



12 July 2017

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

Dear Mr Agostino,

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of uncontested offices for [E2017/7]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

#### **A notice must be published on the organisation's website**

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

#### **Holders of office required to undertake approved training**

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (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 provided for in the RO Act.

#### **Organisation must notify the Commission of changes**

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Motor Trade Association of South Australia Incorporated, The must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
  - the name of the office vacated;
  - the date of the change of office holder; and
  - the name of the person vacating the office.
  
2. Person(s) who have commenced to hold office:
  - the name of the office now held;
  - the date of the change of office holder;
  - the name of the person now holding the office;
  - the postal address of the person (generally the postal address of the organisation); and

- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

**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, [NAME], being the [OFFICER] of the [ORGANISATION NAME], 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*:

*[delete all that do not apply]*

- On [DATE] the address of the organisation changed to [STREET ADDRESS].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  1. *[include OLD name and address and NEW name and address of every branch that has changed]*
  2. ...
- 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.
- On [DATE] the following branch[es]:<sup>3</sup>
  - COMMENCED operation:
    1. *[include name of each new branch]*
    2. ...
  - CEASED operation:
    1. *[include name of each closed branch]*

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

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

<sup>3</sup> s.230(1)(d); reg.147(b) & (c)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).]*

**ANNEXURE A**

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

*Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.*

<b>Branch</b>	<b>Date of Change</b>	<b>Name of Office that has changed</b>	<b>Name of <u>Outgoing</u> Office Holder</b>	<b>Name of <u>New</u> Office Holder</b>	<b>Postal Address of <u>New</u> Office Holder</b>	<b>Occupation of <u>New</u> Office Holder</b>
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						

29 June 2017

# Post-election Report

**The Motor Trade Association of South Australia Incorporated  
E2017/07**

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## Election(s) Covered in this Report

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Election Decision No/s: E2017/07

## Rules

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Rules used for the election: [234V: Incorporates alternations of 18/07/2014 [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

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Total number of voters on the Roll: 1100  
Number of apparent workplace addresses: The business is the member  
Number of non-current addresses: N/A

Other matters pertaining to the roll of voters:

When proofing the members roll the RO must ensure they confirm the business name against the representative, zone and division. Staff at the MTA-SA were most helpful in confirming detail changes/amendments when confirming eligibility requirements.

## Irregularities

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Details of written allegations of irregularities, and action taken by AEC: N/A



## Other Matters

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N/A

## Attachments

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- 1) Declaration of results for Uncontested Offices – MTA-SA



Jenny Southall  
Returning Officer

29 June 2017

# The Motor Trade Association of South Australia Incorporated E2017/07 MTA SA Scheduled Election

## Declaration of Results for Uncontested Offices

E2017/07

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.

### Motor Trade Association of SA

#### President

##### Candidates

AGOSTINO, Frank

#### Vice-President

##### Candidates

No nomination was received

### Board Representative from Australian Automobile Dealers Association (SA) Division

##### Candidates

No nomination was received

### Board Representative from Body Repair Specialists Division

##### Candidates

WILLIAMS , Jeffry

### Board Representative from Licensed Vehicle Dealers Division

##### Candidates

No nomination was received

### Board Representative from Towing Division

##### Candidates

HITCHCOCK, John

**Board Representative Central Zone**

Candidates

No nomination was received

**Board Representative Lower Eyre Peninsula Zone**

Candidates

DUNS, Robert

**Board Representative Mid North Zone**

Candidates

No nomination was received

**Board Representative South Eastern Zone**

Candidates

ROBERTS, Peter

**Board Representative Riverland Zone**

Candidates

WEBBER, Kym

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

27 June 2017



## DECISION

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

### **The Motor Trade Association of South Australia Incorporated** (E2017/7)

MR ENRIGHT

MELBOURNE, 14 FEBRUARY 2017

*Arrangement for conduct of election.*

[1] On 25 January 2017 The Motor Trade Association of South Australia Incorporated lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

President

Vice President

Board Representatives – MTA Divisions:

Australian Automotive Dealers Association (SA) Division  
Body Repair Specialists Division  
Licensed Vehicle Dealers Division  
Towing Division

Board Representatives – MTA Country Zones:

Central Zone  
Lower Eyre Peninsula Zone  
Mid North Zone  
South Eastern Zone  
Riverland Zone

[2] 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 *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER

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Fair Work Australia  
GPO Box 1994  
Melbourne VIC 3001

Dear Sir or Madam,

In accordance with sub section 189(1) of the the Fair Work (Registered Organisations) Act 2009 the following information is lodged for the purpose of arranging the conduct of the Annual Election of the Motor Trade Association of South Australia Incorporated, by the Australian Electoral Commission.

We would be very grateful if you could arrange for the election to be conducted by the Australian Electoral Commission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Frank Agostino', is written over a large, light-colored scribble or watermark.

Frank Agostino  
**President**

24 January 2017

Enc. ,



## **DECLARATION**

### **THE MOTOR TRADE ASSOCIATION OF SOUTH AUSTRALIA INCORPORATED**

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

1. THAT I am the 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.
3. That the postal address of the office of the Association is GPO Box 2204, Adelaide in the State of South Australia, and that the telephone number is (08) 8291 2000 and the fax number is (08) 8291 2099.
4. THAT pursuant to s189 and reg. 138 of the Fair Work (Registered Organisations) Act 2009, there will be an Annual Election of the MTA (to be conducted by the Australian Electoral Commission). The proposed opening date of the calling for nominations for these positions will be at least 21 days prior to the date of the Annual General Meeting scheduled for 18<sup>th</sup> July 2017 in accordance with the MTA of SA rule 42(c). The proposed closure date of calling for nominations to fill vacancies for these positions will be 13<sup>th</sup> June 2017.

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.

5. THAT the positions, which will be elected by the whole membership at a ballot, are as follows:
  - President (1)
  - Vice President (1)

#### *Board Representatives – MTA Divisions*

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

Board Representatives – MTA Country Zones

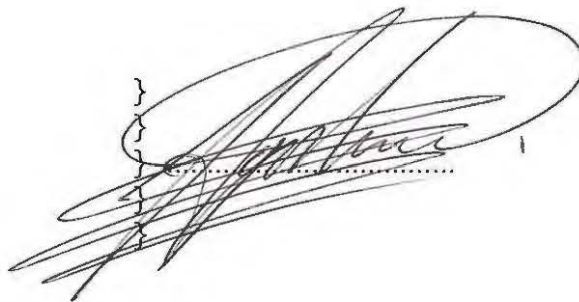
- Central Zone (1)
- Lower Eyre Peninsula Zone (1)
- Mid North Zone (1)
- South Eastern Zone (1)
- Riverland Zone (1)

I MAKE THIS DECLARATION in accordance with s189(1) of the Fair Work (Registered Organisations) Act 2009, conscientiously believing to be a correct statement of the information contained in the records.

DECLARED AND SUBSCRIBED

at Wayville, South Australia

This 24 day of January 2017

A handwritten signature in black ink, appearing to be 'M. Jones', written over a dotted line. The signature is enclosed within a large, hand-drawn oval. To the left of the signature, there are three vertical curly braces: the top one is positioned above the signature, the middle one is on the signature line, and the bottom one is below the signature.