



23 October 2017

Mr Frank Agostino
President
The Motor Trade Association of South Australia Incorporated
Email: mta@mta-sa.asn.au

Dear Mr Agostino,

Notification of changes made to records [AR2017/91]

I acknowledge receipt of a Notification of Change to the office holders of The Motor Trade Association of South Australia Incorporated.

The table below outlines the changes notified and when they were lodged. Our records have been updated accordingly.

The document can be viewed on the Website through the [list of Registered Organisations](#).

| Date of lodgement | Branch | Change |
|-------------------|--------|---------------------------------------|
| 9 October 2017 | | LVD Licenced Vehicle Dealers Division |
| | | Central Zone |
| | | Auto Repair & Engineering Division |

Section 293K of 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 contained in the RO Act.

Thank you for the notification.

Yours faithfully,

Michael Moutevelis
Registered Organisations Commission

svc-adlib5

From: Tracy Simpson <tsimpson@mta-sa.asn.au>
Sent: Monday, 9 October 2017 4:41 PM
To: ROC - Registered Org Commission
Subject: AR2017/91 Motor Trade Association of South Australia - Notification of Changes to Records following the elections of the LVD, Auto Repair & Engineering Divisions and Central Zone
Attachments: ROC, MTA-SA, Changes to office holders after LVD, Central and Auto Electrical Elections.pdf

To Whom it May Concern,

Please find attached the following;

- Notification of Changes to Records following the elections of the LVD, Auto Repair & Engineering Divisions and Central Zone

I can also confirm that the attached election results are being displayed on our website.

Kind Regards,

Tracy

This is an internally generated email from MTA Servers

Tracy Simpson
Executive Assistant



Level 1, 81 Greenhill Road, Wayville SA 5034
T 08 8291 2010 F 08 8291 2099 W www.mta-sa.asn.au



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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 **President** of the Motor Trade Association of SA Incorporated, Level 1, 81 Greenhill Road, Wayville in the State of South Australia, declare the following:

1. I am authorised to make this declaration.
2. 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 *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 at **Annexure 'A'** and forms part of this declaration.

Signed: _____


Dated: 09 October 2017

Changes to Offices and Office Holders currently in the Organisation

| Date of Change | Name of Office (include any offices that are vacant) | Reason For Change | Name of Outgoing Office Holder | Name of New or Re-elected Office Holder | Postal Address of Current Office Holder | Occupation of Office Holder |
|-----------------------|---|--------------------------|---------------------------------------|---|--|------------------------------------|
| 20/09/17 | LVD Licensed Vehicle Dealers Division | Election | | David Vincent | c/- t The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000 | Director |
| 20/09/17 | CENTRAL ZONE | Election | | Phil Turner | c/- t The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000 | Director |
| 20/09/17 | AUTO REPAIR & ENGINEERING DIVISION | Resignation | Craig Gough | Position Was Not Filled in the Recent Election and is VACANT | N/A | N/A |

**The Motor Trade Association of South Australia Incorporated
MTA-SA Casual Vacancy & Board Reps
E2017/183**

Declaration of Results for Uncontested Offices

Below are 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.

**Auto Repair & Engineering Division
Board of Management Representative**

Candidates

No nomination was received

**Licensed Vehicle Dealers Division
Board of Management Representative**

Candidates

VINCENT, David

**Central Zone
Board of Management Representative**

Candidates

TURNER, Philip Andrew

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

Jenny Southall
Returning Officer

20 September 2017

26 September 2017

Post-election Report

**The Motor Trade Association of
South Australia Incorporated
E2017/183**

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Election(s) Covered in this Report

Election Decision No/s: E2017/183

Rules

| | |
|-------------------------------------|---|
| Rules used for the election: | [234V: Incorporates alterations of 18/07/14 [R2013/376] (replaces rulebook dated 01/01/2014 [R2013/113]) |
| Rules difficult to apply/interpret: | None |
| Module Rule reference (if any) | N/A |

Roll of Voters

There were no contested offices, however MTA-SA provided the Roll of Voters.

| | |
|---|-----|
| Total number of voters on the Roll: | 632 |
| Number of apparent workplace addresses: | 632 |
| Number of non-current addresses: | Nil |
| Other matters pertaining to the roll of voters: | Nil |

Irregularities

| | |
|--|------|
| Details of written allegations of irregularities, and action taken by AEC: | None |
| Other irregularities identified, and action taken: | Nil |

Other Matters

N/A.

Attachments

- 1) Declaration of results for Uncontested Offices – SA



Jenny Southall
Returning Officer

26 September 2017

From: ROC - Registered Org Commission
Sent: Thursday, 12 October 2017 3:40 PM
Subject: Education and advice campaign - notification of changes to records within prescribed timeframe [SEC=UNCLASSIFIED]
Attachments: Letter to orgs_Notifications of Change.pdf; Fact Sheet_Notification of changes.pdf; Guidance Note_notifications of change.pdf; Legislative Summary_Notifications of Change.pdf

Good afternoon,

Please find attached correspondence for the Secretary or other prescribed office holder, providing education and advice regarding the obligation to notify the Registered Organisations Commission (the ROC) of changes to the records of a registered organisation.

Kind regards,

Office of the Registered Organisations Commission

Tel: 1300 341 665
regorgs@roc.gov.au

GPO Box 2983, MELBOURNE VIC 3001 | 414 Latrobe Street, Melbourne Victoria 3000



Australian Government
Registered Organisations Commission

Did you know? We have a free email subscription service to send out important updates and newsletters. [Subscribe here](#)



12 October 2017

Dear Secretary (or prescribed office holder),

Education and advice campaign - the obligation to notify the ROC of changes to records within the prescribed statutory time frame

I write on behalf of the Registered Organisations Commissioner to advise you about an education and advice campaign being conducted by the Registered Organisations Commission (ROC) which is designed to encourage all registered organisations and their office holders to comply with the statutory obligation to lodge timely notifications of changes to records, contained in section 233(2) of the *Fair work (Registered Organisations) Act 2009* (the RO Act).

The ROC has become increasingly concerned about systemic contraventions of s.233(2) in which the lodgement of notifications are repeatedly weeks, months or even years late, or have not been lodged at all. Contraventions of this provision can give rise to risks for registered organisations and their members as a result of reduced transparency and accountability, and can expose the organisation to potential civil penalty proceedings.

As an independent regulator, the ROC's approach seeks to be fair, proportionate, objective and evidence-based. The ROC considers that compliance with statutory obligations is essential to ensure that registered organisations function efficiently, effectively and transparently.

The importance of timely notifications

The statutory obligation on registered organisations to notify the ROC of particular changes to records under s.233(2) of the RO Act has been part of the regulatory scheme in various forms for over 100 years and is currently a civil penalty provision, which means that registered organisations or their prescribed office holders may be potentially liable for any breaches.

The obligation is essential for a number of reasons including that:

- It assists members to participate in the democratic functioning and control of their organisations;
- Enables the regulator to publish information about who current office holders are; and
- It promotes accountability of office holders who are managing the funds and assets of registered organisations.

Registered organisations represent the interests of approximately 2 million members nationally. It is essential that timely information about the identity of relevant office holders is lodged in compliance with the RO Act so that the regulator and each organisation's members can be aware of which office holders are exercising management and financial responsibilities in their organisations.

The ROC and its predecessors have published the lists of office holders of registered organisations on the relevant agency's public website since at least 2003. The ROC also publishes all notifications about changes to the branches, office addresses and office holders of registered organisations lodged under s.233(2) of the RO Act. The publication of this information provides transparency to members and the general public and facilitates accountability.

Educational reference documents

The ROC is committed to providing education, assistance and advice to registered organisations as part of the functions set out in s.329AB of the RO Act. Our primary educational goal is to maximise voluntary compliance with statutory obligations under the RO Act, to promote the effective governance, accountability and transparency of registered organisations and to thereby reduce the need for enforcement action.

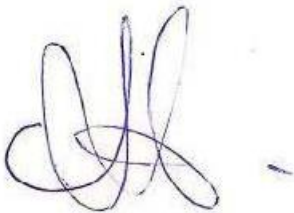
As one part of a strategy to assist organisations to increase voluntary compliance with the s.233(2) obligation, the ROC has recently produced some new educational guides which are **enclosed**:

- Guidance Note – a quick reference guide in the form of a table, using scenarios where organisation staff and office holders may be unsure if they are obliged to notify changes. The table contains references to all relevant legislative provisions;
- Fact Sheet – a separate fact sheet outlining the types of changes that need to be notified and what needs to be included with the notification;
- Legislative Summary – a brief summary of the history of the legislative provision to notify changes, included for the purpose of understanding the historical context of the obligation.

In addition, the ROC will continue its ongoing practice of providing courtesy reminder correspondence about the requirement to notify changes to office holders, whenever we are provided with election results from the Australian Electoral Commission (**AEC**). Further, the ROC proposes to audit and continue to review compliance with this important statutory obligation.

Should you have any questions or feedback in relation to this correspondence, I can be contacted on 1300 341 665 or via regorgs@roc.gov.au.

Yours faithfully,



Chris Enright
Executive Director
Registered Organisations Commission



Fact sheet

Notification of changes

The *Fair Work (Registered Organisations) Act 2009* requires organisations of employers and employees to annually lodge certain information to the Registered Organisations Commission (the ROC). In addition, whenever any changes occur in relation to certain records, registered organisations are required to lodge a notification of change to the ROC. The change must be lodged within 35 days after the change occurs.

Records requiring notifications of any changes

If any of the following records change, the organisation must notify the ROC of the change within 35 days after the change occurs:

- the list of offices in the organisation or in a branch of the organisation
- the name, postal address or occupation of a person holding office
- the name of a branch of the organisation
- the commencement or cessation of a branch of the organisation
- the address of the office of the organisation, or the address of the office of a branch of the organisation

What does the ROC do with the information?

Records including the above information are required to be lodged by each organisation by 31 March in each year in the Annual Return of Information. Annual Returns are published under the corresponding organisation on the ROC website. This information can be found by clicking on the 'Find a Registered Organisation' tab. Notifications of changes are published in descending date order within the corresponding year's annual return document. This enables members to view the changes with reference to the complete list of office holders.

When changes must be notified

Details of any changes must be notified within 35 days after the change occurs, as prescribed by regulation 151 of the *Fair Work (Registered Organisations) Regulations 2009*.

What needs to be included?

NOTE: *The ROC recommends use of the sample Notification of Changes template, as provided below, to help ensure that all of the required details are included in a notification of change*

- The notification must be lodged with a declaration signed by the Secretary or another office holder whose duties under the rules of the organisation or branch include lodging required information to

the statutory body. The declaration must contain a statement that the information lodged is a correct statement of the changes made.

- The notification must include details of each relevant office/office holder/branch to which the changes have occurred.
- The notification must include the date the change occurred and clearly specify what the change was.
- The notification must indicate the date on which the changes occurred, as this pertains to the obligation to lodge the notification within 35 days of the change.
- For changes to office holders the following details are also required:
 - The title of the relevant office
 - The name of each new or former office holder
 - the postal address of each new office holder. For privacy reasons, the ROC recommends using the postal address of the relevant organisation/branch, rather than the residential address of the person.
 - The occupation of each new office holder
- For new branches the street address (not just a postal address) must be included.

Who can sign the declaration?

The declaration must be signed by the Secretary or another office holder whose duties under the rules of the organisation or branch include lodging required information to the statutory body. A sample declaration template is provided below under 'sample notification of change template'.

If an organisation is divided into branches or divisions, the notification of change may be made by a national office holder or the relevant branch or division office holder, depending on who has authority under the rules of the organisation to do so.

Sample Notification of Changes Template

The sample notification of change template provided below includes a sample declaration template and a sample notification table. The ROC recommends use of these documents to help ensure that all of the required information is provided.

- [Sample notification of change template](#)

Find out more

- Guidance Note – ROC Quiz Answers - Notifications of Change
- Legislative Summary – Notifications of Change
- [ROC Internal Checklist – Notifications of change](#)
- [Fact Sheet – Records to be kept by registered organisations](#)
- [Fact Sheet – Records to be lodged annually by registered organisations](#)

For instructions on how to lodge a notification of changes with the ROC, please refer the [Lodging Documents](#) section of our website.



Guidance Note

Notifications of Change ROC Quiz

| <u>Question</u> | <u>Answer</u> | <u>Reference</u> * RO Act = Fair Work (Registered Organisations) Act 2009; * RO Regs = Fair Work (Registered Organisations) Regulations 2009). |
|--|---|---|
| 1. Do organisations need to lodge a notification of changes <i>IF</i>: | | |
| a) An elected office holder resigned but the term of office was almost over | YES – any change to the list of office holders of the organisation or a branch of the organisation must be notified within 35 days of the change. | <ul style="list-style-type: none"> • Section 233(2) of the RO Act; • Section 230(1)(b) of the RO Act; • Reg.151 of the RO Regs |
| b) A person leaves an office but the person replacing them will not commence for a few weeks | YES – this requires <u>two</u> notifications – one for the office holder leaving, and one for the person replacing them. If both changes can be notified within 35 days of the earliest change, they can be included together in just one notification, however, we recommend notifying each change as soon as possible after it occurs in order to ensure compliance. | <ul style="list-style-type: none"> • Section 233(2) of the RO Act; • Reg.151 of the RO Regs |
| c) An elected national office holder relocated to a different state | YES – any change to the address of an office holder must be notified within 35 days of the change | <ul style="list-style-type: none"> • Section 233(2) of the RO Act; • Section 230(1)(c) of the RO Act; • Reg.151 of the RO Regs |
| d) A branch relocated to different premises | YES – any change to the office name or address of the organisation, or of a branch of the organisation, must be notified within 35 days of the change. | <ul style="list-style-type: none"> • Section 233(2) of the RO Act; • Section 230(1)(d) of the RO Act; • Reg.147(d)(ii) of the RO Regs; • Reg.151 of the RO Regs |
| e) The Secretary’s telephone number or email address changed | Not required under the legislation – however, it is beneficial to update us with any changes to contact details so we can provide alerts for upcoming lodgement dates and other important information. You can email regorgs@roc.gov.au to advise changes to telephone and email addresses. | N/A |
| f) A Branch office changed its’ telephone number or | Not required under the legislation – however, it is beneficial to keep | N/A |

| | | | |
|--|--|--|---|
| | preferred email address | us updated with relevant contact details to facilitate ROC alerts for upcoming lodgement dates and other important information updates. You can email regorgs@roc.gov.au to advise changes to telephone and email addresses. | |
| | g) The AEC has recently provided a declaration of results for an election to the organisation and the email shows that it was also sent to the ROC by the AEC | YES – the organisation is still required to formally notify the ROC of any <u>changes</u> to the list of office holders in the organisation or any of its’ branches. If an election results in any changes to the people holding offices, those changes must be formally notified within 35 days of the change. | <ul style="list-style-type: none"> • Section 233(2) of the RO Act; • Section 230(1)(c) of the RO Act; • Reg.151 of the RO Regs |
| | h) An entire branch is abolished | YES - the organisation is required to notify the ROC of any changes to its’ list of branches; any changes to the list of offices in a branch of the organisation; and any changes to the list of names, postal addresses and occupations of people holding those offices | <ul style="list-style-type: none"> • Section 233(2) of the RO Act; • Sections 230(1)(b), (c) and (d) of the RO Act; • Regs.147(a), (c) and (e)(ii) of the RO Regs; • Reg.151 of the RO Regs |
| | i) A person is re-elected to the same office they already held, and they are listed in the most recent annual return list of office holders | NO – only changes need to be notified to the ROC | N/A |
| | j) A person is re-elected, but to a different office | YES – any <u>changes</u> to the list of office holders in the organisation or any of its’ branches needs to be notified to the ROC within 35 days. | <ul style="list-style-type: none"> • Section 233(2) of the RO Act; • Section 230(1)(c) of the RO Act; • Reg.151 of the RO Regs |
| | k) A Committee of Management Member resigned, but they are not the President, Secretary, Assistant Secretary or Treasurer | YES – members of the Committee of Management are officers as defined in the Act. Any changes in relation to such offices must be lodged within 35 days of the date the change took place. | <ul style="list-style-type: none"> • Section 233(2) of the RO Act; • Section 9 of the RO Act; • Reg.151 of the RO Regs |
| | l) A person resigned but it won’t take effect for three months | NOT YET – a notification of change needs to be lodged within 35 days after the change takes effect. This means it must be lodged between the day it takes effect and 35 days later. | <ul style="list-style-type: none"> • Section 233(2) of the RO Act; • Reg.151 of the RO Regs |
| | m) A person has been elected but they won’t take office until a set date in the future | NOT YET – a notification of change needs to be lodged after the change takes effect. It must be lodged between the date it takes effect and 35 days later. | <ul style="list-style-type: none"> • Section 233(2) of the RO Act; • Reg.151 of the RO Regs |
| | 2. What needs to be included in the notification? | A notification of change needs to include relevant details of the change. In relation to a change of | <ul style="list-style-type: none"> • Section 233(2) of the RO Act; • Section 230(1)(c) of the RO Act; • Reg.147 of the RO Regs |

| | | |
|---|--|---|
| | office holder, this will include the date the change occurred, the title of the relevant office, the name of the relevant person/people, whether they have ceased or commenced office, the postal address of the person / people (we recommend using the relevant organisation/branch address for privacy reasons), and the title of the occupation of the person / people. We recommend using the Notification of Changes template , which is available on the Notification of Changes page of the ROC website. | |
| Do organisations need to lodge: | | |
| An amended list of all of the officers | NO – only details of the changes need to be lodged. If you lodge the entire list again and do not identify the changes staff of the ROC will ask you to specify what the changes are and when they occurred | <ul style="list-style-type: none"> Section 233(2) of the RO Act |
| Officers' names | YES | <ul style="list-style-type: none"> Section 233(2) of the RO Act; Section 230(1)(c) of the RO Act |
| Officers' occupation titles | YES | <ul style="list-style-type: none"> Section 233(2) of the RO Act; Section 230(1)(c) of the RO Act |
| Officers' home addresses | NO – please do not lodge their home addresses. The ROC publishes all of the returns on the website – please list their professional addresses | N/A |
| Officers' professional addresses | YES – this can be the address of the Union or Employer Association, or the relevant branch | <ul style="list-style-type: none"> Section 233(2) of the RO Act; Section 230(1)(c) of the RO Act |
| <u>ONLY</u> the changes to the President, Treasurer, Vice President and Secretary | NO – notifications of change are required in relation to <u>all offices</u> in which a change has occurred. Offices include Committee of Management Members (however named - including, for example, Directors of the Board) | <ul style="list-style-type: none"> Section 233(2) of the RO Act; Section 230(1)(c) of the RO Act; Section 9 of the RO Act; |
| A soft copy by email and a hard copy by post | NO – the ROC only requires one lodgement and email is the preferred method. The email address to lodge the notifications is regorgs@roc.gov.au . | N/A |
| Copies of resignations | NO – proof of leaving office is only required for evidence in relation to casual vacancy election matters. Evidence is not required in relation to notifications of changes. | N/A |
| Does it need to be signed? | YES – the notification must accompany a declaration stating that the copy of records lodged is a | <ul style="list-style-type: none"> Section 233(2) of the RO Act; Reg.150 of the RO Regs |

| | | |
|--|---|--|
| | correct statement of the changes made. The declaration must be signed by the Secretary or another current officer whose duties under the rules include lodging required information to the statutory body. | |
| 3. Elections and Notifications of change | | |
| a) If an officer resigns do organisations need to lodge the Prescribed Information for a casual vacancy election separately to the notification of changes? | YES – the notification process is completely separate to the election process. Notification of a vacant office does not cause an election process to automatically start. For information about lodging Prescribed Information for elections, see the Elections page of the ROC website. | <ul style="list-style-type: none"> • Section 233(2) of the RO Act; |
| b) Do organisations need to advise the ROC about changes even when the ROC has been provided with the declaration of results for an election by the AEC? | YES – it is one of the statutory obligations of organisations to notify the ROC, in writing, of any changes to the records the organisation has lodged. The AEC declaration of results provides the names of office holders elected, but does not indicate whether this constitutes a change to the list of office holders that the organisation lodged with the annual return. | <ul style="list-style-type: none"> • Section 233(2) of the RO Act; • Section 230(1)(c) of the RO Act |
| c) If evidence of a vacancy has already been provided to the organisation for an election matter, is it still necessary to lodge a notification of the change? | YES – the notification of changes process and requirements are completely separate to those of the election process. | <ul style="list-style-type: none"> • Section 233(2) of the RO Act; |



Guidance Note

Summary and Historical Context of the Legislative Provisions

A brief explanation of the historical context surrounding the reporting obligation to notify changes is provided below. This information is intended to promote a better understanding of the reporting obligation, as well as an understanding of some of the purposes of the obligation.

As an overview, the statutory requirement for federally registered organisations to notify the relevant regulator of changes to records:

- appears to have been part of the relevant legislative scheme for over a century,
- has varied in terms of the time periods allowed for the changes to be notified to the relevant regulator,
- is an essential, fundamental and appropriate statutory obligation which provides transparency to members and the regulator.

Summary of the current provisions relevant to notifications of changes

'RO Act' means *Fair Work (Registered Organisations) Act 2009*.

'RO Regs' means *Fair Work (Registered Organisations) Regulations 2009*.

Subsection 233(2) of the RO Act provides that:

An organisation must, within the prescribed period, lodge with the Commissioner notification of any change made to the records required to be kept under paragraphs 230(1)(b), (c) and (d), certified by declaration signed by the secretary or other prescribed officer of the organisation to be a correct statement of the changes made.

Civil penalty: 60 penalty units.

Subsections 230(1)(b), (c) and (d) of the RO Act provide that:

(1) An organisation must keep the following records:

- (b) a list of the offices in the organisation and each branch of the organisation;
- (c) a list of the names, postal addresses and occupations of the persons holding the offices;
- (d) such other records as are prescribed.

Regulation 147 of the RO Regs provides that:

For paragraph 230(1)(d) of the Act, the following records are prescribed in relation to an organisation:

- (a) a record of the name of each branch of the organisation;
- (b) a record of the name of each branch that commenced operation in the previous 12 months;
- (c) a record of the name of each branch that ceased operation in the previous 12 months;

- (d) a record of the address of:
 - (i) the office of the organisation; and
 - (ii) the office of each branch of the organisation;
- (e) a record of each election that must, under the rules of the organisation, be held during each year commencing 1 January:
 - (i) for an office in the organisation; and
 - (ii) for an office in a branch of the organisation;
- (f) a record of the number of members on 31 December in the previous year;
- (g) if the organisation has entered into an agreement mentioned in subsection 151(1) of the Act – a record of the number of members of the organisation who were, on 31 December in the previous year, ineligible State members, in relation to the organisation, within the meaning of section 150 of the Act.

Regulation 151 of the RO Regs provides that:

For subsection 233(2) of the Act, for the lodgment of notification of any change to the records, the period of 35 days, beginning on the day after the day when the change is made, is prescribed.

Section 5 of the RO Act provides that:

The standards set out in this Act:

- (a) ensure that employer and employee organisations registered under this Act are representative of and accountable to their members, and are able to operate effectively; and
- (b) encourage members to participate in the affairs of the organisations to which they belong; and
- (c) encourage the efficient management of organisations and high standards of accountability of organisations to their members; and
- (d) provide for the democratic functioning and control of organisations; and
- (e) facilitate the registration of a diverse range of employer and employee organisations.

Brief chronological history of the legislative provision

1913 - The history of the provision for registered organisations to notify changes to relevant statutory body can be traced back to 1913. The *Conciliation and Arbitration Regulations 1913*, contained the 'Returns of Officers' provision at regulation 19, which required updates of lists of office holders to be provided within 14 days of any change.

1928 - The *Conciliation and Arbitration Regulations 1928* contained requirements relating to records at regulation 20 and this requirement bears similarity to the obligation set out in s 233(2) of the current RO Act. From 1928, the statutory requirement in accordance with regulation 23 was that changes to the records of registered organisations were to be filed with the relevant regulator within 14 days.

1989 - In 1989, the obligation on a registered organisation to notify the relevant regulator of changes to office holders was found in regulation 131, and notifications of changes were required to be lodged within 35 days. The requirement transitioned into the *Industrial Relations Act 1988* by virtue of section 268(4) taking effect in March 1989.

1988 - The *Industrial Relations Act 1988* was replaced by the *Workplace Relations Act 1996*.

2002 - The *Workplace Relations Amendment (Registration and Accountability of Organisations) Act 2002* placed the reporting obligations of registered organisations into a separate schedule. This amendment introduced Schedule 1B to the *Workplace Relations Act 1996*, which was the original RAO (*Registration and Accountability of Organisations*) Schedule. The RAO schedule included section 233 which is very similar to the provision in s.233(2) of the current RO Act.

2009 - The RAO schedule later became the *Fair Work (Registered Organisations) Act 2009*.



14 August 2017

Frank Agostino
President,
The Motor Trade Association of South Australia Incorporated
mta@mta-sa.asn.au

Dear Mr Agostino,

Notification of changes made to records [AR2017/91]

I acknowledge receipt of a Notification of Change to the office holders of the .

This information was lodged with the Registered Organisations Commission (the ROC) in accordance with s.233(2) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act). The table below outlines the changes notified and when they were lodged. Our records have been updated accordingly.

The document can be viewed on the Website through the [list of Registered Organisations](#).

| Date of lodgement | Branch | Change |
|-------------------|--------|---|
| 26/07/2017 | | Frank Agostino re elected as President Roberts Duns new Board Representative for Lower Eyre Peninsula Board Representative for Auto Repair & Engineering has resigned |

Section 293K of 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 contained in the RO Act.

Thank you for the notification.

Yours faithfully,

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, **FRANK AGOSTINO**, being the **President** of the Motor Trade Association of SA Incorporated, Level 1, 81 Greenhill Road, Wayville in the State of South Australia, declare the following:

1. I am authorised to make this declaration.
2. 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 *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 at **Annexure 'A'** and forms part of this declaration.
 - Notification that the Auto Repair & Engineering office is now vacant due to a recent resignation **Annexure 'B'** and forms part of this declaration. A request to arrange an election for this position will be put forward shortly.

Signed: _____



Dated: 25 July 2017

Changes to Offices and Office Holders currently in the Organisation

| Date of Change | Name of Office (include any offices that are vacant) | Reason For Change | Name of Outgoing Office Holder | Name of New or Re-elected Office Holder | Postal Address of Current Office Holder | Occupation of Office Holder |
|-----------------------|---|--------------------------|---------------------------------------|---|---|------------------------------------|
| 27.06.17 | PRESIDENT | Scheduled Election | N/A | Frank Agostino | <i>c/- t</i> The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000 | Managing Director |
| 27.06.17 | VICE PRESIDENT | Scheduled Election | N/A | <i>POSITION VACANT</i> | <i>n/a</i> | <i>n/a</i> |
| 27.06.17 | AADA (SA) Australia Automobile Dealers Association (SA) Division | Scheduled Election | N/A | <i>POSITION VACANT</i> | <i>n/a</i> | <i>n/a</i> |
| 27.06.17 | BODY REPAIR SPECIALISTS Commercial Vehicle Industry Association (SA) Division | Scheduled Election | N/A | Jeff Williams | <i>c/- t</i> The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000 | Manager |
| 27.06.17 | LVD Licensed Vehicle Dealers Division | Scheduled Election | <i>David Vincent</i> | <i>POSITION VACANT</i> | <i>n/a</i> | <i>n/a</i> |
| 27.06.17 | ENGINE RECONDITIONERS | <i>n/a</i> | N/A | Merged into the Auto Repair Division as per Board approval – 21 August '12. | For info only. | For info only. |
| 27.06.17 | TOWING SERVICES | Scheduled Election | Brenton Caddle | John Hitchcock | <i>c/-</i> The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000 | Director |

| Date of Change | Name of Office (include any offices that are vacant) | Reason For Change | Name of Outgoing Office Holder | Name of New or Re-elected Office Holder | Postal Address of Current Office Holder | Occupation of Office Holder |
|-----------------------|---|--------------------------|---------------------------------------|---|---|------------------------------------|
| 27.06.17 | RADIATOR REPAIRERS | <i>n/a</i> | N/A | Merged into the Auto Repair Division as per Board approval – 21 August '12. | <i>For info only.</i> | For info only. |
| 27.06.17 | CENTRAL ZONE | Scheduled Election | Phil Turner | <i>POSITION VACANT</i> | <i>n/a</i> | <i>n/a</i> |
| 27.06.17 | LOWER EYRE PENINSULA | Scheduled Election | N/A | Robert Duns | <i>c/- The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000</i> | Director |
| 27.06.17 | MID NORTH ZONE | Scheduled Election | N/A | <i>POSITION VACANT</i> | <i>n/a</i> | <i>n/a</i> |
| 27.06.17 | SOUTH EASTERN ZONE | Scheduled Election | N/A | Peter Roberts | <i>c/- The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000</i> | Director |
| 27.06.17 | RIVERLAND ZONE | Scheduled Election | N/A | Kym Webber | <i>c/- The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000</i> | Director |



MOTOR TRADE ASSOCIATION OF SA
ANNEXURE B

| Date of Change | Name of Office (include any offices that are vacant) | Reason For Change | Name of Outgoing Office Holder | Name of New or Re-elected Office Holder | Postal Address of Current Office Holder | Occupation of Office Holder |
|-----------------------|---|--------------------------|---------------------------------------|--|--|------------------------------------|
| 18.07.17 | AUTO REPAIR & ENGINEERING | Resignation | Craig Gough | <i>POSITION VACANT</i> | <i>n/a</i> | <i>n/a</i> |



28 June 2017

Mr Neville Gibb
Past President
The Motor Trade Association of South Australia Incorporated.
mta@mta-sa.asn.au

Dear Mr Gibb,

Notification of changes made to records [AR2017/91]

I acknowledge receipt of a Notification of Change to the office holders of The Motor Trade Association of South Australia Incorporated.

This information was lodged with the Registered Organisations Commission (the ROC) in accordance with s.233(2) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act). The table below outlines the changes notified and when they were lodged. Our records have been updated accordingly.

The document can be viewed on the Website through the [list of Registered Organisations](#).

| Date of lodgement | Change |
|-------------------|--------------------------|
| 24 April 2017 | Resignation of President |

Thank you for the notification.

Yours faithfully,

Sarah Wilkin

Sarah Wilkin
Registered Organisations Commission



Fair Work Australia
GPO Box 1994
Melbourne VIC 3001

Dear Sir or Madam,

Re: Motor Trade Association of SA – changes to the Board of Management notification

Please find enclosed the Motor Trade Association of SA's declaration noting the recent changes to the Board of Management.

If you require further information then please let me know and I will be happy to help.

Yours sincerely

A handwritten signature in black ink, appearing to be 'N. Gibb', is written over a horizontal line.

Neville Gibb
Past President

24 April 2017

DECLARATION

THE MOTOR TRADE ASSOCIATION OF SOUTH AUSTRALIA INCORPORATED

I, **NEVILLE GIBB** of Level 1, 81 Greenhill Road, Wayville in the State of South Australia, **Past President**, DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. THAT I am the Past President of The Motor Trade Association of South Australia Incorporated (hereinafter referred to as MTA).
2. THAT the registered office of the MTA is Level 1, 81 Greenhill Road, Wayville, South Australia, phone number (08) 8291 2000 and fax number (08) 8291 2099.
3. THAT certain offices in the MTA have changed and pursuant to s233(2) of the Fair Work (Registered Organisations) Act 2009, that the Board of Management President has resigned.

The attached information [*Attachment A*] contains the name, postal address and occupation of the person in the President office in the MTA and his resignation letter.

I MAKE THIS DECLARATION by virtue of the provisions of subsection [s233(1)(b)] of the Fair Work (Registered Organisations) Act 2009, that the the information contained in this declaration to be a correct statement of the changes made.

DECLARED AND SUBSCRIBED}

}

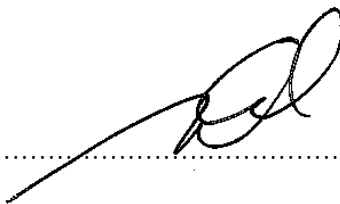
at Wayville, South Australia }

}

this 24th day of April 2017 }.....

}

}





9 March 2017

Mr Frank Agostino
President
The Motor Trade Association of South Australia Incorporated
Email: mta@mta-sa.asn.au

Dear Mr Agostino,

Annual Return of Information for 2017 [AR2017/91]

I acknowledge receipt on 25 January 2017 of your Declaration providing information in accordance with subsection 233(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The documents lodged cover the required information for the 2017 Annual Return of Information of Motor Trade Association of South Australia Incorporated, The.

The documents have been filed and can be viewed on the Fair Work Commission website through the List of Registered Organisations - <http://www.fwc.gov.au/registered-organisations/find-registered-organisations>.

Notifications of Change

Any changes to these records must be notified to the Commission within 35 days of the change. A template Notification of Change Declaration is available on the [fact-sheets](#) page of our website. Motor Trade Association of South Australia Incorporated, The is encouraged to use this template if any changes occur.

Yours sincerely

Margaret Williams
Regulatory Compliance Branch

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 **President** of the Motor Trade Association of SA Incorporated, Level 1, 81 Greenhill Road, Wayville in the State of South Australia, 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, South Australia.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 1,062.³
 - A list of 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.
 - Under the rules of the organisation, the following elections must be held between 1 January and 31 December of 2017:⁴

The reason for this election is that the Board office terms listed below are about to expire and their offices will now be up for re-election.

- President (1)
- Vice President (1)

Board Representatives – MTA Divisions

- Australian Automotive Dealers Associatio (SA) Division (1)
- Body Repair Specialists Division (1)
- Licensed Vehicle Dealers Division (1)
- Towing Division (1)

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)

Board Representatives – MTA Country Zones

- Central Zone (1)
- Lower Eyre Peninsula Zone (1)
- Mid North Zone (1)
- South Eastern Zone (1)
- Riverland Zone (1)

EXECUTIVE COMMITTEE ELECTION

The Executive Committee of the Board of Management Members (3) are nominated and elected by the Board at its first meeting after the Annual General Meeting – scheduled to take place on Tuesday, 22nd August 2016.

- The Organisation:
 - Has not entered into an agreement under s.151(1) with a state union.

I MAKE THIS DECLARATION in accordance with s189(1) of the Fair Work (Registered Organisations) Act 2009, that this is a correct statement of the information contained in the records.

Signed: _____



Dated: 24 January 2017

ANNEXURE A

- Offices and Office Holders currently 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 |
|--|------------------------|---|-----------------------------|
| PRESIDENT | Frank Agostino | c/- t The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000 | Managing Director |
| VICE PRESIDENT | <i>POSITION VACANT</i> | <i>n/a</i> | <i>n/a</i> |
| PAST PRESIDENT | Neville Gibb | c/- t The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000 | Dealer Principal |
| MEMBERS REPRESENTATIVE | Clive Polley | <i>As above</i> | Director |
| BOARD REPRESENTATIVE ON EXECUTIVE COMMITTEE & GROUP TRAINING SCHEME BOARD | Ron Lewis | <i>As above</i> | Director |
| BOARD REPRESENTATIVE ON EXECUTIVE COMMITTEE & GROUP TRAINING SCHEME BOARD | Peter Roberts | <i>As above</i> | Dealer Principal |
| BOARD REPRESENTATIVE ON EXECUTIVE COMMITTEE & GROUP TRAINING SCHEME BOARD | Colin Butcher | <i>As above</i> | Farm Machinery Dealer |

| | | | |
|---|---|--|-----------------------|
| AADA (SA) Australia Automobile Dealers Association (SA) Division | <i>POSITION VACANT</i> | <i>n/a</i> | <i>n/a</i> |
| AUTO DISMANTLERS | Ron Lewis | <i>c/- t</i> The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000 | Director |
| AUTO ELECTRICAL | Merged into the Auto Repair Division as per Board approval – 21 August '12. | For info only. | For info only. |
| AUTO REPAIR & ENGINEERING | Craig Gough | <i>c/-</i> The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000 | Director |
| BODY REPAIR SPECIALISTS | Jeff Williams | <i>As above</i> | Director |
| CVIA (SA) Commercial Vehicle Industry Association (SA) Division | William Ross Lane | <i>As above</i> | Manager |
| ENGINE RECONDITIONERS | Merged into the Auto Repair Division as per Board approval – 21 August '12. | For info only. | For info only. |
| FARM MACHINERY DEALERS | Colin Butcher | <i>c/-</i> The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000 | Farm Machinery Dealer |
| LICENSED VEHICLE DEALERS | David Vincent | <i>As above</i> | Director |
| MIASA | Mark Flynn | <i>As above</i> | Director |
| RADIATOR REPAIRERS | Merged into the Auto Repair Division as per Board approval – 21 August '12. | <i>For info only.</i> | For info only. |
| SERVICE STATION | Brenton Stein | <i>c/-</i> The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000 | Operations Manager |
| TOWING SERVICES | Brenton Caddle | <i>As above</i> | Director |
| TYRE DEALERS | Marcus Joseph Baldacchino | <i>c/-</i> The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000 | Director |

| | | | |
|-----------------------------|--|---|-------------------|
| CENTRAL ZONE | Phil Turner | As above | Director |
| FAR WEST ZONE | Merged into the Lower Eyre Peninsula Zone as per Board approval – 21 August '12. | For info only. | For info only. |
| LOWER EYRE PENINSULA | Robert Duns | c/- The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000 | Director |
| LOWER NORTH ZONE | Dale John | As above | Manager |
| MID NORTH ZONE | <i>Vacant</i> | <i>Vacant</i> | <i>Vacant</i> |
| RIVERLAND ZONE | Kym Webber | c/- The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000 | Managing Director |
| SOUTH EASTERN ZONE | Peter Roberts | As above | Dealer Principal |
| SOUTHERN ZONE | Mark McGuire | As above | Director |
| UPPER NORTH ZONE | <i>Vacant</i> | <i>Vacant</i> | <i>Vacant</i> |
| UPPER SPENCER GULF | Tracy Butler | c/- The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000 | Director |