

svc-adlib5

From: ROC - Registered Org Commission
Sent: Friday, 11 May 2018 3:26 PM
To: 'BSCAA NSW'
Subject: AR2018/81 BSCAANSW Annual Return of Information 2017 [SEC=UNCLASSIFIED]
Attachments: BSCAANSW_AR2018_81_AR filed_11052018.pdf

UNCLASSIFIED

Dear Ms Delimitros

Please find attached my letter in relation to the above.

Yours sincerely

DAVID VALE
Principal Adviser
Financial Reporting
Registered Organisations Commission

Tel: (02) 8293 4654
david.vale@roc.gov.au

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Australian Government
Registered Organisations Commission

Please consider the environment before printing this message

From: BSCAA NSW
Sent: Wednesday, 28 March 2018 12:01 PM
To: VALE,David
Cc: BSCAA NSW
Subject: AR2018/81 BSCAANSW Annual Return of Information 2017
Importance: High

TO THE PROPER OFFICER:

Good Afternoon,

Attached is the Annual Return of Information (organisation with no branches) submitted in accordance with Regulation 147 Fair Work (Registered Organisations) Regulations 2009 and Sections 230 and 233 Fair Work (Registered Organisations) Act 2009, year ending 31/12/2017.

Kind regards
Ropeti



Ropeti Huntley
Client Services Manager
PO Box 576 Crows Nest
NSW 1585

Tel: 02 9431 8674
Fax: 02 9431 8677
bscaansw@bscaa.com
<https://bscaa.com/nsw/>



11 May 2018

Ms Debbie Delimitros
President
Building Services Contractors Association of Australia, New South Wales Division
By email: bscaansw@bscaa.com

Dear Ms Delimitros,

Declaration and information lodged under subsection 233(1) [Annual Return] for 2018 [AR2018/81]

I acknowledge receipt by the Registered Organisations Commission (the ROC) on 28 March 2018 of your 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 your Annual Return. The documents lodged provide most of the required information for the 2018 Annual Return of the Building Services Contractors Association of Australia, New South Wales Division.

The Annual Return has been filed and no further action is required. Annual Returns are publicly available on the website through the [List of Registered Organisations](#). The ROC aims to help organisations comply with all the requirements of subsection 233(1) of the RO Act and accordingly I make the following comment to assist with future lodgements:

In the list of the name of Offices included in the Annual Return is the office of 'Vice President'. It appears from rules 2.1 and 18.4 of the rulebook of the Building Services Contractors Association of Australia, New South Wales Division that the correct title should be Vice President/Secretary.

The ROC will examine next year's Annual Return to confirm that the matter raised above is not repeated. In order to assist organisations to fully comply with the requirements of subsection 233(1) of the RO Act a template Annual Return is available on the [fact-sheets](#) page of our website. The Building Services Contractors Association of Australia, New South Wales Division is encouraged to use this template.

Please ensure the Building Services Contractors Association of Australia, New South Wales Division includes this information in next year's Annual Return.

Notifications of Change

Any changes to these records 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. The Building Services Contractors Association of Australia, New South Wales Division is encouraged to use this template if any changes occur.

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

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From: BSCAA NSW <bscaansw@bscaa.com>
Sent: Wednesday, 28 March 2018 12:01 PM
To: VALE,David
Cc: BSCAA NSW
Subject: AR2018/81 BSCAANSW Annual Return of Information 2017
Attachments: BSCAA NSW Annual Return 2017.pdf

Importance: High

TO THE PROPER OFFICER:

Good Afternoon,

Attached is the Annual Return of Information (organisation with no branches) submitted in accordance with Regulation 147 Fair Work (Registered Organisations) Regulations 2009 and Sections 230 and 233 Fair Work (Registered Organisations) Act 2009, year ending 31/12/2017.

Kind regards
Ropeti



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PO Box 576 Crows Nest
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<https://bscaa.com/nsw/>

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, DEBBIE DELIMITROS, being the PRESIDENT of the BUILDING SERVICE CONTRACTORS ASSOCIATION OF AUSTRALIA – NSW DIVISION, 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 3, 33-35 ATCHISON STREET ST LEONARDS, NSW 1585.¹
 - 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 137.³
 - A list of offices and the names, postal addresses and occupations of persons holding those offices as at the date of this declaration is attached at Annexure A and forms part of this declaration.

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)

- Under the rules of the organisation, the following elections must be held between 1 January and 31 December of THIS YEAR:⁴

President (1)

Vice President (1)

Security Division Committee Representative (1)

Committee of Management Members (11)

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

Signed:



Dated: 28/03/2018

*[PLEASE NOTE: This declaration must be lodged with the Registered Organisations Commission by 31 March. It can be submitted to regorgs@roc.gov.au. If at any time in the year this information changes a Notification of Changes must be lodged with the ROC within **35 days** of the change⁵.]*

⁴ s.230(1)(d); reg.147(e)

⁵ s.233(2); reg. 151



5 March 2018

Mr Ropeti Huntley
Client Services Manager
Building Services Contractors Association of Australia, New South Wales
Division
Sent via email: bscaansw@bscaa.com

Dear Mr Huntley,

**Building Services Contractors Association of Australia, New South Wales Division
Annual Return of Information for 2018 [AR2018/81]**

I refer to our letter dated 1 February 2018 reminding you of the obligation to lodge an Annual Return of Information (Annual Return). Please ignore this letter if you have lodged the Annual Return in the last few days.

When must you lodge the Annual Return?

The Annual Return 2018 must be lodged no later than **31 March 2018**.

What must you lodge?

Two signed declarations certifying matters prescribed in the Fair Work (Registered Organisations) Act 2009 (the RO Act) must be lodged along with copies of some of your records. The required declarations and records are set out in the table that follows this letter.

Please refer to our previous correspondence which provides information about maintaining the register of members, a recommendation that private information not be provided and which explains who must sign the declarations.

Consider using the ROC's template

The ROC provides a template Annual Return for an organisation without branches and a template Annual Return for an organisation with branches on our [Factsheets, templates and webinars](#) page. We recommend that you use this template to ensure that you make the correct declarations and include all the required information.

Failure to comply

Failure to comply with these obligations exposes your organisation to financial penalties (up to \$63 000 for a body corporate and \$12 600 for an individual per contravention), under s.305 of the RO Act.

Need more information?

If you require further information about an Annual Return you can refer to the [Annual returns](#) page on our website and, in particular, our Webinar slides. You can also contact the ROC by phone on 1300 341 665 or by e-mail at regorgs@roc.gov.au.

Yours sincerely



Sam Gallichio
Adviser
Registered Organisations Commission

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).

The following declarations and a copy of each of the following records must be lodged with the ROC between 1 January and 31 March each year.

Requirement	Details of requirement
Declaration regarding 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)] Note: In maintaining the register of members, your attention is drawn to ss.171A and 230(2)(b) of the RO Act which sets out certain circumstances where membership ceases to exist and when their names must be removed from the register, and s.172 which sets out when unfinancial members must be removed from the register
Declaration that correct statement of	A declaration stating by the Secretary or other prescribed officer that the copy of the records is a correct statement of the information contained in the records [s.233(1)(b)]
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) [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 office and officer 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)] 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
The number of members	A record of the number of members on 31 December in the previous year
The number of ineligible State members (if applicable)	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 r.147(g)]

Obligation to notify of changes within 35 days

If there are any changes to the records listed above an organisation must, within 35 days of the change, lodge with the ROC, 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].



1 February 2018

Mr Ropeti Huntley
Client Services Manager
Building Services Contractors Association of Australia, New South Wales
Division

Sent via email: bscaansw@bscaa.com

Dear Mr Huntley,

**Building Services Contractors Association of Australia, New South Wales Division
Annual Return of Information for 2018 [AR2018/81]**

This is a courtesy letter to remind you of the obligation to lodge an Annual Return of Information for 2018 in respect of the Building Services Contractors Association of Australia, New South Wales Division by **31 March 2018**.

What must be lodged?

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

In maintaining the register of members, your attention is drawn to the circumstances where membership ceases to exist (s.230(2)(b) and s.171A of the RO Act).

Once an Annual Return has been lodged, a copy will be posted on our website at [List of Registered Organisations](#). Therefore, to protect the privacy of the relevant office holders listed in the declarations, it is recommended that officers list their official mailing address rather than personal home address.

Who must sign the declaration?

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.

Who lodges the Annual Return of information?

Section 233 places the onus of lodgement on the organisation and not on each individual branch. It is therefore the national body that is obliged to collate and lodge all of the required information. Annual Return templates are available on the Commission website at [Registered Organisations fact sheets](#), one for an [organisation with branches](#) and one for an [organisation without branches](#).

What happens if the information changes?

The Secretary, or other prescribed officer, must notify the Commission within 35 days of any changes to such records that may occur throughout the year.

Failure to comply with these obligations is subject to a civil penalty provision (up to \$63,000 for a body corporate and \$12,600 for an individual per contravention), under s.305 of the RO Act.

Please do not hesitate to contact the Commission by phone on 1300 341 665 or by e-mail at regorgs@roc.gov.au if you wish to discuss the requirements outlined in this correspondence.

Yours faithfully,



Sam Gallichio
Adviser
Registered Organisations Commission

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)] 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) [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 office and officer 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)] 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. [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 offices, officeholders, branches (where relevant) or 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].