



16 January 2018

Mr Andrew Johnson
Secretary

Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union
andrew.johnson@lgrceu.org

Dear Mr Johnson,

Notification of changes made to records [AR2017/104]

I acknowledge receipt of a Notification of Change to the office holders of the Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union.

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
19/12/2017	Federal Office	Vacancy for Vice President (1)	Yes

Late notifications

Please note that Regulation 151 of the *Fair Work (Registered Organisations) Regulations 2009* prescribes that a notification of change pursuant to section 233(2) of the RO Act must be lodged within 35 days of the change occurring. I note that this is a civil penalty provision and non-compliance may leave your organisation open to Federal Court proceedings.

Mandatory disclosures

Please ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are contained in the RO Act and are summarised in the ROC's [Disclosures Fact Sheet](#).

Mandatory training

Please also note that Section 293K of the RO Act requires each officer with duties that relate to the financial management must undertake approved training that covers the duties within 6 months after the person begins to hold office. Please ensure that relevant officers are advised of the

requirement to undertake approved training. Please also ensure that they undertake the training within the required timeframe.

Thank you for your correspondence.

Yours faithfully,

Christine Hibberd
Registered Organisations Commission

**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return)
required to be kept in accordance with section 230 *Fair Work (Registered Organisations)*
Act 2009 and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [Andrew Gerard Johnson], being the [FEDERAL SECRETARY] of the [WESTERN AUSTRALIAN SHIRE COUNCILS, MUNICIPAL ROAD BOARDS, HEALTH BOARDS, PARKS, CEMETERIES AND RACECOURSE, PUBLIC AUTHORITIES WATER BOARDS UNION], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:
 - A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at **Annexure A** and forms part of this declaration.

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

a. a. Johnson

Dated: [DATE]

December 19 / 2017

[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within 35 days of the change. It can be submitted to regorgs@roc.gov.au.]

ANNEXURE A

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

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
FEDERAL OFFICE	14/12/2017	FEDERAL VICE PRESIDENT	RICHARD WILTON	VACANT	C-112 CHARLES STREET, WEST PERTH WA 6005	N/A



23 October 2017

Mr Andrew Johnson
Federal Secretary

Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union
Email: andrew.johnson@lgrceu.org

Dear Mr Johnson,

Notification of changes made to records [AR2017/104]

I acknowledge receipt of a Notification of Change to the office holders of the Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union.

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
9 October 2017	WA Division	Division Executive Committee Member (3)
9 October 2017	WA Division	Union Councillor (3)
9 October 2017	WA Division	Division Trustee (1)

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,

Michael Moutevelis
Registered Organisations Commission

From: Andrew Johnson <Andrew.Johnson@lgrceu.org>
Sent: Monday, 9 October 2017 3:46 PM
To: ROC - Registered Org Commission
Subject: AR2017/104 WAMEU WA DIV - NOTIFICATION OF CHANGE TO RECORDS S 230 AND REG 147
Attachments: NOTIFICATION OF CHANGE OF OFFICE BEARERS OCTOBER 9 2017.pdf

Dear Commissioner,

As per legislative requirements and recent advice provided to the organisation please find attached notice as required.

We thank the Commission for its assistance.

Yours Faithfully

Andrew Johnson
Secretary

encl.

Mbl: 0417 923899

Office. 0893285854 / 0893287159 Fax. 08 9328 4792 Toll Free 1800 1989 945



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**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return)
required to be kept in accordance with section 230 *Fair Work (Registered Organisations)
Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [Andrew Gerard Johnson], being the [FEDERAL SECRETARY] of the [WESTERN AUSTRALIAN SHIRE COUNCILS, MUNICIPAL ROAD BOARDS, HEALTH BOARDS, PARKS, CEMETERIES AND RACECOURSE, PUBLIC AUTHORITIES WATER BOARDS UNION], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:
 - A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at **Annexure A** and forms part of this declaration.

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

a. a. Johnson

Dated: [DATE]

Monday 9th of October 2017

[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within 35 days of the change. It can be submitted to regorgs@roc.gov.au.]

ANNEXURE A

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

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
WA DIVISION	8/10/2017	DIVISION EXECUTIVE COMMITTEE MEMBER	ANNE WHITEHEAD	DEAN STEPHENS	C-112 CHARLES STREET, WEST PERTH WA 6005	UNION ORGANISER
WA DIVISION	8/10/2107	DIVISION EXECUTIVE COMMITTEE MEMBER	RAYMOND BRAND	PAUL MACNAMARA	C-112 CHARLES STREET, WEST PERTH WA 6005	GRAVE DIGGER
WA DIVISION	8/10/2017	DIVISION EXECUTIVE COMMITTEE MEMBER	VACANT	BERNIE ELLERBY	C-112 CHARLES STREET, WEST PERTH WA 6005	TRADESPERSON
WA DIVISION	8/10/2017	UNION COUNCILLOR	ANNE WHITEHEAD	DEAN STEPHENS	C-112 CHARLES STREET, WEST PERTH WA 6005	UNION ORGANISER
WA DIVISION	8/10/2017	UNION COUNCILLOR	RAYMOND BRAND	PAUL MACNAMARA	C-112 CHARLE STREET	GRAVE DIGGER
WA DIVISION	8/10/2017	UNION COUNCILLOR	VACANT	BERNIE ELLERBY	C-112 CHARLES STREET, WEST PERTH WA 6005	TRADESPERSON
WA DIVISION	8/10/2017	DIVISION TRUSTEE	VACANT	GRAHAM SIGGELKOW	C-112 CHARLES STREET, WEST PERTH WA 6005	PLANT OPERATOR

From: ROC - Registered Org Commission
Sent: Thursday, 12 October 2017 3:40 PM
Subject: Education and advice campaign - notification of changes to records within prescribed timeframe [SEC=UNCLASSIFIED]
Attachments: Letter to orgs_Notifications of Change.pdf; Fact Sheet_Notification of changes.pdf; Guidance Note_notifications of change.pdf; Legislative Summary_Notifications of Change.pdf

Good afternoon,

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

Kind regards,

Office of the Registered Organisations Commission

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

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



Australian Government
Registered Organisations Commission

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12 October 2017

Dear Secretary (or prescribed office holder),

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

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

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

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

The importance of timely notifications

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

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

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

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

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

Educational reference documents

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

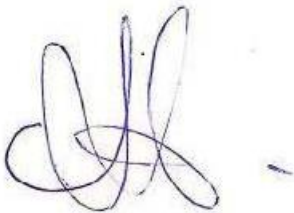
As one part of a strategy to assist organisations to increase voluntary compliance with the s.233(2) obligation, the ROC has recently produced some new educational guides which are **enclosed**:

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

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

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

Yours faithfully,

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

Chris Enright
Executive Director
Registered Organisations Commission



Fact sheet

Notification of changes

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

Records requiring notifications of any changes

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

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

What does the ROC do with the information?

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

When changes must be notified

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

What needs to be included?

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

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

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

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

Who can sign the declaration?

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

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

Sample Notification of Changes Template

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

- [Sample notification of change template](#)

Find out more

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

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



Guidance Note

Notifications of Change ROC Quiz

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

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

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

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



Guidance Note

Summary and Historical Context of the Legislative Provisions

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

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

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

Summary of the current provisions relevant to notifications of changes

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

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

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

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

Civil penalty: 60 penalty units.

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

(1) An organisation must keep the following records:

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

Regulation 147 of the RO Regs provides that:

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

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

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

Regulation 151 of the RO Regs provides that:

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

Section 5 of the RO Act provides that:

The standards set out in this Act:

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

Brief chronological history of the legislative provision

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

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

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

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

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

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



FairWork
Commission

10 March 2017

Mr Andrew Johnson
Secretary

Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union
Email: andrew.johnson@lgrceu.org

Dear Mr Johnson,

Annual Return of Information for 2017 [AR2017/104]

I acknowledge receipt on 5 January 2017 of your Declaration providing information in accordance with subsection 233(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The documents lodged cover the required information for the 2017 Annual Return of Information of Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union.

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

Notifications of Change

Any changes to these records must be notified to the Commission within 35 days of the change. A template Notification of Change Declaration is available on the [fact-sheets](#) page of our website. Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union is encouraged to use this template if any changes occur.

The Commission will accept notifications of change from the relevant branches or from the national office. If the national office of PT4_ORG_NAME does NOT intend to file notifications of change, please ensure that all branches are aware of their continuing obligation and the requisite time frames regarding notifications of change.

If a branch lodges a notification of change with the Commission, the branch should also provide the information to the national body in order to ensure that the organisation is able to comply with its obligations under section 233(1) of the RO Act.

Yours sincerely

Margaret Williams
Regulatory Compliance Branch

COMMONWEALTH OF AUSTRALIA

STATUTORY DECLARATIONS ACT 1959

STATUTORY DECLARATION

I, ANDREW GERARD JOHNSON, FEDERAL UNION SECRETARY

Of: 112 CHARLES STREET, WEST PERTH WA 6005

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

In the matter of:

Recurring obligations to keep and lodge information under PART 8 of the Fair Work (Registered Organisations) Regulations 2009 of the Fair Work (Registered Organisations) Act 2009 by the *Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities Water Boards Union (LGRCEU)*.

I, Andrew Gerard Johnson, Federal Secretary, of 112 Charles Street West Perth Western Australia on behalf of the *Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities Water Boards Union (LGRCEU)*, declare the following to be a correct statement of the information contained in the prescribed records:

1. UNION NAME

I am the Secretary of the *Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities Water Boards Union (LGRCEU)*, an organisation registered under the Fair Work (Registered Organisations) Act, 2009 (referred to as "The Act").

2. MAINTENANCE OF REGISTER OF MEMBERS

The *Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities Water Boards Union (LGRCEU)*, during the preceding calendar year, kept and maintained a register of members as required by ss230(1)(a) and (2)..

3. OFFICERS

The *Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities Water Boards Union (LGRCEU)* list of Offices in the organisation is as follows [s230(1) (b)]:

3.1 FEDERAL

- President (1)
- Vice President(s) (4)
- Secretary (1)
- Assistant Secretary(s) (2)
- Treasurer (1)
- Trustee(s) (3)

- .2 **WA DIVISION**
- Division President (1)
 - Division Vice President (1)
 - Division Treasurer (1)
 - Division Secretary (1)
 - Trustees (3)
 - Committee Members (6)
 - Conference Zone Delegates
 - a.) Metropolitan Zone (1)
 - b.) Central Districts Zone (1)
 - c.) South Western Zone (1)
 - d.) Coastal Districts Zone (1)
 - e.) Goldfields Zone (1)
 - f.) Murchison Zone (1)
 - g.) Pilbara Zone (1)
 - h.) Kimberley/Territories Zone (1)
 - Federal Union Councillor(s) (10)

3.3 There are no other Divisions

4. LIST OF FEDERAL UNION OFFICE HOLDERS

A list of names, postal addresses and occupations of the persons holding office is as follows [s230 (1) (c)]:

FEDERAL EXECUTIVE/FEDERAL COUNCIL

NAME	POSITION	ADDRESS	OCCUPATION
Andrew Gerard Johnson	FEDERAL SECRETARY	112 Charles Street, WEST PERTH WA 6005	Union Official
Andrea Ballantyne	FEDERAL ASSISTANT SECRETARY	112 Charles Street, WEST PERTH WA 6005	Union Official
Peter Crawford	FEDERAL PRESIDENT	112 Charles Street, WEST PERTH WA 6005	Plant Operator
VACANT	FEDERAL TREASURER	112 Charles Street, WEST PERTH WA 6005	
Martyn Love	FEDERAL VICE PRESIDENT	112 Charles Street, WEST PERTH WA 6005	Union Organiser
Richard Wilton	FEDERAL VICE PRESIDENT	112 Charles Street, WEST PERTH WA 6005	Plant Operator
Graham Sigglekow	FEDERAL VICE PRESIDENT	112 Charles Street, WEST PERTH WA 6005	Plant Operator
Greg Magor	FEDERAL VICE PRESIDENT	112 Charles Street, WEST PERTH WA 6005	Horticulturalist
VACANT	FEDERAL UNION TRUSTEES (3)		

6. LIST OF WESTERN AUSTRALIAN DIVISION OFFICE HOLDERS

A list of names, postal addresses and occupations of the persons holding office is as follows [s230 (1) (c)]:

NAME	POSITION	ADDRESS	OCCUPATION
Peter Crawford	DIVISION PRESIDENT/ UNION COUNCILLOR	112 Charles Street, WEST PERTH WA 6005	Plant Operator
Andrea Ballantyne	DIVISION TREASURER	112 Charles Street, WEST PERTH WA 6005	Union Official
Andrew Johnson	DIVISION SECRETARY	112 Charles Street, WEST PERTH WA 6005	Union Official
VACANT	DIVISION VICE PRESIDENT		
Greg Magor	DIVISION EXECUTIVE MEMBER/ FEDERAL UNION COUNCILLOR	112 Charles Street WEST PERTH WA 6005	Horticulturalist
Martyn Love	DIVISION EXECUTIVE MEMBER FEDERAL UNION COUNCILLOR	112 Charles Street WEST PERTH WA 6005	Union Organiser
Anne Whitehead	DIVISION EXECUTIVE MEMBER FEDERAL UNION COUNCILLOR	112 Charles Street WEST PERTH WA 6005	Life member
Brett Thompson	DIVISION EXECUTIVE MEMBER/ FEDERAL UNION COUNCILLOR	112 Charles Street WEST PERTH WA 6005	Plant Operator
Richard Wilton	DIVISION EXECUTIVE MEMBER/ FEDERAL UNION COUNCILLOR	112 Charles Street WEST PERTH WA 6005	Plant Operator
Raymond Brand	DIVISION EXECUTIVE MEMBER FEDERAL UNION COUNCILLOR	112 Charles Street WEST PERTH WA 6005	Life member

Carolanne Hicks	DIVISION TRUSTEE/ FEDERAL UNION COUNCILLOR	112 Charles Street WEST PERTH WA 6005	Resigned 31 December 2016
Graham Sigglekow	FEDERAL UNION COUNCILLOR	112 Charles Street, WEST PERTH WA 6005	Plant Operator
VACANT	METRO- POLITAN ZONE CONFERENCE DELEGATE		
VACANT	GOLDFIELDS ZONE CONFERENCE DELEGATE		
VACANT	MURCHISON ZONE CONFERENCE DELEGATE		
VACANT	PILBARA ZONE CONFERENCE DELEGATE		
VACANT	SOUTH WESTERN ZONE CONFERENCE DELEGATE		
VACANT	CENTRAL DISTRICTS ZONE DELEGATE		
VACANT	COASTAL DISTRICTS ZONE DELEGATE		
VACANT	KIMBERLEY/ TERRITORIES ZONE		

7. ADDRESSES OF ORGANISATION AND DIVISION

Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities Water Boards Union (LGRCEU).

PO BOX 183 LEEDERVILLE WA 6007

Email: lgrceu@tpg.com.au

TEL: (08) 9328 5854

(08) 9328 7159

FAX: (08) 9328 4792

1800 199 945

Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities Water Boards Union (LGRCEU) – Western Australian Division.

PO BOX 183 LEEDERVILLE WA 6007

Email: lgrceu@tpg.com.au

TEL: (08) 9328 5854

(08) 9328 7159

FAX: (08) 9328 4792

1800 199 945

8. LIST OF DIVISION(S)

A record of the name of each Division of the organisation is as follows [s230 (1) (d)]:

- *Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities Water Boards Union (LGRCEU) – Western Australian Division.*

9. NEW DIVISION(S)

Not applicable

10. OLD DIVISION(S)

Not applicable

11. ELECTIONS IN ORGANISATION & BRANCH

A record of each election that must, under the rules of the organisation, be held this calendar year for an office in the organisation is as follows [s230(1)(d) and reg 147(e)]:

For the following offices:

FEDERAL

- President (1)
- Vice President(s) (4)
- Secretary (1)
- Assistant Secretary(s) (2)
- Treasurer (1)
- Trustee(s) (3)

For the following offices

WA DIVISION

- President (1)
- Vice President (1)
- Secretary (1)
- Treasurer (1)
- Trustee(s) (3)
- Committee Member(s) (6)
- Union Councillors (10)
- Zone Delegates (8)

12. **STATEMENT CONCERNING NUMBER OF MEMBERS**

A record of the numbers on 31 December in the previous year is as listed below (if the organisation has entered into an agreement under ss151 (1) of the Schedule – 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 the s150 of the Schedule will also be listed [s230 (1) (d) and reg 147(f) and (g):

Number of persons who were members of the organisation
On 31 December in the previous year **1270**

Number of members of the organisation, who were,
On 31 December in the previous year, ineligible State members **0**
In relation to the organisation

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under Section 11 of the Statutory Declarations Act 1959, and I believe that the statements in this declaration are true in every particular.

Declared at..... KINGSLEY L.A. 10

On 5th day of January 2017

Ordinary signature of Declarant..... a. a. [signature]

Before me..... [signature]

(Full Name, Address and Qualifications Printed Below)

GEMMA RONZITTI
POST OFFICE MANAGER
SHOP 5/100 KINGSLEY DRIVE
KINGSLEY WA 6026

