

26 October 2022

Post-Election Report

The Motor Trade Association of South
Australia Incorporated
Scheduled Election
E2022/28 – Stage 1 and 2

Contents

Election Covered in this Report	3
Rules	3
Roll of Voters	5
Other Matters.....	6
Signed.....	6
Attachments.....	7
A. Declaration of results for Contested Offices – Stage One.....	7
B. Declaration of results for Uncontested Offices – Stage Two	7

Election Covered in this Report

Organisation: The Motor Trade Association of South Australia Incorporated

Election: Scheduled

Election Decision No: E2022/28 Stage One and Two

Rules

Rules used for the election: [234V: Incorporates alterations of 06/04/20 [R2019/148 & D2019/22]

(replaces rulebook dated 18/07/2014 [R2013/376])

Rules difficult to apply/interpret: Yes

Nominations

13.1 (a) Each Division and Zone is entitled to one nomination for the seven positions on the Board.

In 2020, MTASA changed its Rules, which altered the structure of its Board.

It is understood that MTASA's intention by this rule was to assure representational diversity, as each Board member represented a different Division or Zone. However, in E2022/28 as only three positions are vacant, Divisions or Zones that already have Board member representation are able to nominate candidates. This could very easily result in three sets of two Board members from the same Zone or Division. It is very difficult to give content to rule 13.1(a) when the elections are being conducted on a rotating basis set out in r 12.2:

...Three members of the Board shall retire after the first year after election. The remaining four members of the Board shall retire after the second year after election, after which the members of the Board elected to the vacancies after the first year shall retire and so on...

Model Rule reference (if any): NA

Counting the votes

15.10 Preferential counting for Zone Representative

- (a) *If the positions on the Board not up for election do not include a Board member who is a Zone Representative, if after the votes have been counted there is no Zone Representative with enough votes to be elected, the Zone Representative with the most votes will be deemed to have one vote more than the nominee who would have the lowest number of votes needed to be elected were it not for this clause 15.10.*
- (b) *For the avoidance of doubt, if clause 15.10(a) is triggered, the Zone Representative with the highest number of votes will be elected and the nominee who would have the lowest number of votes needed to be elected were it not for this clause 15.10 will not be elected.*

The rules do not make provision for counting votes in a way that ignores votes received by certain candidates. Additionally, the rules do not specifically prescribe a voting method or method for counting votes.

Due to the requirement in r15.12(a) to complete ballots papers by:

...placing a cross in the square opposite the name of each candidate for whom the Member desires to vote...

It is understood MTASA's intention is for counting of the votes to be conducted by a first past the post basis with the candidates having the most votes elected. However, this is not made express by the rules

Model Rule reference (if any):

First past the post system

Election of one candidate only

In this system, a candidate is elected with a simple majority of votes, that is, the highest number of votes in the count.

Voters are required to mark ballot papers by one of the following methods:

- a)** using ticks
- b)** crosses
- c)** numbers
- d)** striking out the names of candidates for whom they DO NOT wish to vote.

The result of a ballot is ascertained by counting the number of votes shown against the name of each candidate. The candidate with the highest number of votes is elected.

Election of more than one candidate

Voters mark their ballot papers in a manner similar to that outlined above, in which case they may, or may not, be required to vote for the exact number of candidates to be elected. Votes are counted in the same way as for the election of only one candidate. Successful candidates are those who receive the highest number of votes.

29.1.1 The voting system shall be the first-past-the post system as detailed in this Rule.

29.1.2 The method of voting shall be by placing a (insert “tick”, “cross” or “numbers”) in the square next to the name/s of the candidate/s for whom the elector wishes to vote.

29.1.3 The voter must vote for the number of candidates to be elected. (insert if required)

29.1.4 The candidate/s with the highest number of votes shall be elected.

29.1.5 If two or more candidates each receive the same number of votes the Returning Officer shall decide by lot which candidate is to be elected.

29.1.6 A ballot paper shall be informal if marked other than in accordance with this Rule.

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Roll of Voters

Based on an analysis of the register of members the Returning Officer has formed the opinion that the:

- A proportion of the members personal details (such as name of nominated representative) that were not current
 - 8 members’ nominated representatives had not been updated by close of roll

Total number of voters on the Roll: 1260

Other Matters

Returning Officer actions required (Section 193):

Details:

- Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.
- Rules requiring an in-person ballot were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for all stakeholders to attend. Instead, the ballot was conducted via post.
- Rules specifying the method of lodgement of nominations were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for potential candidates to nominate. Instead, nominations were received electronically, via email/the AEC's portal.
- As there is no rule pertaining to the withdrawal of nominations, I am fixing a closing time for the withdrawal of nominations to coincide with the closing date.

Signed

Jenna Hales

Returning Officer

Australian Electoral Commission

E: IEBevents@aec.gov.au

P: 03 9285 7111

26 October 2022

Attachments

- A. Declaration of results for Contested Offices – Stage One

- B. Declaration of results for Uncontested Offices – Stage Two

The Motor Trade Association of South Australia Incorporated

DECLARATION OF RESULTS - E2022/28 - Stage 1

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:

Motor Trade Association of South Australia

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	1260
Number of voters issued with voting material	1260
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	1260
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	168
Number of declaration envelopes rejected at preliminary scrutiny (minus)	2
Number of ballot papers returned outside declaration envelopes (minus)	3
COUNT	
Total ballot papers admitted to the count	163
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	77
Voting material packs not returned by voters by closing date of the ballot	1015
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	13.33 %

Board Member (3)

<u>Candidates</u>	<u>Final Votes</u>
POLLEY, Clive	102
ROBERTS, Peter	105
FLYNN, Mark	91
PAPILLO, Mark	75

Total ballot papers admitted for this office	163
Formal Ballot papers	160
Informal Ballot papers	3

I declare the following elected:

- POLLEY, Clive
- ROBERTS, Peter
- FLYNN, Mark

Jenna Hales
 Returning Officer
 Telephone: 03 9285 7111
 Email: IEEvents@aec.gov.au



28/09/2022

The Motor Trade Association of South Australia Incorporated
DECLARATION OF RESULTS - E2022/28 - Stage 2
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:

Chair (1)

Candidates

AGOSTINO Frank

Deputy Chair (1)

Candidates

MCGUIRE Mark

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

Jenna Hales
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
19/10/2022

