



8 November 2017

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

Dear Mr Peterson

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2017/190**

On 8/11/2017 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2017/190 dated 30/10/2017. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular rules 15.1 (c) and 18 (c). This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

**A notice must be published on the organisation's website**

The organisation or branch must 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 regs 141(4) and (5)).

**A written response must be provided to the AEC**

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

**Extract of report must be made available to members**

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

**Written response must be made available to members**

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and
- 
- within 30 days of giving the response to the AEC:
  - lodges with the ROC a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
  - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

### **Penalties may apply**

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the ROC for assistance by email to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

### **If the organisation or branch decides to alter its rules in response to the AEC's report**

If the organisation or branch decides to alter its rules in response to the AEC's report, the ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

**Christine Hibberd**

**Registered Organisations Commission**

30 October 2017

# Post-election Report

**Motor Trades Association of Queensland  
Industrial Organisation of Employers E2017/190**

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## Election(s) Covered in this Report

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Election Decision No/s:

E2017/190

## Rules

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Rules used for the election:

015Q: Rules certified on 20/05/2016 in matter R2016/84

Rules difficult to apply/interpret:

Rule 15.1 (c) states: "Candidate Statements must be submitted for distribution to the Electoral Commission of Queensland by the close of nominations". The Australian Electoral Commission (AEC) not the ECQ is responsible for the conduct of this election.

Rule 18 (c) specifies that the Chairman of each relevant college meeting shall appoint a Manager of the election to perform the functions of the returning officer for the election. The chairman cannot appoint "Managers/Returning Officers (ROs)". The Returning Officer is to be an appointed employee of the AEC as prescribed by the Fair Work (registered organisations) Act 2009.

Schedule 2 makes reference to the South East District (South) which no longer exist in MTAQ.

## Roll of Voters

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As there were no contested offices, no Roll of Voters was required.

## Irregularities

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

A candidate in the Divisional Collegiate Stage of E2017/33 was informed by the Organisation to send their nomination form to the Organisation rather than the RO. This nomination was not received by the RO as per the timings specified

in the Nomination Notice and Form, and could not be accepted. As a result this election was required to be conducted to fill the position.

The RO contacted the MTAQ nominated contact person to reiterate the requirement to follow all directions as listed on the nomination form and notice.

## Other Matters

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Rule 14.3 (v) states that “the vote must be cast by the Voter using ticks and crosses system”, whereby ticks represent the candidate they wish to nominate for and crosses for those they do not want. While this is easy to interpret as a RO, it may lead to confusion and increase the informality rate for the voters. A suggestion would be to tick, cross and or mark only the candidates whom the voter wishes to nominate. The above suggestion could also apply to rule 18 (n) (i) which specifies ticks and crosses can be used when selecting the desired candidate on the ballot paper.

When printing the Organisations Rules from the Fair Work Commissions website, merging within the document causes sections in the rules to be overwritten. For example references to Rules become “as set out in 0 to 0” as per Rule 4.7 (a).

## Attachments

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### Declarations of Uncontested Offices:

- 1) MTAQ E2017/33 Declaration of Results – Uncontested Declaration

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of vertical strokes and a horizontal line extending to the right.

Darren Drysdale  
Returning Officer

30 October 2017



7 September 2017

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 an uncontested office for Engine Re-Conditioners Association of Queensland [E2017/190]. 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 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**



**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return)  
required to be kept in accordance with section 230 *Fair Work (Registered Organisations)*  
Act 2009 and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

*[delete all that do not apply]*

- On [DATE] the address of the organisation changed to [STREET ADDRESS].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  1. *[include OLD name and address and NEW name and address of every branch that has changed]*
  2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:<sup>3</sup>
  - COMMENCED operation:
    1. [include name of each new branch]
    2. ...
  - CEASED operation:
    1. [include name of each closed branch]

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<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> s.230(1)(d); reg.147(b) & (c)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).]*

## ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

*Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.*

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
National	1.1.2014	Secretary	Full Name	Full Name	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
	25.12.2013	President	vacant	Full Name	As above	mechanic
...						
NSW	1.1.2014 (resigned) 7.1.2014 (appointed)	President	Full Name	Full Name	c/- the Branch, postal address of the Branch	mechanic
		Committee of Management Member	Full Name	Full Name	As above	mechanic
		Treasurer	Full Name	vacant	vacant	vacant
...						



**Reference:** AQ8AG

Mrs Kellie Dewar  
General Manager  
Motor Trades Association of Queensland  
Building 8  
Freeway Office Park  
Eight Mile Plains QLD 4113

Dear Mrs Dewar,

**Motor Trades Association of Queensland  
Vacancy Election Motor Trades Association of Queensland E2017/190**

The declaration of the election for uncontested offices is attached.

The election is now complete.

Yours sincerely

Darren Drysdale  
Returning Officer

1 September 2017

# **Motor Trades Association of Queensland Vacancy - E2017/190**

## **Declaration of Results for Uncontested Office**

Below are the results of the election for the following office, conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation.

### **Engine Re-Conditioners Association of Queensland**

#### **Division Chairman (ERAQ)**

##### Candidates

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

1 September 2017



## DECISION

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

**Motor Trades Association of Queensland Industrial Organisation of  
Employers**  
(E2017/190)

MR ENRIGHT

MELBOURNE, 14 AUGUST 2017

*Arrangement for conduct of election.*

[1] On 10 and 14 August 2017, 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 office, due to insufficient nominations received in a previous election (**E2017/33**):

Engine Re-Conditioners Association of Queensland Chairman

[2] I am satisfied that an election for the abovenamed office 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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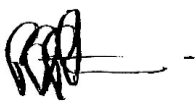
### **Notice and Statement of Prescribed Information for an Election**

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: 14<sup>h</sup> August 2107

#### **Name of Office/Position**

<b>A</b>	<b>Engine Re-Conditioners Association of Queensland Chairman (1)</b>
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#### **Reasons for election:**

- Election for the office marked A is required due to no nominations being received for the position by the AEC at close of nominations 12pm 09<sup>th</sup> August 2017.

#### **Voting System**

- Collegiate voting system

#### **Elected by:**

- The electorate for the collegiate system for A is the Members of the Division Committee [rule 18(a)]

**Nominations open:**

To be determined by the Returning Officer as this is a supplementary (recall) election outside the period specified in the rules. [cf. rule 18(e)(i)(A)]

**Nominations close:**

To be determined by the Returning Officer as this is a supplementary (recall) election outside the period specified in the rules [cf. rule 18(e)(i)(B)]

**Cut off date for roll:**

- Not applicable – the roll was cut off as per rule 13.5(b) for the purposes of the scheduled election and the roll currently consists of the members of the Committee comprising the college [rule 18(a)]