



27 August 2019

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

Dear Frank 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 Stages 1 and 2 in matter E2019/31. 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, 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.

Yours faithfully,

Astrid Glenister
Registered Organisations Commission

Motor Trade Association of South Australia Incorporated

DECLARATION OF RESULTS - E2019/31 - Stage 1

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:

Motor Trade Association of South Australia Incorporated

President (1)

Candidates

AGOSTINO Frank

Vice President (1)

Candidates

No Nominations Received

Australian Automotive Dealers Association (SA) Division

Board of Representatives - MTA Divisions: (1)

Candidates

No Nominations Received

Body Repair Specialists Division

Board of Representatives - MTA Divisions: (1)

Candidates

SKOTHOS Tom

Licensed Vehicle Dealers Division

Board of Representatives - MTA Divisions: (1)

Candidates

VINCENT David

Towing Division

Board of Representatives - MTA Divisions: (1)

Candidates

HITCHCOCK John

Central Zone

Board of Representatives - MTA Country Zones (1)

Candidates

TURNER Philip A

Lower Eyre Peninsula Zone

Board of Representatives - MTA Country Zones (1)

Candidates

No Nominations Received

Mid North Zone

Board of Representatives - MTA Country Zones (1)

Candidates

No Nominations Received

South Eastern Zone

Board of Representatives - MTA Country Zones (1)

Candidates

ROBERTS Peter Owen

Riverland Zone

Board of Representatives - MTA Country Zones (1)

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
Telephone: 08 8237 6555
Email: saelections@aec.gov.au
25/06/2019

Motor Trade Association of South Australia Incorporated

DECLARATION OF RESULTS - E2019/31 – Stage 2

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:

Board of Management

Executive Committee of the Board (3)

Candidates

HITCHCOCK John

ROBERTS Peter

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



Barbara Kekes
Returning Officer
Telephone: 08 8237 6555
Email: saelections@aec.gov.au
16/08/2019

20 August 2019

Post-election report

Motor Trade Association of
South Australia Incorporated
Scheduled Election
E2019/31- Stage 1 & 2

Contents

Election(s) Covered in this Report	3
Rules.....	3
Roll of Voters	3
Irregularities.....	3
Other Matters.....	4
Signed	4
Attachments	4
A. Declaration of Results for Uncontested Offices – MTA-SA – Stage 1	4
B. Declaration of Results for Uncontested Offices – MTA-SA – Stage 2	4

Election(s) Covered in this Report

Organisation: Motor Trade Association of South Australia Incorporated

Election: Scheduled

Election Decision No/s: E2019/31

Rules

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

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.

Roll was provided for checking of nominations, divisions and Country Zones

	<u>Stage 1</u>	<u>Stage 2</u>
Total number of voters on the Roll:	961	18
Number of apparent workplace addresses:	961	18
Number of non-current addresses:	Nil	Nil
Other matters pertaining to the roll of voters:	Spreadsheet as provided has a master list and tabs for each of the relevant divisions and country zones	

Irregularities

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

Other irregularities identified, and action taken: N/A

Other Matters

Returning Officer actions **required** (Section 193): Yes

Details:

The rules are silent in relation to the withdrawal of nominations, I have therefore exercised the power afforded to me by section 193 of the Act to set the time and date for withdrawal of nominations to be the same date and time as close of nominations.

Signed



Barbara Kekes
Returning Officer
Australian Electoral Commission
E: saelections@aec.gov.au
P: 08 8237 6555
20 August 2019

Attachments

- A. Declaration of Results for Uncontested Offices – MTA-SA – Stage 1
- B. Declaration of Results for Uncontested Offices – MTA-SA – Stage 2



DECISION

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

Motor Trade Association of South Australia Incorporated (E2019/31)

MR ENRIGHT

MELBOURNE, 10 MAY 2019

Arrangement for conduct of election.

[1] On 9 April 2019 the Motor Trade Association of South Australia Incorporated lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

President (1)

Vice President (1)

Board of Representatives – MTA Divisions:

Australian Automotive Dealers Association (SA) Division (1)

Body Repair Specialists Division (1)

Licensed Vehicle Dealers Division (1)

Towing Division (1)

Board of Representatives – MTA Country Zones:

Central Zone (1)

Lower Eyre Peninsula Zone (1)

Mid North Zone (1)

South Eastern Zone (1)

Riverland Zone (1)

Board Members 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 COMMISSIONER

Printed by authority of the Commonwealth Government Printer

PR351358



MOTOR TRADE ASSOCIATION OF SA
ANNUAL ELECTIONS

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 South Australia, Level 1, 81 Greenhill Road, Wayville, Adelaide make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Motor Trade Association of South Australia.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are 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 terms listed are about to expire and their offices will now be up for re-election.
4. A brief outline of the proposed rule alterations affecting this election is attached in **Annexure B**. 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: _____

26/2/19

ANNEXURE A

- ELECTIONS THAT ARE REQUIRED:**

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
MTA-SA	President	1	DVS	Scheduled	All members of the MTA (rule 40(a))
MTA-SA	Vice President	1	DVS	Scheduled	All members of the MTA (rule 40(a))
MTA-SA	Australian Automotive Dealers Assoc. (SA) Division	1	DVS	Scheduled	All retrospective trade division members of the MTA (rule 40(e))
MTA-SA	Body Repair Specialists Division	1	DVS	Scheduled	All retrospective trade division members of the MTA (rule 40(e))
MTA-SA	Licensed Vehicle Dealers Division	1	DVS	Scheduled	All retrospective trade division members of the MTA (rule 40(e))
MTA-SA	Towing Division	1	DVS	Scheduled	All retrospective trade division members of the MTA (rule 40(e))
MTA-SA	Central Zone	1	DVS	Scheduled	All retrospective country zone members of the MTA (rule 40(e))
MTA-SA	Lower Eyre Peninsula Zone	1	DVS	Scheduled	All retrospective country zone members of the MTA (rule 40(e))
MTA-SA	Mid North Zone	1	DVS	Scheduled	All retrospective country zone members of the MTA (rule 40(e))
MTA-SA	South Eastern Zone	1	DVS	Scheduled	All retrospective country zone members of the MTA (rule 40(e))
MTA-SA	Riverland Zone	1	DVS	Scheduled	All retrospective country zone members of the MTA (rule 40(e))
MTA-SA	Executive Committee of the Board	3	Collegiate	Scheduled	All members of the Board of Management (rules 47, 50-53)

- IMPORTANT DATES:**

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	At least 21 days prior to the Annual General Meeting scheduled for 23 rd July 2019 (rule 42c)	<i>Proposed date will be 30th July 2019 (To be determined by the returning officer)</i>
Nominations CLOSE	<i>Proposed date will be 6th July 2019 (To be determined by the returning officer)</i>	<i>Proposed date will be 13th August 2019 (To be determined by the returning officer)</i>
Roll of Voters cut off date	<i>7 days prior to the opening date for nominations – rule 36(g)</i>	<i>7 days prior to nominations opening</i>

ANNEXURE B

- 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 January '19	Revised Constitution finalised
Early February '19	MTA engage with FWA for initial review
Early March '19	Notice of EGM to Membership (minimum 21days notice period)
End of March '19	EGM (for the membership to consider the
Early April '19	MTA to submit newly revised constitution to FWA
Early June '19	Constitution takes effect
24 June 2019	Notice of AGM to members
30 June 2019	Nominations open
24 July 2019	AGM

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. However, if the new constitution becomes effective shortly before the AGM, a provision will be inserted to have the current Board of Management and Executive sit until the AGM, at which point the Advisory Council and the New Board positions are appointed and the old Full Board and Executive will then be dissolved.