



4 June 2014

Mr Colin Bosworth  
Secretary/Treasurer  
Australian Business Industrial  
[industrial@australianbusiness.com.au](mailto:industrial@australianbusiness.com.au)

Dear Mr Bosworth

**Australian Business Industrial  
Annual Return of Information for 2014 [AR2014/209]**

I acknowledge that we have received the 2014 annual return of information lodged by the Australian Business Industrial in accordance with section 233(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

I note that the documents comprising the annual return were not lodged with the Fair Work Commission until 24 April 2014. As you have been previously advised, section 233 of the RO Act requires an organisation to lodge an annual return of information by 31 March in each year.

Please note that should an organisation fail to lodge its annual return in accordance with the RO Act, the General Manager or the Delegate may commence an inquiry under section 330 of the RO Act as to whether a civil penalty provision has been contravened. Should non-compliance by the organisation occur again, an inquiry into the organisation's inability to meet the legislative timeframe may be commenced without further notice.

The documents lodged on 24 April 2014 otherwise cover the required information for the 2014 annual return of the Australian Business Industrial and can be viewed on the Fair Work Commission website through the List of Registered Organisations - <http://www.fwc.gov.au/index.cfm?pagename=regorgslist>

If you wish to discuss this letter, please contact Robert Pfeiffer by email at [robert.pfeiffer@fwc.gov.au](mailto:robert.pfeiffer@fwc.gov.au) or by telephone on (03) 8661 7936.

Yours sincerely,

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

### 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].

Level 10, Terrace Tower  
80 William Street  
East Sydney NSW 2011

Telephone:  
SE1\_ORGANISATION\_PHONE  
Email : orgs@fwc.gov.au  
Internet : www.fwc.gov.au

AR 2014/209



31 March 2014

Our reference  
330476\_5

The General Manager  
Fair Work Australia  
Level 8, Terrace Towers  
80 William Street  
East Sydney NSW 2011



Dear General Manager

**Re: Annual Return of Information for 2014 [AR2014/209]**

I, Colin Bosworth of, 13 Donahue Close, Prairiewood, NSW, 2176 do hereby solemnly declare and affirm that:

I am the Secretary of Australia Business Industrial and, lodge herewith as Attachment A is a copy of the list of officers of the said organisation showing the full names, postal address and the occupations of the persons holding those offices as at 19 March 2014; and

I certify that the register of Australian Business Industrial's (ABI) members has been kept and maintained during the immediately preceding year in accordance with sections 230(1)(a) and 230(2) of the *Fair Work (Registered Organisations) Act 2009* (RO Act).

In accordance with regulation 147(f) of the RO Act the number of members of ABI was 3815 as of the 19 March 2014.

Furthermore, I declare the following matters in relation to ABI as required by the RO Act.

1. ABI does not have branches, no branches commenced operation or ceased operation in the previous 12 months;
2. The registered office of ABI is  
Level 15, 140 Arthur Street  
North Sydney  
NSW 2060
3. Under Rule 28 of ABI a biennial election was held in 2012 and the current council was declared on 2 November 2012. As a consequence of that election there were two unfilled vacancies on council and early in 2013 an elected councillor resigned

330476\_5

Australian Business Industrial ABN 59 687 108 073  
The Industrial Relations Affiliate of New South Wales Business Chamber

140 Arthur Street North Sydney NSW 2060 Locked Bag 938 North Sydney NSW 2059  
Telephone: 02 9458 7500 Fax: 02 9922 2129 email: industrial@australianbusiness.com.au Internet: www.australianbusiness.com.au/industrial/

before completing 25% of the term. An election to fill those vacancies was declared on 25 June 2013 with all three vacancies being filled. There is currently one unfilled casual vacancy arising from the resignation of an elected councillor. An election for designated officers and the executive has been held.

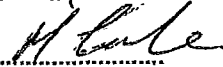
The particulars contained in the documents lodged herewith are a correct statement of the information contained in the records of the organisation and the documents lodged herewith purporting to be copies of documents are true copies of the documents; and

I make this solemn declaration as to the matters aforesaid, according to the law in this behalf made and subject to the punishment by law providing for any wilfully false statement in any such declaration.

Declared at Prairiewood

This 15<sup>th</sup> day of April 2014

  
(signature of declarant)

Before me   
(signature of Justice of peace)

MARIA CROSBIE  
11 Donahue Close  
PRAIRIEWOOD NSW 2176  
Justice of the Peace  
Reg. No. 189785

I certify:

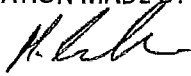


- 1. \*I saw the face of the declarant/deponent ~~OR~~  
\*I did not see the face of the declarant/deponent because he/she was wearing a face covering, but I am satisfied that he/she had a special justification for not removing it, and
- 2. \*I have known the person for at least 12 months ~~OR~~  
~~\*I confirmed the person's identity with~~

.....  
[describe identification document relied on]

MARIA CROSBIE  
11 Donahue Close  
PRAIRIEWOOD NSW 2176  
Justice of the Peace  
Reg. No. 189785

THIS AND THE FOLLOWING PAGE IS ATTACHMENT MARKED "A" REFERRED TO IN THE STATUTORY DECLARATION MADE BY COLIN BOSWORTH SWORN BEFORE ME ON THE 15<sup>TH</sup> APRIL 2014.



MARIA CROSBIE  
11 Donahue Close  
PRAIRIEWOOD NSW 2176  
Justice of the Peace  
Reg. No. 189785

LIST OF OFFICE HOLDERS OF AUSTRALIAN BUSINESS INDUSTRIAL

Office	Executive Office	Office Holder
Councillor	President	Mr. Roger Lindsay Hood Director Organisation Change Works 104/2 Karrabee Avenue HUNTLEYS COVE NSW 2111
Councillor	Vice President	Mr. Thomas Bowers Managing Director Bowers Enterprises P/L 42, Dolphin Dr BALLINA NSW 2478
Councillor	Vice President	Ms. Lynette Christine Ainsworth General Manger-People Learning and Culture House With No Steps 49 Blackbutts Road BELROSE NSW 2085
Councillor	Secretary/Treasurer	Mr. Colin Bosworth Business Development Manager Alpha Workforce Solution P/L 13 Donahue Close PRAIRIEWOOD NSW 2176
Councillor	Committee Member	Ms. Jessica Liley Employee Relations Manager Bluescope Steel Ltd 88 Ricketts Road MT WAVERLEY VICTORIA 3149
Councillor	Committee Member	Mr. Brian Joseph Eichhorn Human Resources Manager Trend Windows & Doors P/L PO Box 327 WENTWORTHVILLE NSW2145
Councillor	Committee Member	Mr. Brad Gething Human Resource Manager Viridian New World Glass 95 Green Road DANDENONG VICTORIA 3175

Councillor	-	Mr. David George Long General Manager - People and Culture Northcott Disability Services 1 Fennell Street NORTH PARRAMATTA NSW 2151
Councillor	-	Mr. Michael Colin Smith Chief Executive officer Access Industries for the Disabled Ltd 371 Beamish Street CAMPSIE NSW 2194
Councillor	-	Ms. Jennifer Schembri Executive General Manager-Human Resources Australian Turf Club Alison Road RANDWICK NSW 2031
Councillor	-	Mr. William Walter Fisher Divisional HR & ER Manager Boral Construction Materials Level 39, 50 Bridge St SYDNEY NSW 2000
Councillor	-	Mr. Alvan Freeman HR Manager Freeman Human Resources Consultancies. 11 Glanara Court WATTLE GROVE NSW 2151
Councillor	-	Mr. Kerry Wilson Director Workplace Management Solutions P/L 42 Suffolk Avenue COLLARROY NSW 2097
Councillor	-	Mr. Gerry Carr HR Operation Manager St. Vincent's Mater Health Sydney 1 Leichhardt St DARLINGHURST NSW 2010
Councillor	-	Vacant



FAIR WORK  
COMMISSION

9 April 2014

Mr Colin Bosworth  
Secretary  
Australian Business Industrial  
Sent by email: [industrial@australianbusiness.com.au](mailto:industrial@australianbusiness.com.au)

Dear Mr Bosworth

**Australian Business Industrial  
Annual Return of Information for 2014 [AR2014/209]**

It would appear from our records that the Australian Business Industrial has failed to lodge its annual return of information by **31 March 2014** despite the Fair Work Commission ("the Commission") reminding the organisation of its obligation to do so by letters dated 20 February and 18 March 2014.

As you have previously been advised, section 233(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each organisation to lodge with the Commission by 31 March in each year certain information relating to records required to be kept and maintained by the organisation under section 230 of the RO Act and regulation 147 of the *Fair Work (Registered Organisations) Regulations 2009*. I reiterate our previous advice to you that failure to comply with these obligations is subject to a civil penalty provision under section 305 of the RO Act.

Paragraph 7.4 of the FWC Regulatory Compliance Policy provides that:

- 7.4 *Where the possible contravention involves failure by an organisation, branch or reporting unit to lodge a matter with FWC in accordance with the timeframes specified in the RO Act, RO Regulations or the rules of the organisation, branch or reporting unit:*
- a. *The Regulatory Compliance Branch will contact the organisation, branch or reporting unit, by telephone and/or in writing, within two weeks to advise that lodgement is overdue;*
  - b. *If lodgement has not occurred within one month of the timeframe specified in the RO Act, RO Regulations or rules, the Regulatory Compliance Branch will advise the organisation, branch or reporting unit that it is seeking voluntary compliance within a specified timeframe and that, in the absence of such voluntary compliance without cause, FWC will commence an inquiry or investigation or initiate court proceedings; and*
  - c. *If lodgement has not occurred within the timeframe specified in the correspondence referred to in paragraph b and the organisation, branch or reporting unit has not been able to show cause regarding why it should not do so, FWC will commence an inquiry or investigation or initiate court proceedings in accordance with this policy as soon as reasonably practicable.*

Section 310 of the RO Act empowers the General Manager of the Commission to apply to the Federal Court for an order against the persons or organisation whose conduct contravened the civil penalty provisions under Part 2 of Chapter 10 by way of a pecuniary penalty (**up to \$51,000 for a body corporate and \$10,200 for an individual per contravention**) see section 305 of the RO Act.

In accordance with the processes specified in paragraph 7.4(b) of the *FWC Regulatory Compliance Policy* which are set out above, the organisation is required to lodge its outstanding annual return of information with the Commission by no later than 17 April 2014. For your assistance I attach a copy of the information required to be lodged and a pro-forma annual return for your completion and return.

Should the organisation fail to do so without reasonable cause, the General Manager or her Delegate may commence action under s.310 of the RO Act without further notice.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Pfeiffer', written in a cursive style.

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

## 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].

**ANNUAL RETURN OF INFORMATION (organisation with no branches) in accordance with Regulation 147 Fair Work (Registered Organisations) Regulations 2009 and Sections 230 and 233 Fair Work (Registered Organisations) Act 2009**

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], 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*.
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 *Fair Work (Registered Organisations) Act 2009*:
  - The address of the organisation is [STREET ADDRESS].<sup>1</sup>
  - The organisation has no branches and no branches have ceased or commenced in the previous 12 months.<sup>2</sup>
  - On 31 December in the previous year the number of members was [NUMBER OF MEMBERS].<sup>3</sup>
  - 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 THIS YEAR:<sup>4</sup>

*[For example: President (1),  
Committee of Management Members (7), OR  
No Elections are Required.]*

---

<sup>1</sup> s.230(1)(d); reg.147(d)

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

<sup>3</sup> s.230(1)(d); reg.147(f)

<sup>4</sup> s.230(1)(d); reg.147(e)

- The organisation: [*Delete the dot point that does not apply*]
  - Has not entered into an agreement under s.151(1) with a state union.
  - Has entered into an agreement under s.151(1) with a state union and the number of members of the state union who were not eligible to be members of the organisation on 31 December in the previous year is [NUMBER OF MEMBERS].<sup>5</sup>

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission by 31 March. It can be submitted to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au). If at any time in the year this information changes a Notification of Changes form must be lodged with the Commission within 35 days of the change.]*

---

<sup>5</sup> s.230(1)(d); reg.147(g)





18 March 2014

Mr Colin Bosworth  
Australian Business Industrial  
Sent by email: [industrial@australianbusiness.com.au](mailto:industrial@australianbusiness.com.au)

Dear Mr Bosworth

**Australian Business Industrial  
Annual Return of Information for 2014 [AR2014/209]**

I refer to our letter dated 20 February 2014 reminding you of the obligation to lodge an Annual Return of Information for 2014 in respect of the above by **31 March 2014**. While the organisation has until the end of the month in which to lodge the information, we provide the following as a second and final reminder. Please ignore this letter if you have lodged the Annual Return for 2014 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 FWC') 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 FWC 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 our website at [www.fwc.gov.au](http://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.

We encourage you to lodge all returns electronically e.g. as pdf files at [orgs@fwc.gov.au](mailto: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 \$51,000 for a body corporate and \$10,200 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](mailto: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) [s.233(1)(a)] <b>Note:</b> 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 <b>office</b> and <b>officer</b> in ss.6 and 9) [s.230(1)(b)]
List of Office holders	A list of the names, postal addresses and occupations of the persons holding the offices (note the definition of <b>office</b> and <b>officer</b> in ss.6 and 9) [s.230(1)(c)]
List of Branches	A record of the name of each branch of the organisation [s.230(1)(d) and r.147(a)]
New Branches	A record of the name of each branch that commenced operation in the previous 12 months [s.230(1)(d) and r.147(b)]
Old Branches	A record of the name of each branch that ceased operation in the previous 12 months [s.230(1)(d) and r.147(c)]
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 [s.230(1)(d) and r.147(d)]
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. [s.230(1)(d) and r.147(e)] <b>Note:</b> 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. [s.230(1)(d) and rr.147(f) and (g)]

## 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].



20 February 2014

Mr Colin Bosworth  
Australian Business Industrial

Sent by email: [industrial@australianbusiness.com.au](mailto:industrial@australianbusiness.com.au)

Dear Mr Bosworth

**Australian Business Industrial  
Annual Return of Information for 2014 [AR2014/209]**

This is a courtesy letter to remind you of the obligation to lodge an Annual Return of Information for 2014 in respect of the above by **31 March 2014**.

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](http://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](mailto: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.

Should you seek any clarification in relation to the above, please contact Mr Robert Pfeiffer on (03) 8661 7936 or via email at [robert.pfeiffer@fwc.gov.au](mailto:robert.pfeiffer@fwc.gov.au).

Yours sincerely

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

### 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].