



26 August 2019

Brien Trippas
Vice President
Restaurant & Catering Industrial
By email: info@restaurantcater.asn.au

c.c. Carlyon Ward, In-house Counsel, Restaurant & Catering Industrial, [REDACTED]

Dear Mr Trippas

Restaurant Catering & Industrial – keeping of records under the *Fair Work (Registered Organisations) Act 2009 (AR2019/82)*

I refer to the amended Annual Return lodged with the Registered Organisations Commission (**ROC**) by Restaurant Catering Industrial (**RCI**) on 20 August 2019. As indicated in the email from Ms Batshoun of the ROC, the Annual return has now been filed as complete.

I also refer to the ROC's attendance at RCI's office in St Leonards on 30 July 2019 to inspect records in accordance with an authorisation under section 235 of the *Fair Work (Registered Organisations) Act 2009 (RO Act)*.

The cooperation of RCI is appreciated.

This purpose of this correspondence is to confirm the next steps necessary to ensure RCI's compliance with the legislation. In particular, to ensure that sufficient steps are taken by RCI to enable access to registers of members kept by the organisation as at 31 December each year, as required by section 231 of the RO Act.

Access to Registers of Members

During the ROC's inspection of RCI records on 30 July, in conjunction with Mr Ward of RCI, it was apparent that the organisation maintains a detailed database of its members (both current and former, financial and unfinancial), the dates on which they joined and ceased membership, and associated information.

However, it was also apparent that the system at that time did not appear to be able to generate a point-in-time 'register of members' as at particular dates (e.g. 31 December of each year).

In discussions with Mr Ward, it was indicated to ROC staff that the information required in a point-in-time register for each member (e.g. name, postal address, when a member resigned from membership or ceased to be financial member) appears to be available in the database, but that it is not readily accessible in the form of a register as at particular dates.

It was also indicated to ROC staff that RCI would work with its IT provider to find a means of doing so in order to meet the requirements of the RO Act.

We understand from recent emails from RCI that work is underway in this regard.

The ROC recognises this and also seeks an outline of the RCI's timeframe to ensure that this work is completed in a timely manner.

RCI's response with details of the proposed timeframe is sought by **Monday 9 September 2019**.

In the interest of transparency, the ROC proposes that this particular letter (and RCI's response) be published on the RCI page of the ROC website (www.roc.gov.au/find-a-registered-organisation/rci/restaurant-catering-industrial), attached to the Annual Return file, to indicate the steps being taken by the organisation to resolve this matter.

Can you please confirm if RCI has any objection to this course of action?

If you have any queries regarding this correspondence, please contact the writer either by email to bill.steenson@roc.gov.au or by phone on (02) 8293 4665.

Kind regards



Bill Steenson
Principal Lawyer, Compliance & Investigations
Registered Organisations Commission



22 August 2019

Brien Trippas
Vice President
Restaurant & Catering Industrial
Sent via email: info@restaurantcater.asn.au

Dear Mr Trippas

Declaration and information lodged under subsection 233(1) for 2019 (AR2019/82)

I acknowledge receipt by the Registered Organisations Commission (the ROC) on 30 January 2019 of your organisation's Annual Return which provides information under subsection 233(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

Thank you for providing the Annual Return.

The documents lodged provide the required information for the 2019 Annual Return of the Restaurant & Catering Industrial.

The Annual Return has been filed. Annual returns are publicly available on the website through the [List of Registered Organisations](#).

Notifications of Change

Any changes to these records must be notified to the ROC within 35 days of the change. A template Notification of Change Declaration is available on the [fact-sheets](#) page of our website. The Restaurant & Catering Industrial is encouraged to use this template if any changes occur.

If you have any queries regarding this correspondence I can be contacted on 1300 341 665 or by email at regorgs@roc.gov.au.

Yours faithfully,

Anne Batshoun
Lawyer, Compliance & Investigations
Registered Organisations Commission

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, Brien Trippas being the Vice President of the Restaurant & Catering Industrial (RCI) 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 3, 154 Pacific Hwy, 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 2,307.³
 - 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.

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)

The organisation:

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

Signed: *Brien Trippas*

Dated: 20/08/2019

*[PLEASE NOTE: This declaration must be lodged with the Registered Organisations Commission by 31 March. It can be submitted to regorgs@roc.gov.au. If at any time in the year this information changes a Notification of Changes must be lodged with the ROC within **35 days** of the change⁵.]*

⁴ s.230(1)(d); reg.147(e)

⁵ s.233(2); reg. 151

ANNEXURE A

THIS IS A PUBLIC DOCUMENT THAT WILL BE PUBLISHED ON THE WEBSITE

- Offices and Office Holders in the Organisation

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>Vacant</i>	<i>vacant</i>	<i>Vacant</i>
<i>President</i>	<i>Vacant</i>	<i>vacant</i>	<i>Vacant</i>
<i>Treasurer</i>	<i>Vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>Vice President</i>	Brien Trippas	<i>Level 3, 154 Pacific Hwy, St Leonards, NSW 2067</i>	<i>Director</i>
<i>Vice President</i>	Vacant	<i>vacant</i>	<i>vacant</i>
<i>Executive Councillor</i>	Matteo Pignatelli	533 Brunswick Street, Fitzroy North VIC 3068	<i>Director</i>
<i>Executive Councillor</i>	Rasan Gujral	215 Parramatta Road, Annandale NSW 2038	<i>Director</i>
<i>Executive Councillor</i>	Brien Trippas	Level 7, 160 Sussex Street, Sydney NSW 2000	<i>Director</i>
<i>Executive Councillor</i>	Jill Henderson	39a Main Street, Mornington VIC 3931	<i>Director</i>