



9 December 2022

Frank Agostino
Chair
The Motor Trade Association of South Australia Incorporated
Sent via email: mta@mtaofsa.com.au

Notification of changes – Action required

Dear Frank Agostino,

We acknowledge receipt of a Notification of Change to the office holders of the Motor Trade Association of South Australia Incorporated (AR2022/12).

A list of those changes has been summarised in Appendix A at the end of this letter.

What you need to do right now

- Any person who has been elected or appointed to a new office that has financial management duties (which usually includes all the committee of management) **MUST** do [financial training](#) or [obtain an exemption](#)
- Inform all officers of their [disclosure obligations](#)
- Consider giving your new officers the link to the ROC's [Officer Induction Kit](#)

These next steps are explained below in more detail.

Late notification warning



Appendix A contains a late notification. Please inform the relevant officer that this has been recorded against AR2022/12.

Late notifications are a serious issue that impacts on the transparency of the whole organisation to its members. Members should be able to tell who their officers are.

We have included some resources below to help support your good governance in relation to notifications of change.

Financial training must be done within 6 months

Any officer who has been elected or appointed to a new office that has financial management duties must complete [financial training](#) (or obtain an exemption) **within 6 months** after taking office (s.293K of the Fair Work (Registered Organisations) Act 2009 (RO Act)).

The organisation is responsible for this requirement. You should arrange for the relevant officers to have training as soon as possible.

Good governance processes around financial training are highly recommended. These include:

- keeping a list of all offices that have financial management duties
- having a single person or officer responsible for overseeing the process
- collecting records of who has done training or obtained an exemption, including any certificates and exemption letters
- doing refresher courses for officers who have been re-elected to the same office (and are not required to do training under the RO Act)
- extending training to non-officers who are essential to your financial processes



Officer financial training audit

An audit by the ROC into officer training found that organisations frequently misunderstood **which** officers are required to do training.

To help with this we have an [officer training online panel](#) with examples explaining what triggers the need to do training and how to identify the offices that require it.

Further information about training is provided in our [officer financial training fact sheet](#).

Help for new officers: Officer Induction Kit

The ROC has created an [Officer Induction Kit](#) to assist new officers. The Kit has resources that will help an officer to understand their general duties as an officer and their specific duties as an officer in your organisation. It also includes tools to guide an officer's understanding of compliance dates, disclosures and other reporting obligations.

Please direct your officers to the kit which is on the ROC's [officers and disclosures](#) page.

Disclosure obligations: what officers must do

All officers are required to make disclosures regarding remuneration, non-cash benefits and material personal interests. Details are contained in the RO Act and are summarised in the ROC's [Disclosures Fact Sheet](#).

The organisation and officers are both responsible for meeting this obligation.

Time frames for notifications of change

Notifications of change must be lodged within 35 days of the change occurring (r 151 Fair Work (Registered Organisations) Regulations 2009).

Appendix A shows late notifications

A notification from your organisation indicates that changes occurred more than 35 days prior to its lodgement. Please ensure that future notifications of change are lodged within 35 days of the change occurring.

Late notifications have the potential to attract a civil penalty.

Resources to help you make your notifications of change

Notifications of change are vitally important to maintain the transparency of an organisation to its members. They empower members to hold the organisation properly to account for its decisions.

To ensure that organisations get these notifications right we have created resources to help you understand the notification of change requirement and complete it quickly.

These resources include:

- [notification of change template](#)
- a podcast that answers the question – [who is an officer?](#)
- and a [fact sheet on notifications of change](#) that explains the requirement



eLearning module – notifications of change

The ROC has launched an eLearning module to assist organisations in understanding when a notification of change is required.

The [eLearning module](#) is available on our website.

It will take approximately 20 minutes and has a short quiz at the end to help you test your knowledge.

Please contact 1300 341 665 or regorgs@roc.gov.au<http://invalid.uri/> if you have any questions or would like to discuss this matter further.

Yours sincerely

Registered Organisations Commission

Appendix A

The table below outlines the changes notified and when they were lodged.

Our records have been updated.

The notification of change and this filing letter can be viewed on the ROC Website through the [list of Registered Organisations](#).

| Date of lodgement | Branch | Change | Within prescribed period (Yes/No). If No, how many days late |
|-------------------|--------|---|--|
| 17/11/2022 | N/A | Board Member on 29/09/2022 | No – 14 days late |
| 17/11/2022 | N/A | Deputy Chair and Board Member on 19/10/2022 | Yes |

THE MOTOR TRADE ASSOCIATION OF SOUTH AUSTRALIA INCORPORATED

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, FRANK AGOSTINO being the Chairman of The Motor Trade Association of South Australia
Inc. declare the following:

- I am authorised to make this declaration.
- 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:
- A list of changes to offices and the names, postal addresses and occupations of
persons holding those offices is attached to this declaration as **Annexure A** and
forms part of this declaration.



Signature

FRANK AGOSTINO

CHAIRMAN

8 December 2022

ANNEXURE A

THIS IS A PUBLIC DOCUMENT THAT WILL BE PUBLISHED ON THE WEBSITE

Changes to Offices and Office Holders in the Organisation and its Branches:

| 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 |
|--------|----------------|---------------------------------|---------------------------------------|----------------------------------|---|--|
| N/A | 19.10.2022 | Deputy Chair | Neville Gibb | Mark McGuire | c/- The Motor Trade Association of South Australia, Level 1, 81 Greenhill Road Wayville SA 5034 | Director |
| N/A | 19.10.2022 | Board Member | Mark McGuire | Neville Gibb | c/- The Motor Trade Association of South Australia, Level 1, 81 Greenhill Road Wayville SA 5034 | Director |
| N/A | 29.09.2022 | Board Member | Tom Skothos | Mark Flynn | c/- The Motor Trade Association of South Australia, Level 1, 81 Greenhill Road Wayville SA 5034 | Director |



15 March 2022

Frank Agostino
Chair
The Motor Trade Association of South Australia Incorporated
Sent via email: mta@mtaofsa.com.au

Dear Frank Agostino

The Motor Trade Association of South Australia Incorporated's annual return of information (Annual Return) lodged under subsection 233(1) of the RO Act

Thank you for providing your declarations and information (Annual Return) lodged under subsection 233(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).

Summary of your Annual Return and Review Outcome

Year 2022
Matter number AR2022/12
Lodgement date 15 February 2022
Amendment received 2 March 2022
Review Primary Review
Result FILED

Your primary review

Your Annual Return had a **primary review** which checked whether it was signed by an officer, lodged on time, the required declarations were made, included the list of offices and office holders and whether you met the requirements that the ROC raised with you last year. A primary review does not examine all the requirements of subsection 233(1).



Your Annual Return satisfied the requirements of the primary review and has been uploaded to the ROC website.

The ROC's risk-based approach

This year your Annual Return was assessed against a primary review. A primary review does not check all legislative requirements.

Over a five year period the Annual Return of every organisation will be subject to at least one advanced review. An advanced review is a more comprehensive review.

The ROC's [advanced review checklists](#) are published on our website.

Do you have questions?

Information and education materials are available on our [website](#). These materials are regularly updated. We recommend you [subscribe to the ROC's subscription service](#).

If you have any queries we can be contacted on 1300 341 665 or by email at regorgs@roc.gov.au.

Yours sincerely

Registered Organisations Commission

ANNUAL RETURN OF INFORMATION (organisation with no branches) in accordance with Regulation 147 Fair Work (Registered Organisations) Regulations 2009 and Sections 230 and 233 Fair Work (Registered Organisations) Act 2009

I, FRANK AGOSTINO, being the Chair of the MOTOR TRADE ASSOCIATION OF SOUTH AUSTRALIA INC., declare the following:

1. I am authorised to make this declaration.
2. The register of members has, during the immediately preceding calendar year, been kept and maintained as required by s.230(1)(a) and s.230(2) of the Fair Work (Registered Organisations) Act 2009 (the Act).
3. The following is a correct statement of 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 Act:
 - The address of the organisation is Level 1, 81 Greenhill Road, Wayville SA 5034.¹
 - The organisation has no branches and no branches have ceased or commenced in the previous 12 months.²
 - On 31 December in the previous year the number of members was 1,286.³
 - A list of offices and the names, postal addresses and occupations of persons holding those offices as at the date of this declaration is attached at Annexure A and forms part of this declaration.
 - Under the rules of the organisation, the following elections must be held between 1 January and 31 December of THIS YEAR:⁴
 - ***Election of Board (3), Chair and Deputy Chair.***

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a), (b), (c) & (d)

³ s.230(1)(d); reg.147(f)

⁴ s.230(1)(d); reg.147(e)

- The organisation:
 - Has not entered into an agreement under s.151(1) of the Act with a state union.⁵

Signed:  _____ Chair

Dated: 28 February 2022

*[PLEASE NOTE: This declaration must be lodged with the Registered Organisations Commission by 31 March. It can be submitted to regorgs@roc.gov.au. If at any time in the year this information changes a Notification of Changes must be lodged with the ROC within **35 days** of the change⁶.]*

⁵ s.230(1)(d); reg.147(g)

⁶ s.233(2); reg. 151

ANNEXURE A

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- Offices and Office Holders in the Organisation:

| Name of Office (include any offices that are vacant) | Name of Office Holder | Postal Address of Office Holder | Occupation of Office Holder |
|---|------------------------------|---|--|
| Chair | Frank Agostino | c/- The Motor Trade Association of South Australia, Level 1, 81 Greenhill Road, Wayville SA 5034 | Managing Director |
| Deputy Chair | Neville Gibb | c/- The Motor Trade Association of South Australia, Level 1, 81 Greenhill Road, Wayville SA 5034 | Dealer Principal |
| Board Member | John Hitchcock | c/- The Motor Trade Association of South Australia, Level 1, 81 Greenhill Road, Wayville SA 5034 | Director |
| Board Member | Mark Maguire | c/- The Motor Trade Association of South Australia, Level 1, 81 Greenhill Road, Wayville SA 5034 | Director |
| Board Member | Clive Polley | c/- The Motor Trade Association of South Australia, Level 1, 81 Greenhill Road, Wayville SA 5034 | Director |
| Board Member | Peter Roberts | c/- The Motor Trade Association of South Australia, Level 1, 81 Greenhill Road, Wayville SA 5034 | Director |
| Board Member | Tom Skothos | c/- The Motor Trade Association of South Australia, Level 1, 81 Greenhill Road, Wayville SA 5034 | Director |



16 February 2022

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Chair
The Motor Trade Association of South Australia Incorporated
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Dear Frank Agostino

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Yours sincerely

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ANNUAL RETURN OF INFORMATION (organisation with no branches) in accordance with Regulation 147 Fair Work (Registered Organisations) Regulations 2009 and Sections 230 and 233 Fair Work (Registered Organisations) Act 2009

I, FRANK AGOSTINO, being the Chair of the MOTOR TRADE ASSOCIATION OF SOUTH AUSTRALIA INC., declare the following:

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Signed:  _____ Chair

Dated: 15 February 2022

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