



19 September 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 Executive Committee [E2017/8]. 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>						

14 September 2017

# Post-election Report

**The Motor Trade Association of  
South Australia Incorporated  
E2017/08**

# Contents

Election(s) Covered in this Report .....	3
Rules.....	3
Roll of Voters.....	3
Irregularities.....	3
Other Matters .....	4
Attachments.....	4

## Election(s) Covered in this Report

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Election Decision No/s: E2017/08

## Rules

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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

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There were no contested offices, however the MTA-SA did provide the Roll of Voters on 19 July 2017.

Total number of voters on the Roll:	17
Number of apparent workplace addresses:	17
Number of non-current addresses:	Nil

Other matters pertaining to the roll of voters:

## Irregularities

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Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: N/A



## Other Matters

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N/A

## Attachments

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- 1) Declaration of results for Uncontested Offices – South Australia



Jenny Southall  
Returning Officer

14 September 2017

# The Motor Trade Association of South Australia Inc. MTA SA Scheduled Election - Executive Committee

## Declaration of Results for Uncontested Offices

E2017/08

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.

**Board Member of the Executive Committee (3)**  
(one at least shall be a representative of a country zone)

### Candidates

BUTCHER, Colin David  
ROBERTS, Peter Owen  
LEWIS, Ronald Norman

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

  
for Jenny Southall  
Returning Officer

15 August 2017



## DECISION

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

### **The Motor Trade Association of South Australia Incorporated** (E2017/8)

MR ENRIGHT

MELBOURNE, 15 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:

Board Member of the Executive Committee (3)

[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,

**Re: Election of Three Board Members to the Executive Committee**

In accordance with Rule 50 to 53 of the MTA's Constitution, the Board shall at its first meeting in each year after the Annual General Meeting, proceed with the election of three Board Members to the Executive Committee.

To comply with section s189 of the Fair Work (Registered Organisations) Act 2009, we provide the following information:

- (a) three members of the Board (one of whom shall be a representative of a country zone) shall be elected by the Board to the Executive Committee (MTA Rule 47);
- (b) the reason for the election being held is that the term of the office has expired;
- (c) the election will be for three positions on the Executive Committee;
- (d) the election will be called during the Board meeting to be held on Tuesday 22<sup>nd</sup> August 2017 in the MTA Board Room, MTA House, Level 1, 81 Greenhill Road, Wayville.
- (e) the voting system to be employed will be a collegiate voting system.

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

Yours sincerely



Frank Agostino  
**President**

24 January 2017