



8 November 2017

Mr Matthew Brand
Chief Executive Officer
NSW Farmers' (Industrial) Association
industrial@nswfarmers.com.au

CC: industrial@nswfarmers.org.au

Dear Mr Brand,

Notification of changes made to records [AR2017/26]

I acknowledge receipt of a Notification of Change to the office holders of the NSW Farmers' (Industrial) Association.

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
6/11/2017	N/A	Executive Committee Member has resigned	Yes

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,

Christine Hibberd
Registered Organisations Commission

NOTIFICATION OF CHANGES TO RECORDS

I, Matt Brand, being the CEO of the NSW Farmers' (Industrial) Association, declare the following:

1. I am authorised to make this declaration.
2. 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:
 - 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, including any changes from any previous declaration, and forms part of this declaration.

Signed: Matt Brand

A handwritten signature in black ink, appearing to read 'M. Brand', with a long horizontal stroke extending to the right.

Dated: 6 November 2017

ANNEXURE A

- Offices and Office Holders in the Organisation

Name of Office (include any offices that are vacant)	Any change	Name of Office Holder	Postal Address of Office Holder	Occupation of Office Holder
<i>Executive Committee</i>	Resigned – 1 November 2017	Helen J Dalton	████████████████████	Farmer

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



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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.

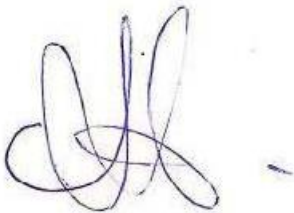
As one part of a strategy to assist organisations to increase voluntary compliance with the s.233(2) obligation, the ROC has recently produced some new educational guides which are **enclosed**:

- 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,



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*.



4 September 2017

Mr Matthew Brand
Chief Executive Officer
NSW Farmers' (Industrial) Association
industrial@nswfarmers.com.au

Dear Mr Brand,

Notification of changes made to records [AR2017/26]

I acknowledge receipt of a Notification of Change to the office holders of the NSW Farmers' (Industrial) Association.

This information was lodged with the Registered Organisations Commission (the ROC) in accordance with s.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
28/08/2017		Mark Horan elected as Vice President James Jackson is now Executive Committee Member

Section 293K of the RO Act requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe.

Please also 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.

Thank you for the notification.

Yours faithfully,

Christine Hibberd
Registered Organisations Commission

HIBBERD,Christine

From: ROC - Registered Org Commission
Sent: Wednesday, 30 August 2017 4:41 PM
To: 'Matthew Waring'
Subject: AR2017/26 NFIA Notification of Changes to office holders [SEC=UNCLASSIFIED]

Hi Matt,

Thank you for your prompt reply, I will redact the addresses.

Regards,

Christine Hibberd
Administrator
Registered Organisations Commission

Tel: 1300 341 665
regorgs@roc.gov.au

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

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From: Matthew Waring [mailto:waringm@nswfarmers.org.au]
Sent: Wednesday, 30 August 2017 3:23 PM
To: ROC - Registered Org Commission
Subject: RE: Notification of Changes to office holders [SEC=UNCLASSIFIED]

Hi Christine,

Thank you for your email.

If we could simply redact the information, that would be great.

In relation to the list, having had issues with the ROC prior (not yourself) I didn't want to take any chances and leave out relevant information that may have left us short of the mark for filing purposes. I will make sure future notices only provide for the changes.

Matthew Waring
Special Counsel
02 9478 1012



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From: ROC - Registered Org Commission [<mailto:regorgs@roc.gov.au>]
Sent: Wednesday, 30 August 2017 3:03 PM
To: Matthew Waring
Subject: Notification of Changes to office holders [SEC=UNCLASSIFIED]

Good afternoon Mr Waring,

I am processing the notification of changes sent to us on 28/08/2017.

Although all of the office holders are listed I see only two changes. James Jackson is now on the Executive Committee instead of Vice President and Mark Horan has taken his place, so is no longer a member of the Executive Committee.

As this is a notification of change only the changes actually need to be listed, there is no need for a full list.

The addresses supplied appear to be private residential addresses, please keep in mind that all notifications of change are published to our website. With this in mind, it is usual practice to provide care of the Registered Organisation as the postal address of office holders, although some prefer to use their business address. For example, in this case, "c/- PO Box 459 St Leonards NSW 1590", would be usual, any further listings could be "as above".

To protect their privacy would you prefer to re-lodge the return? Or we can redact this information for publishing on the website, as was done with the annual return.

Please keep in mind that even if redacted the information would still be publicly available without redaction.

Kind regards,

Christine Hibberd
Administrator
Registered Organisations Commission

Tel: (03) 9603 0750
Christine.Hibberd@roc.gov.au

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

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Industrial
Association

28 August 2017

Ms. Christine Hibberd
Registered Organisations Commission
GPO Box 2983
MELBOURNE VIC 3001

Dear Ms Hibberd,

NSW Farmers (Industrial) Association

We are in receipt of your correspondence dated 21 August 2017 and **enclose** a Notification of Changes to Office Holders Declaration, with relevant attachments.

Yours Sincerely,

A handwritten signature in cursive script that reads 'Matthew Waring'.

Matthew Waring
Special Counsel
NSW Farmers Association

NSW Farmers' Industrial Association

ABN 49 058 101 237 PO Box 459 St Leonards NSW 1590 Level 6 35 Chandos Street St Leonards NSW 2065
Member Service Centre 1300 794 000 T 02 9478 1000 F 02 8282 4500 www.nswfarmers.org.au



28 August 2017

NOTIFICATION OF CHANGES TO RECORDS

I, Matt Brand, being the CEO of the NSW Farmers' (Industrial) Association, declare the following:

1. I am authorised to make this declaration.
2. 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:
 - 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, including any changes from any previous declaration, and forms part of this declaration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Brand'.

Matt Brand
Chief Executive
NSW Farmers (Industrial) Association



ANNEXURE A

- Offices and Office Holders in the Organisation

Name of Office (include any offices that are vacant)	Any change	Name of Office Holder	Postal Address of Office Holder	Occupation of Office Holder
<i>Chief Executive Officer</i>		Matt Brand	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
<i>President</i>	Nil	Derek Schoen	[REDACTED]	Farmer
<i>Vice President</i>	Previously Executive Committee – elected to current position 26 July 2017. Position was previously vacant in 2016.	Mark Horan	[REDACTED]	Farmer
<i>Treasurer</i>	Nil	Peter Wilson	[REDACTED]	Farmer
<i>Executive Committee</i>	Nil	Rebecca Reardon	[REDACTED]	Farmer
<i>Executive Committee</i>	Nil	Lisa Minogue	[REDACTED]	Farmer
<i>Executive Committee</i>	Nil	Paul Shoker	[REDACTED]	Farmer
<i>Executive Committee</i>	Nil	James Jackson	[REDACTED]	Farmer
<i>Executive Committee</i>	Nil	Mitchell Clapham	[REDACTED]	Farmer
<i>Executive Committee</i>	Nil	Helen J Dalton	[REDACTED]	Farmer
<i>Trustee</i>	Nil	NSW Farmers' Superannuation Company Pty. Limited	Level 6, 35 Chandos Street, St Leonards NSW 2065	N/A

svc-adlib5

From: VALE,David
Sent: Tuesday, 27 June 2017 4:11 PM
To: 'Industrial Relations'; 'industrial@nswfarmers.org.au'
Cc: Matthew Waring; Matt Brand; Luke Messer
Subject: ANNUAL RETURN - AR2017/26 [SEC=UNCLASSIFIED]
Attachments: NFIA_Letter to NSW Industrial Association_AR2017_26_27062017.pdf

UNCLASSIFIED

Dear Mr Messer

Please find attached a letter for the NSW Farmers' (Industrial) Association in response to your correspondence of 31 May 2017.

Yours sincerely

DAVID VALE

Principal Adviser
Financial Reporting

Registered Organisations Commission

Tel: (02) 8293 4654
david.vale@roc.gov.au

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

www.roc.gov.au



Australian Government
Registered Organisations Commission

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From: Industrial Relations [<mailto:industrialrelations@nswfarmers.org.au>]
Sent: Wednesday, 31 May 2017 2:37 PM
To: VALE,David; Industrial Relations; ROC - Registered Org Commission
Cc: Matthew Waring; Matt Brand; Luke Messer
Subject: ANNUAL RETURN AR2017/26

Dear David,

Please see *attached* letter and documents in reply to your correspondence of 24 May 2017.

If you require an original, please advise.

Matthew Waring
Special Counsel
02 9478 1012

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From: VALE,David [<mailto:David.Vale@roc.gov.au>]
Sent: Wednesday, 24 May 2017 9:40 AM
To: Industrial Relations
Subject: ANNUAL RETURN AA2017/26 - ATTENTION - MR PETER WILSON [SEC=UNCLASSIFIED]
Importance: High

Dear Mr Wilson

Please find attached for your attention a copy of a letter from Mr Enright, Executive Director of the Registered Organisations Commission. Also attached are copies of two letters previously sent and which are referred to in the letter.

Yours sincerely

DAVID VALE
Principal Adviser
Financial Reporting
Registered Organisations Commission

Tel: (02) 8293 4654
david.vale@roc.gov.au

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

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27 June 2017

Mr Luke Messer
General Manager Finance and Operations
NSW Farmers (Industrial) Association

By email: industrial@nswfarmers.org.au

Dear Mr Messer

NSW Farmers (Industrial) Association Annual Return of Information – contravention of ss 233(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act)

I acknowledge your correspondence dated 31 May 2017 responding to my invitation to make submissions about:

- a. Why the Registered Organisations Commission (**ROC**) should not commence a formal investigation or recommend civil penalty proceedings in the Federal Court;
- b. What action the Association proposed to take to remedy the omissions and error in the lodged Annual Return of Information (**AR**); and
- c. Whether the AR lodged by the Association contains personal information and if so, what approach the Association would prefer to take.

The Association's response

In relation to (a) above, in summary the Association;

- Apologised for what it described as '*any confusion or issues caused by the lodgement of the Association Annual Return of Information*;
- Submitted that it had always acted in accordance with its obligations as a registered organisation and that this was the first occasion that the Association had been '*accused*' of not doing so and that the ROC should take into account the Association's '*exemplary record*'. Further, that the Association believes it did everything that it could do to meet its obligations on this occasion;
- Claimed that while the table provided in ROC correspondence was a '*somewhat accurate reflection*', there were errors within the table and the Association disputes that it did not do all that it could to comply with its legislative obligations;
- Submitted that while the Association does not dispute that it was the only federally registered organisation (of more than 100) which failed to meet its statutory obligation with respect to lodging its AR, it applied the '*upmost effort*' toward meeting its statutory obligations, including the engagement of third party assistance.

In relation to (b) above, the Association;

- Re lodged an amended version of the AR addressing the omissions and error.

In response to (c) above, the Association;

- Provided its written authority for the ROC to redact any information that appears to identify personal information.

Consideration by the ROC

I reiterate the expectation in my letter dated 24 May 2017 that registered organisations will comply with their statutory obligations without reliance on intervention by the regulator and that expectation applies equally to intervention by third parties such as auditors.

I noted with interest the claim of '*unhelpful interactions with the ROC*' in your letter although it is difficult to reconcile that claim with the;

- multiple courtesy letters in the months and weeks leading up to the statutory obligation providing the Association with detailed and specific advice about *what* to lodge in its AR, *how* to lodge its AR, *when* to lodge its AR as well as links to a ROC / AR '*template*' designed to simplify the requirement and further links to ROC Fact Sheets where further explanatory information is available;
- direct discussions with the Chief Executive Officer, Mr Brand, more than a week prior to the requirement to lodge about the AR which elicited an undertaking from Mr Brand that the Association would comply;
- multiple telephone contact by ROC staff in the days approaching the statutory obligation, which included ROC staff again providing the ROC / AR template along with specific advice that there was no requirement for auditor involvement in the preparation or lodgement of the AR.

Notwithstanding this claim of '*unhelpful interactions with the ROC*' I made the observation in my earlier correspondence that it is difficult to conceive of any other steps that could have been taken by the regulator to assist or ensure the Association complied with its statutory obligations. The ROC would welcome any feedback about what further assistance could have been provided or what further steps could have been taken to ensure that the Association complied with its statutory obligations.

Reference to auditors by the Association

I have noted the multiple references in your response to the Association's reliance on auditors, including that one of the reasons cited by the Association for the contravention of s 233(1) of the RO Act was a '*failure of [your] Auditors to understand and correctly advise in relation to the Registered Organisation's requirements that formed part of their key services to the Association*'.

During the engagement referred to above, ROC staff attempted to clarify on a number of occasions that the AR is not a financial document and that the regulator is not aware of any requirement for any auditor involvement in its preparation or lodgement.

Action to be taken

I have taken into account and carefully considered the submissions made by the Association about its contravention of ss 233(1) of the RO Act. I have had particular regard to:

- the compliance history of the Association;

- although it was the only registered organisation (of more than 100) which failed to meet its statutory obligation, the AR was lodged approximately one week after the due statutory date (albeit that the lodged AR contained errors and demonstrated omissions);
- The Association's expressed intention to continue its positive and transparent relationships with government departments and regulators, including its intention to comply with its statutory obligations.

On balance, I have decided that it would not be in the public interest on this occasion either to commence a formal investigation or to recommend civil penalty proceedings in the Federal Court. The ROC proposes to file the amended AR (including by redacting information that appears to be private information) and take no further action.

Finally, I note the Association is scheduled to hold its Annual General Meeting (**AGM**) in the near future. I recommend that the Association engage in discussions at its AGM to address the compliance issues which have emerged in this correspondence.

If you have any queries regarding the contents of this letter, please contact me by email at chris.enright@roc.gov.au or by phone on (03) 9603 0711.

Yours faithfully

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

Chris Enright
Executive Director and Delegate of the Commissioner

svc-adlib5

From: Industrial Relations <industrialrelations@nswfarmers.org.au>
Sent: Wednesday, 31 May 2017 2:37 PM
To: VALE,David; Industrial Relations; ROC - Registered Org Commission
Cc: Matthew Waring; Matt Brand; Luke Messer
Subject: RE: ANNUAL RETURN AA2017/26 - ATTENTION - MR PETER WILSON
[SEC=UNCLASSIFIED]
Attachments: 17053001 Letter to ROC re investigation into Industrial & Annual return of Info.pdf

Dear David,

Please see **attached** letter and documents in reply to your correspondence of 24 May 2017.

If you require an original, please advise.

Matthew Waring
Special Counsel
02 9478 1012



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From: VALE,David [<mailto:David.Vale@roc.gov.au>]
Sent: Wednesday, 24 May 2017 9:40 AM
To: Industrial Relations
Subject: ANNUAL RETURN AA2017/26 - ATTENTION - MR PETER WILSON [SEC=UNCLASSIFIED]
Importance: High

Dear Mr Wilson

Please find attached for your attention a copy of a letter from Mr Enright, Executive Director of the Registered Organisations Commission. Also attached are copies of two letters previously sent and which are referred to in the letter.

Yours sincerely

DAVID VALE
Principal Adviser
Financial Reporting

Registered Organisations Commission

Tel: (02) 8293 4654
david.vale@roc.gov.au

The Registered Organisations Commission
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Industrial Association

31 May 2017

Mr. Chris Enright
Executive Director
Registered Organisations Commission
GPO Box 2983
MELBOURNE VIC 3001

Dear Sir,

NSW Farmers (Industrial) Association Annual Return of Information

We are in receipt of your correspondence dated 24 May 2017.

By your correspondence, you have requested submissions in response to the following:

- A. Why the ROC should not commence a formal investigation or recommend civil penalty proceedings in the Federal Court;
- B. What action the Association proposes to take to remedy the omissions and error in the lodged annual return; and
- C. Whether the annual return of information lodged by the Association contains personal information and if so, what approach Association would prefer to take.

We provide the following response to your request.

Generally

Firstly, on behalf of the NSW Farmers (Industrial) Association ("the Association") we apologise for any confusion or issues caused by the lodgment of the Association Annual Return of Information.

Secondly, the Association has always acted in accordance with its obligations as a Registered Organisation under the relevant legislative schemes and this is the first occasion that it has been accused of not doing so. Notwithstanding the allegations being made by the Registered Organisations Commission (ROC), the Association believes it did everything that it could do to meet its obligations on this occasion.

Thirdly, whilst we believe the table in your correspondence to be a somewhat accurate reflection of the dealings between the Association and the ROC, there are some errors within the table, but more importantly, the table reflects the numerous contact points between the parties, but not the assistance offered or the detailed interactions of the parties. We deal with this in more detail below, but in general terms, disagree that the table reflects conclusive evidence of the ROC actively assisting the Association or the Association failing to meet its statutory duties, simply because a number of phone calls and other

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Industrial Association

contacts were made by the ROC. In fact, we dispute that the Association did not do all that it could to meet the relevant timeframes for the lodgment of material.

Lastly, while we have no reason to doubt your submission that the Association was the only Registered Organisation not to meet the relevant timeframes, we do not believe that this is anyway reflective of the effort and approach the Association took to meeting its statutory duties. Internally, the utmost effort was put towards meeting our obligations, including the engagement of third party assistance to ensure documents were correctly completed and lodged.

Why the ROC should not commence a formal investigation or recommend civil penalty proceedings in the Federal Court?

In relation to this request we submit:

1. This is the first time that the Association has allegedly been in breach of its obligations as a Registered Organisation. To this end, it would seem to be an excessive and heavy-handed approach to instigate a formal investigation and court proceedings. In this regard, the Association's exemplary record should be considered. The Association has been open and transparent with the regulating body ever since it has been a Registered Organisation and there is no reason to believe, from our review of the situation, that the allegations of a breach arise for any other reason than human error and mistake, as opposed to any untoward dealings.
2. The Association is part of a larger organisational group, namely the NSW Farmers' Association. The NSW Farmers' Association has been in existence for over 100 years and has during that time, played a pivotal role in policy change and direction in agriculture (and the industrial issues that have arisen in the industry in that time). This could have only been achieved through its positive and transparent relationship with government departments, including those regulating industrial issues and administering industrial association. These positive relationships continue to date and there is no reason to believe that the Association has in any way sought to deal with the ROC differently to its other stakeholders, or in a manner that is not otherwise respectful, being always cognisant of the duties that it has been established to administer.
3. As stated above, the Association did all that it could to meet the relevant timeframes for the lodgment of material. This included, as alluded to in the table you have provided, dealings with the FWC/ROC but more importantly, continual engagement with its auditors to ensure the correct information was provided. In response to the allegations, we would say that the reasons for any alleged breaches include, but are not limited to:
 - a. A change of personnel in positions at the Association dealing with the relevant subject matter;
 - b. A failure of our Auditors to understand and correctly advise in relation to the Registered Organisation's requirements that formed part of their key services to the Association (this has now resulted in their replacement with new Auditors);

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Industrial Association

- c. Unhelpful interactions with the ROC to the extent that advice and help was not at hand, but the interactions were demands for general documents lacking any substantial assistance and simply highlighting deadlines that were already known; and,
 - d. Miscommunications and a failure in the Association's internal systems for dealing with such matters, including the absence of staff at the time of lodgment that would have assisted to address any alleged breaches. These deficiencies will be addressed.
4. The Association has not been reckless and did not know that any information contained in the documents provided was false, and the Association did not mislead the ROC in respect to any information submitted.

What action the Association proposes to take to remedy the omissions and error in the lodged annual return?

We **enclose** an amended version of the Annual return of Information document addressing the issues raised at points (i)-(iii) of page 1 of your letter of 24 May 2017.

Additionally, we have resubmitted the financial statements amending any errors that were evident in those documents.

Additionally and for future reference, the Association has gone to tender and has approved the appointment of a new auditing firm that assures the Association that it has developed a financial statements template that will meet, not just the time frames set by the ROC, but any reporting requirements of the ROC into the future.

Whether the annual return of information lodged by the Association contains personal information and if so, what approach Association would prefer to take.

In order to meet the deadlines imposed by your correspondence, it has not been feasible to obtain the necessary alternate information that would be required to amend the annual return of information in order to remove references to personal information. As such, we provide authority for the ROC to redact any information that appears to identify personal information.

We trust the abovementioned responses and annexures are sufficient to persuade the ROC not to continue with an investigation into the affairs of the Association and demonstrates that the Association has an open and transparent approach to its dealings with the ROC (and all government departments). Should you require further information, please let us know.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Luke Messer', written over a horizontal line.

Luke Messer
GM Finance and Operations
NSW Farmers Association

NSW Farmers' Industrial Association

ABN 49 058 101 237 PO Box 459 St Leonards NSW 1590 Level 6 35 Chandos Street St Leonards NSW 2065
Member Service Centre 1300 794 000 T 02 9478 1000 F 02 8282 4500 www.nswfarmers.org.au

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, Matt Brand, being the CEO of the NSW Farmers' (Industrial) Association, 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 6, 35-37 Chandos St, St Leonards NSW 2065.¹
 - The organisation has no branches and no branches have ceased or commenced in the previous 12 months.²
 - On 31 December in the previous year the number of members was 4,370.³
 - A list of offices and the names, postal addresses and occupations of persons holding those offices as at the date of this declaration is attached at Annexure A and forms part of this declaration.
 - Under the rules of the organisation, the following elections must be held between 1 January and 31 December of THIS YEAR:⁴

No elections are required.

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a), (b), (c) & (d)

³ s.230(1)(d); reg.147(f)

⁴ s.230(1)(d); reg.147(e)

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

Signed: Matt Brand



Dated: 31st May 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. 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 change⁵.]

⁵ 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
<i>Chief Executive Officer</i>	Matt Brand	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
<i>President</i>	Derek Schoen	[REDACTED]	Farmer
<i>Vice President</i>	James Jackson	[REDACTED]	Farmer
<i>Treasurer</i>	Peter Wilson	[REDACTED]	Farmer
<i>Executive Committee</i>	Rebecca Reardon	[REDACTED]	Farmer
<i>Executive Committee</i>	Lisa Minogue	[REDACTED]	Farmer
<i>Executive Committee</i>	Paul Shoker	[REDACTED]	Farmer
<i>Executive Committee</i>	Mark Horan	[REDACTED]	Farmer
<i>Executive Committee</i>	Mitchell Clapham	[REDACTED]	Farmer
<i>Executive Committee</i>	Helen J Dalton	[REDACTED]	Farmer
<i>Trustee</i>	NSW Farmers' Superannuation Company Pty. Limited	Level 6, 35 Chandos Street, St Leonards NSW 2065	N/A

From: VALE,David
Sent: Wednesday, 24 May 2017 9:40 AM
To: 'industrial@nswfarmers.org.au'
Subject: ANNUAL RETURN AA2017/26 - ATTENTION - MR PETER WILSON
[SEC=UNCLASSIFIED]
Attachments: NFIA_AR2017_26_Letter_24052017.pdf; NFIA_AR2017_26_Letter sent_19012017.pdf; NFIA_AR2017_26_Second letter sent_01032017.pdf
Importance: High

Dear Mr Wilson

Please find attached for your attention a copy of a letter from Mr Enright, Executive Director of the Registered Organisations Commission. Also attached are copies of two letters previously sent and which are referred to in the letter.

Yours sincerely

DAVID VALE
Principal Adviser
Financial Reporting
Registered Organisations Commission

Tel: (02) 8293 4654
david.vale@roc.gov.au

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24 May 2017

Mr Peter Wilson
Treasurer
NSW Farmers' (Industrial) Association
By email: industrial@nswfarmers.org.au

Dear Mr Wilson

Annual Return of Information for 2017 [AR2017/26]

The Registered Organisations Commission (ROC)

I take the opportunity to advise that on 1 May 2017, the ROC commenced its operations and now has responsibility for a number of the regulatory functions previously carried out by the Regulatory Compliance Branch of the Fair Work Commission (the **FWC**), including functions associated with the lodgement and assessment of annual returns and financial reports.

Annual Return of Information

I acknowledge receipt, on 6 April 2017, of your Declaration providing the Annual Return of Information (**annual return**) of the NSW Farmers' (Industrial) Association (**the Association**) lodged in accordance with the obligations set out in subsection 233(1) of the *Fair Work (Registered Organisations) Act 2009* (**the RO Act**).

Statutory obligations

As you are aware, the Association was required to comply with its statutory obligation under ss 233(1) of the RO Act by lodging its annual return by 31 March 2017 and appears to have failed to comply with that statutory obligation. While it was noted that previous annual returns from the Association have been lodged by Mr Matthew Brand, the current annual return was lodged by you in your role as the Treasurer.

A particular requirement for the annual return is that the declaration providing information in accordance with subsection 233(1) must include a list of all of the offices in the Association. Staff of the ROC have conducted a preliminary assessment of the information lodged by the Association and noted the following:

- (i) Rule 24 of the Association's rules sets out the requirement for an office of Trustee. The attachment to the declaration marked 'Annexure A' did not include the office of Trustee;
- (ii) Rule 25 of the Association's rules sets out the requirement for an office of 'Chief Executive'. The attachment to the declaration marked 'Annexure A' did not include the office of 'Chief Executive'. **Note:** It is understood that there is an office of Chief Executive and that Mr Matthew Brand currently occupies that office;
- (iii) The rules of the Association do not provide for any office of 'Secretary' although there appears to be an erroneous reference to an office of Secretary in the annual return with information that Mr Matthew Brand occupies that office.

It is apparent from these omissions and error that in addition to a failure to comply with the statutory obligation to lodge an annual return by 31 March, 2017 there are deficiencies requiring rectification.

Private information

Although not related to the statutory obligations of the Association, I thought it prudent to point out that Annexure A of the Association's annual return appears to contain both business and potentially private addresses of the Association's office holders. If private addresses are included, it is my recommendation that the Association consider either re-lodging the entire return or providing its written authority for the ROC to redact information which appears to identify private addresses. The Association should be aware that as a result of regulation 20 of the *Fair Work (Registered Organisations) Regulations 2009*, (**RO Act regulations**) information which is redacted for publication on the website may still be available to a person who seeks to inspect a document at the ROC.

Advice and assistance

In order to assist organisations to fully comply with the requirements of the RO Act, particularly the reporting requirements of section 233 of the RO Act, a range of guidance material is available, including a template annual return (available on the [fact-sheets](#) page of our website). The Association is encouraged to use this template in future years.

Notifications of Change

I also take the opportunity to remind you that if there are any changes to the records required to be kept by a registered organisation in accordance with section 230 of the RO Act, those changes must be notified to the ROC within 35 days of the change (refer subsection 233(2) of the RO Act, as well as regulation 151 of the RO regulations.

To assist with notification of the relevant information, a template Notification of Change Declaration is available on the [fact-sheets](#) page of the ROC website. The Association is encouraged to use this template if any changes occur.

Potential contravention of the RO Act

As I have indicated above, the Association's annual return was not lodged until 6 April 2017.

Section 233(1) of the RO Act provides that an organisation must lodge an Annual Return of Information within the period prescribed by regulation 149 of the RO regulations. The period prescribed by the RO regulations commences on 1 January each year and ends after three months, or by 31 March in each year and failure to comply with this obligation may be subject to a civil penalty provision of up to \$54,000 for a body corporate and \$10,800 for an individual.

I refer you to written correspondence issued to the Chief Executive Officer of the Association on 19 January 2017 and 1 March 2017 respectively (copies of which are attached for ease of reference). The letter dated 19 January 2017 was a courtesy reminder of the obligation to lodge an annual return of information and included the following

*This is a courtesy letter to remind you of the obligation to lodge an Annual Return of Information for 2017 in respect of the NSW Farmers' (Industrial) Association 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 courtesy letter included advice about, among other things, what to lodge, how to lodge, when to lodge and included links to fact sheets where further information is available. The courtesy letter also advised about the consequences for the Association of failing to comply with its statutory obligations.

When the annual return had not been lodged by the end of February, a further letter was sent to the Association on 1 March 2017. This letter included further reminders and repeated the information contained in the 19 January 2017 correspondence.

Table 1 below shows a chronology of the relevant correspondence and attempts by FWC/ROC staff to assist the Association to comply with its statutory obligations.

Table 1

Date	Action	Response
19 January 2017	The FWC issues a courtesy reminder letter by email addressed to the Chief Executive Mr Matthew Brand	No response
1 March 2017	The FWC issues a second reminder letter by email addressed to Mr Matthew Brand	No response
22 March 2017	Direct telephone contact made by a staff member of the FWC with Mr Brand.	Mr Brand advised the staff member the annual return would be lodged ' <i>shortly</i> '
30 March 2017	Annual return not lodged to date	
30 March 2017	Telephone contact was made with the receptionist of the Association by a staff member of the FWC attempting to speak to Mr Brand	Receptionist advised Mr Brand was unavailable but he would return the call to FWC. No further response.
31 March 2017	At approximately 9.20 a.m. a staff member from the FWC left a telephone message with the Association for Mr Brand to ensure lodgement was made that day and requested Mr Brand to return the call.	No response
31 March 2017	At approximately 10.20 a.m. a staff member from the FWC contacted the Association and was advised Mr Brand had 'just stepped into a meeting'. A request was made for Mr Brand to call back.	No response
31 March 2017	At approximately 1.45 p.m. a staff member from the FWC left a further telephone message for Mr Brand to ensure that an Annual Return would be lodged on the day and requested Mr Brand to call back.	See next contact at 2.35 p.m. below
31 March 2017	At approximately 2.35 p.m. a staff member from the FWC received a call from the General Manager, Finance & Operations, who stated that the Annual return was waiting to be signed by three auditors and would be lodged that day. The FWC staff member informed the General Manager Finance & Operations that an annual return of information did not require signing by an auditor and provided the General Manager with further relevant information and documents by email to enable the correct lodgement to be made.	
31 March 2017	At approximately 3.10 p.m. a staff member from the FWC again contacted the Association by phone requesting to speak to either Mr Brand, the President, or an Executive Member. The staff member was unable to speak to any of those representatives and left a message stressing the matter was urgent and that failure by the Association to lodge on time would leave the Association open to civil penalty proceedings. The FWC staff member also requested a call back.	No response
31 March 2017	At approximately 3.40 p.m. a staff member from the FWC contacted the General Manager, Finance & Operations by	

	phone and enquired whether the Association would be lodging its Annual Return that day. The General Manager replied that he had been informed by Mr Brand that the Association would be signing and lodging the Annual Return on that day. The staff member also enquired whether the General Manager received an earlier email with the Annual Return template and the General Manager replied that he had.	
31 March 2017	At approximately 4.00 p.m. a staff member from the FWC phoned the Association and was advised that the annual return was in the hands of the financial reporting team and that it would be lodged that day. The staff member confirmed the email address for lodging was orgs@fwc.gov.au ;	No response
31 March 2017	At approximately 5.30 p.m. a staff member from the FWC phoned the Association advising that the annual return had still not been received.	No response
1 April 2017	Association appears to be in contravention of s 233(1) of the RO Act	
3 April 2017	At approximately 10.15 a.m. a staff member of the FWC received a call from the General Manager Finance & Operations who stated that he had emailed the annual return on Friday 31 March 2017 to an email address of orgs@fwc.org.au . The staff member from the FWC informed the General Manager that the email address he had quoted was incorrect and again provided the General Manager with the correct email address of orgs@fwc.gov.au	
3 April 2017	At approximately 10.20 a.m. the General Manager Finance and Operations lodged documents with the FWC purported to be the information required in the annual return. Upon cursory analysis, it became apparent that the documents lodged were the Association's Financial Reports for the financial year ending 31 December 2016.	
3 April 2017	At approximately 1.30 p.m. the FWC sent the General Manager Finance & Operations an email informing him that what had been lodged was the Association's Financial Reports and not an Annual Return of Information. The email added that the FWC had forwarded the Association an email on 31 March 2017 which clearly set out the information required to be lodged in an Annual Return. The email also informed the Association that it was the only registered organisation from over 100 registered organisations which had not lodged its Annual Return by 31 March, and enquired as to when the FWC could expect the Annual Return to be lodged.	
4 April 2017	At approximately 11.00 a.m. a staff member from the FWC received a call from the General Manager Finance & Operations who stated that there had been confusion about the requirement to lodge an Annual Return rather than a Financial Report and said the confusion was due to a staff leave issue.	
6 April 2017	The Association lodged its annual return of information containing omissions & error.	

There is a general expectation that registered organisations will comply with their statutory obligations without intervention by the regulator.

It is apparent from the chronology in Table 1, that notwithstanding a significant deployment of the regulators resources and efforts to assist, the Association failed to comply with its statutory obligations. In addition, I note that some of the information containing an error and omission relate to Mr Matthew Brand although as I indicated above, Mr Brand has previously been personally responsible for lodging the Association's annual return.

Having had the opportunity to reflect on the contents of Table 1, as well as the omissions and errors in the information lodged by the Association, it is difficult to conceive of any other steps that could have been taken by the regulator to assist or ensure the Association complied with its statutory obligations.

You will note from advice provided to the Association and referred to in the chronology in Table 1 that while there are more than 100 federally registered organisations, the Association was the only organisation which failed to comply with the requirement to lodge an annual return by 31 March 2017.

In all the circumstances, I propose to now consider whether to commence a formal investigation under s 331 of the RO Act to properly determine whether the Association has contravened the RO Act and whether to make a recommendation to the Commissioner concerning the commencement of civil penalty proceedings in the Federal Court.

Invitation to make submissions

Before I determine what, if any further action to take, I invite submissions from the Association about;

- a. Why the ROC should not commence a formal investigation or recommend civil penalty proceedings in the Federal Court;
- b. What action the Association proposes to take to remedy the omissions and error in the lodged annual return; and
- c. Whether the annual return of information lodged by the Association contains personal information and if so, what approach Association would prefer to take.

Any submissions made should be forwarded by email to regorgs@roc.gov.au by 31 May 2017.

Yours sincerely



Chris Enright
Executive Director
Registered Organisations Commission

Enclosures attached to email.



19 January 2017

Mr Matthew Brand
 Chief Executive Officer
 NSW Farmers' (Industrial) Association
 By email: industrial@nswfarmers.com.au

Dear Mr Brand,

**NSW Farmers' (Industrial) Association
 Annual Return of Information for 2017 [AR2017/26]**

This is a courtesy letter to remind you of the obligation to lodge an Annual Return of Information for 2017 in respect of the NSW Farmers' (Industrial) Association 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].



1 March 2017

Mr Matthew Brand
Chief Executive Officer
NSW Farmers' (Industrial) Association
industrial@nswfarmers.com.au

Dear Mr Brand,

**NSW Farmers' (Industrial) Association
Annual Return of Information for 2017 [AR2017/26]**

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

	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?

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

Internet : 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. 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 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> 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) <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 office and officer 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> 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. <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*].

svc-adlib5

From: Luke Messer <messerl@nswfarmers.org.au>
Sent: Thursday, 6 April 2017 9:48 AM
To: Orgs
Subject: RE: AR2017/26 - NSW Farmers' (Industrial) Association
Attachments: Annual Return of Information.pdf

Dear David

Please find attached the annual return of information for NSW Farmers (Industrial) Association

Luke Messer | NSW Farmers | General Manager - Finance & Operations

T: 02 9478 1040 M: 0414 956 840 | messerl@nswfarmers.org.au | www.nswfarmers.org.au



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From: Orgs [mailto:orgs@fwc.gov.au]
Sent: Monday, 3 April 2017 1:32 PM
To: Luke Messer
Subject: AR2017/26 - NSW Farmers' (Industrial) Association
Importance: High

Dear Mr Messer

The lodgement you have sent the Fair Work Commission is the Financial Report for the NSW Farmers' (Industrial) Association (NFIA) for the year ending 31 December 2016, and which has been allocated the matter number FR2016/360. What is required to be lodged by 31 March 2017 is the 2017 Annual Return of information in accordance with sections 230 and 233 of the *Fair Work (Registered Organisations) Act 2009*, and which has been allocated the matter number AR2017/26.

You will recall I forwarded you an email on 31 March 2017 which included the information which is required to be lodged with the Annual Return, along with two reminder letters and an Annual Return template to assist the NFIA, and which outlined the type of information required to be lodged. I have attached a copy of that email which sets out clearly what is required to be lodged for the Annual Return. After our discussion on 31 March 2017 I was led to believe that the NFIA Annual Return of information was to be lodged on 31 March 2017. The NFIA is the only registered organisation is the only registered organisation from more than 100 registered organisations which did not lodge its Annual Return by 31 March 2017.

Are you able to indicate when the Fair Work Commission can expect the 2017 Annual Return to be lodged.

Yours sincerely

DAVID VALE

Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Commission

Tel: 02 9308 1970 (**Please note my telephone number has recently changed. Please update your records**).

Fax: 02 9380 6990

david.vale@fwc.gov.au

Level 10, Terrace Tower
80 William Street
East Sydney NSW 2011
www.fwc.gov.au

From: Luke Messer [<mailto:messerl@nswfarmers.org.au>]

Sent: Monday, 3 April 2017 10:19 AM

To: Orgs

Subject: FW: NSW Farmers' (Industrial) Association

[Resent](#)

Luke Messer | NSW Farmers | General Manager - Finance & Operations

T: 02 9478 1040 M: 0414 956 840 | messerl@nswfarmers.org.au | www.nswfarmers.org.au



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From: Luke Messer

Sent: Friday, 31 March 2017 4:24 PM

To: 'orgs@fwc.org.au'

Subject: NSW Farmers' (Industrial) Association

Lodgement of 2016 Financial Reports

Luke Messer | NSW Farmers | General Manager - Finance & Operations

T: 02 9478 1040 M: 0414 956 840 | messerl@nswfarmers.org.au | www.nswfarmers.org.au



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<http://www.mailguard.com.au>

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, Peter Wilson, being the Treasurer of the NSW Farmers' (Industrial) Association, 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 6, 35-37 Chandos St, St Leonards NSW 2065.¹
 - The organisation has no branches and no branches have ceased or commenced in the previous 12 months.²
 - On 31 December in the previous year the number of members was 4,370.³
 - A list of offices and the names, postal addresses and occupations of persons holding those offices as at the date of this declaration is attached at Annexure A and forms part of this declaration.
 - Under the rules of the organisation, the following elections must be held between 1 January and 31 December of THIS YEAR:⁴

No elections are required.

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a), (b), (c) & (d)

³ s.230(1)(d); reg.147(f)

⁴ s.230(1)(d); reg.147(e)

- The organisation: *[Delete the dot point that does not apply]*
 - Has not entered into an agreement under s.151(1) of the Act with a state union.

Signed: Peter Wilson



Dated:

31 / 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. 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 change⁵.]

⁵ 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
<i>Secretary</i>	<i>Mathew Brand</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
<i>President</i>	<i>Derek Schoen</i>	<i>1611 ... 157 ... NSW 2212</i>	<i>Farmer</i>
<i>Vice President</i>	<i>James Jackson</i>	[REDACTED]	<i>Farmer</i>
<i>Treasurer</i>	<i>Peter Wilson</i>	[REDACTED]	<i>Farmer</i>
<i>Executive Committee</i>	<i>Rebecca Reardon</i>	[REDACTED]	<i>Farmer</i>
<i>Executive Committee</i>	<i>Lisa Minogue</i>	[REDACTED]	<i>Farmer</i>
<i>Executive Committee</i>	<i>Paul Shoker</i>	[REDACTED]	<i>Farmer</i>
<i>Executive Committee</i>	<i>Mark Horan</i>	[REDACTED]	<i>Farmer</i>
<i>Executive Committee</i>	<i>Mitchell Clapham</i>	[REDACTED]	<i>Farmer</i>
<i>Executive Committee</i>	<i>Helen J Dalton</i>	[REDACTED]	<i>Farmer</i>

svc-adlib5

From: Orgs
Sent: Monday, 3 April 2017 1:32 PM
To: messerl@nswfarmers.org.au
Subject: AR2017/26 - NSW Farmers' (Industrial) Association
Attachments: Letter re lodgement of financial statements.pdf; NSW Farmers Industrial Assoc Financial Statements - final.pdf; Members of the Committee of Management.pdf; Certificate of Secretary.pdf; AR template

Importance: High

Dear Mr Messer

The lodgement you have sent the Fair Work Commission is the Financial Report for the NSW Farmers' (Industrial) Association (NFIA) for the year ending 31 December 2016, and which has been allocated the matter number FR2016/360. What is required to be lodged by 31 March 2017 is the 2017 Annual Return of information in accordance with sections 230 and 233 of the *Fair Work (Registered Organisations) Act 2009*, and which has been allocated the matter number AR2017/26.

You will recall I forwarded you an email on 31 March 2017 which included the information which is required to be lodged with the Annual Return, along with two reminder letters and an Annual Return template to assist the NFIA, and which outlined the type of information required to be lodged. I have attached a copy of that email which sets out clearly what is required to be lodged for the Annual Return. After our discussion on 31 March 2017 I was led to believe that the NFIA Annual Return of information was to be lodged on 31 March 2017. The NFIA is the only registered organisation is the only registered organisation from more than 100 registered organisations which did not lodge its Annual Return by 31 March 2017.

Are you able to indicate when the Fair Work Commission can expect the 2017 Annual Return to be lodged.

Yours sincerely

DAVID VALE

Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Commission

Tel: 02 9308 1970 (**Please note my telephone number has recently changed. Please update your records**).

Fax: 02 9380 6990

david.vale@fwc.gov.au

Level 10, Terrace Tower
80 William Street
East Sydney NSW 2011
www.fwc.gov.au

From: Luke Messer [<mailto:messerl@nswfarmers.org.au>]

Sent: Monday, 3 April 2017 10:19 AM

To: Orgs

Subject: FW: NSW Farmers' (Industrial) Association

Resent

Luke Messer | NSW Farmers | General Manager - Finance & Operations

T: 02 9478 1040 M: 0414 956 840 | messerl@nswfarmers.org.au | www.nswfarmers.org.au



[Click here for details of the appeal.](#)

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From: Luke Messer
Sent: Friday, 31 March 2017 4:24 PM
To: 'orgs@fwc.org.au'
Subject: NSW Farmers' (Industrial) Association

Lodgement of 2016 Financial Reports

Luke Messer | NSW Farmers | General Manager - Finance & Operations

T: 02 9478 1040 M: 0414 956 840 | messerl@nswfarmers.org.au | www.nswfarmers.org.au



[Click here for details of the appeal.](#)

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**Industrial
Association**

31 March 2017

The General Manager
Fair Work Australia
Level 8, Terrace Towers
80 William Street
SYDNEY
NSW 2011

Dear Sir/Madam,

Re: Lodgment of Financial Statements and Accounts – NSW Farmers' (Industrial) Association

Please find enclosed the financial statements for NSW Farmers' (Industrial) Association for the year ended 31st December 2016.

If you have any queries, please do not hesitate to contact me on the below number

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Luke Messer', written over a horizontal line.

Luke Messer
General Manager Finance

NSW Farmers' Association

ABN 31 000 004 651 PO Box 459 St Leonards NSW 1590 Level 6 35 Chandos Street St Leonards NSW 2065
Member Service Centre 1300 794 000 T02 9478 1000 F02 8282 4500 www.nswfarmers.org.au



Industrial Association

31st March 2017

The General Manager
Fair Work Australia
Level 8, Terrace Towers
80 William Street
SYDNEY
NSW 2011

Dear Sir/Madam,

Re: Lodgment of Financial Statements and Accounts – NSW Farmers’ (Industrial) Association

Members of the Committee of Management held office for the periods stated below

Director	Date appointed	Date Resigned
RJ Chamen	30/07/09	21/07/16
D Clarke	21/07/11	21/07/16
W Dunford	21/07/11	21/07/16
M Horan	21/07/11	
H Dalton	19/07/12	
P Wilson	19/10/12	
D Schoen	19/07/13	
J Jackson	19/07/15	
M Brand	25/10/10	
R Reardon	21/07/16	
L Minogue	21/07/16	
A Shoker	21/07/16	

If you have any queries, please do not hesitate to contact me on the below number

Yours sincerely,

Luke Messer
General Manager Finance

NSW Farmers’ Association

ABN 31 000 004 651 PO Box 459 St Leonards NSW 1590 Level 6 35 Chandos Street St Leonards NSW 2065
Member Service Centre 1300 794 000 T02 9478 1000 F02 8282 4500 www.nswfarmers.org.au



**Industrial
Association**

**NSW FARMERS' (INDUSTRIAL) ASSOCIATION
CERTIFICATE OF SECRETARY OR OTHER AUTHORISED OFFICER
FOR THE FINANCIAL YEAR END 31 DECEMBER 2016**

In accordance with s268 of the Fair Work (Registered Organisations) Act 2009 ("the FW(RO) Act"), I, Matthew Brand, Chief Executive Officer / Secretary of the NSW Farmers' (Industrial) Association certify:

- That the documents lodged herewith are copies of the full report, referred to in s268 of the FW(RO) Act;
- That the full report was provided to member on 31st March 2017 upon request at no charge to the Member or from the internet;
- That the full report is to be presented to a general meeting of Members of the reporting unit on 19th July 2017 in accordance with section 266 of the FW(RO) Act.

For the Executive Committee:

Dated this 31 March 2017

A handwritten signature in blue ink, appearing to be 'M. Brand', written over a horizontal line.

NSW Farmers' Industrial Association

ABN 49 058 101 237 PO Box 459 St Leonards NSW 1590 Level 6 35 Chandos Street St Leonards NSW 2065
Member Service Centre 1300 794 000 T 02 9478 1000 F 02 8282 4500 www.nswfarmers.org.au

svc-adlib5

From: VALE, David
Sent: Friday, 31 March 2017 2:39 PM
To: 'messler@nswfarmers.org.au'
Subject: AR template
Attachments: AR2017_26 NFIA letter_19012017.doc .doc; AR2017_26 NFIA letter_01032017.doc; org-annual-return-template-no-branches.docx

Importance: High

Hi

Please find the FWC Annual Return Template as discussed, along with copies of reminder letters which have been sent out this year.

Regards

DAVID VALE

Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Commission

Tel: 02 9308 1970 (**Please note my telephone number has recently changed. Please update your records**).

Fax: 02 9380 6990

david.vale@fwc.gov.au

Level 10, Terrace Tower
80 William Street
East Sydney NSW 2011
www.fwc.gov.au



19 January 2017

Mr Matthew Brand
Chief Executive Officer
NSW Farmers' (Industrial) Association
By email: industrial@nswfarmers.com.au

Dear Mr Brand,

**NSW Farmers' (Industrial) Association
Annual Return of Information for 2017 [AR2017/26]**

This is a courtesy letter to remind you of the obligation to lodge an Annual Return of Information for 2017 in respect of the NSW Farmers' (Industrial) Association 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.

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

Telephone: (03) 8661 7777
Email : orgs@fwc.gov.au
Internet : www.fwc.gov.au

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].



1 March 2017

Mr Matthew Brand
Chief Executive Officer
NSW Farmers' (Industrial) Association
industrial@nswfarmers.com.au

Dear Mr Brand,

**NSW Farmers' (Industrial) Association
Annual Return of Information for 2017 [AR2017/26]**

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

	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?

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
Internet : 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. 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 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> 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) <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 office and officer 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> 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. <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].

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, [NAME], being the [OFFICER] of the [ORGANISATION NAME], 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 [STREET ADDRESS].¹
 - The organisation has no branches and no branches have ceased or commenced in the previous 12 months.²
 - On 31 December in the previous year the number of members was [NUMBER OF MEMBERS].³
 - A list of offices and the names, postal addresses and occupations of persons holding those offices as at the date of this declaration is attached at Annexure A and forms part of this declaration.
 - Under the rules of the organisation, the following elections must be held between 1 January and 31 December of THIS YEAR:⁴

*[For example: President (1),
Committee of Management Members (7), OR
No elections are required.]*

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a), (b), (c) & (d)

³ s.230(1)(d); reg.147(f)

⁴ s.230(1)(d); reg.147(e)

- The organisation: *[Delete the dot point that does not apply]*
 - Has not entered into an agreement under s.151(1) of the Act with a state union.
 - Has entered into an agreement under s.151(1) of the Act with a state union and the number of members of the state union who were not eligible to be members of the organisation on 31 December in the previous year is [NUMBER OF MEMBERS].⁵

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be lodged with the Fair Work Commission by 31 March. It can be submitted to 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 change⁶.]*

⁵ s.230(1)(d); reg.147(g)

⁶ 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
<i>Secretary</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
<i>President</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>Treasurer</i>	<i>Vacant</i>	<i>vacant</i>	<i>vacant</i>

From: Luke Messer <messerl@nswfarmers.org.au>
Sent: Monday, 3 April 2017 10:19 AM
To: Orgs
Subject: FW: NSW Farmers' (Industrial) Association
Attachments: Letter re lodgement of financial statements.pdf; NSW Farmers Industrial Assoc Financial Statements - final.pdf; Members of the Committee of Management.pdf; Certificate of Secretary.pdf

[Resent](#)

Luke Messer | NSW Farmers | General Manager - Finance & Operations

T: 02 9478 1040 M: 0414 956 840 | messerl@nswfarmers.org.au | www.nswfarmers.org.au



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From: Luke Messer
Sent: Friday, 31 March 2017 4:24 PM
To: 'orgs@fwc.org.au'
Subject: NSW Farmers' (Industrial) Association

Lodgement of 2016 Financial Reports

Luke Messer | NSW Farmers | General Manager - Finance & Operations

T: 02 9478 1040 M: 0414 956 840 | messerl@nswfarmers.org.au | www.nswfarmers.org.au



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<http://www.mailguard.com.au>

NSW FARMERS' (INDUSTRIAL) ASSOCIATION

**FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 2016**

NSW FARMERS' (INDUSTRIAL) ASSOCIATION
ACN 000 004 651
FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 2016

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Statement of Changes in Equity	13
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The Board of Directors
NSW Farmers' (Industrial) Association
Level 6, 35-37 Chandos Street
St Leonard's NSW 2065

31 March 2017

Dear Board Members

NSW Farmers' (Industrial) Association

In accordance with section 307C of the *Corporations Act 2001*, I am pleased to provide the following declaration of independence to the directors of NSW Farmers' Association.

As lead audit partner for the audit of the financial statements of NSW Farmers' Association for the financial year ended 31 December 2016, I declare that to the best of my knowledge and belief, there have been no contraventions of:

- (i) the auditor independence requirements of the *Corporations Act 2001* in relation to the audit; and
- (ii) any applicable code of professional conduct in relation to the audit.

Yours sincerely



DELOITTE TOUCHE TOHMATSU



Gaile Pearce
Partner
Chartered Accountants

Independent Auditor's Report to the members of NSW Farmers' (Industrial) Association

Opinion

We have audited the financial report of NSW Farmers' (Industrial) Association (the "Entity"), which comprises the statement of financial position as at 31 December 2016, the statement of profit or loss and other comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies, and the declaration management.

In our opinion the accompanying financial report presents fairly, in all material respects, the Entity's financial position as at 31 December 2016, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards and the financial reporting requirements under Section 253 of the Fair Work (Registered Organisations) Act 2009 ("the Act") and the requirements imposed by Part 3 of Chapter 8 of the Act.

Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the Entity in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Management are responsible for the other information. The other information comprises the information included in the annual report, but does not include the financial report and our auditor's report thereon.

Our opinion on the financial report does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work we have performed, we conclude that there is a material misstatement of this other information; we are required to report that fact. We have nothing to report in this regard.

Other Information

The directors are responsible for the other information. The other information comprises of the statement of operation for the year ended 31 December 2016, but does not include the financial report and our auditor's report thereon.

Our opinion on the financial report does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

The Director's Responsibilities for the Financial Report

The directors are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards and the financial reporting requirements under Section 253 of the Fair Work (Registered Organisations) Act 2009 ("the Act") and the requirements imposed by Part 3 of Chapter 8 of the Act and for such internal control as the directors determine is necessary to enable the preparation and fair presentation of the financial report and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the directors are responsible for assessing the Entity's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the directors either intend to liquidate the Entity or to cease operations, or have no realistic alternative but to do so.

Auditor's Responsibilities for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

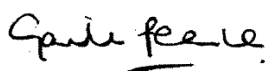
As part of an audit in accordance with the Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the directors.
- Conclude on the appropriateness of the the directors' use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the directors regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.



DELOITTE TOUCHE TOHMATSU



Gaile Pearce
Partner
Chartered Accountants
Sydney, 31 March 2017

NSW FARMERS' (INDUSTRIAL) ASSOCIATION

s.268 *Fair Work (Registered Organisations) Act 2009*

CERTIFICATE BY PRESCRIBED DESIGNATED OFFICER

Certificate for the period ended 31 December 2016

I, *P Wilson*, being the Treasurer of NSW Farmers' (Industrial) Association certify:

- that the documents lodged herewith are copies of the full report for the NSW Farmers' (Industrial) Association for the period ended 31 December 2016 referred to in s.268 of the *Fair Work (Registered Organisations) Act 2009*; and
- that the full report will be available to Members on 31 March 2017; and
- that the full report was presented to a meeting of the committee of management of the reporting unit on 31 March 2017 in accordance with s.266 of the *Fair Work (Registered Organisations) Act 2009*.

Signature of prescribed designated officer:



Name of prescribed designated officer: P Wilson

Title of prescribed designated officer: Treasurer

Dated: 31st March 2017

NSW FARMERS' (INDUSTRIAL) ASSOCIATION

s.268 *Fair Work (Registered Organisations) Act 2009*

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- that the full report will be available to Members on 31 March 2017; and
- that the full report was presented to a meeting of the committee of management of the reporting unit on 31 March 2017 in accordance with s.266 of the *Fair Work (Registered Organisations) Act 2009*.

Signature of prescribed designated officer:



Name of prescribed designated officer: P Wilson

Title of prescribed designated officer: Treasurer

Dated: 31st March 2017

NSW FARMERS' (INDUSTRIAL) ASSOCIATION

OPERATING REPORT FOR THE YEAR ENDED 31 DECEMBER 2016

The committee presents its report on the reporting unit for the financial year ended 31 December 2016.

Review of principal activities, the results of those activities and any significant changes in the nature of those activities during the year

Principal activities

The principal activities of NSW Farmers' (Industrial) Association ("the Association") are the provision of Industrial Relations Services, management of investment funds and investment property and receipting of Membership subscription funds. This is consistent with the principal activities of the Association in 2015.

Review of operations

The net profit for the year was:

	2016	2015
	\$	\$
NSW Farmers' (Industrial) Association	<u>8,601,691</u>	<u>5,140,331</u>

A number of factors have affected the financial performance of the Association.

A significant difference in operating expenditure was the increase in management fee income to \$3,766,140 (2015: \$1,821,947) paid by the NSW Farmers' Association to the Association. The method of calculation ensures that the proportion of net assets is maintained between the two associations.

The Association has leased all available floors at the 35 Chandos Street, St Leonard's property. The result of the financial year has been significantly impacted by a fair value gain relating to this investment property of \$3,003,157 (2015: \$1,591,868).

The fair value gain on financial assets was \$506,125 (2015: gain of \$353,194) which was reflective of movement in local and international equity and bond markets. The returns of the Investment Manager was generally in line with the benchmarks relating to their portfolio allocations. The management of the investment portfolio is continually reviewed by the Board.

NSW FARMERS' (INDUSTRIAL) ASSOCIATION

OPERATING REPORT FOR THE YEAR ENDED 31 DECEMBER 2016 (CONTINUED)

Review of operations (continued)

The valuation basis of investment properties is fair value being the amounts for which the assets could be exchanged between willing parties in an arm's length transaction as at valuation date. Fair value is determined by direct reference to recent market transactions on arm's length terms for land and buildings comparable in size and location to those held by the Association, and to market based yields for comparable properties. This policy will result in more reliable and more relevant information on the market value of the Association's investment properties.

Right of members to resign

Members can resign in accordance with Clause 13 of the Rules of the Association.

Officers & employees who are superannuation fund trustee(s) (include position details) or director of a company that is a superannuation fund trustee

No officer or member of the reporting unit holds a position as a trustee or director of a superannuation entity or exempt public sector superannuation scheme where the criterion for holding such position is that they are an officer or member of an organisation.

Number of members

Number of Members at 31 December 2016 – 4,370 (2015: 4,509).

Number of employees

Number of full-time employees who served for the complete financial year ended 31 December 2016 – 3 (2015: 3).

NSW FARMERS' (INDUSTRIAL) ASSOCIATION

OPERATING REPORT FOR THE YEAR ENDED 31 DECEMBER 2016 (CONTINUED)

Names of Committee of Management members and period positions held during the financial year

Director	Date appointed	Date Resigned	Qualifications
RJ Chamen	30/07/09	20/07/16	Farmer
D Clarke	21/07/11	20/07/16	Farmer
W Dunford	21/07/11	20/07/16	Farmer
M Horan	21/07/11		Farmer
P Wilson	19/10/12		Farmer
D Schoen	19/07/13		Farmer
H Dalton	15/07/15		Farmer
J Jackson	15/07/15		Farmer
M Clapham	15/07/15		Farmer
R Reardon	20/07/16		Farmer
L Minogue	20/07/16		Farmer
A Shoker	20/07/16		Farmer

Signature of designated officer:



Name and title of designated officer: D Schoen, President

Dated: 31st March 2017

NSW FARMERS' (INDUSTRIAL) ASSOCIATION

COMMITTEE OF MANAGEMENT STATEMENT

for the period ended 31 December 2016

On 31 March 2017 the Board of Directors of NSW Farmers' (Industrial) Association passed the following resolution in relation to the general purpose financial report (GPFR) for the year ended 31 December 2016:

The Board of Directors declares that in its opinion:

- (a) the financial statements and notes comply with the Australian Accounting Standards;
- (b) the financial statements and notes comply with the reporting guidelines of the General Manager;
- (c) the financial statements and notes give a true and fair view of the financial performance, financial position and cash flows of the reporting unit for the financial year to which they relate;
- (d) there are reasonable grounds to believe that the reporting unit will be able to pay its debts as and when they become due and payable; and
- (e) during the financial year to which the GPFR relates and since the end of that year:
 - (i) meetings of the committee of management were held in accordance with the rules of the organisation including the rules of a branch concerned; and
 - (ii) the financial affairs of the reporting unit have been managed in accordance with the rules of the organisation including the rules of a branch concerned; and
 - (iii) the financial records of the reporting unit have been kept and maintained in accordance with the Fair Work (Registered Organisations) Act 2009; and
 - (iv) where the organisation consists of two or more reporting units, the financial records of the reporting unit have been kept, as far as practicable, in a consistent manner with each of the other reporting units of the organisation; and
 - (v) no information has been sought in any request by a member of the reporting unit or General Manager duly made under section 272 of the Fair Work (Registered Organisations) Act 2009; and
 - (vi) no order for inspection of financial records has been made by the Fair Work Commission under section 273 of the Fair Work (Registered Organisations) Act 2009.
- (f) no revenue has been derived from undertaking recovery of wages activity during the reporting period.

This declaration is made in accordance with a resolution of the Committee of Management.

Signature of designated officer:



Name and title of designated officer: D Schoen, President

Dated: 31st March 2017

NSW FARMERS' (INDUSTRIAL) ASSOCIATION
STATEMENT OF COMPREHENSIVE INCOME
for the period ended 31 December 2016

	Notes	2016 \$	2015 \$
Revenue			
Membership subscription		709,331	700,980
Dividend income from investment portfolio		91,618	355,455
Project income		108,892	16,580
NFF House Unit Trust distribution		31,481	39,130
Capitation fees	3A	-	-
Levies	3B	-	-
Interest	3C	335,116	219,178
Rental revenue	3D	883,306	886,685
Total revenue		2,159,744	2,218,008
Other Income			
Grants and/or donations	3E	-	-
Market movement in investments at fair value through profit and loss		506,125	353,194
Management fee – NSW Farmers' Association		3,766,140	1,821,947
Gain on movement in fair value of investment property		3,003,157	1,591,868
Other income		14,789	13,489
Total other income		7,290,211	3,780,498
Total income		9,449,955	5,998,506
Expenses			
Employee expenses	4A	(269,883)	(275,852)
Capitation fees	4B	-	-
Promotional expenses		(20,000)	(20,000)
Investment expenses		(140,936)	(132,179)
Affiliation fees	4C	-	-
Administration expenses	4D	(389,226)	(367,401)
Grants or donations	4E	-	-
Depreciation	4F	(15,071)	(15,030)
Legal costs	4G	-	(4,743)
Audit fees	12	(14,200)	(13,800)
Total expenses		(849,316)	(829,005)
Profit (loss) for the year		8,600,639	5,169,501
Other comprehensive income			
Items that will not be subsequently reclassified to profit or loss			
Revaluation of available-for-sale investment through investment revaluation reserve		1,052	(29,170)
Total comprehensive income for the year		8,601,691	5,140,331

The above statement should be read in conjunction with the notes.

NSW FARMERS' (INDUSTRIAL) ASSOCIATION
STATEMENT OF FINANCIAL POSITION
as at 31 December 2016

	Notes	2016 \$	2015 \$
ASSETS			
Current Assets			
Cash and cash equivalents	5A	1,076,211	1,839,959
Trade and other receivables	5B	17,750,132	10,296,187
Other current assets	5C	16,653	17,665
Total current assets		18,842,996	12,153,811
Non-Current Assets			
Property, plant and equipment	6A	41,121	38,096
Investment Property	6B	15,450,000	12,587,121
Other non-current assets	6C	19,370,812	19,316,268
Total non-current assets		34,861,933	31,941,485
Total assets		53,704,929	44,095,296
LIABILITIES			
Current Liabilities			
Trade payables	7A	804	7,783
Other payables	7B	71,928	46,336
Other liabilities	7C	765,180	188,900
Borrowings	7D	971,280	558,231
Employee provisions	8	-	-
Total current liabilities		1,809,192	801,250
Total liabilities		1,809,192	801,250
Net assets		51,895,737	43,294,046
EQUITY			
Retained earnings	9A	51,384,984	42,784,345
Reserves	9B	510,753	509,701
Total equity		51,895,737	43,294,046

The above statement should be read in conjunction with the notes.

NSW FARMERS' (INDUSTRIAL) ASSOCIATION
STATEMENT OF CHANGES IN EQUITY
for the period ended 31 December 2016

Consolidated		Retained earnings	Investment revaluation reserve	Total equity
	Notes	\$	\$	\$
Balance as at 1 January 2015		37,614,844	538,871	38,153,715
Profit for the year		5,169,501	-	5,169,501
Other comprehensive income for the year		-	(29,170)	(29,170)
Closing balance as at 31 December 2015		42,784,345	509,701	43,294,046
Profit for the year		8,600,639	-	8,600,639
Other comprehensive income for the year		-	1,052	1,052
Closing balance as at 31 December 2016		51,384,984	510,753	51,895,737

The above statement should be read in conjunction with the notes.

NSW FARMERS' (INDUSTRIAL) ASSOCIATION
CASH FLOW STATEMENT
for the period ended 31 December 2016

	Notes	2016 \$	2015 \$
OPERATING ACTIVITIES			
Cash received			
Member subscriptions		705,053	729,543
Rental income		913,883	886,685
Project funds received in advance		439,044	-
Interest		3,320	9,205
Other		79,487	30,068
Cash used			
Employees and suppliers		(674,343)	(634,066)
Net cash from (used by) operating activities	10A	1,466,444	1,021,435
INVESTING ACTIVITIES			
Cash received			
Dividend and trust distributions		454,895	604,558
Proceeds from sale of land and buildings		-	-
Other		-	-
Cash used			
Purchase of plant and equipment		(18,096)	-
Purchase of land and buildings		-	-
Net withdrawal / (re-investment in) from investment portfolio		1,019,700	(1,247,412)
Net cash from (used by) investing activities		1,456,499	(642,854)
FINANCING ACTIVITIES			
Cash used			
Net loan to a related party		(3,686,691)	(2,387,149)
Net cash from (used by) financing activities		(3,686,691)	(2,387,149)
Net increase (decrease) in cash held		(763,748)	(2,008,568)
Cash & cash equivalents at the beginning of the reporting period		1,839,959	3,848,527
Cash & cash equivalents at the end of the reporting period	5A	1,076,211	1,839,959

The above statement should be read in conjunction with the notes.

NSW FARMERS' (INDUSTRIAL) ASSOCIATION

RECOVERY OF WAGES ACTIVITY

for the period ended 31 December 2016

	2016 \$	2015 \$
Cash assets in respect of recovered money at beginning of year	-	-
Receipts		
Amounts recovered from employers in respect of wages etc.	-	-
Interest received on recovered money	-	-
Total receipts	-	-
Payments		
Deductions of amounts due in respect of membership for:		
12 months or less	-	-
Greater than 12 months	-	-
Deductions of donations or other contributions to accounts or funds of:		
The reporting unit:		
name of account	-	-
name of fund	-	-
Name of other reporting unit of the organisation:		
name of account	-	-
name of fund	-	-
Name of other entity:		
name of account	-	-
name of fund	-	-
Deductions of fees or reimbursement of expenses	-	-
Payments to workers in respect of recovered money	-	-
Total payments	-	-
Cash assets in respect of recovered money at end of year	-	-
Number of workers to which the monies recovered relates	-	-
Aggregate payables to workers attributable to recovered monies but not yet distributed		
Payable balance	-	-
Number of workers the payable relates to	-	-
Fund or account operated for recovery of wages	-	-

Index to the Notes of the Financial Statements

Note 1	Summary of Significant Accounting Policies
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Note 5	Current Assets
Note 6	Non-current Assets
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Note 10	Cash Flow
Note 11	Related Party Disclosures
Note 12	Remuneration of Auditors
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Note 14	General Information
Note 15	Section 272 <i>Fair Work (Registered Organisations) Act 2009</i>
Note 16	Subsequent Events

Note 1 Summary of Significant Accounting Policies

1.1 Statement of compliance

The financial report is a general purpose financial report which has been prepared in accordance with Australian Accounting Standards and Interpretations and the requirements under Section 253 of the Fair Work (Registered Organisations) Act 2009.

The financial statements cover NSW Farmers' (Industrial) Association as an individual entity. For the purposes of preparing the financial statements, the Association is a not-for-profit entity.

Accounting Standards include Australian equivalents to International Financial Reporting Standards ("A-IFRS"). Compliance with A-IFRS ensures that the financial statements and notes of the Association comply with International Financial Reporting Standards ("IFRS").

The financial statements were authorised for issue by the Executive Committee on 31 March 2017.

1.2 Basis of preparation

The financial report has been prepared on the basis of historical cost, except for the revaluation of certain assets and financial instruments. Historical cost is based on the fair values of the consideration given in exchange for assets. All amounts are presented in Australian dollars.

1.3 New Australian Accounting Standards

In the current year, the Association has adopted all of the new and revised Standards and Interpretations issued by the Australian Accounting Standards Board (the AASB) that are relevant to its operations and effective for the current annual reporting period. No new and revised standards and interpretations that have been adopted in the current period have affected the amounts reported in these financial statements (refer note 1.18).

1.4 Critical accounting judgements and key sources of estimation uncertainty

In the application of the Association's accounting policies, management is required to make judgements, estimates and assumptions about carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and other factors that are considered to be relevant. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods. Refer to Note 2 for a discussion of critical judgements in applying the entity's accounting policies, and key sources of estimation uncertainty.

1.5 Foreign currency

The financial statements of the Association are presented in its functional currency being the currency of the primary economic environment in which the entity operates. The results and financial position of the Association is expressed in Australian dollars, which is the functional currency of NSW Farmers' (Industrial) Association and the presentation currency for the financial statements.

Note 1 Summary of Significant Accounting Policies (continued)

1.6 Goods and services tax

Revenues, expenses and assets are recognised net of the amount of goods and services tax (GST), except:

- i. Where the amount of GST incurred is not recoverable from the taxation authority, it is recognised as part of the cost of acquisition of an asset or as part of an item of expense; or
- ii. For receivables and payables which are recognised inclusive of GST.

The net amount of GST recoverable from, or payable to, the taxation authority is included as part of receivables or payables.

Cash flows are included in the statement of cash flows on a gross basis. The GST component of cash flows arising from investing and financing activities which is recoverable from, or payable to, the taxation authority is classified within operating cash flows.

1.7 Revenue

Revenue is measured at the fair value of the consideration received or receivable.

Dividend and interest revenue

Dividend revenue from investments is recognised when the Association's right to receive payment has been established.

Interest revenue is accrued on a time basis, by reference to the principal outstanding and at the effective interest rate applicable, which is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset to that asset's net carrying amount.

Membership subscription income

Subscription income is recognised on a straight line basis over the subscription term.

Project income

Project income is recognised over the periods necessary to match the income with the costs they are intended to compensate.

Distribution income

Distribution income is recognised when the right to receive the revenue has been established.

Other income

Other income is recognised when the right to receive the revenue has been established.

Rental income

Rental income from operating leases is recognised on a straight-line basis over the term of the relevant lease.

In the event that lease incentives are paid to enter into operating leases, such incentives are recognised as an asset. The aggregate benefits of incentives are recognised as a reduction of rental income on a straight-line basis over the lease term.

1.8 Unearned revenue

Project funding and subscription receipts relating to periods beyond the current financial year end are deferred and are disclosed as unearned income in the statement of financial position.

Note 1 Summary of Significant Accounting Policies (continued)

1.9 Cash and cash equivalents

Cash comprises demand deposits. Cash equivalents are short-term, highly liquid investments that are readily convertible to known amounts of cash, which are subject to an insignificant risk of changes in value and have a maturity of three months or less at the date of the acquisition.

1.10 Financial assets

Investments are recognised and de-recognised on trade date where the purchase or sale of an investment is under a contract whose terms require delivery of the investment within the timeframe established by the market concerned, and are initially measured at fair value net of transaction costs, except for those financial assets classified at fair value through profit or loss which are initially measured at fair value.

Other financial assets are classified into the following specified categories: 'financial assets at fair value through profit or loss', 'available-for-sale financial assets', 'held to maturity' investments and 'loans and receivables'. The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition. At 31 December 2016, the Association had no held to maturity investments.

Effective interest method

The effective interest method is a method of calculating the amortised cost of a financial asset and of allocating interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts (including all fees on points paid or received that form an integral part of the effective interest rate, transaction costs and other premiums or discounts) through the expected life of the financial asset, or, where appropriate, a shorter period.

Financial assets at fair value through profit or loss

Financial assets are classified as financial assets at fair value through profit or loss where the financial asset has been acquired principally for the purpose of selling in the near future; or the financial asset forms part of a group of financial assets or financial liabilities or both, which is managed and its performance is evaluated on a fair value basis, in accordance with the Association's documented risk management or investment strategy, and information about the grouping is provided internally on that basis.

Financial assets at fair value through profit or loss are stated at fair value, with any resultant gain or loss recognised in profit or loss. The net gain or loss recognised in profit or loss incorporates any dividend or interest earned on the financial asset. Fair value is determined in the manner described in Note 13.

Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. They arise when the Association provides money, goods or services directly to a debtor with no intention of selling the receivable. They are included in current assets, except for those with maturities greater than 12 months after the balance sheet date which are classified as non-current assets.

Loans and receivables are measured at amortised cost, using the effective interest method less impairment.

Note 1 Summary of Significant Accounting Policies (continued)

1.10 Financial assets (continued)

Available-for-sale financial assets

Available-for-sale financial assets held by the Association consist of Units in NFF Unit Trust. Gains and losses arising from changes in fair value are recognised directly in the investment revaluation reserve with the exemption of impairment losses, interest calculated using the effective method and foreign exchange gains and losses which are recognised directly in profit or loss. Fair value is determined in the manner described in Note 13.

Where the investment is disposed of or is determined to be impaired, the cumulative gain or loss previously recognised in the investments revaluation reserve is included in profit or loss for the period. Dividends on available-for-sale equity instruments are recognised in profit and loss when the Association's right to receive the dividends is established.

Impairment of financial assets

Financial assets, other than those at fair value through profit or loss, are assessed for indicators of impairment at each statement of financial position date. Financial assets are considered to be impaired where there is objective evidence that as a result of one or more events that occurred after initial recognition of the financial asset the estimated future cash flows of the investment have been impacted.

For financial assets carried at amortised cost, the amount of the impairment is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted at the original effective interest rate.

The carrying amount of financial assets including uncollectible trade receivables is reduced by the impairment loss through the use of an allowance account. Subsequent recoveries of amounts previously written off are credited against the allowance account. Changes in the carrying amount of the allowance account are recognised in profit or loss.

With the exception of available-for-sale equity instruments, if, in a subsequent period, the amount of the impairment loss decreases and the decrease can be related objectively to an event occurring after the impairment was recognised, the previously recognised impairment loss is reversed through profit or loss to the extent the carrying amount of the investment at the date the impairment is reversed does not exceed what the amortised cost would have been had the impairment not been recognised.

In respect of available-for-sale equity instruments, any subsequent increase in fair value after an impairment loss is recognised directly in equity.

Derecognition of financial assets

The Association derecognises a financial asset only when the contractual rights to the cash flows from the asset expire, or it transfers the financial asset and substantially all the risks and rewards of ownership of the asset to another entity. If the Association neither transfers nor retains substantially all the risks and rewards of ownership and continues to control the transferred asset, the Association recognises its retained interest in the asset and an associated liability for amounts it may have to pay. If the Association retains substantially all the risks and rewards of ownership of a transferred financial asset, the Association continues to recognise the financial asset and also recognises a collateralised borrowing for the proceeds received.

Note 1 Summary of Significant Accounting Policies (continued)

1.11 Property, plant, and equipment

Property, plant and equipment are stated at cost less accumulated depreciation and impairment. Costs include all expenditure that is directly attributable to the acquisition of the asset. In the event that settlement of all or part of the purchase consideration is deferred, cost is determined by discounting the amounts payable in the future to their present value as at the date of acquisition.

Depreciation is calculated on a straight line basis so as to write off the net cost or other revalued amount of each asset over its expected useful life to its estimated residual value. The estimated useful lives, residual values and depreciation method are reviewed at the end of each annual reporting period, with the effect of any changes recognised on a prospective basis.

The gain or loss on disposal or retirement of an item of property, plant and equipment is determined as the difference between the sales proceeds and the carrying amount of the asset and is recognised in profit or loss.

The following useful lives are used in the calculation of depreciation:

Plant and Equipment 3-5 years

1.12 Investment property

Investment properties are properties held to earn rentals and/or capital appreciation. Investment properties are measured initially at cost, including transaction costs. Subsequent to initial recognition, investment properties are measured at fair value. Gains and losses arising from changes in the fair value of investment properties are included in profit or loss in the period in which they arise.

An investment property is derecognised upon disposal. Any gain or loss arising on derecognition of the property is included in profit or loss in the period in which the property is derecognised.

1.13 Impairment of long-lived assets

At each reporting date, the Association reviews the carrying amounts of its assets to determine whether there is any indication that those assets have suffered an impairment loss. If any such indication exists, the recoverable amount of the asset is estimated in order to determine the extent of the impairment loss (if any).

Recoverable amount is the higher of fair value less costs to sell and value in use. In assessing value in use, the estimated future cash flows are discounted to their present value using a pre-tax discount rate that reflects current market assessments of the time value of money and the risks specific to the asset for which the estimates of future cash flows have not been adjusted.

If the recoverable amount of an asset is estimated to be less than its carrying amount, the carrying amount of the asset is reduced to its recoverable amount. An impairment loss is recognised immediately in profit or loss, unless the relevant asset is carried at a revalued amount, in which case the impairment loss is treated as a revaluation decrease.

Note 1 Summary of Significant Accounting Policies (continued)

1.13 Impairment of long-lived assets (continued)

Where an impairment loss subsequently reverses, the carrying amount of the asset is increased to the revised estimate of its recoverable amount, but only to the extent that the increased carrying amount does not exceed the carrying amount that would have been determined had no impairment loss been recognised for the asset in prior years. A reversal of an impairment loss is recognised immediately in profit or loss, unless the relevant asset is carried at fair value, in which case the reversal of the impairment loss is treated as a revaluation increase.

1.14 Employee benefits

A liability is recognised for benefits accruing to employees in respect of wages and salaries, annual leave and long service leave when it is probable that settlement will be required and they are capable of being measured reliably.

Liabilities recognised in respect of employee benefits which are not expected to be settled within 12 months are measured as the present value of the estimated future cash outflows to be made by the Association in respect of services provided by employees up to reporting date.

Defined contribution plans are expensed when employees have rendered service entitling them to contributions.

1.15 Provisions

Provisions are recognised when the Association has a present obligation (legal or constructive) as a result of a past event, it is probable that the Association will be required to settle the obligation, and a reliable estimate can be made of the amount of the obligation.

The amount recognised as a provision is the best estimate of the consideration required to settle the present obligation at reporting date, taking into account the risks and uncertainties surrounding the obligation. Where a provision is measured using the cash flows estimated to settle the present obligation, its carrying amount is the present value of those cash flows.

When some or all of the economic benefits required to settle a provision are expected to be recovered from a third party, the receivable is recognised as an asset if it is virtually certain that reimbursement will be received and the amount of the receivable can be measured reliably.

Note 1 Summary of Significant Accounting Policies (continued)

1.16 Financial instruments issued by the Association

Financial liabilities, including borrowings, are initially measured at fair value net of transaction costs.

Financial liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant periods. The effective interest rate is the rate that exactly discounts estimated future cash payments through the expected life of the financial liability, or, where appropriate, a shorter period.

1.17 Leased assets

Leases are classified as finance leases when the terms of the lease transfer substantially all the risks and rewards incidental to ownership of the leased asset to the lessee. All other leases are classified as operating leases.

Operating lease payments are recognised as an expense on a straight-line basis over the lease term, except where another systematic basis is more representative of the time pattern in which economic benefits from the leased asset are consumed. Contingent rentals arising under operating leases are recognised as an expense in the period in which they are incurred.

In the event that lease incentives are received to enter into operating leases, such incentives are recognised as a liability. The aggregate benefits of incentives are recognised as a reduction of rental expense on a straight-line basis.

1.18 Adoption of new and revised Accounting Standards

In the current year, the Association has adopted all of the new and revised Standards and Interpretations issued by the Australian Accounting Standards Board ("the AASB") that are relevant to its operations and effective for the current annual reporting period.

New and revised Standards and amendments thereof and Interpretations effective for the current year that are relevant to the Association include:

- AASB 2014-4 Amendments to Australian Accounting Standards – Clarification of Acceptable Methods of Depreciation and Amortisation
- AASB 2015-1 Amendments to Australian Accounting Standards – Annual Improvements to Australian Accounting Standards 2012-2014 Cycle
- AASB 2015-2 Amendments to Australian Accounting Standards – Disclosure Initiative:
- Amendments to AASB 101

Note 1 Summary of Significant Accounting Policies (continued)

1.18 Adoption of new and revised Accounting Standards (continued)

Standards and Interpretations in issue and not yet adopted

At the date of authorisation of the financial statements, the Standards and Interpretations listed below were in issue but not yet effective:

Standard/Interpretation	Effective for annual reporting periods beginning on or after	Expected to be initially applied in the financial year ending
• AASB 9 Financial Instruments	1 January 2018	31 December 2018
• AASB 15 Revenue from Contracts with Customers, 2014-5 Amendments to Australian Accounting Standards arising from AASB 15, 2015-8 Amendments to Australian Accounting Standards – Effective date of AASB 15, 2016-3 Amendments to Australian Accounting Standards – Clarifications to AASB 15	1 January 2019	31 December 2019
• AASB 1058 Income for Not-For-Profit entities	1 January 2019	31 December 2019
• AASB 16 Leases	1 January 2019	31 December 2019
• AASB 2015-10 Amendments to Australian Accounting Standards – Effective Date of Amendments to AASB 10 and AASB 128	1 January 2018	31 December 2018
• AASB 2017-1 Amendments to Australian Accounting Standards – Transfers of Investment Property, Annual Improvements 2014-2016 Cycle and Other Amendments	1 January 2018	31 December 2018
• AASB 2017-2 Amendments to Australian Accounting Standards – Further Annual Improvements 2014-2016 Cycle	1 January 2018	31 December 2018
• Interpretation 22 Foreign Currency Transactions and Advance Consideration	1 January 2018	31 December 2018

Note 2 Critical accounting estimates and judgment

The Executive Committee of the Association evaluates estimates and judgments incorporated into the financial statements based on historical knowledge and best available current information. Estimates assume a reasonable expectation of future events and are based on current trends and economic data, obtained both externally and within the Association. Key estimates and critical judgments include estimation of fair values of investment properties and classification of investments as “financial assets at fair value through profit or loss”.

Note 3 Income

	2016	2015
	\$	\$
Note 3A: Capitation fees		
Total capitation fees	-	-
Note 3B: Levies		
Total levies	-	-
Note 3C: Interest		
Deposits	335,116	219,178
Total interest	335,116	219,178
Note 3D: Rental revenue		
Properties	883,306	886,685
Total rental revenue	883,306	886,685
Note 3E: Grants or donations		
Grants	-	-
Donations	-	-
Total grants or donations	-	-

	2016	2015
	\$	\$

Note 4 Expenses

Note 4A: Employee expenses

Holders of office:

Wages and salaries	-	-
Superannuation	-	-
Leave and other entitlements	-	-
Separation and redundancies	-	-
Other employee expenses	-	-

Subtotal employee expenses holders of office	-	-
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Employees other than office holders:

Wages and salaries	241,701	248,176
Superannuation	21,882	22,406
Leave and other entitlements	-	-
Separation and redundancies	-	-
Other employee expenses	6,300	5,270

Subtotal employee expenses employees other than office holders	269,833	275,852
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Total employee expenses	269,883	275,852
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Note 4B: Capitation fees

Total capitation fees	-	-
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Note 4C: Affiliation fees

Total affiliation fees/subscriptions	-	-
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	2016	2015
	\$	\$
Note 4D: Administration expenses		
Consideration to employers for payroll deductions	-	-
Compulsory levies		
Fees/allowances - meeting and conferences	-	-
Conference and meeting expenses	-	-
Property expenses	341,853	343,388
Other	47,373	42,013
Total administration expenses	389,226	367,401

Note 4E: Grants or donations

Grants:		
Total paid that were \$1,000 or less	-	-
Total paid that exceeded \$1,000	-	-
Donations:		
Total paid that were \$1,000 or less	-	-
Total paid that exceeded \$1,000	-	-
Total grants or donations	-	-

Note 4F: Depreciation

Depreciation		
Property, plant and equipment	15,071	15,030
Total depreciation	15,071	15,030

Note 4G: Legal costs

Litigation	-	-
Other legal matters	-	4,743
Total legal costs	-	4,743

2016	2015
\$	\$

Note 5 Current Assets

Note 5A: Cash and Cash Equivalents

Cash at bank	335,368	386,711
Cash held with investment manager	740,843	1,453,248
Total cash and cash equivalents	1,076,211	1,839,959

Note 5B: Trade and Other Receivables

Receivables from other reporting unit

NSW Farmers' Association (i)	17,699,592	10,246,761
Total receivables from other reporting unit (net)	17,699,592	10,246,761

Less provision for doubtful debts

NSW Farmers' Association (i)	-	-
Total provision for doubtful debts	-	-
Receivable from other reporting unit	17,699,592	10,246,761

(i) At the balance date, the related party receivable balance is repayable on demand. However the Directors have given an undertaking to NSW Farmers' Association that it will provide financial support to NSW Farmers' Association should they need it to enable them to repay their other debts as and when they fall due.

Other receivables:

GST receivable from the Australian Taxation Office	(7,119)	(5,810)
Other trade receivables	57,659	55,236
Total other receivables	50,540	49,426
Total trade and other receivables (net)	17,750,132	10,296,187

Note 5C: Other Current Assets

Prepayments	16,653	17,665
Total other current assets	16,653	17,665

2016 2015
\$ \$

Note 6 Non-current Assets

Note 6A: Property, Plant and equipment

Property, Plant and equipment:

at cost	119,443	101,347
accumulated depreciation	(78,322)	(63,251)
Total property plant and equipment	41,121	38,096

Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment

As at 1 January		
Gross book value	101,347	101,346
Accumulated depreciation and impairment	(63,251)	(48,220)
Net book value 1 January	38,096	53,126
Additions:		
By purchase	18,096	-
From acquisition of entities (including restructuring)	-	-
Impairments	-	-
Depreciation expense	(15,071)	(15,030)
Other movement	-	-
Disposals:		
From disposal of entities (including restructuring)	-	-
Other	-	-
Net book value 31 December	41,121	38,096
Net book value as of 31 December represented by:		
Gross book value	119,443	101,347
Accumulated depreciation and impairment	(78,322)	(63,251)
Net book value 31 December	41,121	38,096

2016
\$

2015
\$

Note 6B: Investment Property

Opening balance as at 1 January	12,587,121	11,187,126
Additions	-	-
Movement in lease incentive	(140,277)	(191,873)
Net gain from fair value adjustment	3,003,157	1,591,868
Closing balance as at 31 December	15,450,000	12,587,121

The fair values as at 31 December 2016 have been arrived at on the basis of a valuation determined principally on the income capitalisation method of valuation. The independent valuer LandMark White has applied capitalisation rates, which are derived based on recent sales data, to the market rent of the property. In estimating the fair value of the properties, the highest and best use of the properties has been used.

The fair value re-measurement gain is shown in the reconciliation note above.

The Association has classified its property assets as Level 3 hierarchy assets due to their fair value being based on unobservable inputs as follows:

Class of property	Fair value hierarchy	Fair value 2016	Fair value 2015	Valuation technique	Key unobservable inputs	Input range		Relationship of unobservable input to fair value
						2016	2015	
Commercial	Level 3	14,700,000	12,000,000	Income capitalisation method	<ul style="list-style-type: none"> Market rent 	\$430-445m ²	\$350-533m ²	The higher the passing and market rent per square metre, the higher the fair value.
					<ul style="list-style-type: none"> Capitalisation rate 	6.25%	7.25%	The higher the capitalisation rate, the lower the fair value.
Residential	Level 3	750,000	587,126	Market comparison method	<ul style="list-style-type: none"> Price per square metre 	\$9,740	\$7,488	Higher the price per square metre, the higher the fair value.

A change in the income capitalisation rate of 0.25% would result in a fair value change (increase/decrease) of \$39,121 (2015: \$34,132). There were no transfers between hierarchy levels during the year.

The valuation process adopted by the directors includes engagement of suitably qualified independent, external valuers to conduct commercial property valuations on a periodic basis, but at least once every 3 years. During interim years, an internal valuation assessment is performed using external market data relating to capitalisation rates and internal rental data relating to the properties.

	2016	2015
	\$	\$

Note 6C: Other Financial Assets

Financial assets at fair value through profit or loss

Financial assets in quoted securities – at fair value	18,575,058	18,521,568
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Available-for-sale financial assets

Investment in NFF House Trust – at fair value	795,754	794,700
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Total other current assets	19,370,812	19,316,268
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Note 7 Current Liabilities

Note 7A: Trade payables

Trade creditors (i)	804	7,783
Subtotal trade creditors	804	7,783

(i) The average credit period on purchases of certain goods is 30 days. No interest is charged on trade payables from the date of invoice. The Association has financial risk management policies in place to ensure that all payables are paid within the credit timetable.

Payables to other reporting unit

Subtotal payables to other reporting unit	-	-
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Total trade payables	804	7,783
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Settlement is usually made within 30 days.

Note 7B: Other payables

Consideration to employers for payroll deductions	-	-
Legal costs	-	-
Other	71,928	46,336
Total other payables	71,928	46,336

Total other payables are expected to be settled in:

No more than 12 months	71,928	46,336
More than 12 months	-	-

Total other payables	71,928	46,336
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	2016 \$	2015 \$
Note 7C: Other liabilities		
Unearned income	611,166	188,900
Forward foreign exchange contracts	154,014	-
Total other liabilities	<u>765,180</u>	<u>188,900</u>

Note 7D: Borrowings

Margin lending facility (i)	971,280	558,231
Total other liabilities	<u>971,280</u>	<u>558,231</u>

(i) Assets secured over the margin lending facility include quoted securities (Note 6C) with a fair value of \$18,575,058 at balance date (2015: \$18,521,568).

Note 8 Employee Provisions

Employee provisions in relation to the 3 employees (2015: 3) are recorded in NSW Farmers' Association's books, hence the balance is Nil (2015: Nil).

Note 9 Equity

Note 9A: Retained Earnings

Balance as at start of year	42,784,345	37,614,844
Total comprehensive income for the year	8,600,639	5,169,501
Balance as at end of year	<u>51,384,984</u>	<u>42,784,345</u>

Note 9B: Investment Revaluation Reserve

Balance as at start of year	509,701	538,871
Transferred to reserve	1,052	-
Transferred out of reserve	-	(29,170)
Balance as at end of year	<u>510,753</u>	<u>509,701</u>
Total Reserves	<u>51,895,737</u>	<u>43,294,046</u>

	2016	2015
	\$	\$

Note 10 Cash Flow

Note 10A: Cash Flow Reconciliation

Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement:

Cash and cash equivalents as per:

Cash flow statement	1,076,211	1,839,959
Balance sheet	1,076,211	1,839,959
Difference	<u>-</u>	<u>-</u>

Reconciliation of profit/(deficit) to net cash from operating activities:

Profit/(deficit) for the year	8,600,639	5,169,501
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Adjustments for non-cash items

Depreciation/amortisation	15,071	15,030
Change in fair values of financial assets held at fair value through profit and loss	(506,125)	(353,194)
Dividend and interest income	(454,895)	(604,558)
Management fee to related entity (non-cash)	(3,766,140)	(1,821,947)
Gain on movement in fair value of investment property	(3,003,157)	(1,591,868)

Changes in assets/liabilities

(Increase)/decrease in net receivables	(1,114)	12,828
Decrease in other current asset	1,010	15,355
Increase in lease incentive	140,277	191,873
Increase in deferred income	422,266	15,735
Increase/(decrease) in trade and other payables	18,612	(27,320)
Net cash from (used by) operating activities	<u>1,466,444</u>	<u>1,021,435</u>

Note 10B: Cash flow information

Cash inflows	3,615,385	2,260,059
Total cash inflows	<u>3,615,385</u>	<u>2,260,059</u>
Cash outflows	(4,379,130)	(4,268,627)
Total cash outflows	<u>(4,379,130)</u>	<u>(4,268,627)</u>

Note 11 Related Party Disclosures

Note 11A: Related Party Transactions for the Reporting Period

- (a) Transactions with Key Management Personnel
- i. There are no employee benefits paid to any holders of office in the Association.
- (b) Transactions with other related parties:
- i. During the year, the entity received management fees of \$3,766,140 (2015: \$1,821,947) from NSW Farmers' Association, a related entity.
 - ii. The entity has provided loans to and received advances from NSW Farmers' Association, a related entity. These loans and advances are unsecured, interest free and repayable on demand. Refer Note 5B for balance outstanding at year end.
 - iii. In December 2012, the Association entered into a five year lease agreement with NSW Farmers' Association for the rental of the premises at 35 Chandos Street, St Leonard's. The annual rental is \$ 303,720 (2015: \$294,294).

Transactions between related parties are on normal commercial terms and conditions unless otherwise stated.

Note 11B: Key Management Personnel Remuneration for the Reporting Period

Remuneration of key management personnel, including the Chief Executive, is borne by a related entity – NSW Farmers' Association. A reasonable allocation of the amount of the management fee attributable to management compensation cannot be made.

Note 12 Remuneration of Auditors

	2016	2015
	\$	\$
Value of the services provided		
Audit services	12,500	12,200
Financial statements review	1,700	1,600
Total remuneration of auditors	<u>14,200</u>	<u>13,800</u>

The auditor of NSW Farmers' (Industrial) Association is Deloitte Touche Tohmatsu. No other services were provided by the auditors of the financial statements.

Note 13 Financial Instruments

(a) Financial risk management objectives

The Executive Committee has overall responsibility for the establishment and oversight of the Association's financial management framework. The Board of a related entity – NSW Farmers' Association has an established Finance and Audit Committee ("Finance Committee"), which is responsible for developing and monitoring the Association's financial management policies. The Committee provides regular reports to the Board of Directors on its activities.

The Association's risk management policies are established to identify and analyse the risks faced by the Association, to set appropriate risk limits and controls, and to monitor risks and adherence to limits. Risk management policies and systems are reviewed regularly to reflect changes in market conditions and the Association's activities.

The Finance Committee will oversee how Management monitors compliance with risk management policies and procedures and review the adequacy of the risk management framework in relation to the risks.

The main risk arising from the Association's financial instruments are price risk, foreign exchange risk, interest rate risk, credit risk, and liquidity risk. The Board reviews and agrees policies for managing each of these risks and they are summarised below.

(b) Capital risk management

The Executive Committee's policy is to maintain a strong capital base so as to maintain members' confidence and to sustain future development of the Association. There were no changes in the Association's approach to capital management during the period.

The Association's capital structure comprises cash, short-term deposits, investments and other financial assets. The main purpose of these financial instruments is to raise finance for and fund the Association's operations. The Association has various other financial instruments such as trade debtors and creditors, which arise directly from its operations.

(c) Categories of financial instruments

	2016	2015
	\$	\$
Financial assets		
Cash and cash equivalents	1,076,211	1,839,959
Loans and receivables	17,750,132	10,296,188
Available-for-sale financial assets	795,754	794,700
Financial assets designated as fair value through profit or loss	18,575,058	18,521,568
Total Financial Assets	<u>38,197,155</u>	<u>31,452,415</u>
Financial liabilities		
Trade and other payables	72,732	54,119
Margin lending facility	971,280	558,231
Forward foreign exchange contracts	154,014	-
Total	<u>1,198,026</u>	<u>612,350</u>

Note 13 Financial Instruments (continued)

(d) Market risk

Market risk is the risk that changes in market prices, foreign exchange rates, and interest rates, will affect the Association's income or the value of its holdings of financial instruments. The objective of market risk management is to manage and monitor market risk exposures within acceptable parameters, whilst optimising the return on risk.

There has been no change to the Association's exposure to market risks or the manner in which it manages and measures the risk from the previous year.

Interest rate risk management

The Association is exposed to interest rate risk as a consequence of its cash and deposits balances which attracts average variable interest rates as well as a margin lending facility exposed to variable interest rates.

Interest rate risk sensitivity analysis

The sensitivity analysis below have been determined based on the Association's exposure to interest rates for its financial assets and financial liabilities as at the reporting date and the stipulated change taking place at the beginning of the financial year and held constant throughout the reporting period.

A 50 basis point increase or decrease is used when reporting interest rate risk internally to key management and represents management's assessment of the possible change in interest rates.

At reporting date if interest rates had been 50 basis points higher/lower and all other variables were held constant, the Association's:

- profit for the year ended 31 December 2016 would decrease/increase by \$5,381 (2015: decrease/increase by \$9,200). This is mainly attributable to the Association's exposure to interest rates on its variable rate deposits.

Equity price sensitivity

The Association is exposed to equity price risk as a consequence of its fair value through profit and loss assets as set out in Note 6C.

The Association has taken steps to limit the risk by spreading the financial assets into different asset classes.

The sensitivity analysis below has been determined based on the exposure to equity price risks at the reporting date.

A 5% increase or decrease is used when reporting market price risk internally to key management and represents management's assessment of the possible change in equity prices.

The sensitivity analysis below have been determined based upon the Association's exposure to market prices at reporting date and the stipulated change taking place at the beginning of the financial year and held constant throughout the reporting period.

At reporting date, if market prices had been 5% higher or lower and all other variables were held constant, the Association's net profit would increase/decrease by approximately \$928,753 (2015: \$926,078).

Note 13 Financial Instruments (continued)

(d) Market risk (continued)

Foreign exchange risk sensitivity

The Association is exposed to foreign exchange risk as a consequence of certain financial asset investments (quoted securities) being denominated in currencies other than the Australian dollar (AUD).

The main currency exposure is US dollars (USD) with US denominated equity investments totalling to USD 4,012,396 (AUD 5,560,416) at balance date. This exposure is partially hedged through a USD denominated margin lending facility in place at balance date totalling USD 718,075 (AUD 971,280).

The sensitivity below has been determined based on a 5% movement in the AUD/USD at reporting date and the stipulated change taking place at the beginning of the financial year and held constant throughout the reporting period.

At reporting date if the AUD/USD currency rate had been 5% higher or lower and all other variables were held constant, the Association's net profit (reflected via market movement in investments at fair value) would increase/decrease by approximately \$ 278,021 (2015: \$271,565).

(e) Credit risk management

Credit risk refers to the risk that a counterparty will default on its contractual obligations resulting in a financial loss to the Association. The Association has adopted a policy of only dealing with creditworthy counterparties. The main receivables balance relates to a related party – NSW Farmers' Association.

The Association establishes an allowance for doubtful debts that represents its estimate of incurred losses in respect of trade and other receivables.

The carrying amount of financial assets recorded in the financial statements, net of any provisions for losses, represents the Association's maximum exposure to credit risk.

(f) Liquidity risk management

Liquidity risk is the risk the Association will not be able to meet its financial obligations as they fall due. The Association's approach to managing liquidity is to ensure, as far as possible, that it will always have sufficient liquidity to meet its liabilities when due, under both normal and stressed conditions.

The Association's overall objective is to maintain a balance between continuity of funding and flexibility through the use of its assets under investment management.

The Association manages liquidity risk by maintaining adequate cash reserves and by continuously monitoring forecast and actual cash flows.

Liquidity and interest risk tables

The following table details the Association's remaining contractual maturity for its non-derivative financial liabilities. The tables have been drawn up based on the undiscounted cash flows of financial liabilities based on the earliest date on which the Association can be required to pay. The table includes both interest and principal cash flows.

Note 13 Financial Instruments (continued)

	Weighted average effective interest rate %	Less than 1 year \$	1 - 2 years \$	Longer than 2 years \$
2016				
Financial liabilities				
Non-interest bearing	-	226,747	-	-
Variable interest rate instruments	2.45	971,280	-	-
		1,198,027	-	-
2015				
Financial liabilities				
Non-interest bearing	-	54,119	-	-
Variable interest rate instruments	4.50	558,231	-	-
		612,350	-	-

The following table details the Association's remaining contractual maturity for its non-derivative financial assets. The tables have been drawn up based on the undiscounted contractual maturities of the financial assets including interest that will be earned on those assets except where the Association anticipates that the cash flow will occur in a different period.

	Weighted average effective interest rate %	Less than 1 year \$	1 - 2 years \$	Longer than 2 years \$
2016				
Financial assets				
Non-interest bearing	-	32,605,462	-	-
Fixed interest rate instruments	5.10	1,590,069	-	-
Variable interest rate instruments	3.54	4,001,622	-	-
		38,197,153	-	-
2015				
Financial assets				
Non-interest bearing	-	24,582,152	-	-
Fixed interest rate instruments	5.75	257,650	-	-
Variable interest rate instruments	3.31	6,612,612	-	-
		31,452,414	-	-

Note 13 Financial Instruments (continued)

(g) Fair value of financial instruments

This note provides information about how the Association determines the fair values of various financial assets and financial liabilities.

Fair value hierarchy

The following table provides an analysis of financial instruments that are measured subsequent to initial recognition at fair value, grouped into Levels 1 to 3 based on the degree to which the fair value is observable.

- Level 1 fair value measurements are those derived from quoted prices (unadjusted) in active markets for identical assets or liabilities.
- Level 2 fair value measurements are those derived from inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly (i.e. as prices) or indirectly (i.e. derived from prices).
- Level 3 fair value measurements are those derived from valuation techniques that include inputs for the asset or liability that are not based on observable market data (unobservable inputs).

	31 December 2016			
	Level 1	Level 2	Level 3	Total
	\$	\$	\$	\$
Financial assets at fair value through profit or loss				
Non-derivative financial assets designated as at fair value through profit or loss	18,575,058	-	-	18,575,058
Available-for-sale financial assets				
Unquoted equities	-	-	795,754	795,754
Total	18,575,058	-	795,754	19,370,812

There were no transfers between Level 1 and 2 in the period.

	31 December 2015			
	Level 1	Level 2	Level 3	Total
	\$	\$	\$	\$
Financial assets at fair value through profit or loss				
Non-derivative financial assets designated as at fair value through profit or loss	18,521,568	-	-	18,521,568
Available-for-sale financial assets				
Unquoted equities	-	-	794,700	794,700
Total	18,521,568	-	794,700	19,316,268

There were no transfers between Level 1 and 2 in the period.

Note 13 Financial Instruments (continued)

(g) Fair value of financial instruments (continued)

Fair value of the Association's financial assets and financial liabilities that are measured at fair value on a recurring basis

Some of the Association's financial assets and liabilities are measured at fair value at the end of each reporting period. The following table gives information about how the fair values of these financial assets and financial liabilities are determined (in particular, the valuation technique(s) and inputs used).

Financial assets/financial liabilities	Fair value as at		Fair value hierarchy	Valuation technique(s) and inputs(s)	Significant un-observable input(s)	Relationship of un-observable inputs to fair value
	31/12/2016 \$	31/12/2015 \$				
Financial assets at fair value through profit or loss – Listed securities	18,575,058	18,521,568	Level 1	Quoted bid prices in an active primary market	N/A	N/A
Financial assets at fair value through profit or loss – Unlisted securities	-	-	Level 2	Quoted bid prices in a secondary market	N/A	N/A
Available-for-sale financial assets	795,754	794,700	Level 3	Proportionate net assets of investee company	Net assets of investee company	Higher the net assets, the higher the fair value

The directors consider that the carrying amounts of all other financial assets and financial liabilities recognised in the financial statements approximate their fair values.

Reconciliation of Level 3 fair value measurements

	2016 \$	2015 \$
Available-for-sale financial assets		
Opening balance	794,700	823,872
Total gains or losses:	-	
In other comprehensive income	1,052	(29,170)
Closing balance	795,754	794,700
Total available-for-sale financial assets	795,754	794,700

Note 14: General Information

NSW Farmers' (Industrial) Association ("the Association") is an association registered under the Commonwealth of Australia's Fair Work (Registered Organisations) Act 2009.

The Association's principal place of business and registered office is as follows:

NSW Farmers' (Industrial) Association

Level 6

35-37 Chandos Street

St Leonard's NSW 2065

The Association's principal activity is provision of services to Members and representing their interest.

Note 15: Section 272 Fair Work (Registered Organisations) Act 2009

In accordance with the requirements of the *Fair Work (Registered Organisations) Act 2009*, the attention of members is drawn to the provisions of subsections (1) to (3) of section 272, which reads as follows:

Information to be provided to members or General Manager:

- (1) A member of a reporting unit, or the General Manager, may apply to the reporting unit for specified prescribed information in relation to the reporting unit to be made available to the person making the application.
- (2) The application must be in writing and must specify the period within which, and the manner in which, the information is to be made available. The period must not be less than 14 days after the application is given to the reporting unit.
- (3) A reporting unit must comply with an application made under subsection (1).

16. SUBSEQUENT EVENTS

There has not been any matter or circumstance occurring subsequent to the end of the financial year that has significantly affected, or may significantly affect, the operations of the Association, the results of those operations, or the state of affairs of the Association in future financial years.

svc-adlib5

From: VALE, David
Sent: Friday, 31 March 2017 2:39 PM
To: 'messler@nswfarmers.org.au'
Subject: AR template
Attachments: AR2017_26 NFIA letter_19012017.doc .doc; AR2017_26 NFIA letter_01032017.doc; org-annual-return-template-no-branches.docx

Importance: High

Hi

Please find the FWC Annual Return Template as discussed, along with copies of reminder letters which have been sent out this year.

Regards

DAVID VALE

Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Commission

Tel: 02 9308 1970 (**Please note my telephone number has recently changed. Please update your records**).

Fax: 02 9380 6990

david.vale@fwc.gov.au

Level 10, Terrace Tower
80 William Street
East Sydney NSW 2011
www.fwc.gov.au



19 January 2017

Mr Matthew Brand
Chief Executive Officer
NSW Farmers' (Industrial) Association
By email: industrial@nswfarmers.com.au

Dear Mr Brand,

**NSW Farmers' (Industrial) Association
Annual Return of Information for 2017 [AR2017/26]**

This is a courtesy letter to remind you of the obligation to lodge an Annual Return of Information for 2017 in respect of the NSW Farmers' (Industrial) Association 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.

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Internet : www.fwc.gov.au

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).

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1 March 2017

Mr Matthew Brand
Chief Executive Officer
NSW Farmers' (Industrial) Association
industrial@nswfarmers.com.au

Dear Mr Brand,

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Annual Return of Information for 2017 [AR2017/26]**

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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.

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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.

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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).

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Yours sincerely,

Christine Hibberd
Adviser
Regulatory Compliance Branch

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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, [NAME], being the [OFFICER] of the [ORGANISATION NAME], 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 [STREET ADDRESS].¹
 - The organisation has no branches and no branches have ceased or commenced in the previous 12 months.²
 - On 31 December in the previous year the number of members was [NUMBER OF MEMBERS].³
 - A list of offices and the names, postal addresses and occupations of persons holding those offices as at the date of this declaration is attached at Annexure A and forms part of this declaration.
 - Under the rules of the organisation, the following elections must be held between 1 January and 31 December of THIS YEAR:⁴

*[For example: President (1),
Committee of Management Members (7), OR
No elections are required.]*

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a), (b), (c) & (d)

³ s.230(1)(d); reg.147(f)

⁴ s.230(1)(d); reg.147(e)

- The organisation: *[Delete the dot point that does not apply]*
 - Has not entered into an agreement under s.151(1) of the Act with a state union.
 - Has entered into an agreement under s.151(1) of the Act with a state union and the number of members of the state union who were not eligible to be members of the organisation on 31 December in the previous year is [NUMBER OF MEMBERS].⁵

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be lodged with the Fair Work Commission by 31 March. It can be submitted to 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 change⁶.]*

⁵ s.230(1)(d); reg.147(g)

⁶ 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
<i>Secretary</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
<i>President</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>Treasurer</i>	<i>Vacant</i>	<i>vacant</i>	<i>vacant</i>



1 March 2017

Mr Matthew Brand
Chief Executive Officer
NSW Farmers' (Industrial) Association
industrial@nswfarmers.com.au

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Annual Return of Information for 2017 [AR2017/26]**

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19 January 2017

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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].