                            | 20           |
| HYNES, Stephen         | 26                            | 26           |
| O'DWYER, Stephen       | 29                            | 29           |
| SILBERT, Kevin         | 20                            | 20           |
| WHITE, Andrew          | 15                            | 15           |
| Exhausted Votes        |                               | 0            |
| Loss/Gain by Fraction  |                               | 0            |
| Total votes            | 110                           | 110          |
| Formal ballot papers   | 38                            | 38           |
| Informal ballot papers | 1                             | 1            |

I declare Mark Allan Chapman, Stephen Hynes, Stephen O'Dwyer and Kevin Silbert elected.

Terry Ballard  
Returning Officer  
Australian Electoral Commission  
5 April 2012

# Traffic Management Association of Australia Election of Officers – Stage 2

## DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2011/2701

### **Management Committee Members**

#### **President**

Candidate

O' DWYER, Stephen

#### **Vice-President**

Candidate

CHAPMAN, Mark

#### **Treasurer**

Candidate

SILBERT, Kevin

#### **Secretary**

Candidate

HYNES, Stephen

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

Terry Ballard  
Returning Officer



FAIR WORK  
AUSTRALIA

## DECISION

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

**Traffic Management Association of Australia**  
(E2011/2701)

T. NASSIOS

MELBOURNE, 15 DECEMBER 2011

*Arrangement for conduct of election.*

[1] On 15 December 2011 the Traffic Management Association of Australia lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

Members of the Management Committee (4)

President

Vice-President

Treasurer

Secretary

[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 GENERAL MANAGER  
FAIR WORK AUSTRALIA

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**TRAFFIC** MANAGEMENT  
ASSOCIATION OF AUSTRALIA

15 December 2011

Fair Work Australia  
11 Exhibition Street  
MELBOURNE VIC 3000

**Private and Confidential**

*ATTENTION: EVE ANDERSON*

Dear Eve,

**Traffic Management Association of Australia**

Please find **attached** the prescribed information lodged in accordance with section 189 of the *Fair Work (Registered Organisations) Act 2009* for the Traffic Management Association of Australia (**TMAA**) election of office bearers according to the TMAA rules and as per regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*.

Also provided in a separate attachment to this cover letter, is the completed election checklist with all details and dates for the TMAA election.

I look forward to discussing this with you further.

Warm regards

Louise Van Ristell  
Interim Secretary



**TRAFFIC MANAGEMENT ASSOCIATION OF AUSTRALIA (TMAA)  
Election Checklist:  
Regulation 138 prescribed information for election s. 189(1) *Fair Work (Registered Organisations) Act 2009* ('RO Act')**

|  |  |
|--|--|
| (1) The following information is prescribed information for an election conducted for an office or for a position other than a office:   |  |
| (a) the name of each office or positions for which an election is required<br><b>Members of the Management Committee<br/>President<br/>Vice President<br/>Treasurer<br/>Secretary</b>  |  |
| (b) the reason for the election is that:<br><b>New offices have been created. All positions are new offices with the formation and registration of this organisation. An Interim Board of President, Vice President, Treasurer and Secretary was required for registration purposes, but will resign effectively prior to the AGM as per TMAA rule 6.13 (d).</b> |  |
| (b) if more than one of the offices or positions for which an election is required has the same name, and the number of offices or positions can, under the rules of the relevant organisation or branch, be determined before the prescribed day — the number of those offices or positions;<br><b>Members of the Management Committee (4)</b>                  |  |
| (c) if the electorate comprises only members of a branch, section or other division of an organisation — the name of the branch, section or division;<br><b>This is not applicable to the TMAA.</b>  |  |



|  |  |
|--|--|
| <p>(d) the date and time of the beginning and end of the period in which nominations of candidates will be called for or may be made under the rules of the organisation or branch in relation to the election;</p> <p><b>See proposed timeline below.</b></p> <p><b>TMAA Rule 7.2 (c)</b><br/><b>Nominations for elections will open no less than forty-five (45) days before the Annual General Meeting.</b></p> <p><b>TMAA rule 22(f)</b></p> <p><b>The closing time for nominations shall be fixed by the Returning Officer which shall be no more than seven (7) days after the date that nominations are open.</b></p> <p><b>It is proposed that the AGM be held on 1 March 2012 (see timeline below).</b></p> |  |
| <p>(e) the day provided for in the rules of the organisation as the day on which the roll of voters is to be closed;</p> <p><b>See proposed timeline below.</b></p> <ul style="list-style-type: none"><li>• <b>TMAA Rule 7.4(c)</b></li></ul> <p><b>The time and date of closure of the roll of Members and their Nominated Representatives that are eligible to vote shall be fixed by the Returning Officer, and shall be no more than thirty (30) days before and no less than seven (7) days before the opening of nominations.</b></p>  |  |



|   |  |
|---|--|
| <p>(g) the kind of voting system to be used in the conduct of the election is:</p> <ul style="list-style-type: none"><li>(i) a direct voting system; or</li><li>(ii) a collegiate electoral system.</li></ul> <p><b>Collegiate for Management Committee members, who then elect the Office bearers from their number.</b></p> <p><b>TMAA rule 7.1 (e)</b></p> <p><b>The election of Members of the Management Committee and Officers shall be conducted by a collegiate electoral system. The Management Committee Members shall be elected on a ‘first past the post system’ provided that, subject to Rule 7.6(c), no two (2) members of the Management Committee shall be from the same State. The Offices of President, Vice-President, Treasurer and Secretary shall be elected by and from the Members of the Management Committee.</b></p> |  |
| <p>(2) The prescribed information lodged by an organisation or branch under subsection 189 (1) of the RO Act must contain a statement, signed by an officer of the organisation or branch who is authorised to sign the statement, that the information is lodged under subsection 189 (1) of the RO Act.</p> <p><b>TMAA Statement attached as a separate document (14/12/11)</b></p>   |  |
| <p>(3) For subsection 189 (2) of the RO Act, the prescribed day is the day occurring 2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in an election.</p> <p><b>16 November 2011</b></p> <p><b>TMAA seeks the General Manager to allow it to lodge this prescribed information at this time as the TMAA was only registered under the RO Act on 2 November 2011.</b></p> <p><b>In line with the above, a Returning Officer may be appointed with enough time to make the necessary arrangements for the conduct of the election.</b></p>  |  |





### **TMAA proposed election timeline**

- **If the TMAA AGM is held on *Thursday, 1 March 2012*, the TMAA proposes the following timeline:**
  - ***Between 16 December 2011 and 9 January 2012 – Roll of voters to be closed at a date to be fixed by Returning Officer.***
  - ***16 January 2012 – Nominations for election as a member of the Management Committee open.***
  - ***23 January 2012 - Nominations for election as a member of the Management Committee close.***
  - ***6 February 2012 – Ballots to be distributed to members by Returning Officer.***
  - ***Between 13 February 2012 and 20 February 2012 – Ballot to be closed at a date to be fixed by Returning Officer.***
  - ***Between 20 February 2012 and 27 February 2012 – Counting of ballot to be completed by Returning Officer (5 business days after close of ballot).***
  - ***1 March 2012 – AGM to be held. Election of Office bearers by and from Members of Management Committee to be conducted.***