



6 December 2024

David Clerk  
Executive Director  
Master Builders' Association of Tasmania Inc.  
Sent via email: [ea@mbatas.org.au](mailto:ea@mbatas.org.au)

Dear David Clerk



**IMMEDIATE ACTION REQUIRED:**

**You must take steps after your recent election E2024/21**

An election has recently been completed by the Australian Electoral Commission (AEC) for the Master Builders' Association of Tasmania Inc. and a post-election report has been issued by the AEC.

This letter explains the next steps you must take, including what information you need to give to members and what information you need to lodge with the Fair Work Commission (the Commission).

**What you must do right now**

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to the Commission at [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au)

This letter explains these steps and the tools available to help you.

## STEP 1: Notify members

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (regulation 141). The notice must be on your website for at least three months.



Can we put more information on our website?

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than three months. You can always do more than the regulatory minimum.

The Commission will also publish your declaration of results on our [website](#).

## STEP 2: Financial training

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete approved financial training (section 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face-to-face and online [financial training packages on the Commission website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR receive an [exemption by the Commission](#) **within six months** of beginning to hold office.



### Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the *Fair Work (Registered Organisations) Act 2009* (the RO Act), and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast](#), such as [episode 17 - conflicts of interest](#).

## STEP 3: Notifications of change



A notification of change must be lodged with the Commission within **35 days** of the change occurring.

We have a [template](#) to help you with this, which you can send to [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au). An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

**Note:** One election may result in many notifications of change.



#### Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

**Real-life example of penalties in Court** An organisation failed to make a series of notifications of change on time.

The Full Court said ‘The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.’

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).



#### Why do I need to tell you the results of the election when you’ve already received them?

The RO Act requires that **you** tell us this information about your officers – it is a legal obligation. The notification of change also contains information that is not in the declaration of results.

#### What if the officer has already done training?

Check out our [fact sheet](#) for when officers need to redo training, when they can get an exemption and when further training isn’t required.

If you have any queries we can be contacted on 1300 341 665 or by email at [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au).

Yours sincerely

**Fair Work Commission**



The Commission has an interim [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

5 December 2024

# Post-Election Report

Master Builders' Association of Tasmania Inc.  
Scheduled Election  
E2024/21

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# Election(s) Covered in Post-Election Report (PER)

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Organisation: Master Builders' Association of Tasmania Inc.

Election Decision No: E2024/21

Election: Scheduled

Date ballot closed: 18/11/2024

Date results declared: 19/11/2024

Date PER due: 18/12/2024

## Relevant Legal Provisions

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*Fair Work (Registered Organisations) Act 2009* ('the Act')

### **197 Post-election report by AEC**

#### *Requirement for AEC to make report*

- (1) After the completion of an election conducted under this Part by the AEC, the AEC must give a written report on the conduct of the election to:
  - (a) the General Manager; and
  - (b) the organisation or branch for whom the election was conducted.

Note: The AEC may be able, in the same report, to report on more than one election it has conducted for an organisation. However, regulations made under paragraph 359(2)(c) may impose requirements about the manner and timing of reports.

- (2) The report must include details of the prescribed matters.

#### *Contents of report—register of members*

- (3) If the AEC is of the opinion that the register of members, or the part of the register, made available to the AEC for the purposes of the election contained, at the time of the election:
  - (a) an unusually large proportion of members' addresses that were not current; or
  - (b) in the case of a register kept by an organisation of employees—an unusually large proportion of members' addresses that were workplace addresses;

this fact must be included in the report, together with a reference to any relevant model rules which, in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: Model rules are relevant only to the conduct of elections for office, not for elections for other positions (see section 147).

#### *Contents of report—difficult rules*

- (4) If the report identifies a rule of the organisation or branch that, in the AEC's opinion, was difficult to interpret or apply in relation to the conduct of the election, the report must also refer to any relevant model rules, which in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: For model rules, see section 147.

#### *Subsection (3) relevant only for postal ballots*

- (5) Subsection (3) applies only in relation to elections conducted by postal ballot.

Note: An organisation can obtain an exemption from the requirement to hold elections for office by postal ballot (see section 144).

## 190 Organisation or branch must not assist one candidate over another

An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.

Penalty: 100 penalty units.

## 193 Provisions applicable to elections conducted by AEC

- (1) If an electoral official is conducting an election, or taking a step in relation to an election, for an office or other position in an organisation, or branch of an organisation, the electoral official:
  - (a) subject to paragraph (b), must comply with the rules of the organisation or branch; and
  - (b) may, in spite of anything in the rules of the organisation or branch, take such action, and give such directions, as the electoral official considers necessary:
    - (i) to ensure that no irregularities occur in or in relation to the election; or
    - (ii) to remedy any procedural defects that appear to the electoral official to exist in the rules; or
    - (iii) to ensure the security of ballot papers and envelopes that are for use, or used, in the election.
- (2) A person commits an offence if the person does not comply with a direction under subsection (1).

Penalty: 30 penalty units.
- (3) Subsection (2) does not apply so far as the person is not capable of complying.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).
- (4) Subsection (2) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (4), see subsection 13.3(3) of the *Criminal Code*.
- (5) An offence against subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.
- (6) An election for an office or other position conducted by an electoral official, or step taken in relation to such an election, is not invalid merely because of a breach of the rules of the organisation or branch because of:
  - (a) action taken under subsection (1); or
  - (b) an act done in compliance with a direction under subsection (1).
- (7) If an electoral official conducting, or taking a step in connection with, an election for an office or other position:
  - (a) dies or becomes unable to complete the conduct of the election or the taking of the step; or
  - (b) ceases to be qualified to conduct the election or to take the step;the Electoral Commissioner must arrange for the completion of the conduct of the election, or the taking of the step, by another electoral official.

## 6 Definitions

*irregularity*, in relation to an election or ballot, includes:

- (a) a breach of the rules of an organisation or branch of an organisation; and
- (b) an act or omission by means of which:
  - (i) the full and free recording of votes by all persons entitled to record votes and by no other persons; or
  - (ii) a correct ascertainment or declaration of the results of the voting; is, or is attempted to be, prevented or hindered; and
- (c) a contravention of section 190.



## Fair Work (Registered Organisations) Regulations 2009 ('the Regulations')

### 140 Declaration of result of election (s 193)

- (1) Within 14 days after the closing day of an election, the AEC must issue a declaration stating the following:
  - (a) the total number of persons on the roll of voters;
  - (b) the total number of ballot papers issued (if applicable);
  - (c) the total number of envelopes that were returned undelivered by the closing day of the ballot to the AEC (if applicable);
  - (d) the total number of ballot papers received by the electoral official by the closing day of the ballot (if applicable);
  - (e) the result of the election;
  - (f) the total number of informal ballot papers (if applicable).
- (2) In subregulation (1), **closing day**, for an election, means:
  - (a) if a ballot is not required—the day on which nominations for the election close; or
  - (b) if a ballot is required—the closing day of the ballot.
- (3) Immediately after issuing a declaration under subregulation (1), the AEC must give a copy of the declaration to:
  - (a) the General Manager; and
  - (b) the organisation or branch for whom the election was conducted.

### 141 Post-election report by AEC (s 197(2))

- (1) For subsection 197(2) of the Act, the following matters are prescribed for inclusion in the report (the **post-election report**) given under subsection 197(1) of the Act:
  - (a) the declaration mentioned in regulation 140;
  - (b) any rules of the organisation or branch which because of ambiguity or other reason, were difficult to interpret or apply;
  - (c) any matters in relation to the roll of voters including those matters contained in subsection 197(3) of the Act;
  - (d) the number of written allegations (if any) of irregularities made to the AEC during the election;
  - (e) action taken by the AEC in relation to those allegations;
  - (f) any other irregularities identified by the AEC and action taken by the AEC in relation to those other irregularities.
- (2) The AEC must:
  - (a) give the post-election report within 30 days after the closing day of the election; and
  - (b) publish a notice on its web site advising that a copy of the post-election report can be obtained from the AEC on the request of a member who was eligible to vote in the election.
- (3) The AEC must supply a copy of the post-election report to the member as soon as practicable, but no later than 7 days, after receiving a request under paragraph (2)(b).

### 145 Elections conducted by AEC—no unauthorised action

- (1) For any election conducted by the AEC under Part 2 of Chapter 7 of the Act, a person other than the person conducting the election must not do, or purport to do, any act in the conduct of the election other than as directed or authorised by the person conducting the election.

Note: This subregulation is a civil penalty provision (see regulation 168).
- (2) The AEC must advise the General Manager of a possible contravention of subregulation (1) not later than 21 days after the AEC has become aware of the possible contravention.

# Declaration of Results of Election

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In accordance with reg 140 of the Regulations, the AEC issued a declaration of the result of election E2024/21 on 11/10/2024 and 19/11/2024. For a copy, see **Attachment A**.

## Master Builders' Association of Tasmania Inc. Rules

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MBAT Rules used for the election: 004T: Incorporates alterations of 7/7/2021 (R2021/87)]

## Roll of Voters

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There were no issues with the roll of voters.

## Written Allegations of Any Irregularities

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There were no written allegations for this election.

## Other Irregularities

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No other irregularities were reported or recorded for this election.

## Signed

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Benjamin Murray  
Returning Officer  
Australian Electoral Commission  
E: [IEEvents@aec.gov.au](mailto:IEEvents@aec.gov.au)  
P: 03 9285 7111  
5 December 2024

# Attachments

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- A. Declaration of Results for Direct Election — Uncontested Offices
- B. Declaration of Results for Direct Election — Contested Offices
- C. Declaration of Results for Collegiate Election — Contested Offices

# The Master Builders' Association of Tasmania Inc.

## DECLARATION OF RESULTS - E2024/21 - Stage 2

### 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:

#### Board

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	10
Number of voters issued with voting material	8
Number of absentee voters issued with postal voting material	2
COUNT	
Total ballot papers admitted to the count (b)	10
PARTICIPATION	
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	100 %

#### President (1)

<u>Candidates</u>	<u>Final Votes</u>
MEAD, Vonette	8
FAULKNER, John	2

<b>Total ballot papers admitted for this office</b>	<b>10</b>
Formal Ballot papers	10
Informal Ballot papers	0

I declare the following elected:

- MEAD, Vonette

Ben Murray  
Returning Officer  
Telephone: 03 9285 7111  
Email: [IEBevents@aec.gov.au](mailto:IEBevents@aec.gov.au)  
19/11/2024



18 November 2024

David Clerk  
Executive Director (CEO)  
Master Builders' Association of Tasmania Inc.  
Sent via email: [ea@mbatas.org.au](mailto:ea@mbatas.org.au)

Dear David Clerk



**IMMEDIATE ACTION REQUIRED:**

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An election has recently been completed by the Australian Electoral Commission (AEC) for the Master Builders' Association of Tasmania Inc. and a post-election report has been issued by the AEC.

This letter explains the next steps you must take, including what information you need to give to members and what information you need to lodge with the Fair Work Commission (the Commission).

**What you must do right now**

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to the Commission at [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au)

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## STEP 1: Notify members

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (regulation 141). The notice must be on your website for at least three months.



Can we put more information on our website?

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than three months. You can always do more than the regulatory minimum.

The Commission will also publish your declaration of results on our [website](#).

## STEP 2: Financial training

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete approved financial training (section 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

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## STEP 3: Notifications of change



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We have a [template](#) to help you with this, which you can send to [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au). An officer must sign the completed notification template.

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**Note:** One election may result in many notifications of change.



#### Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

**Real-life example of penalties in Court** An organisation failed to make a series of notifications of change on time.

The Full Court said ‘The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.’

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If you have any queries we can be contacted on 1300 341 665 or by email at [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au).

Yours sincerely

**Fair Work Commission**



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**The Master Builders' Association of Tasmania Inc.**  
**Master Builders Association of Tasmania Inc.**  
**DECLARATION OF RESULTS - E2024/21 - 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:

**Northern Region**

<b>VOTING MATERIAL ISSUED</b>	
Total number of people on the roll of voters (a)	228
Number of voters issued with voting material	228
Total number of voters issued with replacement voting material	0
<b>Total number of voting material packs issued</b>	<b>228</b>
<b>VOTING MATERIAL RETURNED</b>	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	65
Number of declaration envelopes rejected at preliminary scrutiny (minus)	3
Number of ballot papers returned outside declaration envelopes (minus)	1
<b>COUNT</b>	
Total ballot papers admitted to the count	61
<b>LATE OR UNRETURNED VOTING MATERIAL</b>	
Voting material returned as unclaimed mail by closing date of ballot	7
Voting material packs not returned by voters by closing date of the ballot	156
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	29 %

**Regional Director (2)**

<u>Candidates</u>	<u>Final Votes</u>
FAULKNER, John	27
BARWICK, Matthew	30
STREEFLAND, Tony	36
KILPATRICK, Andrew	19

<b>Total ballot papers admitted for this office</b>	<b>61</b>
Formal Ballot papers	56
Informal Ballot papers	5

I declare the following elected:	Order Elected
• STREEFLAND, Tony	1
• BARWICK, Matthew	2



## Southern Region

<b>VOTING MATERIAL ISSUED</b>	
Total number of people on the roll of voters (a)	247
Number of voters issued with voting material	247
Total number of voters issued with replacement voting material	1
<b>Total number of voting material packs issued</b>	<b>248</b>
<b>VOTING MATERIAL RETURNED</b>	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	44
Number of declaration envelopes rejected at preliminary scrutiny (minus)	3
Number of ballot papers returned outside declaration envelopes (minus)	1
<b>COUNT</b>	
Total ballot papers admitted to the count	40
<b>LATE OR UNRETURNED VOTING MATERIAL</b>	
Voting material returned as unclaimed mail by closing date of ballot	15
Voting material packs not returned by voters by closing date of the ballot	189
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	18 %

## Regional Director (2)

<u>Candidates</u>	<u>Final Votes</u>
FENTON, Lyndon	22
WILLIAMS, Clive - <i>Elected to Higher Office</i>	19
LITTLE, Monique	15
PERRY, Lucy	18
<b>Total ballot papers admitted for this office</b>	<b>40</b>
Formal Ballot papers	37
Informal Ballot papers	3
I declare the following elected:	<b>Order Elected</b>
• FENTON, Lyndon	1
• PERRY, Lucy	2

*Rule 15 (p) Where a member is eligible they (or their Representative) may be nominated for both a Regional Director position and Sector Director position but they may only be appointed to 1 position. Subject to the election process if they are successful in gaining endorsement for both positions the Sector Director position will be the position taken.*

## General Contractor Section

<b>VOTING MATERIAL ISSUED</b>	
Total number of people on the roll of voters (a)	32
Number of voters issued with voting material	32
Total number of voters issued with replacement voting material	0
<b>Total number of voting material packs issued</b>	<b>32</b>
<b>VOTING MATERIAL RETURNED</b>	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	15
Number of declaration envelopes rejected at preliminary scrutiny (minus)	1
Number of ballot papers returned outside declaration envelopes (minus)	0
<b>COUNT</b>	
Total ballot papers admitted to the count	14
<b>LATE OR UNRETURNED VOTING MATERIAL</b>	
Voting material returned as unclaimed mail by closing date of ballot	0
Voting material packs not returned by voters by closing date of the ballot	17
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	47 %

## Sector Director (2)

<u>Candidates</u>	<u>Final Votes</u>
WILLIAMS, Clive	9
SILCOX, Nick	8
DE JONG, John	9
<b>Total ballot papers admitted for this office</b>	<b>14</b>
Formal Ballot papers	13
Informal Ballot papers	1
I declare the following elected:	<b>Order Elected</b>
• DE JONG, John	1
• WILLIAMS, Clive	2

## Residential Builder Section

<b>VOTING MATERIAL ISSUED</b>	
Total number of people on the roll of voters (a)	376
Number of voters issued with voting material	376
Total number of voters issued with replacement voting material	0
<b>Total number of voting material packs issued</b>	<b>376</b>
<b>VOTING MATERIAL RETURNED</b>	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	74
Number of declaration envelopes rejected at preliminary scrutiny (minus)	4
Number of ballot papers returned outside declaration envelopes (minus)	0
<b>COUNT</b>	
Total ballot papers admitted to the count	70
<b>LATE OR UNRETURNED VOTING MATERIAL</b>	
Voting material returned as unclaimed mail by closing date of ballot	16
Voting material packs not returned by voters by closing date of the ballot	286
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	20 %

## Sector Director (2)

<u>Candidates</u>	<u>Final Votes</u>
DAVIES, Will	29
FAULKNER, John David	40
BEARDWOOD, Ash	27
FENTON, Lyndon	26
<b>Total ballot papers admitted for this office</b>	<b>70</b>
Formal Ballot papers	61
Informal Ballot papers	9
I declare the following elected:	Order Elected
• FAULKNER, John David	1
• DAVIES, Will	2

Benjamin Murray  
Returning Officer  
Telephone: 03 9285 7111  
Email: [IEBevents@aec.gov.au](mailto:IEBevents@aec.gov.au)  
11/10/2024

**The Master Builders' Association of Tasmania Inc.**  
**DECLARATION OF RESULTS - E2024/21 - Stage 1**  
**Uncontested Offices**

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**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:

**North - Western Region**

**Regional Director (2)**

Candidates

GATES David

MEAD Vonette

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

Benjamin Murray  
Returning Officer  
Telephone: 03 9285 7111  
Email: IEBevents@aec.gov.au  
12/09/2024





## DECISION

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

**Master Builders' Association of Tasmania Inc.**  
(E2024/21)

MR STEENSON

SYDNEY, 23 JULY 2024

*Arrangement for conduct of election.*

[1] On 28 June 2024 the Master Builders' Association of Tasmania Inc. (**MBAT**) lodged with the Fair Work Commission (**the Commission**) prescribed information for an election to fill the following offices for a new term of office:

President	(1)
Regional Directors, Southern Region	(2)
Regional Directors, Northern Region	(2)
Regional Directors, North Western Region	(2)
Sector Directors, General Contractor Section	(2)
Sector Directors, Residential Builder Section	(2)

[2] Section 189(1) of the *Fair Work (Registered Organisations) Act 2009* (the **Act**) requires that registered organisations whose elections are conducted by the Australian Electoral Commission (the **AEC**) – i.e. the default position under the legislation – must lodge prescribed information with the Commission in order for arrangements to be made for those elections to occur. This is an essential step as an election can only be conducted after the Commission issues a decision, having determined whether the election being sought is required under the rules of the organisation, with the AEC then conducting the election on the basis of that decision.

[3] As part of ensuring democratic control of organisations, there are specific obligations on when election-related information must be lodged. Section 189(2) requires that prescribed information be lodged before what is known as the ‘prescribed day’. The *Fair Work (Registered Organisations) Regulations 2009* (the **Regulations**), specifically Regulation 138(3), defines ‘prescribed day’ as the date occurring ‘2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in the election’. In other words, it must be lodged at least two months before the date on which nominations open.

[4] The organisation did not lodge the prescribed information before the prescribed day as required by regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. These offices are elected every three years, except for the President’s office, which is elected annually.

[5] According to the MBAT rules<sup>1</sup>, nominations open on a date prior to the Annual General Meeting (AGM), determined by the Returning Officer, according to the timeframe set out in rule 15(e). Rule 20 of the MBAT rules provides that the AGM is to take place within six (6) months after 30 June, on a date set by the MBAT Board. The election timetable set out in rule 15(e) provides that the roll of voters is to close 10 weeks before the AGM, that the AEC Returning Officer is to call for nominations for the first stage (for Sector and Region Directors) nine (9) weeks before the AGM and to close nominations seven (7) weeks before the AGM.

[6] In response to an enquiry from Commission staff on 19 July 2024, seeking to confirm the date of the AGM, the MBAT advised that the AGM is scheduled to occur on 18 October 2024, and not 18 August 2024, as stated in the prescribed information. If the AGM occurs on the later date of 18 October 2024, the prescribed information should have been lodged by 21 June 2024 (i.e. seven days prior to the date that it was actually lodged: 28 June 2024). I note that if the AGM was to occur on the 18 August 2024 as initially advised, the prescribed information should have been lodged by 21 April 2024 (i.e. 68 days prior to the lodged date of 28 June 2024).

[7] In correspondence with the Commission, the organisation stated that the delay in lodging the prescribed information was due to changes in administrative staff and the apparent limited knowledge of election proceedings and timelines as a result.

[8] While I acknowledge that changes of personnel can sometimes present challenges for organisations and branches, I am not satisfied that this reason is a sufficient ground to justify the failure to comply with a statutory obligation. The normal and reasonable expectation is that registered organisations take steps to ensure they comply with the timeframe requirements set out not only in the Act but also in instruments that they formulated themselves such as their own rules. I decline on this occasion to allow, under section 189(2) of the Act, a later day for lodgement. As section 189(2) is a civil penalty provision, a breach of it can make an organisation liable for a civil penalty.<sup>2</sup> This late lodgement will therefore be considered if future instances of non-compliance arise.

[9] The refusal to grant an extension of time under section 189(2) does not affect the need to make determination, in accordance with section 189(3), as to whether an election is required.

[10] 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

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<sup>1</sup> Master Builders Association of Tasmania Inc. rules certified 7/7/2021 (R2021/87)

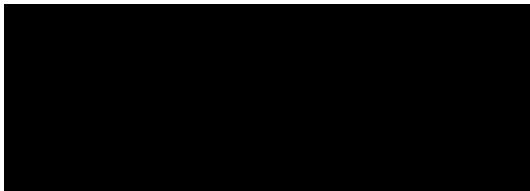
<sup>2</sup> Such as in *Registered Organisations Commissioner v Australian Hotels Association* [2019] FCA 1516

# **PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009***

I, Anthony (Tony) Streefland, being the President of the Master Builders Association of Tasmania Inc. make the following statement:

1. I am authorised to sign this statement containing prescribed information for Master Builders Association of Tasmania Inc.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. The resignation letter or other supporting information is attached for each casual vacancy.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A. (Nominations Opening date to be notified by the Returning Officer) If this statement **IS NOT** lodged at least 2 months before nominations open for the election(s) in Annexure A. (As determined by the Returning Officer) The reason it is lodged after the prescribed time is:
  - a. Change of administration staff, unaware of processes.

Signed:



Dated: 28<sup>th</sup> June 2024

**NOTE:** This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au).

## Annexure A

- Elections that are required

Branch	Name of Office	Number required	Voting System Direct voting system; Collegiate electoral system	Reason for Election Scheduled; Casual vacancy; New office created; Insufficient nominations	Electorate
Tasmania	State Board Members	Maximum of 10; Minimum of 10	Direct Voting System	Scheduled	All members – (Schedule II By-law 5)
Southern Region Board Members	Regional Board Member	2	Direct Voting System	Scheduled	Southern Region, (Schedule II By-law 7)
Northern Region Board Member	Regional Board Member	2	Direct Voting System	Scheduled	Northern Region, (Schedule II By-Law 7)
North Western Region Board	Regional Board Member	2	Direct Voting System	Scheduled	North Western Region, (Schedule II By-Law 7)
Commercial Contractor Board Member	Sector Board Member	2	Direct Voting System	Scheduled	Commercial Contractor member category
Housing Contractor Board Member	Sector Board Member	2	Direct Voting System	Scheduled	Housing Contractor member category
State Board	MBAT Inc President	1	Collegiate	Schedule	Regional Management Committee Executive Members – Elected State Councillors (x9) [Rule 15 (v)]

- Important dates:

	Direct Voting System	Collegiate Electoral System
<b>Nominations OPEN</b>	In all cases dates are to be determined by the Returning Officer in consultation with the Association	In all cases dates are to be determined by the Returning Officer in consultation with the Association



<b>Nominations CLOSE</b>	In all cases dates are to be determined by the Returning Officer in consultation with the Association	In all cases dates are to be determined by the Returning Officer in consultation with the Association
<b>Roll of Voters cut off date</b>	No later than 7 days prior to nominations opening (Schedule II By-Law 5)	No later than 7 days prior to nominations opening (Schedule II By-Law 5)

**NOTES:** Date for the Association Annual General Meeting 18<sup>th</sup> August 2024.