



6 November 2017

Mr Brian Seidler

Executive Director

The Master Builders' Association of New South Wales

Email: executive@mbansw.asn.au

Dear Mr Seidler,

Notification of changes made to records [AR2017/47]

I acknowledge receipt of a Notification of Change to the office holders of The Master Builders' 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 |
|-------------------|------------------|------------|---|
| 18 October 2017 | -central office- | Councillor | Yes |

Late notifications

Please note that 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.

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, the details of which 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 must 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

From: MBA Executive <executive@mbansw.asn.au>
Sent: Wednesday, 18 October 2017 12:25 PM
To: ROC - Registered Org Commission
Cc: Brian Seidler
Subject: AR2017/47 MASTER BUILDERS ASSOCIATION OF NSW (MBA/NSW) – CHANGE OF OFFICE HOLDERS
Attachments: Letter ROC Change of Office Holders 181017.pdf; Declaration 181017.pdf
Importance: High

Dear Sir/Madam,

In accordance with sub-section 233 (2) of the RO Act, please find attached Declaration advising of changes to a position of office holder for the Master Builders Association of NSW.

Thank you.

Regards,

Amanda de Vries
Executive Assistant

Master Builders Association of NSW

Street Address
52 Parramatta Road
Forest Lodge NSW 2037

Postal Address
Private Bag 9
Broadway NSW 2007

T: 02 8586 3507
F: 02 9660 3700

adevries@mbansw.asn.au
www.mbansw.asn.au



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**Master
Builders
Association**
New South Wales

Wednesday, 18 October 2017

Registered Organisations Commission
GPO Box 2983
MELBOURNE VIC 3001

By email: regorgs@roc.gov.au

Dear Sir/Madam,

**RE: MASTER BUILDERS ASSOCIATION OF NSW (MBA/NSW) – CHANGE OF
OFFICE HOLDERS**

In accordance with sub-section 233 (2) of the RO Act, please find attached Declaration advising of changes to a position of office holder for the Master Builders Association of NSW.

Please do not hesitate to contact the undersigned on (02) 8586-3503 or via email at executive@mbansw.asn.au should you have any enquiries.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Brian Seidler".

Brian Seidler
EXECUTIVE DIRECTOR

Attach.

13 October 2017

DECLARATION

I, Ross Mitchell of 52 Parramatta Road, Forest Lodge, NSW 2037 in the State of New South Wales, President of the Master Builders Association of NSW, do solemnly and sincerely declare as follows:

1. Due to the resignation of an Office Holder (Councillor) of the Master Builders Association of NSW a casual vacancy occurred.
2. The vacancy was effective from on 5 October 2017.
3. The vacating Office Holder (Councillor) details are :

John Dela Cruz
Small Builders Pty Ltd
52 Parramatta Road
FOREST LODGE NSW 2037
Mob: [REDACTED]
Email: john.delacruz@contractsspecialist.com.au
Building Contractor

And I make this solemn declaration conscientiously believing the same to be true.

Declared at

This 18th day of October, 2017

Two thousand and Seventeen

before me

~~Ross Mitchell~~
~~President~~
~~Master Builders Association of NSW~~

Justice of the Peace/~~Solicitor~~

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

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



Australian Government
Registered Organisations Commission

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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.

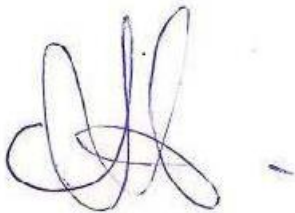
As one part of a strategy to assist organisations to increase voluntary compliance with the s.233(2) obligation, the ROC has recently produced some new educational guides which are **enclosed**:

- 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.

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'CE', with a small horizontal line to the right.

Chris Enright
Executive Director
Registered Organisations Commission



Fact sheet

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> * RO Act = Fair Work (Registered Organisations) Act 2009; * RO Regs = Fair Work (Registered Organisations) Regulations 2009). |
|---|---|---|
| 1. Do organisations need to lodge a notification of changes <i>IF</i>: | | |
| a) An elected office holder resigned but the term of office was almost over | YES – 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"> • Section 233(2) of the RO Act; • Section 230(1)(b) of the RO Act; • Reg.151 of the RO Regs |
| b) A person leaves an office but the person replacing them will not commence for a few weeks | YES – 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"> • Section 233(2) of the RO Act; • Reg.151 of the RO Regs |
| c) An elected national office holder relocated to a different state | YES – any change to the address of an office holder must be notified within 35 days of the change | <ul style="list-style-type: none"> • Section 233(2) of the RO Act; • Section 230(1)(c) of the RO Act; • Reg.151 of the RO Regs |
| d) A branch relocated to different premises | YES – 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"> • Section 233(2) of the RO Act; • Section 230(1)(d) of the RO Act; • Reg.147(d)(ii) of the RO Regs; • Reg.151 of the RO Regs |
| e) 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 regorgs@roc.gov.au to advise changes to telephone and email addresses. | N/A |
| f) A Branch office changed its' telephone number or | Not required under the legislation – however, it is beneficial to keep | N/A |

| | | | |
|--|--|--|---|
| | 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 regorgs@roc.gov.au to advise changes to telephone and email addresses. | |
| | g) 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 | YES – 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"> • Section 233(2) of the RO Act; • Section 230(1)(c) of the RO Act; • Reg.151 of the RO Regs |
| | h) An entire branch is abolished | YES - 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"> • Section 233(2) of the RO Act; • Sections 230(1)(b), (c) and (d) of the RO Act; • Regs.147(a), (c) and (e)(ii) of the RO Regs; • Reg.151 of the RO Regs |
| | i) 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 | NO – only changes need to be notified to the ROC | N/A |
| | j) A person is re-elected, but to a different office | YES – 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"> • Section 233(2) of the RO Act; • Section 230(1)(c) of the RO Act; • Reg.151 of the RO Regs |
| | k) A Committee of Management Member resigned, but they are not the President, Secretary, Assistant Secretary or Treasurer | YES – 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"> • Section 233(2) of the RO Act; • Section 9 of the RO Act; • Reg.151 of the RO Regs |
| | l) A person resigned but it won't take effect for three months | NOT YET – 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"> • Section 233(2) of the RO Act; • Reg.151 of the RO Regs |
| | m) A person has been elected but they won't take office until a set date in the future | NOT YET – 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"> • Section 233(2) of the RO Act; • Reg.151 of the RO Regs |
| | | | |
| | 2. What needs to be included in the notification? | A notification of change needs to include relevant details of the change. In relation to a change of | <ul style="list-style-type: none"> • Section 233(2) of the RO Act; • Section 230(1)(c) of the RO Act; • Reg.147 of the RO Regs |

| | | |
|---|--|---|
| | 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 Notification of Changes template , which is available on the Notification of Changes page 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"> Section 233(2) of the RO Act |
| Officers' names | YES | <ul style="list-style-type: none"> Section 233(2) of the RO Act; Section 230(1)(c) of the RO Act |
| Officers' occupation titles | YES | <ul style="list-style-type: none"> Section 233(2) of the RO Act; Section 230(1)(c) of the RO Act |
| 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"> Section 233(2) of the RO Act; Section 230(1)(c) of the RO Act |
| <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"> Section 233(2) of the RO Act; Section 230(1)(c) of the RO Act; Section 9 of the RO Act; |
| 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 regorgs@roc.gov.au . | 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"> Section 233(2) of the RO Act; Reg.150 of the RO Regs |

| | | | |
|----|---|---|--|
| | | 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. | |
| | | | |
| | 3. Elections and Notifications of change | | |
| 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 Elections page of the ROC website. | <ul style="list-style-type: none"> • Section 233(2) of the RO Act; |
| 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"> • Section 233(2) of the RO Act; • Section 230(1)(c) of the RO Act |
| 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"> • Section 233(2) of the RO Act; |



Guidance Note

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*.



16 May 2017

Mr Brian Seidler
Executive Director
Master Builders' Association of New South Wales

By email: executive@mbansw.asn.au

Dear Mr Seidler,

Annual Return of Information for [AR2017/47]

I acknowledge receipt on 11 May 2017 of the President's Declaration providing information in accordance with subsection 233(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The documents have been filed.

Yours sincerely

A handwritten signature in black ink that reads 'Stephen Kellett'. The signature is fluid and includes a long horizontal stroke extending to the right.

Stephen Kellett
Senior Adviser
Financial Reporting
Registered Organisations Commission

From: KELLETT,Stephen
Sent: Tuesday, 16 May 2017 6:04 PM
To: 'executive@mbansw.asn.au'
Subject: Attention Mr Brian Seidler - annual return of information - amended declaration - filing
[SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Seidler,

Please see attached my letter in relation to the above.

Yours faithfully

STEPHEN KELLETT
Senior Adviser
Financial Reporting
Registered Organisations Commission

Tel: (02) 6746 3283
Email: stephen.kellett@roc.gov.au

Level 13, 175 Liverpool Street, Sydney NSW 2000

www.roc.gov.au



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letter (final).pdf

From: MBA Executive
Sent: Thursday, 11 May 2017 11:20 AM
To: 'KELLETT, Stephen' <Stephen.KELLETT@fwc.gov.au>
Cc: 'Brian Seidler' (bseidler@mbansw.asn.au)' <bseidler@mbansw.asn.au>
Subject: RE: AMENDED - THE MASTER BUILDERS ASSOCIATION OF NEW SOUTH WALES ANNUAL RETURN OF INFORMATION FOR 2017 REFERENCE: AR2017/47
Importance: High

Dear Mr Kellett,

Please find attached, **AMENDED - THE MASTER BUILDERS ASSOCIATION OF NEW SOUTH WALES ANNUAL RETURN OF INFORMATION FOR 2017, REFERENCE: AR2017/47.**

Thank you for your assistance with this matter.

Regards,

Amanda de Vries
Executive Assistant

Master Builders Association of NSW

Street Address
52 Parramatta Road
Forest Lodge NSW 2037

Postal Address
Private Bag 9
Broadway NSW 2007

T: 02 8586 3507
F: 02 9660 3700

adevries@mbansw.asn.au
www.mbansw.asn.au



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FWC 110517.pdf



**Master
Builders
Association**
New South Wales

11 May 2017

Mr Stephen Kellett
Senior Adviser
Regulatory Compliance Branch
Fair Work Commission
Level 10, Terrace Tower
80 William Street
EAST SYDNEY NSW 2011

By email: orgs@fwc.gov.au

Dear Mr Kellet,

**RE: AMENDED - THE MASTER BUILDERS ASSOCIATION OF NEW SOUTH
WALES ANNUAL RETURN OF INFORMATION FOR 2017
REFERENCE: AR2017/47**

In response to your correspondence dated 24 April 2017, please find attached Declaration for The Statutory Annual Return of Information for 2017 for the Master Builders Association of New South Wales.

Please do not hesitate to contact the undersigned on (02) 8586-3503 or via email executive@mbansw.asn.au, should you have any enquiries.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Brian Seidler".

Brian Seidler
EXECUTIVE DIRECTOR

Attach.

3 May 2017

DECLARATION

I, Ross Mitchell of 52 Parramatta Road, Forest Lodge, NSW 2037 in the State of New South Wales, President of the Master Builders Association of NSW, do solemnly and sincerely declare as follows:

1. The registered address of the Master Builders Association of NSW is 52 Parramatta Road, Forest Lodge, NSW, 2037.
2. A register of members of the Master Builders Association of NSW showing the name and postal address of such members is kept by the Association through an IMIS database entry system. Such register of members is updated regularly and in accordance with the requirements of the Regulations of the Fair Work (Registered Organisations) Act 2009.
3. The list of office-holders of the Association is as follows :

Mr Ross Mitchell
President
Ross Mitchell & Associates Pty Ltd
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Specialist Contractor

Mr Martin Patience
Deputy President
Richard Crookes Construction
P O Box 1024
CROWS NEST NSW 2065
Tel: 02 9902 4462
Fax:
Building Contractor

Mr Simon Pilcher
Vice President
C E Pilcher & Sons
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Mobile: 0412 616 617
Building Contractor

Mr Chris Calderbank Park
Vice President
Calderbank-Park Constructions
P O Box 286
FIGTREE NSW 2525
Tel: 02-4229-1548
Fax: 02-4229-1548
Mobile: 0419-483-970
Building Contractor

Mr Mike O'Donnell
Vice President
M K O Constructions
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Building Contractor

Mr Mick Banks
Vice President
Banksia Building Pty Ltd
12 Ralston Drive
ORANGE NSW 2800
Tel: 02 6369 0332
Fax: 02 6363 1248
Building Contractor

North Coast & Tweed Regional Group

Mr Peter Leotta

GJ Gardner Homes

135-137 Minjungbal Drive

TWEED HEADS SOUTH NSW 2486

Building Contractor

Mr Ian Anderson

PO Box 69

CABARITA BEACH NSW 2488

Building Contractor

Murrumbidgee Irrigation Area, Murray, Riverina and Shoalhaven Regional Group

Mr Rob Bevear

Accord Building & Design Pty Ltd

PO Box 302

MILTON NSW 2538

Building Contractor

Central Coast and Hunter Regional Group

Robert Bech

[REDACTED]

[REDACTED]

Building Contractor

Brad Garrard

[REDACTED]

[REDACTED]

Building Contractor

Eastern Suburbs, St George, Canterbury/Bankstown, and Cronulla/Sutherland Regional Group

Mr Anthony Clark

A D Clark & Co

[REDACTED]

[REDACTED]

Building Contractor

John Dela Cruz

Small Builders Pty Ltd

52 Parramatta Road

FOREST LODGE NSW 2037

Building Contractor

Parramatta/Hume, Central Cumberland, Western Suburbs, and Blue Mountains Regional Group

John Biazzo

State Developments (NSW) Pty

Ltd

PO BOX 3304

WAREEMBA NSW 2046

Building Contractor

Louis Stanton

G&P Stanton Pty Ltd

PO BOX 466

ROUND CORNER NSW 2158

Building Contractor

Manly Warringah and Northern Suburbs Regional Group

Mr Bill Taylor

Build & Civil Pty Ltd

P O Box 708

WILLOUGHBY NSW 2068

Building Contractor

Mr John O'Neill

O'Neill Construction

PO Box 309

NARRABEEN NSW 2101

Building Contractor

Central West and Orana Regional Group

Mr Dave Dillon
D J & L M Dillon
PO Box 8423
ORANGE NSW 2800
Building Contractor

Illawarra and Southern Highlands Regional Group

Colin Jewell
Jewell Builders Pty Ltd
[REDACTED]
[REDACTED]

Building Contractor

General Contracting Sector Group

Mr Robert Black
Hi-Pac Constructions Pty Ltd
PO Box 87
TURRAMURRA NSW 2074
Building Contractor

Mr Gordon Leggett
Immediate Past President
Maincorp Construction Group Pty Ltd
P O Box 476
FRENCHS FOREST NSW 1640
Building Contractor

Specialist Contractors Sector Group

Mr John Laby
Laby Building
[REDACTED]
[REDACTED]
Building Contractor

Mr Dan Murphy
Fugen Holdings Pty Ltd
P O Box 730
BOTANY NSW 1455
Building Contractor

Housing Sector Group

Warwick Jones
Baybridge Building Pty Ltd
PO Box 1479
BAULKHAM HILLS NSW
1755
Building Contractor

Mr Anthony Larter
ANL Constructions
[REDACTED]
[REDACTED]
Building Contractor

Services Sector Group

Mr John Worthington
John Worthington & Associates
Pty Ltd
PO Box 2631
CARLINGFORD COURT
NSW 2118
Building Contractor

Mr Ross Finnie
Trew Enterprises Pty Ltd
PO BOX 3058
NORTH TURRAMURRA NSW
2074
Building Contractor

4. The Association holds elections bi-annually (in October/November) in accordance with the Rules of the Organisation. The next annual election shall commence in October 2017, the last election being declared by the Australian Electoral Commission (AEC) in Election E No. 2015/143.

5. As at 31 December 2016 the Master Builders Association of NSW membership stood at 7,744.
6. That the copy of records lodged is a correct statement of the information contained in those records, as required by S 233 (1) (b) of the Fair (Registered Organisations) Act, 2009.

And I make this solemn declaration conscientiously believing the same to be true.

Declared at Strathfield South)

This 10th day of May, 2017)

Two thousand and Seventeen)

before me)



Justice of the Peace/Solicitor

120729

.....
Ross Mitchell

President

Master Builders Association of NSW



13 February 2017

Mr Brian Seidler
Executive Director
Master Builders' Association of New South Wales

By email executive@mbansw.asn.au

Dear Mr Seidler,

Annual Return of Information for [AR2017/47]

I refer to the Declaration providing information in accordance with subsection 233(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act), which was lodged on 6 February 2017.

I have not filed the document. I have identified the following issues which I would ask the organisation to address.

Notification of Changes

The list of office-holders includes Mr Mick Banks, Vice-President, who appears to have replaced Mr Jeffrey Cork who was declared elected Vice-President on 14 October 2015 in election E2015/143 and who was listed as such in the previous Annual return AR2016/139. There is no record of any receipt of notification of the change to the records in accordance with sub-section 233(2) of the RO Act which states that any changes to these records must be notified to the Commission within 35 days of the change. The requirement of sub-section 233(2) is separate from the requirement of sub-section 233(1), and I should remind the organisation that section 233 is a civil penalty provision. Under the circumstances I would ask the organisation to lodge a notification of change verifying the date and details of the change using the attached pro-forma, with an explanation for the omission of notification within the prescribed period.

List of Offices

The list of offices does not include the office of Councillor held by those Regional or Sector representatives elected to the Council of Management as defined by rule 14.2.¹ The meaning of "offices" in sub-section 230(1)(b) includes all offices falling within the definition of "office" in section 9 of the RO Act. All the members of the Council of Management are therefore holders of office, and not simply the Executive Officers.²

My review of the records of Annual returns from 2003 to 2016 shows that this omission does not appear to have previously been identified or drawn to the organisation's attention. Under the circumstances, I would ask the organisation to lodge an amended declaration that includes the office of (ordinary) Councillor and the prescribed details of the persons holding that office.

¹ "14.2 The Council of Management shall consist of a number of members (who shall be known as Councillors) and who shall comprise the President, Deputy President and 4 Vice-Presidents plus 2 representatives elected by each of the Regional and Sector Groups..."

² "18.1 Executive Officers: The Executive Officers of the Association shall be the President, the Deputy President and Vice-Presidents"

Please don't hesitate to contact me if you have any questions in relation to the above.

Yours sincerely

A handwritten signature in black ink, reading "Stephen Kellett". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Stephen Kellett
Senior Adviser
Regulatory Compliance Branch

From: KELLETT, Stephen
Sent: Monday, 13 February 2017 8:07 AM
To: 'executive@mbansw.asn.au'
Subject: Attention Mr Brian Seidler - annual return - s233(1) - additional information required

Dear Ms de Vries,

Please see attached my letter to Mr Seidler in relation to the above.

Yours faithfully

STEPHEN KELLETT
Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283
(mob.) 0429 462 979
(email) stephen.kellett@fwc.gov



MBANSW AR2017
47 (information requi

From: MBA Executive [<mailto:executive@mbansw.asn.au>]
Sent: Monday, 6 February 2017 9:54 AM
To: Orgs
Cc: Brian Seidler
Subject: MM - ON CMS - AR2017/47 - MBA/NSW ANNUAL RETURN OF INFORMATION FOR 2017
REFERENCE: AR2017/47
Importance: High

Dear Sir/Madam,

**RE: THE MASTER BUILDERS ASSOCIATION OF NEW SOUTH WALES
ANNUAL RETURN OF INFORMATION FOR 2017
REFERENCE: AR2017/47**

Please find attached Declaration for The Statutory Annual Return of Information for 2017 for the Master Builders Association of New South Wales.

Thank you.

Regards,

Amanda de Vries
Executive Assistant

Master Builders Association of NSW

Street Address
52 Parramatta Road
Forest Lodge NSW 2037

Postal Address
Private Bag 9
Broadway NSW 2007

T: 02 8586 3507
F: 02 9660 3700

executive@mbansw.asn.au
www.mbansw.asn.au



Please think of the environment before printing this email



Declaration
060217.pdf



letter to FWA
060217.pdf



**Master
Builders
Association**
New South Wales

6 February 2017

Fair Work Commission
Regulatory Compliance Branch
GPO Box 1994
MELBOURNE VIC 3001

By email: orgs@fwc.gov.au

Dear Sir/Madam,

**RE: THE MASTER BUILDERS ASSOCIATION OF NEW SOUTH WALES
ANNUAL RETURN OF INFORMATION FOR 2017
REFERENCE: AR2017/47**

Please find attached Declaration for The Statutory Annual Return of Information for 2017 for the Master Builders Association of New South Wales.

Please do not hesitate to contact the undersigned on (02) 8586-3503 or via email executive@mbansw.asn.au, should you have any enquiries.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Brian Seidler".

Brian Seidler
EXECUTIVE DIRECTOR

Attach.

25 January 2017

DECLARATION

I, Ross Mitchell of 52 Parramatta Road, Forest Lodge, NSW 2037 in the State of New South Wales, President of the Master Builders Association of NSW, do solemnly and sincerely declare as follows:

1. The registered address of the Master Builders Association of NSW is 52 Parramatta Road, Forest Lodge, NSW, 2037.
2. A register of members of the Master Builders Association of NSW showing the name and postal address of such members is kept by the Association through an IMIS database entry system. Such register of members is updated regularly and in accordance with the requirements of the Regulations of the Fair Work (Registered Organisations) Act 2009.
3. The list of office-holders of the Association is as follows :

Mr Ross Mitchell
President
Ross Mitchell & Associates Pty Ltd
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Specialist Contractor

Mr Martin Patience
Deputy President
Richard Crookes Construction
P O Box 1024
CROWS NEST NSW 2065
Tel: 02 9902 4462
Fax:
Building Contractor

Mr Simon Pilcher
Vice President
C E Pilcher & Sons
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Mobile: 0412 616 617
Building Contractor

Mr Chris Calderbank Park
Vice President
Calderbank-Park Constructions
P O Box 286
FIGTREE NSW 2525
Tel: 02-4229-1548
Fax: 02-4229-1548
Mobile: 0419-483-970
Building Contractor

Mr Mike O'Donnell
Vice President
M K O Constructions
[REDACTED]
[REDACTED]
Tel: 02 9894 9818
Fax: 02 9894 9585
Building Contractor

Mr Mick Banks
Vice President
Banksia Building Pty Ltd
12 Ralston Drive
ORANGE NSW 2800
Tel: 02 6369 0332
Fax: 02 6363 1248
Building Contractor

- And I make this solemn declaration conscientiously believing the same to be true.

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Ross Mitchell
President
Master Builders Association of NSW



20 January 2017

Executive Director
Master Builders' Association of New South Wales

By email: executive@mbansw.asn.au

Dear Executive Director,

**Master Builders' Association of New South Wales
Annual Return of Information for 2017 [AR2017/47]**

This is a courtesy letter to remind you of the obligation to lodge an Annual Return of Information for 2017 in respect of the Master Builders' 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

| | Before the ROC is established | From establishment of the ROC |
|-----------------------|---|--|
| Where to lodge | Lodge your Annual Return of information with the Fair Work Commission | Lodge your Annual Return of information with the ROC |
| How to lodge | The easiest way to lodge your Annual Return of information is via email: orgs@fwc.gov.au | Lodgement methods are not yet known |
| Recommendation | 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 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)] Note: In maintaining the register of members, your attention is drawn to s.171A of the RO Act that outlines the circumstances where membership ceases to exist. |
| List of Offices | A list of the offices in the organisation and each branch (note the definition of office and officer in ss.6 and 9) [s.230(1)(b)] |
| List of Office holders | A list of the names, postal addresses and occupations of the persons holding the offices (note the definition of office and officer in ss.6 and 9) [s.230(1)(c)] |
| List of Branches | A record of the name of each branch of the organisation [s.230(1)(d) and r.147(a)] |
| New Branches | A record of the name of each branch that commenced operation in the previous 12 months [s.230(1)(d) and r.147(b)] |
| Old Branches | A record of the name of each branch that ceased operation in the previous 12 months [s.230(1)(d) and r.147(c)] |
| Addresses of Organisation and Branches | A record of the address of the office of the organisation and the address of the office of each branch [s.230(1)(d) and r.147(d)] |
| Elections in Organisation and Branches | A record of each election that must, under the rules of the organisation, be held during the year commencing 1 January of the year in which the return is lodged, for any offices in the organisation and branches of the organisation . [s.230(1)(d) and r.147(e)] Note: this provision does not relieve an organisation or branch from the separate requirement to lodge prescribed information prior to each election, as required by s.189 of the RO Act |
| Statement concerning number of members | A record of the number of members on 31 December in the previous year; and If the organisation has entered into an agreement relating to members of State unions under s.151(1) of the RO Act,- a record of the number of members of the organisation who were (on 31 December in the previous year) ineligible State members in relation to the organisation within the meaning of s.150 of the RO Act. [s.230(1)(d) and rr.147(f) and (g)] |

Obligation to notify of changes within 35 days

If there are any changes during the year to the offices, officeholders, branches (where relevant) or the address of the organisation and/or its branches an organisation must, within 35 days of the change, lodge with the Commission, a notification of such changes certified by declaration signed by the secretary or other prescribed officer of the organisation to be a correct statement of the changes made [RO Act s.233(2) and RO Regulations r.151 refer].