



Australian Government

Registered Organisations Commission

# Investigation into Motor Traders' Association of NSW

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**15 November 2018**

On 5 November 2018, the Registered Organisations Commission (ROC) commenced an investigation into the Motor Traders' Association of NSW (MTA NSW), a federally registered organisation representing employers.

The investigation will examine compliance by MTA NSW and office-bearers with obligations in respect of financial reporting to members, and officers' duties (including former officers) in relation to care and diligence, good faith, the use of position and the use of information. In this regard, the investigation will look at MTA NSW governance arrangements, including as they relate to a share redemption implemented in 2015.

The diligent governance, management and control of the affairs of an organisation is fundamental to protecting the interests of members. The elected officers of an organisation play a crucial role in maintaining the financial accountability of organisations to their members, and must comply with their duties to act in the best interests of the organisation and its members.

The Registered Organisations Commissioner (or his delegate) may conduct investigations under Section 331 of the *Fair Work (Registered Organisations) Act 2009 (Cth)* (**RO Act**) if satisfied that there are reasonable grounds for doing so.

The ROC may make inquiries and investigations into federally registered unions and employer associations (known as registered organisations) regarding their compliance with the RO Act and their rules regarding finances and financial administration, and in relation to the conduct of their officers.

The ROC is unable to comment further on this matter, as it remains an open investigation.

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