

16 April 2015



Mr Dick Guit
President

cc:

Mr Jeff Colver
General Manager Operations
Master Builders Association of the Northern Territory trading as Master
Builders Northern Territory
gmo@mbant.com.au

Dear Mr Guit

**Master Builders Association of the Northern Territory trading as Master Builders Northern Territory
Annual Return of Information for 2009 [AR2009/294]**

I acknowledge receipt of your Declaration providing information in accordance with section 233(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) (the annual return).

However the annual return was not lodged with the Fair Work Commission until 2 April 2015. As previously advised, section 233 of the RO Act requires an organisation to lodge an annual return of information by 31 March in each year upon the conclusion of the prior calendar year.

The documents lodged on 2 April 2015 otherwise cover the required information for the 2009 annual return of the Master Builders Association of the Northern Territory trading as Master Builders Northern Territory and can be viewed on the Fair Work Commission website through the List of Registered Organisations - <http://www.fwc.gov.au/index.cfm?pagename=regorgslist>

Yours sincerely



Nick Salzberg
Regulatory Compliance Branch
Fair Work Commission

Obligation to lodge Annual Return of Information by 31 March

For full details see ss.230-233 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act), and rr.147-151 of the *Fair Work (Registered Organisations) Regulations 2009* (the RO Regulations).

A copy of each of the following records must be lodged with the Fair Work Commission (the Commission) between 1 January and 31 March each year. They must be certified by a declaration stating that it is a correct statement of the information contained in that record, signed by the Secretary or such other elected official who is required under the rules, or by resolution of the organisation, to keep the relevant records (**other prescribed officer** see r.150 of the RO Regulations).

Failure to comply with these obligations is subject to a civil penalty provision – see s.305 of the RO Act.

Requirement	Details of requirement
Maintenance of Register of Members	A declaration by the Secretary or other prescribed officer certifying that the register of members has, during the immediately preceding calendar year, been kept and maintained as required by ss.230(1)(a) and (2) [s.233(1)(a)] Note: In maintaining the register of members, your attention is drawn to s.171A of the RO Act that outlines the circumstances where membership ceases to exist.
List of Offices	A list of the offices in the organisation and each branch (note the definition of office and officer in ss.6 and 9) [s.230(1)(b)]
List of Office holders	A list of the names, postal addresses and occupations of the persons holding the offices (note the definition of office and officer in ss.6 and 9) [s.230(1)(c)]
List of Branches	A record of the name of each branch of the organisation [s.230(1)(d) and r. 147(a)]
New Branches	A record of the name of each branch that commenced operation in the previous 12 months [s.230(1)(d) and r. 147(b)]
Old Branches	A record of the name of each branch that ceased operation in the previous 12 months [s.230(1)(d) and r. 147(c)]
Addresses of Organisation and Branches	A record of the address of the office of the organisation and the address of the office of each branch [s.230(1)(d) and r. 147(d)]
Elections in Organisation and Branches	A record of each election that must, under the rules of the organisation, be held during the year commencing 1 January of the year in which the return is lodged, for any offices in the organisation and branches of the organisation . [s.230(1)(d) and r. 147(e)] Note: this provision does not relieve an organisation or branch from the separate requirement to lodge prescribed information prior to each election, as required by s.189 of the RO Act
Statement concerning number of members	A record of the number of members on 31 December in the previous year; and If the organisation has entered into an agreement relating to members of State unions under s.151(1) of the RO Act,- a record of the number of members of the organisation who were (on 31 December in the previous year) ineligible State members in relation to the organisation within the meaning of s.150 of the RO Act. [s.230(1)(d) and rr.147(f) and (g)]

Obligation to notify changes to the records within 35 days

If there are any changes during the year to the list of offices, list of officeholders, list of branches (where relevant) and the address of the organisation and/or its branches an organisation must, within 35 days of the change, lodge 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].



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30 March 2015

Fair Work Australia
Annual Return of Information for 2008/2009
GPO Box 1994
Melbourne Vic 3001

email to: - orgs@fwa.gov.au

Dear Sir/Madam

I have pleasure in presenting a copy of various records maintained by the Territory Construction Association for the 2009 reporting period.

This range of detail is provided pursuant to ss230-233 of the *Fair Work (Registered Organisations) Regulations 2009*.

The Regulations require that certain declaration(s) are required to be made by an elected official of the Association. I have attached a sworn statement drawn up pursuant to the Northern Territory of Australia *Oaths Act* by the current President of the Association Mr Dick Martin Guit of PO Box 39062 Winnellie NT 0821 and witnessed.

It would be appreciated if you could examine these documents in due course and advise on any residual action/information required under the Act. It should be noted that this information was due to have been provided in March 2009 when the organisation was known by the name Territory Construction Association, however the Letterhead of the Organisation of that day is no longer retrievable.

Yours faithfully

Jeff Colver
General Manager Operations



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ANNEXURE 1

THE NORTHERN TERRITORY OF AUSTRALIA OATHS ACT STATUTORY DECLARATION

I, Dick Martin Guit in my capacity as President of the Master Builders Association of the Northern Territory Incorporated Trading as Master Builders Northern Territory do solemnly and sincerely declare:-

That the information as deposited in this annexure in relation to Information requirements one (1) through to nine (9) inclusive for the year ended 31 December 2008 applies to the formerly registered business name of Territory Construction Association Incorporated and:-

- i) have been extracted from the records of the Association for which I am responsible;

and;


- ii) are to the best of my knowledge correct accounts of the facts contained in the Association records

And I make this solemn declaration by virtue of the *Oaths Act* and conscientiously believing the statements contained in this declaration to be true in every particular.

Declared at Winnellie NT the _____ day of March 2015

Person making the declaration.....

Dick Martin Guit

Signature of witness.....

Witness' contact address and phone



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Requirement

Detail of Requirement

1. 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 ss230(1)(a) and (2) {s233(1)(a)}

I certify that the register of members has, during the immediately preceding calendar year, been kept and maintained as required by ss 230(1)(a) and 230(2).

Requirement

Detail of Requirement

2. List of Offices in the organisation

A list of the offices in the organisation and each branch

I advise that the Constitution of the Territory Construction Association provides for three (3) honorary office bearers namely President and two (2) Vice Presidents. They are elected annually, hold office for one (1) year and are eligible for re-election.

Further there are additional positions held which are not classified as office bearers by the strict interpretation of the Constitution that I believe need to be reported on in the spirit of the information provision process.

The position of Treasurer was a non-elected position which is allocated constitutionally to the organisation's CEO. Under the modern Rules the position of Treasurer is that of an Office-Bearer and is an elected position from amongst the Executive Committee of the organisation.

The management of the Association is vested in a twenty member Council. The Council consists of two members each from the following sectors:-

- General Contracting Sector
- Housing Sector
- Civil/Engineering Sector
- Supply/Manufacturing Sector
- Specialist Contracting Sector;



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who are elected by members of each of the above sectors from members of that sector and nominated from within that sector

In addition ten general councilors are elected by members of the Association from nominations received from all members.

The "office bearers" of President and Two Vice Presidents were selected from these two groups of Councilors in 2008/2009. Under the modern Master Builders Association of the NT Rules there is a President, Vice President, Treasurer and three Executive Members.

Requirement	Detail of Requirement
3. List of Office Holders	A list of the names, postal addresses and occupations of the persons holding the offices

The following details are provided:-

President	Mr. Greg McLaughlin Director – Mobile Electrics Pty Ltd GPO Box 1913 Darwin NT 0801
Vice President	Mr. Paul Nowland Managing Director-Nowland Builders Pty Ltd PO Box 36130 Winnellie NT 0821
Vice President	Mr. Richard Martin Guit Area Manager NT-Laing O'Rourke PO Box 39799 Winnellie NT 0821

In 2009, the Rules required that the position of Treasurer and Public Officer were both held by the General Manager who was an appointed staff member.

Requirement	Detail of Requirement
4. List of Branches	A record of the name of each branch of the organisation

I advise that the Association conducts a single-branch operation in the Northern Territory.



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Requirement

Detail of Requirement

5. New Branches

A record of the name of each branch that commenced operation in the previous 12 months

I advise that the Association has not opened any new branches during the calendar year to 31 December 2008.

Requirement

Detail of Requirement

6. Old Branches

A record of the name of each branch that ceased operation in the previous 12 months.

I advise that no branches ceased operation during the calendar year to 31 December 2008.

Requirement

Detail of Requirement

**7. Address of Organisation
And Branches**

A record of the address of the office of the organization and the address of the office of each branch

I advise that the address of the only office of the Territory Construction Association is situated at Lot 1450, Corner Hickman Street and Winnellie Road Winnellie NT 0820.

Requirement

Detail of Requirement

**8. Elections in Organisation
And Branches**

A record of each election that must, under the rules of the organization, be held during the year commencing 1 January in the year in which the return is lodged, for any offices in the organization and branches of the organization.

I advise that the following elections must be held and by the following respective date:-



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Election to Office of President:-

Nominations open on 1 July and close 10 days before the August Council meeting.

If any election is necessary Council members elect the President-elect at the August meeting.

The President, whenever elected becomes a member of Council without further contest.

Election to Office of (two) Vice Presidents:-

These two positions are elected from the members of Council in the October meeting; the meeting immediately following the Annual Meeting in September. They too are automatic members of Council.

Election to Office of Ten (10) General Councilors:-

Nominations shall be called not later than 1st August each year for the ten (10) general Council positions.

Nominations close not later than 28 days prior to the Annual Meeting which is required to be held no later than 30 September each year.

If more than the required number of ten (10) nominations is received the Returning Officer shall conduct a secret postal ballot prior to the Annual Meeting and declare the successful candidates at the Annual Meeting.

Election to Office of Ten (10) Sector Councilors

There are five (5) sectors established by the Constitution for which 2 Sector Councilors are elected directly by each sector. They are:-

- General Contracting Sector
- Housing Sector
- Civil/Engineering Sector
- Supply/Manufacturing Sector
- Specialist Contracting Sector



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Sector elections are held separately at any time prior to the Annual Meeting in September and the 2 Sector Councilors from each of the five sectors thus elected take up their positions on the Council at the Annual Meeting.

Election to Office of the Seven (7) Executive Committee Members

The three office bearers (President and two (2) Vice Presidents) are automatically members of the Executive. The four (4) other members of the Executive Committee are elected at the first meeting (October) following the Annual Meeting in September.

Requirement

Detail of Requirement

9. Statement Concerning Number of Members

A record of the number of members on 31 December on the previous year

I advise that the number of members as at 31 December 2008 was 222.

Requirement

Detail of Requirement

Number of ineligible members who were ineligible State members within the meaning of s150 of the Act

I advise that the Territory Construction Association has not entered into any agreements relating to State unions under s151 (1) of the RO Act therefore the number of such members is nil.