



17 June 2016

Mr. Frank Agostino,  
GPO Box 2204,  
ADELAIDE SA 5001  
[mta@mta-sa.asn.au](mailto:mta@mta-sa.asn.au)

Dear Mr. Frank Agostino,

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election E2016/81. This letter is a reminder of certain obligations imposed on organisations and persons elected to office.

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:

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.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't 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.

Kind regards,

*Debbie Ball*

#### **Debbie Ball**

Assistant Adviser  
Regulatory Compliance Branch

#### **The Fair Work Commission**

Tel: (03) 8656 4775  
Fax: (03) 9655 0410  
[Debbie.Ball@fwc.gov.au](mailto:Debbie.Ball@fwc.gov.au)

11 Exhibition Street, Melbourne Victoria 3000  
GPO Box 1994, Melbourne Victoria 3001  
[www.fwc.gov.au](http://www.fwc.gov.au)

**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/CEASED operation:
    1. [include name of each new branch]
    2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within **35 days** of the change. It can be submitted to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).]*

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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)

## 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.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Reason for change	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder (for privacy reasons, we recommend NOT a private address)	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Retiring</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>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
...							
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Resignation</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>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
...							

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

The Motor Trade Association of South Australia Inc. E2016/81

**ELECTION/S COVERED IN THIS REPORT**

Election Decision No: E2016/81

**RULES**

Rules used for the election: 234V SA: Incorporates alterations of 18/07/2014 (R2013/376) ( replaces rulebook dated 01/01/2014 (R2013/113))

Rules difficult to apply/interpret: N/A

Model Rule reference (if any): N/A

**ROLL OF VOTERS**

Total number of voters on the Roll: No ballot

Other matters pertaining to the roll of voters: Nil

**IRREGULARITIES**

Details of written allegations of irregularities, and action taken by AEC: Nil

Other irregularities identified, and action taken: Nil

**ATTACHMENTS**

Declaration of Results – Uncontested/no nomination received.



Phil Roberts  
Returning Officer  
15 June 2016

# **- The Motor Trade Association of South Australia Incorporated**

## **Vacancy Election E2016/81**

### **Declaration of Results for Uncontested Offices**

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.

#### **The Motor Trade Association of SA Inc**

##### **Vice-President**

##### Candidates

No nomination was received



Phil Roberts  
Returning Officer

15 June 16



## DECISION

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

### **The Motor Trade Association of South Australia Incorporated** (E2016/81)

MR ENRIGHT

MELBOURNE, 4 APRIL 2016

*Arrangement for conduct of election – casual vacancy.*

[1] On 10 February 2016 The Motor Trade Association of South Australia Incorporated lodged with the Fair Work Commission the prescribed information in relation to an election for a casual vacancy for the remainder of the term of office in the following office:

Vice-President

[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 GENERAL MANAGER

Printed by authority of the Commonwealth Government Printer

<Price code A, PR578638>



Fair Work Australia  
GPO Box 1994  
Melbourne VIC 3001

Dear Sir or Madam,

**RE: Request to lodge the Vice President Representative of the Motor Trade Association of South Australia Incorporated Election**

Please find enclosed the Motor Trade Association of SA's notice and statement requesting FairWork Australia to arrange the election of the Vice President Board Representatives by the Australian Electoral Commission.

If you require further information then please do not hesitate to contact Tracy Simpson, Executive Assistant, on 08 8291 2010.

Yours sincerely

Frank Agostino  
**President**

1 February 2016

**Postal address:**

GPO BOX 2204  
Adelaide SA 5001

**Web:** [www.mta-sa.asn.au](http://www.mta-sa.asn.au)

**Email:** [mta@mta-sa.asn.au](mailto:mta@mta-sa.asn.au)

**MTA House**

Level 1, 81 Greenhill Rd  
Wayville SA 5034

Ph: 08 8291 2000

Fax: 08 8291 2099

**MTA Training & Employment Centre**

3 Frederick Rd  
Royal Park SA 5014

Ph: 08 8241 0522

Fax: 08 8241 0388



## **Notice and Statement of Prescribed Information for an Election**

I, Frank Agostino being the President of the Motor Trade Association of South Australia Incorporated, make the following statement:

I am the President of the Motor Trade Association of South Australia Incorporated,

I am authorised to lodge the following prescribed information concerning forthcoming election in the Vice President Board Representative of the Motor Trade Association of South Australia Incorporated, and

I confirm that the following information is being lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009.

Signed: \_\_\_\_\_



Dated: 1 February 2016

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### **Offices/Positions**

Vice President Board Representative (DVS)

### **Reasons for election:**

- Election for the office of **Vice President** Board Representative is required to fill a vacancy that has recently occurred (documentary information relating to the resignation of the person holding the office of **Vice President** is enclosed – John Zulian’s resignation letter.

### **Elected by:**

- The electorate for the direct voting system is the whole of the Membership.

### **Notification of the election to Members:**

- For offices to be elected by direct voting system – As To be determined by Returning officer in accordance with section 193 of the FairWork (Registered Organisations) Act 2009 in consultation the MTA.

### **Nominations Open:**

- For offices to be elected by direct voting system – As To be determined by Returning officer in accordance with section 193 of the FairWork (Registered Organisations) Act 2009 in consultation the MTA.



**Nominations Close:**

- For offices to be elected by direct voting system – As To be determined by Returning officer in accordance with section 193 of the FairWork (Registered Organisations) Act 2009.

**Cut off date for roll:**

- In all cases – 7 days prior to the opening date for nominations – rule 36(g)

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**From:** [Keswick Crash - CSO2](#)  
**To:** [Tracy Simpson](#)  
**Subject:** Resignation Email  
**Date:** Monday, 1 February 2016 5:29:42 PM

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Frank Agostino  
President  
MTA-SA

Dear Frank,

I wish to formally notify you that I am currently in the process of selling my businesses and subsequently tendering my resignation as a member of the MTA and the position of Vice President on the Board of Management.

I appreciate the opportunities I have been given at the MTA and the professional guidance and support displayed by all members of the Board.

I would also like if you passed on my appreciation to the staff at the MTA for their efforts over the years.

Kind Regards John

Zulian

*kindest Regards*

John Zulian Dip BM AIAME  
Managing Director

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4015 Fax:8371 0976  
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