



QUARTERLY NEWSLETTER

Issue 04 – May 2018

FROM THE COMMISSIONER

Welcome to the May 2018 edition of the ROC Quarterly Newsletter.



Happy Birthday ROC!

On 1 May 2018 the ROC celebrated its first birthday.

The past year has seen many representatives of registered organisations take part in our education activities, demonstrating a strong commitment to voluntary compliance.

We also now regularly reach over 800 subscribers with our email subscription service. This, and the high rates of participation in our recent information sessions, demonstrates that accountability to members and transparency are important outcomes for our stakeholders.

Thank you for your continued engagement. As we embark on our second year, I look forward to working with you further to reach new milestones.

Regards

Mark Bielecki
Commissioner

MELBOURNE INFORMATION SESSION

Our second information session, held on 4 May 2018 at the William Angliss Institute in Melbourne, was well received with over 100 participants. The interactive Q&A session on corrupting benefits and officer and related party disclosures was very popular with participants, thanks to the panel members (from left to right below): Mark Irving SC, Chris O'Grady QC, Dr Kristine Hanscombe QC and the facilitator, Victorian Bar member Rebecca Nelson.



NEXT INFORMATION SESSIONS – DARWIN, PERTH & BRISBANE

Depending on levels of interest, the ROC is considering holding information sessions in Darwin in June, Perth in August, and potentially Brisbane later in 2018. Subscribe to our [free email subscription service](#) for updates.

THE ROC FLOWER AND COMPLIANCE CALCULATOR

The ROC Flower and Compliance Calculator were released at the Parramatta information session in March, and then introduced to the Melbourne audience at our most recent information session.

The [ROC Flower](#) is a resource that lets you see at a glance, all of the fact sheets, templates and other tools the ROC has developed to help you with compliance. The Flower has hyperlinks to take you directly to the tool you want. The [Compliance Calculator](#) is a spreadsheet that helps your organisation or branch calculate its own compliance timeframes.

NOTIFICATION OF CHANGES: TWO MISCONCEPTIONS

Section 233(2) of the RO Act requires organisations to notify the ROC of changes to any relevant records within 35 days of the change.

Misconception 1:

A declaration of results of an election from the Australian Electoral Commission (AEC) satisfies the requirement to notify the ROC of changes to holders of office. **This is INCORRECT.** The ROC must still be notified, and the notification must include a declaration made by the Secretary or relevant officer.

Misconception 2:

It is OK to lodge the full list of office holders without identifying changes. **This is INCORRECT.** Notifications must identify the actual changes. Find out more by taking [the ROC Quiz](#).



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ELECTIONS AND RULE ALTERATIONS

Recently, as requested by an organisation, the ROC made arrangements for the conduct of an election in accordance with the existing rules of an organisation. As in the normal course, once the ROC issued the decision to arrange for the election and advised the Australian Electoral Commission (AEC), there was no further role for the ROC.

After the AEC called for nominations for the election, the Fair Work Commission (FWC) certified alterations to the rules of the organisation that substantially changed the offices due for election. Consequently, the organisation has taken proceedings in the Federal Court to stop the election that was commenced under the old rules.

Clearly, this is unsatisfactory for the organisation and its members. However, the RO Act requires that the ROC must make arrangements for an election in accordance with the rules of an organisation that are in effect at the time nominations open.

This type of outcome might be avoidable in future if the ROC is aware that rule alterations that impact an election are on foot. The ROC is committed to exploring all practical options that increase efficiency.

What this means for you:

If you have lodged rule alterations, or are about to lodge rule alterations with the FWC that may impact an election, please advise us when you lodge the prescribed information for the election. As a result of the circumstances which have emerged, we have responded by changing our [sample election template form](#), which now prompts you to provide this information.

ELECTIONS: TIPS & REMINDERS

At this time of year, the ROC typically receives increased lodgements of prescribed information for elections. In order to enable the ROC to process your election as efficiently as possible, we recommend the following:

Please use our [template](#)! The updated sample prescribed information template form for lodgement, which is also available in the table of Election resources below, helps to ensure that all relevant information is provided on first lodgement.

Know your organisation's rules regarding election timelines. The prescribed information for the election must be lodged with the ROC at least 2 months before the earliest date that nominations can open for the relevant election (s.189(2) of the RO Act, which is a civil penalty provision, and reg.138(3) of the RO Regulations).

Refer to our resources in relation to elections in the table below, and if you have any questions, contact the ROC helpline on 1300 341 665.

LATEST COMPLIANCE & EDUCATION RESOURCES

FINANCIAL RETURNS
<ul style="list-style-type: none"> • s.253 reporting guidelines – 5th edition • NEW fact sheet – new requirement in s.253 reporting guidelines – 5th edition
ELECTIONS
<ul style="list-style-type: none"> • UPDATED: sample notice and statement of prescribed information for elections • UPDATED: Fact sheet - Elections in organisations and their branches • UPDATED: ROC internal checklist for elections • General questions and answers regarding elections • Elections page of the ROC website
FINDING DOCUMENTS
<ul style="list-style-type: none"> • ROC Flower – A two-page pictograph with links to current ROC resources
LODGE MENT TIMELINES
<ul style="list-style-type: none"> • Compliance Calculator – a spreadsheet to assist calculation of due dates for ROC lodgements
NEW OFFICERS
<ul style="list-style-type: none"> • UPDATED: Officer Induction Kit – for new officer holders
DISCLOSURES – OFFICER AND RELATED PARTIES
<ul style="list-style-type: none"> • Webinar – Part One – Overview. Parts Two and Three coming soon

DID YOU KNOW?

Officer and Related Party Statements are required to be lodged by ALL organisations and ALL branches. This includes branches that do not need to lodge financial reports because they are exempted under section 245 or have no financial affairs. Officer and Related Party Statements must be lodged within 6 months of the end of the financial year.