

18 February 2016

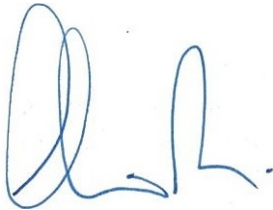
Chris Enright  
Director  
Regulatory Compliance Branch  
Fair Work Commission  
GPO Box 1994  
**MELBOURNE VIC 3001**

Dear Mr Enright

**Health Services Union Queensland Branch: non-lodgement of financial reports for years ending 30 June 2000 to 30 June 2010**

I refer to your correspondence dated 9 February 2016 regarding the above matter and I acknowledge receipt of that correspondence.

Your sincerely



Chris Brown  
**National Secretary**





9 February 2016

Mr Chris Brown  
National Secretary  
Health Services Union  
Suite 1  
Level 3, 377 Sussex Street  
SYDNEY NSW 2000

via email: [chrisb@hsu.net.au](mailto:chrisb@hsu.net.au)  
[jonathan.milman@hsu.asn.au](mailto:jonathan.milman@hsu.asn.au)

Dear Mr Brown

**Health Services Union Queensland Branch: non-lodgement of financial reports for years ending 30 June 2000 to 30 June 2010**

I refer to previous correspondence and discussion with you regarding outstanding financial reports for the Queensland Branch of the Health Service Union (**HSU**) for the financial years ending 30 June 2000 to 2010.

As you are aware, the *Fair Work (Registered Organisations) Act 2009 (RO Act)* requires the Queensland Branch of the HSU to lodge audited financial reports with the Fair Work Commission (**the Commission**) within six months and 14 days of the end of its financial year (that is, no later than 15 January). It is a requirement of the RO Act that:

- a General Purpose Financial Report (**GPFR**) and an operating report be prepared as soon as practicable after the end of the financial year (ss.253, 254);
- that the full report (consisting of the GPFR, operating report and auditor's report) be presented to a general meeting of members, or to a meeting of the branch Committee of Management, within six months after the end of the financial year (s.266); and
- a copy of the full report must be provided to members at least 21 days before the general meeting or if presented to a branch Committee of Management meeting within five months after the end of the financial year (s.265(5)).

You have advised that, due to the failure by the then Queensland Branch Committee of Management to keep proper or adequate financial records, financial reports for the years ending 30 June 2000 to 30 June 2010 are not able to be prepared, in breach of the above requirements of the RO Act.

It also appears that the Health Services Union failed to lodge the required information for the Queensland Branch in the annual returns for the years 2006 to 2013 as required by s.233.

I consider the prolonged non-compliance by the Queensland Branch to be a serious matter. The standards set out in the RO Act are directed to ensuring that registered organisations are: accountable to their members; efficiently managed and operate effectively; and enable participation by members in the affairs of the organisation. The consequence of the

contraventions is that the Branch has not been accountable to its members and members have been deprived of the opportunity to be informed of the financial position of the Branch and to otherwise participate in the affairs of the organisation, contrary to the objects of the RO Act.

Officers of an organisation are also held to high standards and must comply with the general duties in relation to the financial management of the organisation. The failure by the then Branch Secretary to comply with these requirements and the lack of oversight by then National Executive, may also amount to a breaches of the general duties of officers as set out in Part 2 of Chapter 9 of the RO Act.

However, I also acknowledge the extensive and voluntary action taken by the current National Executive and new Branch Committee of Management to rectify these matters. In particular, that the National Executive has taken steps to reconstitute the Branch and has put in place internal governance mechanisms to ensure proper oversight of the Queensland Branch. As a result, the Branch now has a new Committee of Management, and has lodged the outstanding financial reports for the financial years ending 30 June 2011 to 30 June 2013 and complied with its reporting requirements for the financial year ending 30 June 2014 and 30 June 2015.

It is also a relevant consideration that: both the former Queensland Branch office holders and National Secretaries are no longer officers of the union; that the number of members of the Branch is small; and the current National Executive has been fully cooperative.

Having regard to these matters, it is not considered it would be in the public interest to commence a formal investigation into these matters and I advise that the Commission will close off the financial reports for the Queensland Branch of the HSU for the years 30 June 2000 to 30 June 2010 and annual returns for the years 2006 to 2013.

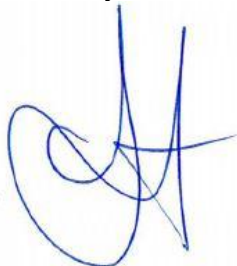
However, the Commission will continue to closely monitor the Queensland Branch and will take prompt action in response to any further contraventions. You are on notice that any future non-compliance by the Queensland Branch will be treated very seriously, with the earlier non-compliance taken into account in deciding what action to take.

I also note that in a meeting on 16 September 2015, you raised the possibility of an amendment to the HSU Rules to abolish the Queensland Branch and have the Tasmanian Branch look after the interests of members in Queensland. Please note that until such change to the HSU Rules is approved, the Queensland Branch must adhere to all requirements under Part 3 of Chapter 8 of the RO Act. I would request that you continue to keep the Commission updated regarding the status of the Queensland Branch.

If you would like to discuss any aspect of the above, please contact me on 8656 4680 or Joanne Fenwick, Financial Reporting Specialist on 8656 4681.

Please acknowledge your receipt of this correspondence by Friday 19 February 2016.

Yours sincerely



Chris Enright  
Director  
Regulatory Compliance Branch

cc. Jonathan Milman, Queensland Branch Secretary



**Australian Government**  
**Australian Industrial Registry**

3 June 2009

Mr Clem O'Shannesy  
Branch Secretary  
Health Services Union-Queensland Branch  
clemoshannesy@yahoo.com.au

Dear Mr O'Shannesy

**Health Services Union-Queensland Branch**  
**Annual Return of Information for 2009 [AR2009/367]**

From the records held in the Industrial Registry it would seem that the Annual Return of Information for Year 2009 is outstanding in respect of the body specified above.

In accordance with subsection 233(1) of the Registration and Accountability of Organisations Schedule (Schedule 1 to the *Workplace Relations Act 1996*), each organisation is required to lodge in the Industrial Registry certain information relating to records required to be kept and maintained by the organisation under section 230 and regulation 147 of the Workplace Relations (Registration and Accountability of Organisations) Regulations. Such information must be lodged once in each year at any time during the period of three months commencing 1 January.

As there is a mandatory obligation on organisations to supply this information, you are requested to lodge the outstanding information under cover of a declaration by 24 June 2009.

The Registry encourages you to lodge all returns electronically (e.g. as pdf files) at [orgs@airc.gov.au](mailto:orgs@airc.gov.au). Alternatively, you can forward the documents by fax to (03) 9655 0410.

A summary of the information required to be lodged annually is set out in the accompanying document. Notifications of changes to the annual information required to be lodged under subsection 233(2) and regulation 151 are also summarised in the accompanying document.

Please do not hesitate to contact me on (03) 8661 7988 or by e-mail at [lynette.markovski@airc.gov.au](mailto:lynette.markovski@airc.gov.au) if you wish to discuss the requirements for the Annual Return or changes to such records.

When lodging in the Registry the annual return or any subsequent notification of a change to records please quote: **AR2009/367**.

Yours sincerely

Lyn D'angelo  
Statutory Services Branch

**Recurring Obligations To Keep And Lodge Information Under Schedule 1 to the Workplace Relations Act 1996 (RAO Schedule) and the RAO Schedule Regulations**

Information	Key Contents
<b>Maintenance of Register of Members</b>	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 ss230(1)(a) and (2) [s233(1)(a)]
<b>List of Offices</b> - see Note 2	A list of the offices in the organisation and each branch (note the definition of "office" and "officer" in ss6 and 9) [s230(1)(b)]
<b>List of Office-holders</b> - see Note 2	A list of the names, postal addresses and occupations of the persons holding the offices (note definition of "office" and "officer" in ss6 and 9) [s230(1)(c)]
<b>List of Branches</b> - see Note 2	A record of the name of each branch of the organisation [s230(1)(d) and reg. 147(a)]
<b>New Branches</b>	A record of the name of each branch that commenced operation in the previous 12 months [s230(1)(d) and reg. 147(b)]
<b>Old Branches</b>	A record of the name of each branch that ceased operation in the previous 12 months [s230(1)(d) and reg. 147(c)]
<b>Addresses of Organisation and Branches</b> - see Note 2	A record of the address of the office of the organisation and the office of each branch [s230(1)(d) and reg. 147(d)]
<b>Elections in Organisation and Branches</b>	A record of each election that must, under the rules of the organisation, be held during each year commencing 1 January for an office in the organisation and branch of the organisation [s230(1)(d) and reg. 147(e)]
<b>Statement concerning number of members</b>	A record of the number of members on 31 December in the previous year.  If the organisation has entered into an agreement under ss151(1) of the Schedule - 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 s150 of the Schedule. [s230(1)(d) and reg. 147(f) and (g)]

**Please note:**

1. A copy of the above records must be lodged in the Industrial Registry, once in each year, at any time during the period of 3 months commencing on 1 January, certified by declaration signed by the secretary or other prescribed officer to be a correct statement of the information contained in that record [s233(1)(b) and reg 149].
2. In the event of any change to certain of the abovementioned records, an organisation must, within 35 days of the change, lodge in the Industrial Registry, a notification of such change certified by declaration signed by the secretary or other prescribed officer of the organisation to be a correct statement of the changes made [s233(2) and reg. 151].



**Australian Government**  
**Australian Industrial Registry**

27 January 2009

Mr Clem O'Shannesy  
Health Services Union-Queensland Branch  
clemoshannesy@yahoo.com.au

Dear Mr O'Shannesy

**Health Services Union-Queensland Branch**  
**Annual Return of Information for 2009 [AR2009/367]**

This is a courtesy letter to remind you of the obligation to lodge an Annual Return of Information for 2009 in respect of the above by **31 March 2009**.

A signed and dated declaration certifying matters prescribed in Schedule 1 of the *Workplace Relations Act 1996* [the "**RAO Schedule**"] must be lodged in the Registry 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 (the "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 Registry within 35 days of any changes to such records.

Failure to comply with these obligations is subject to a civil penalty provision – see s305 of the RAO Schedule.

Once an Annual Return or change of records has been lodged, a copy will be posted on the Commission's website at [www.airc.gov.au](http://www.airc.gov.au) – under *Registered organisations - Files of registered organisations*. To protect the privacy of the relevant office holders listed in declarations, you may wish to list their postal, rather than home addresses.

The Registry encourages you to lodge all returns electronically (e.g. as pdf files) at [orgs@airc.gov.au](mailto:orgs@airc.gov.au). Alternatively, you can forward the documents by fax to (03) 9655 0410.

Please ensure that emailed documents include signatures where required e.g. by scanning the signed documents into a PDF or TIF format.

Please do not hesitate to contact me on (03) 8661 7988 or by e-mail at [lynette.markovski@airc.gov.au](mailto:lynette.markovski@airc.gov.au) if you wish to discuss the requirements outlined in this correspondence.

Yours sincerely

A handwritten signature in cursive script that reads 'L. Markovski'.

Lyn Markovski  
Statutory Services Branch

## Obligation to lodge Annual Return of Information by 31 March

A copy of each of the following records must be lodged in the Industrial Registry 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 (the “other prescribed officer” see RAO Regulation 150).

For full details see ss230-233 of the RAO Schedule (the *Registration and Accountability of Organisations Schedule*) which forms Schedule 1 to the *Workplace Relations Act 1996*, and Regulations 149-151 of the RAO Regulations (the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*).

Failure to comply with these obligations is subject to a civil penalty provision – see s305 of the RAO Schedule.

Requirement	Details of requirement
<b>Maintenance of Register of Members</b>	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 ss230(1)(a) and (2) [s233(1)(a)]
<b>List of Offices</b>	A list of the offices in the organisation and each branch (note the definition of “office” and “officer” in ss6 and 9) [s230(1)(b)]
<b>List of Office holders</b>	A list of the names, postal addresses and occupations of the persons holding the offices (note the definition of “office” and “officer” in ss6 and 9) [s230(1)(c)]
<b>List of Branches</b>	A record of the name of each branch of the organisation [s230(1)(d) and reg. 147(a)]
<b>New Branches</b>	A record of the name of each branch that commenced operation in the previous 12 months [s230(1)(d) and reg. 147(b)]
<b>Old Branches</b>	A record of the name of each branch that ceased operation in the previous 12 months [s230(1)(d) and reg. 147(c)]
<b>Addresses of Organisation and Branches</b>	A record of the address of the office of the organisation and the address of the office of each branch [s230(1)(d) and reg. 147(d)]
<b>Elections in Organisation and Branches</b>	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 . [s230(1)(d) and reg. 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 s189 of the RAO Schedule
<b>Statement concerning number of members</b>	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 s151(1) of the RAO Schedule - 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 s150 of the RAO Schedule. [s230(1)(d) and reg. 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 in the Industrial Registry, 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 [RAO s233(2) and reg. 151 refer].