



25 November 2019

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

Dear Frank Agostino,

Please note that the following information is intended as a reminder only. No notification is necessary for election E2019/172, as no nomination was received.

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 in matter E2019/172. 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, as soon as practicable after receiving the post-election report, 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 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.

Yours faithfully,

Christine Hibberd
Registered Organisations Commission

20 November 2019

Post-election report

The Motor Trade Association of South
Australia Incorporated
Insufficient Nominations election
E2019/172

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Election(s) Covered in this Report

Organisation: The Motor Trade Association of South Australia Incorporated

Election: Insufficient Nominations

Election Decision No/s: E2019/172

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

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website:

(https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

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

Other irregularities identified, and action taken: N/A

Other Matters

Returning Officer actions required (Section 193): No
Details:

Signed



Kathleen Cassar
Returning Officer
Australian Electoral Commission
E: saelections@aec.gov.au
P: 08 8237 6555
20 November 2019

Attachments

A. Declaration of Results for Uncontested Offices – SA

The Motor Trade Association of South Australia
Incorporated
DECLARATION OF RESULTS - E2019/172
Uncontested Offices

Insufficient Nominations Election

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

Upper North Division

Board Representative - Country Zone (1)

Candidates

No Nominations Received

K. T. Cassar

Kathleen Cassar
Returning Officer
Telephone: 08 8237 6555
Email: saelections@aec.gov.au
20/11/2019



DECISION

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

The Motor Trade Association of South Australia Incorporated (E2019/172)

MR ENRIGHT

MELBOURNE, 4 OCTOBER 2019

Arrangement for conduct of election.

[1] On 17 September 2019 the Motor Trade Association of South Australia Incorporated, The lodged with the Registered Organisations Commission prescribed information for an election to fill the following office due to insufficient nominations received in a previous election (**E2018/8**):

Board Representative – Country Zone

Upper North Division

(1)

[2] I am satisfied that an election for the abovenamed office 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 COMMISSIONER

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PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009*

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

1. I am authorised to sign this statement containing prescribed information for the Motor Trade Association of SA Incorporated.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The election that is required is set out in the table in (**Annexure 'A'**) to be conducted by the Australian Electoral Commission. The reason for these elections is that the Board office received insufficient nominations in an earlier election. Declaration of results is attached (**Annexure 'B'**).
4. A brief outline of the proposed rule alterations affecting this election is attached in (**Annexure 'C'**). These rule alterations HAVE NOT been lodged with the Fair Work Commission.
5. This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed: _____



Dated: 17 September 2019



Election that is required

Name of Office	Number Required	Voting System	Reason for Election	Electorate
UPPER NORTH ZONE	1	Direct voting system	Casual Vacancy due to Insufficient Nominations	All Members of the Upper North Zone

Important dates:

	Direct Voting System
Nominations OPEN	As To be determined by Returning officer
Nominations CLOSE	As To be determined by Returning officer
Roll of Voters cut off date	As To be determined by Returning officer

The Motor Trade Association of South Australia Incorporated
DECLARATION OF RESULTS - E2018/8
Uncontested Offices

Scheduled Election

The Results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

Members of The Motor Trade Association of South Australia

President (1)

Candidates

AGOSTINO, Frank

Past-President (1)

Candidates

GIBB, Neville

Representative of Members (1)

Candidates

POLLEY, Clive

Automotive Dismantlers Division

Board Representative (1)

Candidates

LEWIS, Ron

Auto Repair & Engineering Division

Board Representative (1)

Candidates

MCMICHAEL, Michael

Commercial Vehicle Industry Association (SA) Division

Board Representative (1)

Candidates

LANE, Bill

Farm and Industry Machinery Dealers Association (SA) Division

Board Representative (1)

Candidates

BUTCHER, Colin

Motorcycle Industry Association of SA Division

Board Representative (1)

Candidates

FLYNN, Mark

Service Station Division

Board Representative (1)

Candidates

STEIN, Brenton

Tyre Dealers Division

Board Representative (1)

Candidates

BALDACCHINO, Marcus

Lower North

Board Representative (1)

Candidates

JOHN, Dale

Southern

Board Representative (1)

Candidates

MCGUIRE, Mark

Upper North

Board Representative (1)

Candidates

No Nominations Received

**Upper Spencer Gulf
Board Representative (1)**

Candidates

BUTLER, Tracy

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



Paul Langtry
Returning Officer
Australian Electoral Commission

14 June 2018



- **PROPOSED RULE ALTERATIONS**

The MTA Board of Management have voted to restructure its Board of Management, Divisional Representation and modernise its current rules. They have engaged Legal Firm, Lander & Rogers to assist with this project and they are now in the process of drafting a new constitution which will be more in-line with their current member's requirements.

Below is a proposed timeline:

Approximate Date	Action
End of August '19	Revised Constitution was finalised
End of August '19	MTA engaged with FWA for initial review
Early October '19	Notice of EGM to Membership (minimum 21days notice period)
19 November '19	EGM (for the membership to consider the changes
End of November'19	MTA to submit newly revised constitution to FWA
Early 2020	Constitution takes effect

Transitional Arrangements

A provision will be included in the new constitution which will cause the current members of the Board of Management and the Executive to form the newly created Advisory Council and New Board respectively.