



FAIR WORK
COMMISSION

24 May 2013

Mr Greg Hatton
Deputy CEO, Policy and Employment Relations
Motor Traders Association of NSW
PO Box 715
BURWOOD NSW 1805

Dear Mr Hatton,

Re: Annual Return of Information Contained in Records of Organisation - s233 Fair Work (Registered Organisations) Act 2009 - Motor Traders' Association of NSW (AR2013/261)

I refer to the amended declaration and copy of records providing information in accordance with sub-section 233(1) of the *Fair Work (Registered Organisations) Act 2009* ('the Act') which were lodged with the Fair Work Commission on 22 May 2013.

The documents lodged cover the following information:

- A declaration that the register of members has been kept and maintained as required by section 230(1)(a) and 230(2);
- List of offices in the organisation as required by paragraph 230(1)(b);
- List of names, addresses and occupations of the persons holding those offices as required by paragraph 230(1)(c);
- Information prescribed by regulation 147 as required by paragraph 230(1)(d);
- A declaration certifying that the statements contained in the declaration are those contained in the organisation's records and are true and correct.

The documents have been filed.

Yours sincerely

Stephen Kellett
Senior Adviser
Regulatory Compliance Branch

From: KELLETT, Stephen
To: ["greg.hatton@mtansw.com.au"](mailto:greg.hatton@mtansw.com.au)
Subject: Annual return of Information - s233 RO Act - filing
Date: Friday, 24 May 2013 11:18:00 AM
Attachments: [AR2013_261_MTANSW\(final\).pdf](#)

Dear Mr Hatton,

Please see attached letter in relation to the above.

Yours sincerely

STEPHEN KELLETT

Senior Adviser,

Regulatory Compliance Branch

Fair Work Commission

Tel: (02) 6723 7237

Mob: 0429 462 979

Fax: +61 2 9380 6990

stephen.kellett@fwc.gov.au

80 William Street, East Sydney NSW 2011

www.fwc.gov.au

From: [Greg Hatton](#)
To: [Orgs](#)
Subject: Section 230 declaration
Date: Wednesday, 22 May 2013 4:42:52 PM
Attachments: [FWC annual rtn cover letter re amended S230.pdf](#)
[FWC Annual Rtn amended S230 dec 2012.pdf](#)

Please find correspondence and declaration in relation to offices holders, etc as per Section 230 of the Fair Work (Registered Organisations) Act, 2009.

Kind regards,
Greg Hatton
Deputy CEO –
Employment Relations & Policy
Motor Traders' Assoc of NSW



General Manager
Fair Work Commission
Regulatory Compliance Branch
Level 8, Terrace Towers
80 William Street
East Sydney NSW 2001

Attention: Mr Robert Pfeiffer

Dear Sir,

I refer to my earlier correspondence in relation to this organisation's obligations under Section 230 of the Fair Work (Registered Organisations) Act 2009. I would ask that approval be given to replace the initial declaration with the attached declaration by the President (an elected officer).

I note that the attached declaration seeks in its opening paragraph to replace the initial declaration with the declaration dated 22 May, 2013 as attached. It appears that an incorrect office holder was included within the initial declaration and the correct group of office holders are now incorporated within the attached declaration.

I apologise for the inconvenience that this error has caused and I thank you for your assistance. Should you require any further detail please contact me.

Yours faithfully
Motor Traders' Association of NSW

Greg Hatton
Deputy CEO,
Policy & Employment Relations

22nd May, 2013

MTA Head Office

214 Parramatta Road Burwood, NSW, 2134 | Ph: (02) 9016 9000 | Fax: (02) 9016 9099
Postal address: PO Box 715 Burwood 1805
ABN 63 000 008 088 | www.mtansw.com.au

MTA City Office

Suite 3, Lvl 3, 162-166 Goulburn Street,
Surry Hills, NSW, 2010

MTA Canberra Office

23 Garratt Street,
Wanniassa, ACT, 2903

MTA Apprenticeship Plus Office

Level 1, 181 Church St, Parramatta, NSW, 2150
Ph: (02) 9891 6900
www.mtaplus.com.au

DECLARATION

I, Maurie Pinfold, 1 Claremont Avenue, Greenacre in the State of New South Wales, President, do sincerely declare that the information below is the Annual Statutory Return of Information of the Organisation for the year ending 31st December 2012:

1. That the register of members has been kept and maintained as required by subsections 230(1)(a) and 230(2) during 2012. As at 31 December 2012 the organisation had 4,011 members.
2. The registered address of the office of the Association until October 2012 was 43-51 Brisbane Street Darlinghurst 2010 whilst the postal address was Locked Bag 5012 Darlinghurst 2010. The registered office changed in October, 2012 and for the balance of 2012 was and will be into the foreseeable future 214 Parramatta Road Burwood, 2134 and the postal address was PO Box 715 Burwood 1805.
3. In accordance with the rules of the organisation which require elections for office every two years, the organisation is required to hold elections for offices commencing November 2014 to determine office bearers to take office following the annual general meeting in 2015. Elections for office which commenced November, 2012 are in the process of being conducted and finalised by the AEC.
4. The following is a list of offices and office holders (committee of management) of the organisation as at 31 December 2012, and who will continue in office until the conclusion of the annual general meeting of the organisation in May 2013.

President:

Secretary:

Treasurer:

Mr M. Pinfold (Maurie)
Proprietor
Claremont Tyrepower
1 Claremont Avenue
GREENACRE NSW 2190

Mr D. Rowland (Don)
Operations Manager
Motorone Group P/L
Unit 50 Slough Avenue
SILVERWATER 2128

Mr P. Perdikaris (Philip)
Managing Director
MTA Apprenticeships Plus Ltd
P.O. Box 1456
PARRAMATTA NSW 2124

Vice Presidents:

Mr R. Garland (Robert)
Director
Advanced Automotive Taree
73 Muldoon Street
TAREE NSW 2430

Mr B. Doyle (Brian)
Managing Director
Doyles Auto Marine Trimmers
P.O Box 2092
Taren Point NSW 2229

Mr K. Webb (Kenneth)
Director
Dribson Pty Ltd
1/12 Greenway Drive
Tweed Heads Sth NSW 2486

Mr D. Marston (David)
Managing Director
Sutherland Shire Home Tuning Services
7/555 Princes Highway
GYMEA NSW 2227

Mr N. Oven (Neil)
Managing Director
E L N Ford Pty Ltd
P.O. Box 626
WYONG NSW 2259

Mr D. Sargent (Denis)
Partner
Hall Bros Enterprises
9 Wollongong Street
FYSHWICK ACT 2609

Mr T. Sarina (Tod)
Managing Director
Sarina Prestige Smash Repairs
81 Kurrajong Avenue
MOUNT DRUITT NSW 2770

Mr S. Borg (Steve)
Consultant
[REDACTED]
[REDACTED]

And I make this declaration conscientiously believing the statements contained in this declaration are those contained in the Association's records and the statements to be true and correct.



.....
M. Pinfold

Declared at Sydney on the 22nd day of April, 2013.



FAIR WORK
COMMISSION

22 March 2013

Mr Greg Patten
Deputy Chief Executive Officer - Operations
Motor Traders' Association of New South Wales
Sent by email: greg.patten@mtansw.com.au

Dear Mr Patten

**Motor Traders' Association of New South Wales
Annual Return of Information for 2013 [AR2013/261]**

I refer to our letter of mid February 2013 reminding you of the obligation to lodge an Annual Return of Information for 2013 in respect of the above by **31 March 2013**. As it is noted that you have not as yet lodged your Annual Return, we provide the following as a second and final reminder. Please ignore this letter if you have lodged the Annual Return for 2013 in the last few days.

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

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. A declaration signed by a non-elected person does not meet this requirement. The Secretary or other prescribed officer must also notify the Commission within 35 days of any changes to such records.

Once an Annual Return or change of records has been lodged, a copy will be posted on the Commission's website at www.fwc.gov.au – under [Registered organisations - List of registered organisations](#). In order to protect the privacy of the relevant office holders listed in declarations, you may wish to list their official mailing address rather than personal home address.

The Commission encourages you to lodge all returns electronically e.g. as pdf files at orgs@fwc.gov.au. Please ensure that emailed documents include signatures where required.

Please note: failure to comply with these obligations is subject to a civil penalty provision (up to \$33,000 for a body corporate and \$6,600 for an individual per contravention) - see s.305 of the RO Act. Further, 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.

Please do not hesitate to contact me on (03) 8661 7936 or by e-mail at robert.pfeiffer@fwc.gov.au if you wish to discuss the requirements outlined in this correspondence.

Yours sincerely

Robert Pfeiffer
Senior Adviser
Regulatory Compliance Branch

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) <i>[s.233(1)(a)]</i> Note: 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 office and officer in ss.6 and 9) <i>[s.230(1)(b)]</i>
List of Office holders	A list of the names, postal addresses and occupations of the persons holding the offices (note the definition of office and officer in ss.6 and 9) <i>[s.230(1)(c)]</i>
List of Branches	A record of the name of each branch of the organisation <i>[s.230(1)(d) and r.147(a)]</i>
New Branches	A record of the name of each branch that commenced operation in the previous 12 months <i>[s.230(1)(d) and r.147(b)]</i>
Old Branches	A record of the name of each branch that ceased operation in the previous 12 months <i>[s.230(1)(d) and r.147(c)]</i>
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 <i>[s.230(1)(d) and r.147(d)]</i>
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 . <i>[s.230(1)(d) and r.147(e)]</i> Note: 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. <i>[s.230(1)(d) and rr.147(f) and (g)]</i>

Obligation to notify of changes within 35 days

If there are any changes during the year to the list of offices, list of officeholders, list of branches (where relevant) and 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].



FAIR WORK
COMMISSION

19 February 2013

Mr Greg Hatton
Manager - Industrial Relations
Motor Traders' Association of New South Wales

Sent by email: greg.hatton@mtansw.com.au

Dear Mr Hatton

**Motor Traders' Association of New South Wales
Annual Return of Information for 2013 [AR2013/261]**

This is a courtesy letter to remind you of the obligation to lodge an Annual Return of Information for 2013 in respect of the above by **31 March 2013**.

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

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. The Secretary or other prescribed officer must also notify the Commission within 35 days of any changes to such records.

Once an Annual Return or change of records has been lodged, a copy will be posted on the Commission's website at www.fwc.gov.au— under [Registered organisations - List of registered organisations](#). In order to protect the privacy of the relevant office holders listed in the declarations, you may wish to list their official mailing address rather than personal home address.

The Commission encourages you to lodge all returns electronically e.g. as pdf or tif files at orgs@fwc.gov.au . Please ensure that emailed documents include signatures where required.

Please note: failure to comply with these obligations is subject to a civil penalty provision (up to \$33,000 for a body corporate and \$6,600 for an individual per contravention), see s.305 of the RO Act. Further, 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.

Please do not hesitate to contact me on (03) 8661 7936 or by e-mail at robert.pfeiffer@fwc.gov.au if you wish to discuss the requirements outlined in this correspondence.

Yours sincerely,

Robert Pfeiffer
Senior Adviser
Regulatory Compliance Branch

Obligation to lodge Annual Return of Information by 31 March

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