



27 February 2019

Ms Maureen Harding  
President  
Hair and Beauty Australia  
By email: [info@askhaba.com.au](mailto:info@askhaba.com.au)

Dear Ms Harding,

**Notification of changes made to records [AR2018/86]**

I acknowledge receipt of a Notification of Change to the office holders of Hair and Beauty Australia.

This information was lodged with the Registered Organisations Commission (the ROC) pursuant to the notification requirements in section 233(2) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

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

Date of lodgement	Branch	Change	Within prescribed period (Yes/No). If No, how many days late
10/01/2019	Hair and Beauty Australia	Outgoing office holder: Graham Thatcher	Yes

**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. I note that this is a civil penalty provision and non-compliance may leave your organisation open to Federal Court proceedings.

Please ensure that future notifications of change are lodged within 35 days of the change occurring.

Repeated contraventions of provisions of the RO Act will be met with an appropriate and proportionate regulatory response from the ROC, which may include inquiries, investigations and civil penalty proceedings. Please ensure that future notifications of change are 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 your 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.

Thank you for the notification.

Yours faithfully,

**Sam Lynch**  
**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, Maureen Harding, being the National President of Hair and Beauty Australia, 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*:
  - 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.

Signed:

A handwritten signature in blue ink, appearing to read 'Maureen', with a vertical line underneath it.

Dated:08/01/2019

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within 35 days of the change. It can be submitted to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).]*

## ANNEXURE A

### THIS IS A PUBLIC DOCUMENT THAT WILL BE PUBLISHED ON THE WEBSITE

Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

[Please note:

- *delete the italicised information: this is instructional or provided by way of example only*
- *the ROC must be notified within 35 days of the change*
- *the 35 days begins at the earliest event (for instance when the officer retires) and **cannot be notified in advance** of the change*
- *a notification of a person leaving office and a notification of person filling the vacant office may need to be lodged separately if the appointment or election process takes longer than 35 days.]*

<b>Branch</b>	<b>Date of Change</b>	<b>Name of Office that has changed</b>	<b>Name of <u>Outgoing</u> Office Holder</b>	<b>Name of <u>New</u> Office Holder</b>	<b>Postal Address of <u>New</u> Office Holder</b>	<b>Occupation of <u>New</u> Office Holder</b>
<i>National</i>	<i>31.12.18</i>	<i>Vice President</i>	<i>Graham Thatcher</i>	<i>Vacant</i>	<i>nil</i>	<i>vacant</i>



**Australian Government**  
**Registered Organisations Commission**

4 December 2018

Ms Maureen Harding  
President  
Hair and Beauty Australia

**By email**

Dear Ms Harding

**Notifications of change of office - section 233(2), *Fair Work (Registered Organisations) Act 2009* - Hair and Beauty Australia**

I refer to your letter dated 26 October 2018 to the Registered Organisations Commission (ROC) on behalf of Hair and Beauty Australia (HABA) providing submissions in response to my letter dated 5 October 2018 in relation to identified contraventions of HABA's obligations under the *Fair Work (Registered Organisations) Act 2009* (RO Act) concerning notification of changes of office holders.

**Notifications of change**

I note your submission that the Board was under the 'false impression that only ASIC needed to be notified of these changes'. The Board's submission as to its 'false impression' seems to be entirely irreconcilable with the strikingly clear record of advice and correspondence in the period 2011 to 2018 containing information reminding of the obligation to lodge notifications of changes with the ROC (and with the Fair Work Commission (FWC) when it was the relevant regulator).

**Attachment A** to this letter is a table setting out correspondence reminding HABA of its obligations in this regard. An examination of this correspondence since 2011, will quickly identify the following types of advice examples provided to and returned by HABA:

**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.<sup>1</sup>

**Obligation to notify changes within 35 days**

If there are any changes during the year to the offices, office holders, 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].<sup>2</sup>

**Annual Return of information signed by Brian Flohm and dated 26 March 2018**

The following information is provided at the end of Annual Return signed by Mr Flohm:

[PLEASE NOTE: This declaration must be lodged with the Registered Organisations Commission by 31 March. It can be submitted to [regorgs@roc.gov.au](mailto: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 changes.]<sup>3</sup>

<sup>1</sup> ROC letter to HABA dated 1 February 2018

<sup>2</sup> Check list attached to letter to HABA dated 1 February 2018

<sup>3</sup> HABA Annual Return of information dated 26 March 2018

Any false impression collectively held by the Board, and/or key staff, could not have arisen from such correspondence, and this would appear to suggest that little, if any, attention has been paid to such material, which the ROC provides to assist organisations to comply with their obligations.

HABA has been consistently advised that non-notifications and late notification (i.e. those notified more than 35 days after the change occurred) are potential contraventions of the RO Act and failures to comply with these types of obligations exposes it to very significant financial penalties.

I also note the assurance in your 26 October 2018 letter that the organisation would notify the ROC of any changes to the records within the prescribed timeframe and your advice that a new office team has been made aware of these issues.

As indicated in my letter dated 5 October 2018, this is an obligation on the organisation, and applies to each and every change of office – whether a replacement of one officer with another, an office becoming vacant because a person resigns or otherwise leaves office, or a vacant office is filled. The organisation cannot assume that the regulator will become aware of changes by other means, such as AEC declarations of elections, and in any event it is the organisation's responsibility.

It is therefore also disappointing that your response dated 26 October 2018 appears to perpetuate HABA's practice of making notifications to ASIC but not to the ROC – it having attached a copy of the ASIC extract which appears to show a notification to ASIC but no notification of change declaration having been lodged with the ROC. This is despite HABA being reminded of the process for notifications on several occasions this year – including in person at the HABA Board meeting on 27 August 2018, at which time Fact Sheets on notifications of change (and on other issues) were provided.

The RO Act makes it clear that responsibility for these matters ultimately lies with the office-bearers of HABA, and cannot be excused as simply an error on the part of staff members.

**Attachment B** to this letter is a table setting the apparent contraventions of the RO Act in failing to notify changes of office holder to the ROC and the FWC (as the then-regulator). These were referred to in broad terms in my letter dated 5 October 2015.

These actions indicate to me that HABA and its office-bearers have demonstrated a fundamental lack of understanding of the obligations associated with being a registered organisation under the RO Act.

While a range of options are available to the ROC to deal with contraventions, HABA should note that the ROC currently has proceedings before the Federal Court in relation to an organisation which consistently failed to notify changes of office within 35 days after the change occurred (*Registered Organisations Commissioner v Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia*, NSD 802/2018).

In addition, the current Federal Court proceedings in another matter (*Registered Organisations Commissioner v Australian Hotels Association*, VIC1442/2018) also involve multiple failures to notify changes of office over an extended period, among the contraventions in that matter.

As will be apparent, the ROC regards non-compliance seriously. HABA's compliance with the RO Act will continually be closely monitored and careful consideration is being given to what, if any, further should be taken.

### **Governance training**

I note your undertaking to provide evidence to the ROC of the completion of approved governance training by new Committee members.

I remind you that section 293K requires that training to be undertaken within six (6) months after each of those persons begin to hold the office. Section 293K is a civil penalty provision.

## Publication of correspondence

It is our request that you provide a copy of this letter to all members of the committee of management. Consistent with the ROC's commitment to transparency in the regulation of registered organisations, and the approach taken in relation to other organisations, I intend to publish this correspondence on the ROC webpage containing HABA's 2018 Annual Return.

For ease of reference, I have also **attached** the Notification of Change template.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'CE', with a small dash at the end.

Chris Enright  
Executive Director  
Delegate of the Commissioner

## ATTACHMENT A

### Reminders to HABA re: notification of change obligations \*

Date	Nature of correspondence	Addressed to
19 January 2011	Courtesy reminder re: Annual Return - includes reminder re: notification obligations	Executive Director
30 January 2012	Courtesy reminder re: Annual Return - includes reminder re: notification obligations	Executive Director
15 March 2012	Further courtesy reminder re: Annual Return - includes reminder re: notification obligations	Executive Director
19 February 2013	Courtesy reminder re: Annual Return - includes reminder re: notification obligations, accompanied by information sheet also setting out obligations	Executive Director / Secretary
21 February 2014	Courtesy reminder re: Annual Return - includes reminder re: notification obligations, accompanied by information sheet also setting out obligations	Senior IR Coordinator
20 February 2015	Courtesy reminder re: Annual Return - includes reminder re: notification obligations, accompanied by information sheet also setting out obligations	Senior IR Coordinator
10 February 2016	Courtesy reminder re: Annual Return - includes reminder re: notification obligations	Senior IR Coordinator
11 March 2016	Further courtesy reminder re: Annual Return - includes reminder re: notification obligations	Senior IR Coordinator
20 January 2017	Courtesy reminder re: Annual Return - includes reminder re: notification obligations	Executive Director
1 March 2017	Further courtesy reminder re: Annual Return - includes reminder re: notification obligations	Executive Director
12 October 2017	Advice to all registered organisations regarding systemic notification failures – enclosing a Fact Sheet and two Guidance Notes in relation to notification of changes.	Secretary / other prescribed officer
1 February 2018	Courtesy reminder re: Annual Return - includes reminder re: notification obligations, accompanied by information sheet also setting out obligations	
5 March 2018	Further courtesy reminder re: Annual Return - accompanied by information sheet also setting out notification obligations	Executive Director
10 May 2018	Letter re: filing of Annual Return - includes reminder re: notification obligations	Treasurer
27 August 2018	Email enclosing copies of Fact Sheets on records to be kept, records to be lodged, and notifications of change, as well as Guidance note on notifications of change.	President
27 August 2018	<i>ROC meeting with HABA Board – included information on compliance and reference to Fact Sheets and Guidance Note</i>	<i>Committee of Management</i>

\* In addition, the declaration signed by a prescribed officer of HABA, that accompanies each Annual Return lodged, contains an acknowledgement of the obligation to lodge notifications of change within 35 days of the change (adjacent to the officer's signature).



**ATTACHMENT B**

**Apparent contraventions of s.233(2) of the RO Act – Notifications of change of office**

<b>Date notification required</b> (35 days after change)	<b>Trigger for notification of change</b>	<b>Persons changing office</b>	<b>Notified to ROC/FWC?</b> Yes/No/Late
12 April 2011	Election E2010/2697 declared 8 March 2011	Mario Nasso - change: President to Secretary	No
		Christina Arciuli – change: Vice Pres to President	No
		Vice Pres. office vacancy (as due to C Arciuli change)	No
		Nella Todaro - change: Secretary to Committee member	No
		Ian Laidlaw ceased as Committee member	No
		Craig Braun elected as Committee member	No
		Peter Elchaar ceasing as Committee member	No
7 June 2011	Recall election E2010/2697 declared 3 May 2011	Ian Laidlaw elected as Vice President	No
		Antonio Auciello elected as Committee member	No
Within 35 days of each change occurring	Change identified from 2012 Annual Return	Craig Braun ceasing as Committee member (not listed on 2012 Annual Return; previously elected in E2010/2697 above)	No
		John Brennan reported as Committee member (not listed in 2011 Annual Return)	No
Within 35 days of each change occurring	Change identified from 2013 Annual Return	Ian Laidlaw becomes President	No
		Brian Flohm - change: Committee member to Vice Pres.	No
		Committee office vacancy (due to B Flohm change)	No
		Antonio Auciello ceasing as Committee member	No
		Craig Braun listed as Committee member (had previously ceased according to 2012 Annual Return)	No
Within 35 days of each change occurring	Change identified from 2013 Operating report	Christina Arciuli resigns on 24 July 2012	No
		Sebastiana Todaro resigns on 24 July 2012	No
		Antonio Auciello resigns on 25 October 2012	No
		John Brennan resigns on 25 October 2012	No
14 January 2014	Scheduled election E2013/254 declared 10 Dec 2013	Maureen Harding - change: Treasurer to President	No
		Brian Flohm - change: Vice President to Treasurer	No
		Vice Pres. office vacancy (as B Flohm now Treasurer)	No
		Sarkis Akle elected as Committee member	No
		Donna Colombini elected as Committee member	No
		Linda Fenech elected as Committee member	No
		Peter Leslie elected as Committee member	No
		Sheryle Pratt elected as Committee member	No
		Peter Warbrick ceased as Committee member	No
		Lara Schmitt elected as Committee member	No
		Craig Braun ceasing as Committee member (previously listed as Committee member in 2013 Annual Return)	No

3 April 2014	Casual vacancy election E2014/54 declared 27 February 2014	Craig Braun elected as Vice President	No
Within 35 days of the change occurring	2015 Annual Return (officers in 2014)	Craig Braun ceased as Vice President (not listed in 2015 Annual Return as among 'office holders in the year 2014')	No
17 Dec 2015	Scheduled election E2015/175 declared 12 November 2015	Sarkis Akle: change - Committee Member to Vice Pres.	No
		Helen Golisano elected as Committee Member	No
		Alana Rowick elected as Committee Member	No
		Wendy Michetti elected as Committee Member	No
		Graham Thatcher elected as Committee Member	No
		Lara Schmitt ceased as Committee member	No
3 May 2016	Casual vacancy election E2015/273 declared 29 March 2016	Como Nati elected as Committee Member	No
3 May 2016	Casual vacancy election E2016/58 declared 29 March 2016	Deborah Farnworth-Wood elected as Committee Member	No
		Peter Leslie ceased as Committee Member	No
5 Dec 2017	Election E2017/174 declared 31 October 2017	Graham Thatcher: Committee Member to Vice Pres.	No
		Sarkis Akle ceased as Vice President	No
		Helen Golisano: Committee Member to Secretary	No
		Mario Nasso ceased as Secretary	No
		Committee member vacancy (H Golisano to Secretary)	No
		Wendy Campbell elected as Committee Member	No
		Peter Leslie elected as Committee Member	No
		Andrew Copeland elected as Committee Member	No
		Alana Rowick ceased as Committee Member	No
		Cosmo Nati ceased as Committee Member	No
		Deborah Farnworth-Wood ceased as Committee Member	No
		Committee member vacancy (unfilled)	No
12 January 2018	Resignation 8 December 2017	Andrew Copeland ceased as Committee Member	Late (7 months)
16 Sept 2018	Resignation 12 August 2018	Peter Leslie ceased as Committee Member	Yes (as part of info required for election)
9 Nov 2018	Casual vacancy election E2018/178 declared 5 Oct 2018	Mario Nasso elected as Committee member	No*
		Elvio Caires elected as Committee member	No*
9 Nov 2018	Casual vacancy election E2018/193 declared 5 Oct 2018	Ken Macrae elected as Committee member	No*

\* Notified to ASIC but not as a Notification of Change to ROC

**svc-adlib5**

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**From:** ROC - Registered Org Commission  
**Sent:** Thursday, 10 May 2018 4:00 PM  
**To:** 'adrian@askhaba.com.au'; 'info@hairandbeautyaustralia.com.au'  
**Subject:** AR2018/86 HABA Annual Return 2018 [SEC=UNCLASSIFIED]  
**Attachments:** HABA\_AR2018\_86\_AR filed\_10052018.pdf

**UNCLASSIFIED**

Dear Mr Flohm

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](mailto:david.vale@roc.gov.au)

GPO Box 2983, MELBOURNE VIC 3001 | Street address: Level 13, 175 Liverpool Street Sydney NSW 2000

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**Australian Government**

**Registered Organisations Commission**

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**From:** [adrian@askhaba.com.au](mailto:adrian@askhaba.com.au)  
**Sent:** Monday, 26 March 2018 11:39 AM  
**To:** ROC - Registered Org Commission  
**Subject:** AR2018/86 HABA Annual Return 2018  
**Importance:** High

Please see attached completed return.

Regards,

Adrian Boothman

**Senior Industrial Relations Adviser**



**GPO Box 5050 Sydney 2001  
Suite 304, 5 Hunter Street, Sydney**

**P: 02 9221 9911**

**W: [www.askhaba.com.au](http://www.askhaba.com.au)**

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Information provided must be read in context with the relevant Award, Agreement and Legislation. Every effort is made to ensure that advice provided is correct at the time of publication. No guarantee is provided for changes that occur post publication.



10 May 2018

Mr Brian Flohm  
Treasurer  
Hair and Beauty Australia  
By email: [info@hairandbeautyaustralia.com.au](mailto:info@hairandbeautyaustralia.com.au)

Dear Mr Flohm,

**Declaration and information lodged under subsection 233(1) [Annual Return] for 2018 [AR2018/86]**

I acknowledge receipt by the Registered Organisations Commission (the ROC) on 26 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 the required information for the 2018 Annual Return of the Hair and Beauty Australia.

The Annual Return has been filed. Annual returns are publicly available on the website through the [List of Registered Organisations](#).

**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. Hair and Beauty Australia 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](mailto:regorgs@roc.gov.au)

Yours faithfully

A handwritten signature in blue ink, appearing to read 'David Vale'.

David Vale  
Registered Organisations Commission

**svc-adlib5**

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**From:** adrian@askhaba.com.au  
**Sent:** Monday, 26 March 2018 11:39 AM  
**To:** ROC - Registered Org Commission  
**Subject:** AR2018/86 HABA Annual Return 2018  
**Attachments:** HABA Annual Return 2018.pdf

**Importance:** High

Please see attached completed return.

Regards,

Adrian Boothman  
**Senior Industrial Relations Adviser**



**GPO Box 5050 Sydney 2001**  
**Suite 304, 5 Hunter Street, Sydney**

**P: 02 9221 9911**

**W: [www.askhaba.com.au](http://www.askhaba.com.au)**

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Information provided is not legal advice. Please be aware that information enclosed by Hair and Beauty Australia and its employees or agents is based on the details members provide to our consultants. Please note that our consultants do not have legal qualifications and are not authorised to provide legal advice. If you have not provided Hair and Beauty Australia with correct information, or the information you have previously provided has changed, it may affect the accuracy of guidance provided by the association. Hair and Beauty Australia accepts no responsibility or liability arising from matters or damage incurred as a result of any individual or company acting on information provided by Hair and Beauty Australia. While all due care is taken to ensure the accuracy of information provided, Hair and Beauty Australia suggests independent legal advice be sought by members as required. Any advice provided should be read in conjunction with the expressed provisions of the relevant award and legislation. Every effort has been made to ensure this information is free from omissions or error.

Information provided must be read in context with the relevant Award, Agreement and Legislation. Every effort is made to ensure that advice provided is correct at the time of publication. No guarantee is provided for changes that occur post publication.

**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, Brian Flohm, being the Treasurer of Hair & Beauty Australia also known as HABA, 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 SUITE 304, 5 HUNTER STREET SYDNEY NSW 2001
  - The organisation has no branches and no branches have ceased or commenced in the previous 12 months.<sup>1</sup>
  - On 31 December in the previous year the number of members was 846.<sup>2</sup>
  - 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.
  - Under the rules of the organisation no elections are scheduled for 2018.
  - The organisation has not entered into an agreement under s.151(1) of the Act with a state union.

Signature: 

Signed: Brian Flohm, Treasurer of Hair & Beauty Australia (also known as HABA).

Dated: 26 March 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](mailto: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 change<sup>3</sup>.]*

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

<sup>2</sup> s.230(1)(d); reg.147(f)

<sup>3</sup> s.233(2); reg. 151

**ANNEXURE A**

**THIS IS A PUBLIC DOCUMENT THAT WILL BE PUBLISHED ON THE WEBSITE**

- Offices and Office Holders in the Organisation:

<b>Name of Office (include any offices that are vacant)</b>	<b>Name of Office Holder</b>	<b>Postal Address of Office Holder</b>	<b>Occupation of Office Holder</b>
President	Maureen Harding	Suite 304, 5 Hunter Street, Sydney NSW 2001	Hairdresser
Treasurer	Brian Flohm	Suite 304, 5 Hunter Street, Sydney NSW 2001	Retired
Vice President	Graham Thatcher	Suite 304, 5 Hunter Street, Sydney NSW 2001	Ella Bache Franchisee
Honorary Secretary	Helen Golisano	Suite 304, 5 Hunter Street, Sydney NSW 2001	Beauty Therapist
Board Member	Wendy Michetti	Suite 304, 5 Hunter Street, Sydney NSW 2001	Beauty Therapist
Board Member	Peter Leslie	Suite 304, 5 Hunter Street, Sydney NSW 2001	Hairdresser
Board Member	Wendy Campbell	Suite 304, 5 Hunter Street, Sydney NSW 2001	Hairdresser





5 March 2018

Ms Vanessa Weaver  
Executive Director  
Hair and Beauty Australia  
Sent via email: [info@hairandbeautyaustralia.com.au](mailto:info@hairandbeautyaustralia.com.au)

Dear Ms Weaver,

**Hair and Beauty Australia**  
**Annual Return of Information for 2018 [AR2018/86]**

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](mailto: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)] <b>Note:</b> 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 <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
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].



**Australian Government**  
**Registered Organisations Commission**

1 February 2018

Ms Vanessa Weaver  
Executive Director  
Hair and Beauty Australia

Sent email: [info@hairandbeautyaustralia.com.au](mailto:info@hairandbeautyaustralia.com.au)

Dear Ms Weaver,

**Hair and Beauty Australia**  
**Annual Return of Information for 2018 [AR2018/86]**

This is a courtesy letter to remind you of the obligation to lodge an Annual Return of Information for 2018 in respect of the Hair and Beauty Australia 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](mailto: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)] <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 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].