



20 August 2019

Frank Agostino
President
Motor Trade Association of South Australia Incorporated, The

Sent via email: mta@mtaofsa.com.au

Dear Frank Agostino,

Declaration and information lodged under subsection 233(1) for 2019 (AR2019/85)

I acknowledge receipt by the Registered Organisations Commission (the ROC) on 15 March 2019 of the organisation's Annual Return which provides information under subsection 233(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

Thank you for providing the Annual Return. The documents lodged provide the required information for the 2019 Annual Return of The Motor Trade Association of South Australia Incorporated.

The Annual Return has been filed. I also acknowledge your letter dated 13 June 2019 which was in reply to my letter dated 6 June 2019 in respect of a vacancy in the office of Board Representative – Upper North Zone. As outlined in my letter dated 6 June 2019, please ensure that any vacancy in offices are filled either by election or by appointment. Annual Returns are publicly available on the website through the [List of Registered Organisations](#).

Notifications of Change

I also acknowledge receipt of Notifications of Changes on 31 July 2019 respectively to the office holders of The Motor Trade Association of South Australia Incorporated.

The information was lodged with the ROC pursuant to the notification requirements in section 233(2) of the *Fair Work (Registered Organisations) Act 2009*, however, they were lodged 1 day late. Please ensure that all future notifications of changes are made within 35 days of the change occurring.

The table below outlines the changes and when they were lodged. Our records have been updated and the document can be viewed on the Website through the [list of Registered Organisations](#).

Date of lodgement	Branch	Change	Within prescribed period
31 July 2019	n/a	Tom Skothos – Body Repair Specialists Division; 25 June 2019	NO – 1 day late
31 July 2019	n/a	Robert Dunes – Lower Eyre Zone; 25 June 2019	NO – 1 day late

Time frames

Regulation 151 of the *Fair Work (Registered Organisations) Regulations 2009* prescribes that a notification of change pursuant to section 233(2) of the RO Act must be lodged within 35 days of the change occurring.

Officer Induction Kit

The ROC has created an [Officer Induction Kit](#) to assist new officers. The Kit includes a number of resources that will help an officer to understand their general duties as an officer and their specific duties as an officer in your organisation. It also includes tools to guide an officer's understanding of compliance dates and other reporting obligations.

The kit should not be printed as it is updated regularly and some of the documents are interactive. The ROC strongly recommends that all new officers, and officers who are seeking more information on their obligations and duties, are given the link to the officer induction kit. Please direct any new officers to the kit which is on the ROC's [fact sheets, templates and webinars page](#), under Officers.

Mandatory disclosures


Please ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests. Details are contained in the RO Act and are summarised in the ROC's [Disclosures Fact Sheet](#).

Mandatory training

Please also note that Section 293K of the RO Act requires each officer with duties that relate to the financial management to undertake approved training that covers the duties within 6 months after the person begins to hold office. Please ensure that relevant officers are advised of the requirement to undertake approved training. Please also ensure that they undertake the training within the required timeframe. Further information about training is provided in our [officer financial training fact sheet](#).

If you have any queries regarding this correspondence I can be contacted on 1300 341 665 or by email at regorgs@roc.gov.au.

Yours faithfully,



David Vale
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, **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, declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of 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*:
 - A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration as **Annexure 'A'** and forms part of this declaration.
 - AEC Declaration of Results is attached as **Annexure 'B'** and forms part of this declaration.

Signed: _____



Dated: 30 July 2019

Changes to Offices and Office Holders currently in the Organisation

Date of Change	Name of Office (include any offices that are vacant)	Reason For Change	Name of Outgoing Office Holder	Name of New or Re-elected Office Holder	Postal Address of Current Office Holder	Occupation of Office Holder
25.06.19	BODY REPAIR SPECIALISTS	Scheduled Election	Jeff Williams	Tom Skothos	c/- t The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000	Director
25.06.19	LOWER EYRE ZONE	Lack of Nomination	Robert Dunes	Vacant	n/a	

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



Mr David Vale
Principal Adviser
Registered Organisations Commission
GPO Box 2983, Melbourne VIC 3001

david.vale@roc.gov.au

Dear Mr Vale,

MOTOR TRADE ASSOCIATION OF SOUTH AUSTRALIA UPPER NORTH BOARD REPRESENTATIVE

Thank you for your letter dated 6 June in relation to the MTA SA Upper North Zone Board Position which is currently vacant. I have put forward a proposal which I hope will be satisfactory to ROC.

The Board of Management will meet next on Tuesday 20th August, at this meeting the Board will be asked to consider whether there are any suitable nominees which they may wish to put forward for this casual position as per Item 46 of the MTA's Organisational Rules.

- 46.** THE Board shall have power at any time and from time to time to elect any eligible person to fill a casual vacancy on the Board where the remaining term does not exceed 12 months or three quarters of the term of the office (whichever is greater). Any person so elected by the Board shall hold office only until the next following Annual General Meeting but shall then be eligible for re-election.

However, if it is intended that any eligible person fill a casual vacancy on the Board where the remaining term exceeds 12 months or three quarters of the term of the office (whichever is greater) a ballot must be conducted and the provisions of Rules 42 and 43 shall, with due alteration of detail, apply to the election of the member to fill such vacancy.

If, at the conclusion of this meeting there are no suitable nominees put forward then the Chair of the meeting will put forward for approval a resolution that we direct ROC to initiate the Upper North Casual Board Representative election process via the Australian Electoral Commission.

If you wish to discuss this proposed plan of action in further detail, please feel free to call Tracy Simpson on 8291 2010 and she will work with you to achieve a plan which is in agreement with ROC requirements. I look forward to hearing from you soon.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Frank Agostino', is written over a white, irregular scribble.

Frank Agostino
PRESIDENT

13 June 2019



Australian Government
Registered Organisations Commission

6 June 2019

Mr Frank Agostino
President,
Motor Trade Association of South Australia Incorporated, The

By email: mta@mtaofsa.com.au & tsimpson@mtaofsa.com.au

Dear Mr Agostino,

Information lodged under subsection 233(1) [Annual Return] for 2019 [AR2019/85]

I acknowledge receipt by the Registered Organisations Commission (**the ROC**) on 15 March 2019 of the annual return of The Motor Trade Association of South Australia Incorporated (**MTASA**), which provides information under subsection 233(1) of the *Fair Work (Registered Organisations) Act 2009* (**the RO Act**). I also note the ROC issued an election decision on 10 May 2019 in relation to the MTASA for a number of offices (E2019/31).

The ROC aims to help registered organisations comply with all the requirements of the RO Act. The information contained in the annual return (and the election decision mentioned above) disclosed that the following vacancy exists for an office of the MTASA:

Board Representative – Upper North Zone.

The ROC wishes to remind registered organisations that, unless the rules of an organisation provide for the filling of a casual vacancy by appointment or other means as set out in section 146 of the RO Act, an organisation must provide for an ordinary election to be conducted in accordance with section 143 of the RO Act.

In order for such an election to be arranged as soon as possible the organisation must submit prescribed information to the ROC. If the organisation believes it is not required to provide for an ordinary election for the abovementioned office, please contact me to discuss this by telephone on (02) 8293 4654 or by email at david.vale@roc.gov.au.

Please also note that any changes to the information under 233(1) of the RO Act must be notified to the ROC within 35 days of the change. A template Notification of Change Declaration is available on the [fact-sheets](#) page of our website.

Yours faithfully

A handwritten signature in blue ink that reads 'David Vale'.

David Vale
Registered Organisations Commission

ANNUAL RETURN OF INFORMATION (organisation with no branches) in accordance with Regulations 147 Fair Work (Registered Organisations) Regulations 2009 and Sections 230 and 233 Fair Work (Registered Organisations) Act 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, declare the following:

1. I am authorised to make this declaration.
2. The register of members has, during the immediately preceding calendar year, been kept and maintained as required by s.230(1)(a) and s.230(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act).
3. The following is a correct statement of 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 Act:
 - The address of the organisation is Level 1, 81 Greenhill Road, Wayville, South Australia.¹
 - The organisation has no branches and no branches have ceased or commenced in the previous 12 months.²
 - On 31 December in the previous year the number of members was 1,090.³
 - A list of 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.
 - Under the rules of the organisation, the following elections must be held between 1 January and 31 December of 2019:⁴

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.

- **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)

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147 (a), (b), (c) & (d)

³ s.230(1)(d); reg.147(f)

⁴ s.230(1)(d); reg.147(e)

Board Representatives – MTA Country Zones

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

EXECUTIVE COMMITTEE ELECTION

The Executive Committee of the Board of Management Members (3) are nominated and elected by the Board at its first meeting after the Annual General Meeting – scheduled to take place on Tuesday, 20th August 2019.

- The Organisation:
 - Has not entered into an agreement under s.151(1) with a state union.

I MAKE THIS DECLARATION in accordance with regulation 150 and s189(1) of the Fair Work (Registered Organisations) Act 2009, that this is a correct statement of the information contained in the records.

Signed: _____



Dated: 14 March 2019

ANNEXURE A

- Offices and Office Holders currently in the Organisation

Name of Office (include any offices that are vacant)	Name of Office Holder	Postal Address of Office Holder	Occupation of Office Holder <i>(All unpaid)</i>
PRESIDENT	Frank Agostino	c/- t The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000	Managing Director
VICE PRESIDENT	<i>POSITION VACANT</i>	<i>n/a</i>	<i>n/a</i>
PAST PRESIDENT	Neville Gibb	c/- t The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000	Dealer Principal
MEMBERS REPRESENTATIVE	Clive Polley	<i>As above</i>	Director
BOARD REPRESENTATIVE ON EXECUTIVE COMMITTEE & GROUP TRAINING SCHEME BOARD	Ron Lewis	<i>As above</i>	Director
BOARD REPRESENTATIVE ON EXECUTIVE COMMITTEE & GROUP TRAINING SCHEME BOARD	Peter Roberts	<i>As above</i>	Director
BOARD REPRESENTATIVE ON EXECUTIVE COMMITTEE & GROUP TRAINING SCHEME BOARD	POSITION VACANT	<i>n/a</i>	

AADA (SA) Australia Automobile Dealers Association (SA) Division	<i>POSITION VACANT</i>	<i>n/a</i>	<i>n/a</i>
AUTO DISMANTLERS	Ron Lewis	<i>c/- t</i> The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000	Director
AUTO ELECTRICAL	Merged into the Auto Repair Division as per Board approval – 21 August '12.	<i>For info only.</i>	<i>For info only.</i>
AUTO REPAIR & ENGINEERING	Michael McMichael	<i>c/- t</i> The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000	Director
BODY REPAIR SPECIALISTS	Jeff Williams	<i>c/- t</i> The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000	Director
CVIA (SA) Commercial Vehicle Industry Association (SA) Division	William Ross Lane	<i>As above</i>	Manager
ENGINE RECONDITIONERS	Merged into the Auto Repair Division as per Board approval – 21 August '12.	<i>For info only.</i>	<i>For info only.</i>
FARM MACHINERY DEALERS	<i>POSITION VACANT</i>	<i>n/a</i>	<i>n/a</i>
LICENSED VEHICLE DEALERS	David Vincent	<i>As above</i>	Director
MIASA	Mark Flynn	<i>As above</i>	Director
RADIATOR REPAIRERS	Merged into the Auto Repair Division as per Board approval – 21 August '12.	<i>For info only.</i>	<i>For info only.</i>
SERVICE STATION	Brenton Stein	<i>c/-</i> The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000	Operations Manager
TOWING SERVICES	John Hitchcock	<i>As above</i>	Director
TYRE DEALERS	Marcus Joseph Baldacchino	<i>As above</i>	Director

CENTRAL ZONE	Phil Turner	c/- The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000	Director
FAR WEST ZONE	Merged into the Lower Eyre Peninsula Zone as per Board approval – 21 August '12.	<i>For info only.</i>	<i>For info only.</i>
LOWER NORTH ZONE	Dale John	c/- The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000	Manager
MID NORTH ZONE	<i>Vacant</i>	<i>Vacant</i>	<i>Vacant</i>
RIVERLAND ZONE	Kym Webber	c/- The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000	Managing Director
SOUTH EASTERN ZONE	Peter Roberts	As above	Dealer Principal
SOUTHERN ZONE	Mark McGuire	As above	Director
LOWER EYRE PENINSULA ZONE	Robert Duns	As above	Director
UPPER NORTH ZONE	<i>Vacant</i>	<i>Vacant</i>	<i>Vacant</i>
UPPER SPENCER GULF	Tracy Butler	c/- The Motor Trade Association Level 1, 81 Greenhill Road, WAYVILLE SA 5000	Director