



9 February 2018

Mr Adam Dansie  
Senior Manager - Industrial Relations  
Local Government and Shires Association of New South Wales  
Email: adam.dansie@lgnsw.org.au

Dear Mr Dansie,

**Notification of changes made to records [AR2017/77]**

I acknowledge receipt of a Notification of Change to the office holders of the Local Government and Shires Association of New South Wales.

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
7 February 2018	-central office-	Director Metropolitan/Urban Council	No, 116 days late
7 February 2018	-central office-	Vice President Metropolitan/Urban Council	No, 116 days late
8 January 2018	-central office-	LGSANSW Board of Directors	Yes
8 January 2018	-central office-	LGSANSW Office Bearers	Yes
8 January 2018	-central office-	Immediate Past President	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.

**Late notification**

The notification from your organisation indicates that changes occurred more than 35 days prior to its lodgement. Please ensure that future notifications of change are lodged within 35 days of the change occurring.

## **Declaration**

The declaration must contain a statement that the information lodged is a correct statement of the changes made. In future please ensure your declarations include the statement *“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”*

## **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 your correspondence.

Yours faithfully,

**Michael Moutevelis**  
**Registered Organisations Commission**

**svc-adlib5**

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**From:** Adam Dansie <Adam.Dansie@lgnsw.org.au>  
**Sent:** Wednesday, 7 February 2018 3:32 PM  
**To:** MOUTEVELIS,Michael  
**Subject:** RE: AR2017/77 LGSANSW Notification of change [DLM=For-Official-Use-Only]  
**Attachments:** LGNSW to ROC\_070218.pdf; Linda Scott declaration\_070218.pdf

Dear Michael

I refer to your below email and also to our previous telephone discussion.

Please find attached a covering letter and revised (further) declaration, signed by the LGNSW President.

Regards

ADAM DANSIE  
**SENIOR MANAGER – INDUSTRIAL RELATIONS  
LOCAL GOVERNMENT NSW**

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**From:** MOUTEVELIS,Michael [<mailto:Michael.Moutevelis@roc.gov.au>]  
**Sent:** Wednesday, 24 January 2018 4:19 PM  
**To:** Adam Dansie  
**Subject:** AR2017/77 LGSANSW Notification of change [DLM=For-Official-Use-Only]

**For Official Use Only**

Dear Mr Dansie

As discussed, please find attached (also see below email), notification of change declaration lodged on the 29 September 2017.

Could you please ensure a compliant copy (which is signed by the prescribed officer) is re lodged via return email.

Regards

**MICHAEL MOUTEVELIS**  
Assistant Adviser  
Compliance  
**Registered Organisations Commission**

Tel: (02) 8293 4644  
[michael.moutevelis@roc.gov.au](mailto:michael.moutevelis@roc.gov.au)

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

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**Registered Organisations Commission**

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**From:** Adam Dansie [<mailto:Adam.Dansie@lgnsw.org.au>]  
**Sent:** Friday, 29 September 2017 5:05 PM  
**To:** ROC - Registered Org Commission <[regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)>  
**Cc:** Elizabeth Rooke <[Elizabeth.Rooke@lgnsw.org.au](mailto:Elizabeth.Rooke@lgnsw.org.au)>; Charles McElroy <[Charles.McElroy@lgnsw.org.au](mailto:Charles.McElroy@lgnsw.org.au)>; Susan Budd <[Susan.Budd@lgnsw.org.au](mailto:Susan.Budd@lgnsw.org.au)>  
**Subject:** AR2017/77 LGSANSW Notification of change

Dear Commissioner

The Local Government and Shires Association of New South Wales ("LGNSW") writes to notify the Registered Organisations Commission of recent changes made to records required to be kept under section 230(1)(c) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act').

Attached is a declaration signed by the Chief Executive of the Local Government and Shires Association of New South Wales outlining the details of the changes to the records, and certifying that this is a correct statement of the changes made, in accordance with section 233(2) of the Act.

Yours sincerely

ADAM DANSIE  
**SENIOR MANAGER – INDUSTRIAL RELATIONS**  
**LOCAL GOVERNMENT NSW**

T 02 9242 4140 M 0418 168 538  
[ADAM.DANSIE@LGNSW.ORG.AU](mailto:ADAM.DANSIE@LGNSW.ORG.AU)



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**15 to 17 November 2017**  
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Further contact: [adam.dansie@lgnsw.org.au](mailto:adam.dansie@lgnsw.org.au)

7 February 2018

The Commissioner  
Registered Organisations Commission  
GPO Box 2983  
Melbourne VIC 3001

By email: [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

Dear Commissioner

**Notice of change to required records**

I refer to a notification to the Registered Organisations Commission (“**ROC**”) on 29 September 2017 by the Local Government and Shires Association of New South Wales (“**LGNSW**”) of changes made to the records required to be kept under section 230(1)(c) of the *Fair Work (Registered Organisations) Act 2009* (the “**Act**”). I also refer to recent communication between Michael Moutevelis (Assistant Adviser, Compliance, ROC) and LGNSW in relation to the said notification.

Mr Moutevelis has informed LGNSW that the earlier notification is invalid because the declaration accompanying the notification was not signed by an elected officer of LGNSW (the notification was instead signed by LGNSW’s Chief Executive).

Please find attached a revised notification of changes to the records required to be kept by LGNSW under section 230(1)(c) of the Act. The revised notification is in the form of a declaration signed by the President of LGNSW, and the position of President is an elected office of LGNSW.

We note that notifications to the ROC of changes to the records required to be kept under section 230(1)(c) of the Act are required to be made within 35 days of the changes occurring. In view of the earlier (albeit invalid) notification, we seek an extension to the 35 day requirement.

If you have any questions, please contact the undersigned on (02) 9242 4142.

Yours sincerely



Adam Dansie  
**Senior Manager Industrial Relations**

Encl: Statutory Declaration of Linda Scott, President, Local Government and Shires Association of New South Wales.



Commonwealth of Australia  
STATUTORY DECLARATION  
*Statutory Declarations Act 1959*

1 Insert the name, address and occupation of person making the declaration

I, Linda Scott, President of the Local Government and Shires Association of New South Wales ("LGNSW"), Level 8, 28 Margaret Street Sydney 2000

make the following declaration under the *Statutory Declarations Act 1959*:

2 Set out matter declared to in numbered paragraphs

1. I am duly authorised to give this declaration.
2. On 9 September 2017 Yvonne Keane (formerly Director Metropolitan/Urban council) ceased to be a member of the Board of LGNSW as she did not stand for re-election at the election of councillors for The Hills Shire Council. This resulted in a casual vacancy in accordance with the registered rules of LGNSW (the "LGNSW Rules").
3. On 9 September 2017 William Pickering (formerly Vice President Metropolitan/Urban council) ceased to be a member of the Board of LGNSW as he was not re-elected at the election of councillors for Ryde City Council. This resulted in a casual vacancy in accordance with the LGNSW Rules.
4. In accordance with Rule 47 of the LGNSW Rules a new casual vacancy shall be filled within 90 days of the vacancy occurring. Board Elections were held on 5 December 2017 at the LGNSW Annual Conference, being 87 days after the occurrence of the casual vacancies. The casual vacancies were filled as already advised to the Commission.
6. I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.



Declared at Sydney on...7th...of February 2018

Before me,



Adam Dansie, Solicitor, of Level 8, 28 Margaret Street, Sydney, NSW, 2000

*Note 1* A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

*Note 2* Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

**From:** Adam Dansie <Adam.Dansie@lgnsw.org.au>  
**Sent:** Monday, 8 January 2018 1:04 PM  
**To:** ROC - Registered Org Commission  
**Cc:** Elizabeth Rooke; Stephen Crump  
**Subject:** AR2017/77 - LGSANSW - Notification of change  
**Attachments:** Covering letter\_080118.pdf; Notification by LGNSW of changes to its Board\_080118.pdf

Dear Commissioner, Registered Organisations Commission

Please find attached a covering letter and notification by the Local Government and Shires Association of New South Wales ("LGNSW") of changes to the records required to be kept under section 230(1) of the *Fair Work (Registered Organisations) Act 2009*. The notification of changes to records is in the form of a declaration signed by LGNSW's Vice President (Rural/Regional), Clr Lindsay Brown.

The changes arise from a recent election for Office Bearers and Board of Directors of LGNSW, which took place at LGNSW's Annual Conference on 5 December 2017.

Yours sincerely

ADAM DANSIE  
**SENIOR MANAGER – INDUSTRIAL RELATIONS**  
**LOCAL GOVERNMENT NSW**

T 02 9242 4140 M 0418 168 538  
[ADAM.DANSIE@LGNSW.ORG.AU](mailto:ADAM.DANSIE@LGNSW.ORG.AU)



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Further contact: adam.dansie@lgnsw.org.au

Date: 8/1/18

By email: [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

Mark Bielecki  
Commissioner  
Registered Organisations Commission  
GPO Box 2983  
Melbourne VIC 3001

Dear Commissioner

**Re: Notice of change to required records**

The Local Government and Shires Association of New South Wales ("LGNSW") writes to notify the Registered Organisations Commission ("**ROC**") of changes made to records required to be kept under subsection 230(1)(c) of the *Fair Work (Registered Organisations) Act 2009* (the "**Act**").

Attached is a declaration signed by the Vice President of the Local Government and Shires Association of New South Wales outlining the details of the changes to the records, and certifying that this is a correct statement of the changes made, in accordance with subsection 233(2) of the Act.

If you have any questions, please contact the undersigned on (02) 9242 4142.

Yours sincerely



Adam Dansie  
**Senior Manager Industrial Relations**

Encl: Declaration of Cr Lindsay Brown, Vice President (Rural/Regional) of the Local Government and Shires Association of New South Wales.

**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, Lindsay Brown, being the Vice President (Rural/Regional) of the Local Government and Shires Association of New South Wales ("LGNSW"), declare the following:

1. I am duly authorised to give 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*
3. On 5 December 2017 at the LGNSW Annual Conference an election for positions on the Board took place.
4. The results from the election for President, Treasurer, Vice President Rural/Regional and Vice President Metro/Urban were declared by the Australian Electoral Commission on 7 December 2017.
5. The results for the election for Directors, 7 Rural/Regional and 7Metro/Urban were declared by the Australian Electoral Commission on 8 December 2017.
6. In accordance with Rule 36(b) of the LGNSW Rules, the position of Immediate Past President will be filled by Cr Keith Rhoades AFSM.
7. The following councillors ceased to hold office on the LGNSW Board from 6 December 2017;
  - Cr Scott Bennison
  - Cr Christine Forster
  - Cr Raymond Harty OAM
  - Cr Denise Osborne
  - Cr Alice Glachan
  - Cr Michael Banasik
8. The following councillors took up office on the LGNSW Board from 6 December 2017;
  - Cr Marjorie Spooner O'Neill
  - Cr Angelo Tsirekas
  - Cr Julie Griffiths
  - Cr Khal Asfour
  - Cr George Greiss
  - Cr Michael Regan
  - Cr Marianne Saliba
  - Cr Benjamin Shields
  - Cr Paul Harmon
9. The record of office holders of the LGNSW, required to be kept under section 230(1)(c) of the *Fair Work (Registered Organisations) Act 2009*, has been amended to remove persons that are no longer office holders and to include persons that have become office holders. The amended record of office holders of LGNSW is as follows:

<b>Name</b>	<b>Office held</b>	<b>Postal address</b>	<b>Occupation</b>
Cr Linda Scott	President	City of Sydney Council GPO Box 1591 Sydney NSW 2001	Councillor

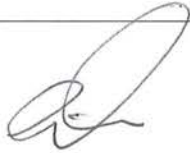
NOTIFICATION OF CHANGE TO RECORDS

Cr Marjorie Spooner O'Neill	Treasurer	Waverley Municipal Council PO Box 9 Bondi Junction 1355	Councillor
Cr Lindsay Brown	Vice President (Regional/Rural council)	Eurobodalla Shire Council PO Box 99 Moruya NSW 2537	Councillor
Cr Angelo Tsirekas	Vice President (Metropolitan/Urban council)	City of Canada Bay Locked Bag 1470 Drummoyne NSW 1470	Councillor
Cr Lesley Furneaux-Cook	Director (Metropolitan/Urban council)	Burwood Council PO Box 240 Burwood NSW 1805	Councillor
Cr Mazhar Hadid	Director (Metropolitan/Urban council)	Liverpool City Council Locked Bag 2064 Liverpool BC NSW 1871	Councillor
Cr Karen McKeown	Director (Metropolitan/Urban council)	Penrith City Council PO Box 60 Penrith NSW 2751	Councillor
Cr Julie Griffiths	Director (Metropolitan/Urban council)	Blacktown City Council PO Box 63 Blacktown NSW 2148	Councillor
Cr Khal Asfour	Director (Metropolitan/Urban council)	Canterbury Bankstown Council PO Box 8 Bankstown NSW 1885	Councillor
Cr George Greiss	Director (Metropolitan/Urban council)	Campbelltown City Council PO Box 57 Campbelltown NSW 2560	Councillor
Cr Michael Regan	Director (Metropolitan/Urban council)	Northern Beaches Council PO Box 82 Manly NSW 1655	Councillor
Cr Ruth Fagan	Director (Rural/Regional council)	Cowra Shire Council Private Mail Bag 342 Cowra NSW 2794	Councillor
Cr Phyllis Miller OAM	Director (Rural/Regional council)	Forbes Shire Council PO Box 333 Forbes NSW 2871	Councillor
Cr Marianne Saliba	Director (Rural/Regional council)	Shellharbour City Council Locked Bag 155, Shellharbour City Centre NSW 2529	Councillor
Cr Benjamin William Shields	Director (Rural/Regional council)	Dubbo Regional Council Cnr Church and Darling streets Dubbo NSW 2830	Councillor
Cr Rod Kendall	Director (Rural/Regional council)	Wagga Wagga City Council PO Box 20 Wagga Wagga NSW 2650	Councillor
Cr Paul Harmon	Director (Rural/Regional council)	Inverell Shire Council PO Box 138 Inverell NSW 2360	Councillor

NOTIFICATION OF CHANGE TO RECORDS

Cr Darriea Turley	Director (Rural/Regional council)	Broken Hill City Council PO Box 448 Broken Hill NSW 2880	Councillor
Cr Keith Rhoades AFSM	Immediate Past President	Coffs Harbour City Council Locked Bag 155 Coffs Harbour NSW 2450	Councillor

Signed:



Councillor Lindsay Brown  
Vice President (Regional/Rural)

Dated:

4/11/18

**From:** ROC - Registered Org Commission  
**Sent:** Wednesday, 20 December 2017 1:08 PM  
**To:** Elizabeth Rooke  
**Subject:** AR2017/77 LGSANSW RE: LGNSW notice of change to required records.  
[SEC=UNCLASSIFIED]

Dear Elizabeth,

Thank you for the above notification of change with the accompanying letter regarding the eligibility of the Chief Executive/Acting Chief Executive as a prescribed officer with the meaning of the Fair Work Act 2009.

The *Fair Work (Registered Organisations) Act 2009* requires an authorised officer to sign the declaration accompanying a notification of change. The definition would be an elected officer, not a paid employee. In this case an authorised officer, in the absence of the President, would include a Vice President, or the Treasurer. I note that the signed declaration provided by you does not actually include the words: "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*:" This is an obligatory part of the declaration. A full list of office holders has been provided, but this is a notification of change, only the changes that have taken place should be listed. Although the declaration includes a great deal of unnecessary information it does not include the dates that the changes actually took place, as opposed to the dates of the election results, which do not necessarily reflect when the individuals elected took office. Nor does it include any outgoing officers and the dates when they left office.

Please see the template provided on our website <http://www.roc.gov.au/ArticleDocuments/428/tf006-org-annual-return-notification-of-changes-template-form.docx.aspx> and provide an amended notification.

Unfortunately there is no provision in the Act to allow for an extension of time to lodge a notification of change, the Act requires it to be lodged within 35 days of the change taking place.

Kind regards,

**Christine Hibberd**  
Administrator  
**Registered Organisations Commission**

Tel: 1300 341 665  
[regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

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**From:** Elizabeth Rooke [<mailto:Elizabeth.Rooke@lgnsw.org.au>]  
**Sent:** Wednesday, 20 December 2017 11:57 AM  
**To:** ROC - Registered Org Commission  
**Cc:** Adam Dansie  
**Subject:** LGNSW notice of change to required records.

Dear Commissioner,

Please find attached the notice of change to required records for LGNSW.

Regards,

ELIZABETH ROOKE  
INDUSTRIAL OFFICER – INDUSTRIAL UNIT  
LOCAL GOVERNMENT NSW

T 02 9242 4158 M 0408 185 824  
[ELIZABETH.ROOKE@LGNSW.ORG.AU](mailto:ELIZABETH.ROOKE@LGNSW.ORG.AU)  
[LGNSW.ORG.AU](http://LGNSW.ORG.AU)



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**From:** ROC - Registered Org Commission  
**Sent:** Thursday, 12 October 2017 3:40 PM  
**Subject:** Education and advice campaign - notification of changes to records within prescribed timeframe [SEC=UNCLASSIFIED]  
**Attachments:** Letter to orgs\_Notifications of Change.pdf; Fact Sheet\_Notification of changes.pdf; Guidance Note\_notifications of change.pdf; Legislative Summary\_Notifications of Change.pdf

Good afternoon,

Please find attached correspondence for the Secretary or other prescribed office holder, providing education and advice regarding the obligation to notify the Registered Organisations Commission (the ROC) of changes to the records of a registered organisation.

Kind regards,

**Office of the Registered Organisations Commission**

Tel: 1300 341 665  
[regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

GPO Box 2983, MELBOURNE VIC 3001 | 414 Latrobe Street, Melbourne Victoria 3000



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12 October 2017

Dear Secretary (or prescribed office holder),

**Education and advice campaign - the obligation to notify the ROC of changes to records within the prescribed statutory time frame**

I write on behalf of the Registered Organisations Commissioner to advise you about an education and advice campaign being conducted by the Registered Organisations Commission (ROC) which is designed to encourage all registered organisations and their office holders to comply with the statutory obligation to lodge timely notifications of changes to records, contained in section 233(2) of the *Fair work (Registered Organisations) Act 2009* (the RO Act).

The ROC has become increasingly concerned about systemic contraventions of s.233(2) in which the lodgement of notifications are repeatedly weeks, months or even years late, or have not been lodged at all. Contraventions of this provision can give rise to risks for registered organisations and their members as a result of reduced transparency and accountability, and can expose the organisation to potential civil penalty proceedings.

As an independent regulator, the ROC's approach seeks to be fair, proportionate, objective and evidence-based. The ROC considers that compliance with statutory obligations is essential to ensure that registered organisations function efficiently, effectively and transparently.

**The importance of timely notifications**

The statutory obligation on registered organisations to notify the ROC of particular changes to records under s.233(2) of the RO Act has been part of the regulatory scheme in various forms for over 100 years and is currently a civil penalty provision, which means that registered organisations or their prescribed office holders may be potentially liable for any breaches.

The obligation is essential for a number of reasons including that:

- It assists members to participate in the democratic functioning and control of their organisations;
- Enables the regulator to publish information about who current office holders are; and
- It promotes accountability of office holders who are managing the funds and assets of registered organisations.

Registered organisations represent the interests of approximately 2 million members nationally. It is essential that timely information about the identity of relevant office holders is lodged in compliance with the RO Act so that the regulator and each organisation's members can be aware of which office holders are exercising management and financial responsibilities in their organisations.

The ROC and its predecessors have published the lists of office holders of registered organisations on the relevant agency's public website since at least 2003. The ROC also publishes all notifications about changes to the branches, office addresses and office holders of registered organisations lodged under s.233(2) of the RO Act. The publication of this information provides transparency to members and the general public and facilitates accountability.

## Educational reference documents

The ROC is committed to providing education, assistance and advice to registered organisations as part of the functions set out in s.329AB of the RO Act. Our primary educational goal is to maximise voluntary compliance with statutory obligations under the RO Act, to promote the effective governance, accountability and transparency of registered organisations and to thereby reduce the need for enforcement action.

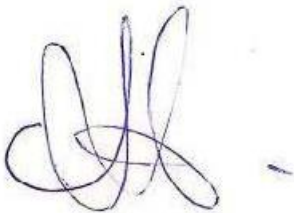
As one part of a strategy to assist organisations to increase voluntary compliance with the s.233(2) obligation, the ROC has recently produced some new educational guides which are **enclosed**:

- Guidance Note – a quick reference guide in the form of a table, using scenarios where organisation staff and office holders may be unsure if they are obliged to notify changes. The table contains references to all relevant legislative provisions;
- Fact Sheet – a separate fact sheet outlining the types of changes that need to be notified and what needs to be included with the notification;
- Legislative Summary – a brief summary of the history of the legislative provision to notify changes, included for the purpose of understanding the historical context of the obligation.

In addition, the ROC will continue its ongoing practice of providing courtesy reminder correspondence about the requirement to notify changes to office holders, whenever we are provided with election results from the Australian Electoral Commission (**AEC**). Further, the ROC proposes to audit and continue to review compliance with this important statutory obligation.

Should you have any questions or feedback in relation to this correspondence, I can be contacted on 1300 341 665 or via [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

Yours faithfully,



Chris Enright  
Executive Director  
Registered Organisations Commission



# Fact sheet

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## Notification of changes

The *Fair Work (Registered Organisations) Act 2009* requires organisations of employers and employees to annually lodge certain information to the Registered Organisations Commission (the ROC). In addition, whenever any changes occur in relation to certain records, registered organisations are required to lodge a notification of change to the ROC. The change must be lodged within 35 days after the change occurs.

## Records requiring notifications of any changes

If any of the following records change, the organisation must notify the ROC of the change within 35 days after the change occurs:

- the list of offices in the organisation or in a branch of the organisation
- the name, postal address or occupation of a person holding office
- the name of a branch of the organisation
- the commencement or cessation of a branch of the organisation
- the address of the office of the organisation, or the address of the office of a branch of the organisation

## What does the ROC do with the information?

Records including the above information are required to be lodged by each organisation by 31 March in each year in the Annual Return of Information. Annual Returns are published under the corresponding organisation on the ROC website. This information can be found by clicking on the 'Find a Registered Organisation' tab. Notifications of changes are published in descending date order within the corresponding year's annual return document. This enables members to view the changes with reference to the complete list of office holders.

## When changes must be notified

Details of any changes must be notified within 35 days after the change occurs, as prescribed by regulation 151 of the *Fair Work (Registered Organisations) Regulations 2009*.

## What needs to be included?

**NOTE:** *The ROC recommends use of the sample Notification of Changes template, as provided below, to help ensure that all of the required details are included in a notification of change*

- The notification must be lodged with a declaration signed by the Secretary or another office holder whose duties under the rules of the organisation or branch include lodging required information to

the statutory body. The declaration must contain a statement that the information lodged is a correct statement of the changes made.

- The notification must include details of each relevant office/office holder/branch to which the changes have occurred.
- The notification must include the date the change occurred and clearly specify what the change was.
- The notification must indicate the date on which the changes occurred, as this pertains to the obligation to lodge the notification within 35 days of the change.
- For changes to office holders the following details are also required:
  - The title of the relevant office
  - The name of each new or former office holder
  - the postal address of each new office holder. For privacy reasons, the ROC recommends using the postal address of the relevant organisation/branch, rather than the residential address of the person.
  - The occupation of each new office holder
- For new branches the street address (not just a postal address) must be included.

## Who can sign the declaration?

The declaration must be signed by the Secretary or another office holder whose duties under the rules of the organisation or branch include lodging required information to the statutory body. A sample declaration template is provided below under 'sample notification of change template'.

If an organisation is divided into branches or divisions, the notification of change may be made by a national office holder or the relevant branch or division office holder, depending on who has authority under the rules of the organisation to do so.

## Sample Notification of Changes Template

The sample notification of change template provided below includes a sample declaration template and a sample notification table. The ROC recommends use of these documents to help ensure that all of the required information is provided.

- [Sample notification of change template](#)

## Find out more

- Guidance Note – ROC Quiz Answers - Notifications of Change
- Legislative Summary – Notifications of Change
- [ROC Internal Checklist – Notifications of change](#)
- [Fact Sheet – Records to be kept by registered organisations](#)
- [Fact Sheet – Records to be lodged annually by registered organisations](#)

For instructions on how to lodge a notification of changes with the ROC, please refer the [Lodging Documents](#) section of our website.



# Guidance Note

## Notifications of Change ROC Quiz

<u>Question</u>	<u>Answer</u>	<u>Reference</u> * <b>RO Act</b> = Fair Work (Registered Organisations) Act 2009; * <b>RO Regs</b> = Fair Work (Registered Organisations) Regulations 2009).
<b>1. Do organisations need to lodge a notification of changes <i>IF</i>:</b>		
<b>a)</b> An elected office holder resigned but the term of office was almost over	<b>YES</b> – any change to the list of office holders of the organisation or a branch of the organisation must be notified within 35 days of the change.	<ul style="list-style-type: none"> <li>• Section 233(2) of the RO Act;</li> <li>• Section 230(1)(b) of the RO Act;</li> <li>• Reg.151 of the RO Regs</li> </ul>
<b>b)</b> A person leaves an office but the person replacing them will not commence for a few weeks	<b>YES</b> – this requires <u>two</u> notifications – one for the office holder leaving, and one for the person replacing them. If both changes can be notified within 35 days of the earliest change, they can be included together in just one notification, however, we recommend notifying each change as soon as possible after it occurs in order to ensure compliance.	<ul style="list-style-type: none"> <li>• Section 233(2) of the RO Act;</li> <li>• Reg.151 of the RO Regs</li> </ul>
<b>c)</b> An elected national office holder relocated to a different state	<b>YES</b> – any change to the address of an office holder must be notified within 35 days of the change	<ul style="list-style-type: none"> <li>• Section 233(2) of the RO Act;</li> <li>• Section 230(1)(c) of the RO Act;</li> <li>• Reg.151 of the RO Regs</li> </ul>
<b>d)</b> A branch relocated to different premises	<b>YES</b> – any change to the office name or address of the organisation, or of a branch of the organisation, must be notified within 35 days of the change.	<ul style="list-style-type: none"> <li>• Section 233(2) of the RO Act;</li> <li>• Section 230(1)(d) of the RO Act;</li> <li>• Reg.147(d)(ii) of the RO Regs;</li> <li>• Reg.151 of the RO Regs</li> </ul>
<b>e)</b> The Secretary’s telephone number or email address changed	Not required under the legislation – however, it is beneficial to update us with any changes to contact details so we can provide alerts for upcoming lodgement dates and other important information. You can email <a href="mailto:regorgs@roc.gov.au">regorgs@roc.gov.au</a> to advise changes to telephone and email addresses.	<b>N/A</b>
<b>f)</b> A Branch office changed its’ telephone number or	Not required under the legislation – however, it is beneficial to keep	<b>N/A</b>



	preferred email address	us updated with relevant contact details to facilitate ROC alerts for upcoming lodgement dates and other important information updates. You can email <a href="mailto:regorgs@roc.gov.au">regorgs@roc.gov.au</a> to advise changes to telephone and email addresses.	
	<b>g)</b> The AEC has recently provided a declaration of results for an election to the organisation and the email shows that it was also sent to the ROC by the AEC	<b>YES</b> – the organisation is still required to formally notify the ROC of any <u>changes</u> to the list of office holders in the organisation or any of its’ branches. If an election results in any changes to the people holding offices, those changes must be formally notified within 35 days of the change.	<ul style="list-style-type: none"> <li>• Section 233(2) of the RO Act;</li> <li>• Section 230(1)(c) of the RO Act;</li> <li>• Reg.151 of the RO Regs</li> </ul>
	<b>h)</b> An entire branch is abolished	<b>YES</b> - the organisation is required to notify the ROC of any changes to its’ list of branches; any changes to the list of offices in a branch of the organisation; and any changes to the list of names, postal addresses and occupations of people holding those offices	<ul style="list-style-type: none"> <li>• Section 233(2) of the RO Act;</li> <li>• Sections 230(1)(b), (c) and (d) of the RO Act;</li> <li>• Regs.147(a), (c) and (e)(ii) of the RO Regs;</li> <li>• Reg.151 of the RO Regs</li> </ul>
	<b>i)</b> A person is re-elected to the same office they already held, and they are listed in the most recent annual return list of office holders	<b>NO</b> – only changes need to be notified to the ROC	N/A
	<b>j)</b> A person is re-elected, but to a different office	<b>YES</b> – any <u>changes</u> to the list of office holders in the organisation or any of its’ branches needs to be notified to the ROC within 35 days.	<ul style="list-style-type: none"> <li>• Section 233(2) of the RO Act;</li> <li>• Section 230(1)(c) of the RO Act;</li> <li>• Reg.151 of the RO Regs</li> </ul>
	<b>k)</b> A Committee of Management Member resigned, but they are not the President, Secretary, Assistant Secretary or Treasurer	<b>YES</b> – members of the Committee of Management are officers as defined in the Act. Any changes in relation to such offices must be lodged within 35 days of the date the change took place.	<ul style="list-style-type: none"> <li>• Section 233(2) of the RO Act;</li> <li>• Section 9 of the RO Act;</li> <li>• Reg.151 of the RO Regs</li> </ul>
	<b>l)</b> A person resigned but it won’t take effect for three months	<b>NOT YET</b> – a notification of change needs to be lodged within 35 days after the change takes effect. This means it must be lodged between the day it takes effect and 35 days later.	<ul style="list-style-type: none"> <li>• Section 233(2) of the RO Act;</li> <li>• Reg.151 of the RO Regs</li> </ul>
	<b>m)</b> A person has been elected but they won’t take office until a set date in the future	<b>NOT YET</b> – a notification of change needs to be lodged after the change takes effect. It must be lodged between the date it takes effect and 35 days later.	<ul style="list-style-type: none"> <li>• Section 233(2) of the RO Act;</li> <li>• Reg.151 of the RO Regs</li> </ul>
	<b>2. What needs to be included in the notification?</b>	A notification of change needs to include relevant details of the change. In relation to a change of	<ul style="list-style-type: none"> <li>• Section 233(2) of the RO Act;</li> <li>• Section 230(1)(c) of the RO Act;</li> <li>• Reg.147 of the RO Regs</li> </ul>

	office holder, this will include the date the change occurred, the title of the relevant office, the name of the relevant person/people, whether they have ceased or commenced office, the postal address of the person / people (we recommend using the relevant organisation/branch address for privacy reasons), and the title of the occupation of the person / people. We recommend using the <a href="#">Notification of Changes template</a> , which is available on the <a href="#">Notification of Changes page</a> of the ROC website.	
Do organisations need to lodge:		
An amended list of all of the officers	NO – only details of the changes need to be lodged. If you lodge the entire list again and do not identify the changes staff of the ROC will ask you to specify what the changes are and when they occurred	<ul style="list-style-type: none"> <li>Section 233(2) of the RO Act</li> </ul>
Officers' names	YES	<ul style="list-style-type: none"> <li>Section 233(2) of the RO Act;</li> <li>Section 230(1)(c) of the RO Act</li> </ul>
Officers' occupation titles	YES	<ul style="list-style-type: none"> <li>Section 233(2) of the RO Act;</li> <li>Section 230(1)(c) of the RO Act</li> </ul>
Officers' <i>home</i> addresses	NO – please do not lodge their home addresses. The ROC publishes all of the returns on the website – please list their professional addresses	N/A
Officers' <i>professional</i> addresses	YES – this can be the address of the Union or Employer Association, or the relevant branch	<ul style="list-style-type: none"> <li>Section 233(2) of the RO Act;</li> <li>Section 230(1)(c) of the RO Act</li> </ul>
<u>ONLY</u> the changes to the President, Treasurer, Vice President and Secretary	NO – notifications of change are required in relation to <u>all offices</u> in which a change has occurred. Offices include Committee of Management Members (however named - including, for example, Directors of the Board)	<ul style="list-style-type: none"> <li>Section 233(2) of the RO Act;</li> <li>Section 230(1)(c) of the RO Act;</li> <li>Section 9 of the RO Act;</li> </ul>
A soft copy by email and a hard copy by post	NO – the ROC only requires one lodgement and email is the preferred method. The email address to lodge the notifications is <a href="mailto:regorgs@roc.gov.au">regorgs@roc.gov.au</a> .	N/A
Copies of resignations	NO – proof of leaving office is only required for evidence in relation to casual vacancy election matters. Evidence is not required in relation to notifications of changes.	N/A
Does it need to be signed?	YES – the notification must accompany a declaration stating that the copy of records lodged is a	<ul style="list-style-type: none"> <li>Section 233(2) of the RO Act;</li> <li>Reg.150 of the RO Regs</li> </ul>

	correct statement of the changes made. The declaration must be signed by the Secretary or another current officer whose duties under the rules include lodging required information to the statutory body.	
<b>3. Elections and Notifications of change</b>		
a) If an officer resigns do organisations need to lodge the Prescribed Information for a casual vacancy election separately to the notification of changes?	YES – the notification process is completely separate to the election process. Notification of a vacant office does not cause an election process to automatically start. For information about lodging Prescribed Information for elections, see the <a href="#">Elections page</a> of the ROC website.	<ul style="list-style-type: none"> <li>• Section 233(2) of the RO Act;</li> </ul>
b) Do organisations need to advise the ROC about changes even when the ROC has been provided with the declaration of results for an election by the AEC?	YES – it is one of the statutory obligations of organisations to notify the ROC, in writing, of any changes to the records the organisation has lodged. The AEC declaration of results provides the names of office holders elected, but does not indicate whether this constitutes a change to the list of office holders that the organisation lodged with the annual return.	<ul style="list-style-type: none"> <li>• Section 233(2) of the RO Act;</li> <li>• Section 230(1)(c) of the RO Act</li> </ul>
c) If evidence of a vacancy has already been provided to the organisation for an election matter, is it still necessary to lodge a notification of the change?	YES – the notification of changes process and requirements are completely separate to those of the election process.	<ul style="list-style-type: none"> <li>• Section 233(2) of the RO Act;</li> </ul>



# Guidance Note

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## **Summary and Historical Context of the Legislative Provisions**

A brief explanation of the historical context surrounding the reporting obligation to notify changes is provided below. This information is intended to promote a better understanding of the reporting obligation, as well as an understanding of some of the purposes of the obligation.

As an overview, the statutory requirement for federally registered organisations to notify the relevant regulator of changes to records:

- appears to have been part of the relevant legislative scheme for over a century,
- has varied in terms of the time periods allowed for the changes to be notified to the relevant regulator,
- is an essential, fundamental and appropriate statutory obligation which provides transparency to members and the regulator.

## **Summary of the current provisions relevant to notifications of changes**

'RO Act' means *Fair Work (Registered Organisations) Act 2009*.

'RO Regs' means *Fair Work (Registered Organisations) Regulations 2009*.

Subsection 233(2) of the RO Act provides that:

An organisation must, within the prescribed period, lodge with the Commissioner notification of any change made to the records required to be kept under paragraphs 230(1)(b), (c) and (d), certified by declaration signed by the secretary or other prescribed officer of the organisation to be a correct statement of the changes made.

Civil penalty: 60 penalty units.

Subsections 230(1)(b), (c) and (d) of the RO Act provide that:

(1) An organisation must keep the following records:

- (b) a list of the offices in the organisation and each branch of the organisation;
- (c) a list of the names, postal addresses and occupations of the persons holding the offices;
- (d) such other records as are prescribed.

Regulation 147 of the RO Regs provides that:

For paragraph 230(1)(d) of the Act, the following records are prescribed in relation to an organisation:

- (a) a record of the name of each branch of the organisation;
- (b) a record of the name of each branch that commenced operation in the previous 12 months;
- (c) a record of the name of each branch that ceased operation in the previous 12 months;

- (d) a record of the address of:
  - (i) the office of the organisation; and
  - (ii) the office of each branch of the organisation;
- (e) a record of each election that must, under the rules of the organisation, be held during each year commencing 1 January:
  - (i) for an office in the organisation; and
  - (ii) for an office in a branch of the organisation;
- (f) a record of the number of members on 31 December in the previous year;
- (g) if the organisation has entered into an agreement mentioned in subsection 151(1) of the 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 section 150 of the Act.

Regulation 151 of the RO Regs provides that:

For subsection 233(2) of the Act, for the lodgment of notification of any change to the records, the period of 35 days, beginning on the day after the day when the change is made, is prescribed.

Section 5 of the RO Act provides that:

The standards set out in this Act:

- (a) ensure that employer and employee organisations registered under this Act are representative of and accountable to their members, and are able to operate effectively; and
- (b) encourage members to participate in the affairs of the organisations to which they belong; and
- (c) encourage the efficient management of organisations and high standards of accountability of organisations to their members; and
- (d) provide for the democratic functioning and control of organisations; and
- (e) facilitate the registration of a diverse range of employer and employee organisations.

### **Brief chronological history of the legislative provision**

1913 - The history of the provision for registered organisations to notify changes to relevant statutory body can be traced back to 1913. The *Conciliation and Arbitration Regulations 1913*, contained the 'Returns of Officers' provision at regulation 19, which required updates of lists of office holders to be provided within 14 days of any change.

1928 - The *Conciliation and Arbitration Regulations 1928* contained requirements relating to records at regulation 20 and this requirement bears similarity to the obligation set out in s 233(2) of the current RO Act. From 1928, the statutory requirement in accordance with regulation 23 was that changes to the records of registered organisations were to be filed with the relevant regulator within 14 days.

1989 - In 1989, the obligation on a registered organisation to notify the relevant regulator of changes to office holders was found in regulation 131, and notifications of changes were required to be lodged within 35 days. The requirement transitioned into the *Industrial Relations Act 1988* by virtue of section 268(4) taking effect in March 1989.

1988 - The *Industrial Relations Act 1988* was replaced by the *Workplace Relations Act 1996*.

2002 - The *Workplace Relations Amendment (Registration and Accountability of Organisations) Act 2002* placed the reporting obligations of registered organisations into a separate schedule. This amendment introduced Schedule 1B to the *Workplace Relations Act 1996*, which was the original RAO (*Registration and Accountability of Organisations*) Schedule. The RAO schedule included section 233 which is very similar to the provision in s.233(2) of the current RO Act.

2009 - The RAO schedule later became the *Fair Work (Registered Organisations) Act 2009*.



27 March 2017

Ms Donna Rygate  
Chief Executive  
Local Government and Shires Association of New South Wales  
lgsa@lgsa.org.au

Dear Ms Rygate,

**Annual Return of Information for 2017 [AR2017/77]**

I acknowledge receipt on 15 March 2017 of your Declaration providing information in accordance with subsection 233(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The documents lodged cover the required information for the 2017 Annual Return of Information of Local Government and Shires Association of New South Wales.

The documents have been filed and can be viewed on the Fair Work Commission website through the List of Registered Organisations - <http://www.fwc.gov.au/registered-organisations/find-registered-organisations>.

**Notifications of Change**

Any changes to these records must be notified to the Commission within 35 days of the change. A template Notification of Change Declaration is available on the [fact-sheets](#) page of our website. Local Government and Shires Association of New South Wales is encouraged to use this template if any changes occur.

Yours sincerely

Carolyn Moloney  
Regulatory Compliance Branch



**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, Keith Rhoades, being the President of the Local Government and Shires Association of New South Wales (the "organisation"), 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 8, 28 Margaret Street, Sydney, NSW, 2000.<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 125 ordinary members and 12 associate members.<sup>3</sup>
  - Under the rules of the organisation, the following elections must be held between 1 January and 31 December of 2017:<sup>4</sup>

President (1)

Vice President (Metropolitan/Urban) (1)

Vice President (Regional/Rural) (1)

Treasurer (1)

Committee member (Metropolitan/Urban) (7)

Committee member (Regional/Rural) (7)

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<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)

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

Signed: 

President KEITH RHOADES

Dated: 15/3/2017

*[PLEASE NOTE: This declaration must be lodged with 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 must be lodged with the Commission within 35 days of the change<sup>5</sup>.]*

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<sup>5</sup> s.233(2); reg. 151

## ANNEXURE A

- Offices and Office Holders in the Organisation [*insert as many pages as required*]:

Name of Office (include any offices that are vacant)	Name of Office Holder	Postal Address of Office Holder	Occupation of Office Holder
President	Keith Rhoades AFSM	Coffs Harbour City Council Locked Bag 155 COFFS HARBOUR NSW 2450	Councillor
Vice President (Metropolitan /Urban)	William (Bill) Pickering	Ryde City Council Locked Bag 2069 NORTH RYDE NSW 1670	Councillor
Vice President (Regional / Rural)	Lindsay Brown	Eurobodalla Shire Council PO Box 99 MORUYA NSW 2537	Councillor
Treasurer	Scott Bennison	Lane Cove Council PO Box 20 LANE COVE NSW 1595	Councillor
Committee member (Regional/Rural)	Alice Glachan	Albury City Council Po Box 323 ALBURY NSW 2640	Councillor
Committee member (Regional/Rural)	Rod Kendall	Wagga Wagga City Council PO Box 20 WAGGA NSW 2650	Councillor
Committee member (Metropolitan/Urban)	Christine Forster	City of Sydney GPO Box 1591 SYDNEY NSW 2001	Councillor
Committee member (Metropolitan/Urban)	Yvonne Keane	The Hills Shire Council PO Box 7064 BAULKHAM HILLS BC NSW 2153	Councillor
Committee member (Metropolitan/Urban)	Lesley Furneaux-Cook	Burwood Council PO Box 240 BURWOOD NSW 1805	Councillor
Committee member (Metropolitan/Urban)	Karen McKeown	Penrith City Council PO Box 60 PENRITH NSW 2751	Councillor
Committee member (Metropolitan/Urban)	Mazhar Hadid	Liverpool City Council Locked Bag 7064 LIVERPOOL BC NSW 2171	Councillor
Committee member (Regional/Rural)	Darriea Turley	Broken Hill City Council PO Box 448 BROKEN HILL NSW 2880	Councillor
Committee member (Metropolitan/Urban)	Linda Scott	City of Sydney GPO Box 1591 SYDNEY NSW 2001	Councillor

Committee member (Regional/Rural)	Michael Banasik	Wollondilly Shire Council PO Box 21 PICTON NSW 2571	Councillor
Committee member (Regional/Rural)	Ruth Fagan	Cowra Shire Council Private Bag 342 COWRA NSW 2794	Councillor
Committee member (Regional/Rural)	Phyllis Miller OAM	Forbes Shire Council PO Box 333 FORBES NSW 2871	Councillor
Committee member (Regional/Rural)	Denise Osborne	Greater Hume Shire Council PO Box 99 HOLBROOK NSW 2644	Councillor
Committee member (Metropolitan/Urban)	Ray Harty OAM	The Hills Shire Council PO Box 7064 BAULKHAM HILLS BC NSW 2153	Councillor



1 March 2017

Chief Executive  
Local Government and Shires Association of New South Wales  
lgsa@lgsa.org.au

Dear Chief Executive,

**Local Government and Shires Association of New South Wales  
Annual Return of Information for 2017 [AR2017/77]**

I refer to our letter of January 2017 reminding you of the obligation to lodge an Annual Return of Information for 2017 by 31 March 2017. 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 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 Commission) or the Registered Organisation Commission (the ROC) by the 31 March 2017.

It is not yet known when the ROC will be established. We strongly encourage you to lodge the Annual Return of Information with the Fair Work Commission as soon as possible to avoid any potential administrative delays which may be caused by new email and postal addresses and contact phone numbers with the newly created ROC.

**Where to lodge your Annual Return of information**

	<b>Before the ROC is established</b>	<b>From establishment of the ROC</b>
<b>Where to lodge</b>	Lodge your Annual Return of information with the Fair Work Commission	Lodge your Annual Return of information with the ROC
<b>How to lodge</b>	The easiest way to lodge your Annual Return of information is via email: <a href="mailto:orgs@fwc.gov.au">orgs@fwc.gov.au</a>	Lodgement methods are not yet known
<b>Recommendation</b>	Lodge with the Fair Work Commission as soon as possible to avoid potential delays	

**What must be lodged?**

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

If you require further information about an Annual Return you can refer to the ['Annual Information Requirements'](#) page on our website and, in particular, our Webinar slides.

11 Exhibition Street  
Melbourne VIC 3000  
GPO Box 1994  
Melbourne VIC 3001

Telephone: (03) 8661 7777  
Email : [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)  
Internet : [www.fwc.gov.au](http://www.fwc.gov.au)

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.

We encourage you to lodge all returns electronically (e.g. as a pdf file) 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 \$54,000 for a body corporate and \$10,800 for an individual per contravention), under s.305 of the RO Act. Finally, 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).

Please do not hesitate to contact the Commission by phone on (03) 8661 7777 or by e-mail at [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au) if you wish to discuss the requirements outlined in this correspondence.

Yours sincerely,

Christine Hibberd  
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) <i>[s.233(1)(a)]</i> <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) <i>[s.230(1)(b)]</i>
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) <i>[s.230(1)(c)]</i>
List of Branches	A record of the name of each branch of the organisation <i>[s.230(1)(d) and r.147(a)]</i>
New Branches	A record of the name of each branch that commenced operation in the previous 12 months <i>[s.230(1)(d) and r.147(b)]</i>
Old Branches	A record of the name of each branch that ceased operation in the previous 12 months <i>[s.230(1)(d) and r.147(c)]</i>
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 <i>[s.230(1)(d) and r.147(d)]</i>
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 . <i>[s.230(1)(d) and r.147(e)]</i> <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. <i>[s.230(1)(d) and rr.147(f) and (g)]</i>

### 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*].





20 January 2017

Chief Executive  
Local Government and Shires Association of New South Wales

By email: [lgsa@lgsa.org.au](mailto:lgsa@lgsa.org.au)

Dear Chief Executive,

**Local Government and Shires Association of New South Wales  
Annual Return of Information for 2017 [AR2017/77]**

This is a courtesy letter to remind you of the obligation to lodge an Annual Return of Information for 2017 in respect of the Local Government and Shires Association of New South Wales by **31 March 2017**. However, for the reasons explained below, we strongly recommend that organisations lodge the Annual Return of information **as soon as possible**.

**The new Registered Organisations Commission**

The Registered Organisations Commission (the ROC) will be created in 2017.

Annual Returns of Information must be lodged with the Fair Work Commission until the ROC is established. Once the ROC is established, Annual Returns of information must be lodged with the ROC.

It is not yet known when the ROC will be established. We strongly encourage you to lodge the Annual Return of Information with the Fair Work Commission **as soon as possible** to avoid any potential administrative delays which may be caused by new email and postal addresses and contact phone numbers with the newly created ROC.

The Fair Work Commission will be providing information on the transition to the ROC through its subscription service and its website. For details about the subscription service, go to [Subscriptions](#) and subscribe to the Registered organisations information service.

**Where to lodge your Annual Return of information**

	<b>Before the ROC is established</b>	<b>From establishment of the ROC</b>
<b>Where to lodge</b>	Lodge your Annual Return of information with the Fair Work Commission	Lodge your Annual Return of information with the ROC
<b>How to lodge</b>	The easiest way to lodge your Annual Return of information is via email: <a href="mailto:orgs@fwc.gov.au">orgs@fwc.gov.au</a>	Lodgement methods are not yet known
<b>Recommendation</b>	Lodge with the Fair Work Commission as soon as possible to avoid potential delays	

**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 Fair Work 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 Fair Work Commission (or the ROC when it is established) 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 \$54,000 for a body corporate and \$10,800 for an individual per contravention), under s.305 of the RO Act.

Please do not hesitate to contact the Commission by phone on (03) 8661 7777 or by e-mail at [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au) if you wish to discuss the requirements outlined in this correspondence.

Yours sincerely,



Marianne Kay  
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 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].