



18 September 2018

Mr Frank Agostino  
President  
Motor Trade Association of South Australia Incorporated  
[m@mtaofsa.com.au](mailto:m@mtaofsa.com.au)

Dear Mr Agostino,

**Notification of changes made to records [AR2018/88]**

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) pursuant to the notification requirements in section 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	Within prescribed period (Yes/No). If No, how many days late
20/08/2018	N/A	Farm Machinery Dealers Board Representative vacancy	Yes

**Time frames**

Regulation 151 of the *Fair Work (Registered Organisations) Regulations 2009* prescribes that a notification of change pursuant to section 233(2) of the RO Act must be lodged within 35 days of the change occurring. I note that this is a civil penalty provision and non-compliance may leave your organisation open to Federal Court proceedings.

**Officer Induction Kit**

The ROC has created an [Officer Induction Kit](#) to assist new officers. The Kit includes a number of 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 and other reporting obligations.

The kit should not be printed as it is updated regularly and some of the documents are interactive. The ROC strongly recommends that all new officers, and officers who are seeking more information on their obligations and duties, are given the link to the officer induction kit. Please direct your new officers to the kit which is on the ROC's [fact sheets, templates and webinars page](#), under Officers.

**Mandatory disclosures**

Please ensure that all new holders of office are advised of their obligations 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](#).

**Mandatory training**

Please also note that Section 293K of the RO Act requires each officer with duties that relate to the financial management to undertake approved training that covers the duties within 6 months after the person begins to hold office. Please ensure that relevant officers are advised of the requirement to undertake approved training. Please also ensure that they undertake the training within the required timeframe.

Thank you for your correspondence.

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 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.

Signed: \_\_\_\_\_



Dated: 20 August 2018



Changes to Offices and Office Holders currently in the Organisation

<b>Date of Change</b>	<b>Name of Office (include any offices that are vacant)</b>	<b>Name of Outgoing Office Holder</b>	<b>Reason For Change</b>	<b>Name of New or Re-elected Office Holder</b>	<b>Postal Address of Current Office Holder</b>	<b>Occupation of Office Holder</b>
6.08.18	<b>FARM MACHINERY DEALERS BOARD REPRESENTATIVE</b>	Colin Butcher	Deceased	<i>Vacant</i>	<i>Vacant</i>	<i>Vacant</i>



7 August 2018

Mr Frank Agostino  
President  
Motor Trade Association of South Australia Incorporated  
m@mtaofsa.com.au

Dear Mr Agostino,

**Notification of changes made to records [AR2018/88]**

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) pursuant to the notification requirements in section 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	Within prescribed period (Yes/No). If No, how many days late
26/07/2018 Amended 31/07/2018	NA	Auto Repair & Engineering Board Representative	No, 7 days late

**Time frames**

Regulation 151 of the *Fair Work (Registered Organisations) Regulations 2009* prescribes that a notification of change pursuant to section 233(2) of the RO Act must be lodged within 35 days of the change occurring. I note that this is a civil penalty provision and non-compliance may leave your organisation open to Federal Court proceedings.

**Late notification**

The 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.

**Officer Induction Kit**

The ROC has created an [Officer Induction Kit](#) to assist new officers. The Kit includes a number of 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 and other reporting obligations.

The kit should not be printed as it is updated regularly and some of the documents are interactive. The ROC strongly recommends that all new officers, and officers who are seeking more information on their obligations and duties, are given the link to the officer induction kit. Please direct your new officers to the kit which is on the ROC's [fact sheets, templates and webinars page](#), under Officers.

### **Mandatory disclosures**

Please ensure that all new holders of office are advised of their obligations 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](#).

### **Mandatory training**

Please also note that Section 293K of the RO Act requires each officer with duties that relate to the financial management to undertake approved training that covers the duties within 6 months after the person begins to hold office. Please ensure that relevant officers are advised of the requirement to undertake approved training. Please also ensure that they undertake the training within the required timeframe.

Thank you for your correspondence.

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 as **Annexure 'A'** and forms part of this declaration.
  - AEC Declaration of Results is attached as **Annexure 'B'** and forms part of this declaration.

Signed: \_\_\_\_\_



Dated: 25 July 2018

Changes to Offices and Office Holders currently in the Organisation

<b>Date of Change</b>	<b>Name of Office (include any offices that are vacant)</b>	<b>Reason For Change</b>	<b>Name of Outgoing Office Holder</b>	<b>Name of New or Re-elected Office Holder</b>	<b>Postal Address of Current Office Holder</b>	<b>Occupation of Office Holder</b>
14.06.18	<b>AUTO REPAIR &amp; ENGINEERING</b>	Scheduled Election	<i>VACANT</i>	Michael McMichael	c/- t The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000	Director





6 April 2018

Mr Frank Agostino  
President  
Motor Trade Association of South Australia Incorporated, The  
By email: [mta@mta-sa.asn.au](mailto:mta@mta-sa.asn.au)

Dear Mr Agostino,

**Declaration and information lodged under subsection 233(1) [Annual Return] for 2018 [AR2018/88]**

I acknowledge receipt by the Registered Organisations Commission (the ROC) on 5 March 2018 of your organisation's Annual Return which provides information under subsection 233(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

Thank-you for providing your Annual Return.

The documents lodged provide the required information for the 2018 Annual Return of The Motor Trade Association of South Australia Incorporated.

The Annual Return has been filed. Annual returns are publicly available on the website through the [List of Registered Organisations](#).

**Notifications of Change**

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

If you have any queries regarding this correspondence I can be contacted on 1300 341 665 or by email at [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

Yours faithfully

A handwritten signature in blue ink, appearing to read 'David Vale', enclosed in a light blue rectangular box.

David Vale  
Registered Organisations Commission

**ANNUAL RETURN OF INFORMATION (organisation with no branches) in accordance with Regulations 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.<sup>1</sup>
  - The organisation has no branches and no branches have ceased or commenced in the previous 12 months.<sup>2</sup>
  - On 31 December in the previous year the number of members was 1,065.<sup>3</sup>
  - 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 2018:<sup>4</sup>

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)
- Past President (1)
- Representative of Members (1)

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

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

<sup>3</sup> s.230(1)(d); reg.147(f)

<sup>4</sup> s.230(1)(d); reg.147(e)

*Board Representatives – MTA Divisions*

- Automotive Dismantlers Division (1)
- Auto Repair & Engineering Division (1)
- Commercial Vehicle Industry Association (SA) Division (1)
- Farm & Industrial Machinery Dealers Association (SA) Division (1)
- Motorcycle Industry Association of SA Division (1)
- Service Station Division (1)
- Tyre Dealers Division (1)

*Board Representatives – MTA Country Zones*

- Lower North Zone (1)
- Southern Zone (1)
- Upper North Zone (1)
- Upper Spencer Gulf 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, 21<sup>st</sup> August 2018.

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

I MAKE THIS DECLARATION in accordance with regulation 150 and 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: 18 January 2018

## ANNEXURE A

- Offices and Office Holders currently in the Organisation

<b>Name of Office (include any offices that are vacant)</b>	<b>Name of Office Holder</b>	<b>Postal Address of Office Holder</b>	<b>Occupation of Office Holder (All unpaid)</b>
<b>PRESIDENT</b>	Frank Agostino	c/- t The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000	Managing Director
<b>VICE PRESIDENT</b>	<i>POSITION VACANT</i>	<i>n/a</i>	<i>n/a</i>
<b>PAST PRESIDENT</b>	Neville Gibb	c/- t The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000	Dealer Principal
<b>MEMBERS REPRESENTATIVE</b>	Clive Polley	<i>As above</i>	Director
<b>BOARD REPRESENTATIVE ON EXECUTIVE COMMITTEE &amp; GROUP TRAINING SCHEME BOARD</b>	Ron Lewis	<i>As above</i>	Director
<b>BOARD REPRESENTATIVE ON EXECUTIVE COMMITTEE &amp; GROUP TRAINING SCHEME BOARD</b>	Peter Roberts	<i>As above</i>	Dealer Principal
<b>BOARD REPRESENTATIVE ON EXECUTIVE COMMITTEE &amp; GROUP TRAINING SCHEME BOARD</b>	Colin Butcher	<i>As above</i>	Farm Machinery Dealer

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

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



1 February 2018

Mr Frank Agostino  
President  
Motor Trade Association of South Australia Incorporated

Sent via email: [mta@mta-sa.asn.au](mailto:mta@mta-sa.asn.au)

Dear Mr Agostino,

**Motor Trade Association of South Australia Incorporated  
Annual Return of Information for 2018 [AR2018/88]**

This is a courtesy letter to remind you of the obligation to lodge an Annual Return of Information for 2018 in respect of the Motor Trade Association of South Australia Incorporated by **31 March 2018**.

**What must be lodged?**

A signed and dated declaration certifying matters prescribed in the *Fair Work (Registered Organisations) Act 2009* (the RO Act) must be lodged with the Registered Organisations Commission (the Commission). The matters to be included in the declaration are set out in the attached checklist.

*In maintaining the register of members, your attention is drawn to the circumstances where membership ceases to exist (s.230(2)(b) and s.171A of the RO Act).*

Once an Annual Return has been lodged, a copy will be posted on our website at [List of Registered Organisations](#). Therefore, to protect the privacy of the relevant office holders listed in the declarations, it is recommended that officers list their official mailing address rather than personal home address.

**Who must sign the declaration?**

The declaration must be signed by the Secretary, or where applicable, such other elected official who is required under the rules or by resolution of the organisation, to keep the relevant records (other prescribed officer). A declaration signed by a non-elected person does not meet this requirement.

**Who lodges the Annual Return of information?**

Section 233 places the onus of lodgement on the organisation and not on each individual branch. It is therefore the national body that is obliged to collate and lodge all of the required information. Annual Return templates are available on the Commission website at [Registered Organisations fact sheets](#), one for an [organisation with branches](#) and one for an [organisation without branches](#).

**What happens if the information changes?**

The Secretary, or other prescribed officer, must notify the Commission within 35 days of any changes to such records that may occur throughout the year.

**Failure to comply with these obligations is subject to a civil penalty provision** (up to \$63,000 for a body corporate and \$12,600 for an individual per contravention), under s.305 of the RO Act.

Please do not hesitate to contact the Commission by phone on 1300 341 665 or by e-mail at [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au) if you wish to discuss the requirements outlined in this correspondence.

Yours faithfully,



**Sam Gallichio**  
**Adviser**  
**Registered Organisations Commission**



## Obligation to lodge Annual Return of Information by 31 March

For full details see ss.230-233 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act), and rr.147-151 of the *Fair Work (Registered Organisations) Regulations 2009* (the RO Regulations).

A copy of each of the following records must be lodged with the Fair Work Commission (the Commission) between 1 January and 31 March each year. They must be certified by a declaration stating that it is a correct statement of the information contained in that record, signed by the Secretary or such other elected official who is required under the rules, or by resolution of the organisation, to keep the relevant records (**other prescribed officer** see r.150 of the RO Regulations).

**Failure to comply with these obligations is subject to a civil penalty provision – see s.305 of the RO Act.**

Requirement	Details of requirement
Maintenance of Register of Members	A declaration by the Secretary or other prescribed officer certifying that the register of members has, during the immediately preceding calendar year, been kept and maintained as required by ss.230(1)(a) and (2) [s.233(1)(a)] <b>Note:</b> In maintaining the register of members, your attention is drawn to s.171A of the RO Act that outlines the circumstances where membership ceases to exist.
List of Offices	A list of the offices in the organisation and each branch (note the definition of <b>office</b> and <b>officer</b> in ss.6 and 9) [s.230(1)(b)]
List of Office holders	A list of the names, postal addresses and occupations of the persons holding the offices (note the definition of <b>office</b> and <b>officer</b> in ss.6 and 9) [s.230(1)(c)]
List of Branches	A record of the name of each branch of the organisation [s.230(1)(d) and r.147(a)]
New Branches	A record of the name of each branch that commenced operation in the previous 12 months [s.230(1)(d) and r.147(b)]
Old Branches	A record of the name of each branch that ceased operation in the previous 12 months [s.230(1)(d) and r.147(c)]
Addresses of Organisation and Branches	A record of the address of the office of the organisation and the address of the office of each branch [s.230(1)(d) and r.147(d)]
Elections in Organisation and Branches	A record of each election that must, under the rules of the organisation, be held during the year commencing 1 January of the year in which the return is lodged, for any offices in the organisation and branches of the organisation . [s.230(1)(d) and r.147(e)] <b>Note:</b> this provision does not relieve an organisation or branch from the separate requirement to lodge prescribed information prior to each election, as required by s.189 of the RO Act
Statement concerning number of members	A record of the number of members on 31 December in the previous year; and If the organisation has entered into an agreement relating to members of State unions under s.151(1) of the RO 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 s.150 of the RO Act. [s.230(1)(d) and rr.147(f) and (g)]

## Obligation to notify of changes within 35 days

If there are any changes during the year to the offices, officeholders, branches (where relevant) or the address of the organisation and/or its branches an organisation must, within 35 days of the change, lodge with the Commission, a notification of such changes certified by declaration signed by the secretary or other prescribed officer of the organisation to be a correct statement of the changes made [RO Act s.233(2) and RO Regulations r.151 refer].