



5 September 2023

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

Dear Frank Agostino



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/58

An election has recently been completed by the Australian Electoral Commission (AEC) for the Motor Trade Association of South Australia Incorporated 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

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. 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.

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.

**The Motor Trade Association of South Australia
Incorporated**
DECLARATION OF RESULTS - E2023/58 - 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:

Board

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.

Benjamin Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEEvents@aec.gov.au
01/09/2023



**The Motor Trade Association of South Australia
Incorporated**
**DECLARATION OF RESULTS - E2023/58 - Stage 1
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:

Motor Trade Association of South Australia

Board Member (4)

Candidates

AGOSTINO Frank

MCGUIRE Mark

PAPILLO Mark

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

Amit Kumar
Returning Officer
Telephone: 03 9285 7111
Email: IEEvents@aec.gov.au
07/07/2023





14 August 2023

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

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The Motor Trade Association of South Australia Incorporated

DECLARATION OF RESULTS - E2023/58 - Stage 1

Uncontested Offices

Insufficient Nominations 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

Board Member (1)

Candidates

HITCHCOCK John

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

Amit Kumar
Returning Officer
Telephone: 03 9285 7111
Email: IEEvents@aec.gov.au
20/07/2023





DECISION

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

The Motor Trade Association of South Australia Incorporated
(E2023/58)

MR STEENSON

SYDNEY, 8 MAY 2023

Arrangement for conduct of election.

[1] On 30 March 2023 the Motor Trade Association of South Australia Incorporated (MTASA) lodged with the Fair Work Commission prescribed information for an election to fill the following offices for a new term of office:

Board Members	(4)
Chair	(1)
Deputy Chair	(1)

[2] Rule 11.1 of the MTASA rules provides that the roll of voters closes 7 days before nominations open. This is consistent with section 143(3) of the *Fair Work (Registered Organisations) Act 2009* (RO Act) which specifies that rules must provide for the roll of voters to close no earlier than 30 days, and no later than 7 days, before nominations open.

[3] 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 RO Act, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER

Printed by authority of the Commonwealth Government Printer

PR755053

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, Frank Agostino, being the Chair of the Motor Trade Association of South Australia Inc. make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Motor Trade Association of South Australia 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. No rule alterations are pending that will impact the election.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:



Dated: 14/03/2023

NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@roc.gov.au.

Annexure A

- Elections that are required

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
Motor Trade Association of South Australia Inc.	Board Members	Four	Direct Voting System	Scheduled	Membership – Rule 13
Board	Chair	One	Collegiate electoral system	Scheduled	Board – Rule 14
Board	Deputy Chair	One	Collegiate electoral system	Scheduled	Board – Rule 14

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by returning officer.	N/A
Nominations CLOSE	To be determined by returning officer – at least five weeks before AGM scheduled for 26 September 2023	N/A
Roll of Voters cut off date	<p>On date of issue of ballot papers – Rule 15.4</p> <p>7 days prior to the opening date for nominations – Rule 11.1</p>	N/A

NOTES: For insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as ‘To be determined by the returning officer’. This also applies where rules are silent as to the nominated dates.

If the nomination dates are ‘To be Determined by the Returning Officer’, but your organisation has a *preference*, please state ‘To be Determined by Returning Officer’ and clearly indicate that your nominated date is a preference.

If the P.I. includes a position that is not an office, please refer to our template [Prescribed information for the election of officer and non-officer positions](#).