



15 March 2019

Mr Nicholas Pezet
President
Clay Brick & Paver Association of New South Wales
npezet@csr.com.au

Dear Mr Pezet

Notification of changes made to records [AR2018/107]

I acknowledge receipt of a Notification of Change to the office holder of the Clay Brick & Paver Association of New South Wales.

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
6/12/2018	Not applicable	Vice President vacancy	Yes
Amended version 7/01/2019	Not applicable	Vice President/Committee member vacancy (same as above)	Yes

Time frames

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.

Officer Induction Kit

Although the changes have left the office vacant, when the office is filled please be aware that the ROC has created an [Officer Induction Kit](#) to assist new officers. The Kit includes a number of resources that will help an officer to understand their general duties as an officer and their specific duties as an officer in your organisation. It also includes tools to guide an officer's understanding of compliance dates and other reporting obligations.

The kit should not be printed as it is updated regularly and some of the documents are interactive. The ROC strongly recommends that all new officers, and officers who are seeking more

information on their obligations and duties, are given the link to the officer induction kit. Please direct your new officers to the kit which is on the ROC's [fact sheets, templates and webinars page](#), under Officers.

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. Details 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 to 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 the notification.

Yours faithfully,

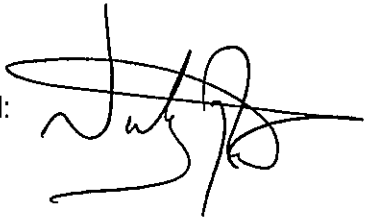
Cynthia Lo-Booth
Registered Organisations Commission

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, **Nicholas Pezet**, being the **President** of the **Clay Brick & Paver Association of NSW**, 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:



Nicholas Pezet, President

Dated: 4th December 2018

[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

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

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

[Please note:

- *delete the italicised information: this is instructional or provided by way of example only*
- *the ROC must be notified within 35 days of the change*
- *the 35 days begins at the earliest event (for instance when the officer retires) and **cannot be notified in advance** of the change*
- *a notification of a person leaving office and a notification of person filling the vacant office may need to be lodged separately if the appointment or election process takes 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
	29.11.2018	<i>Vice President</i>	<i>Mark Ellenor</i>	<i>Vacant</i>	<i>Vacant</i>	<i>Vacant</i>
	29.11.2018	<i>Committee member</i>	<i>Mark Ellenor</i>	<i>Vacant</i>	<i>Vacant</i>	<i>Vacant</i>



14 June 2018

Mr Nicholas Pezet
President
Clay Brick & Paver Association of New South Wales
By email: npezet@csr.com.au

Cc: accounts@thinkbrick.com.au

Dear Mr Pezet,

Notification of changes made to records [AR2018/107]

I acknowledge receipt of a Notification of Changes to the address, and an office holder, of the Clay Brick & Paver Association of New South Wales.

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	Change	Within prescribed period (Yes/No). If No, how many days late
24/04/2018	Address of the organisation	No – 379 days late
24/04/2018	Vice President (office holder)	No – 139 days late

Time frames

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.

Late notification

The notification from your organisation indicates that changes occurred more than 35 days prior to its lodgement. Please ensure that future notifications of change are lodged within 35 days of the change occurring.

Thank you for the notification.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'C Moloney', with a large, sweeping flourish extending to the right.

Carolyn Moloney
Registered Organisations Commission



14 June 2018

Mr Nicholas Pezet
President
Clay Brick & Paver Association of New South Wales
By email: npezet@csr.com.au

Cc: mark.ellenor@australbricks.com.au; accounts@thinkbrick.com.au

Dear Mr Pezet,

Declaration and information lodged under subsection 233(1) [Annual Return] for 2018 [AR2018/107]

I acknowledge receipt by the Registered Organisations Commission (the ROC) on 16 February and 24 April 2018 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 your Annual Return.

The ROC aims to help organisations comply with all the requirements of subsection 233(1) of the RO Act. Accordingly the ROC requested and further information was provided by the organisation on 24 April 2018 regarding:

- Notification of a change to the address of the organisation, with confirmation of the date on which the change occurred;
- Notification of a change to the office of Vice President, with confirmation of the date on which the change occurred;
- An amended list of office holders which excludes the non-office role of Secretary and includes the office roles of each of the organisation's three Committee Members; and
- An amended declaration which lists the title of each Executive Office that is required to be elected this year.

The provision of this information and amended declaration is a mandatory part of the Annual Return. While no further action is required in relation to this Annual Return, please ensure this information is included in next year's annual return. Failure to include this information next year may result in the ROC reviewing the Clay Brick & Paver Association of New South Wales' compliance with section 233(1) of the RO Act. Non-compliance leaves your organisation open to the risk of further compliance action, including the prospect of Federal Court proceedings seeking penalties.

I note that the organisation has proactively sought advice in relation to a range of compliance objectives, including in relation to this annual return.

In order to assist organisations to fully comply with the requirements of subsection 233(1) of the RO Act a template Annual Return is available on the [fact-sheets](#) page of our website. Clay Brick & Paver Association of New South Wales is encouraged to use this template.

The Annual Return has now been filed and no further action in relation to this Annual Return is required. 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. Clay Brick & Paver Association of New South Wales 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

A handwritten signature in black ink, appearing to read 'C Moloney', with a long, sweeping flourish extending to the right.

Carolyn Moloney
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, Nicholas Pezet, being the President of the Clay Brick & Paver Association of NSW, 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 Suite 7.01, Level 7, 154 Pacific Highway, St Leonards NSW 2065 Australia.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 3.³
 - 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)

- Under the rules of the organisation, the following elections must be held between 1 January and 31 December of THIS YEAR:⁴

Committee of Management Members (3)

President 1, Vice President 2

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

Signed: Nicholas Pezet

A handwritten signature in black ink, appearing to read 'Nicholas Pezet', with a stylized flourish at the end.

Dated: 24th April 2018.

⁴ s.230(1)(d); reg.147(e)

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>President</i>	<i>Nicholas Pezet</i>	<i>Level 5, Trinity 3, 39 Delhi road, North Ryde, NSW 2113</i>	<i>General Manager- PGH Bricks & Pavers</i>
<i>Vice President</i>	<i>Avery Spackman</i>	<i>738-780 Wallgrove Road, Horsley Park, NSW 2175</i>	<i>State Sale Manager- Austral Bricks</i>
<i>Vice President</i>	<i>Mark Ellenor</i>	<i>1 Kiama Street, Bowral NSW 2576</i>	<i>Group General Manager - Bowral Bricks</i>
Committee Members			
PGH Bricks & Pavers	<i>Nicholas Pezet</i>	<i>Level 5, Trinity 3, 39 Delhi road, North Ryde, NSW 2113</i>	<i>General Manager- PGH Bricks & Pavers</i>
Austral Bricks	<i>Avery Spackman</i>	<i>738-780 Wallgrove Road, Horsley Park, NSW 2175</i>	<i>State Sale Manager- Austral Bricks</i>
Bowral Bricks	<i>Mark Ellenor</i>	<i>1 Kiama Street, Bowral NSW 2576</i>	<i>Group General Manager - Bowral Bricks</i>

**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, **Nicholas Pezet**, being the **President** of the **Clay Brick Paver Association of NSW**, 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*:
 - On **6th March 2017**, the address of the organisation changed to **Suite 7.01, Level 7, 154 Pacific Highway, St. Leonards NSW 2065, Australia**.
 - 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: Nicholas Pezet, President



Dated: 24th April 2018

[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

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

- 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
	1 Nov 2017	Vice President	Lindsay Partridge	Avery Spackman	738-780 Wallgrove Road, Horsley Park, NSW 2175	State Sale Manager



17 April 2018

Mr Nicholas Pezet
President
Clay Brick & Paver Association of New South Wales
By email: npezet@csr.com.au
Cc: mark.ellenor@australbricks.com.au

Dear Mr Pezet,

Declaration and information lodged under subsection 233(1) [Annual Return] for 2018 [AR2018/107]

I refer to the lodgement of your organisation's Annual Return with the Registered Organisations Commission (the ROC) on 16 February 2018 providing information under subsection 233(1) of the *Fair Work (Registered Organisations) Act 2009 (the RO Act)*.

Thank you for lodging your Annual Return within the prescribed timeframe. The Annual Return did not meet all of the requirements of the legislation. As such, it cannot be filed until an amended Annual Return is lodged. The issues identified within the initial lodgement are set out as follows:

Registered address of the organisation

(per ss.233(1)(b) and 230(1)(d) of the RO Act, and Reg.147(d) of the *Fair Work (Registered Organisations) Regulations 2009 (the RO Regulations)*).

The Annual Return lodged on 16 February 2018 stated that the address of the organisation is Suite 7.01, Level 7, 154 Pacific Highway, St Leonards NSW 2065. That address is inconsistent with our records for the organisation.

In order to address this issue could you please:

- If the address provided in the Annual Return lodgement is correct, please advise this in writing;
- if the address provided in the Annual Return is correct, please also lodge a formal notification of change to the records of the organisation as soon as possible, indicating the date the change occurred – a template notification of change form is attached for this purpose for your convenience. The address for all lodgements to the ROC is regorgs@roc.gov.au;
- ensure that all future notifications of change are lodged within 35 days of the date the change takes effect, in accordance with s.233(2) of the RO Act. Further information about notification of change requirements can be found on our website: <http://www.roc.gov.au/running-a-registered-organisation/notification-of-changes>.

List of office holders of the organisation

(per ss.233(1)(b) and 230(1)(b) of the RO Act).

The following discrepancies were noted in the list of office holders provided in the organisation's Annual Return lodged on 16 February 2018:

- Avery Spackman was listed as a Vice President of the organisation in the Annual Return list of office holders. However, our records indicate that Lindsay Partridge was the second Vice President of the organisation. In order to rectify this, could you please:
 - review the list of office holders submitted with the annual return, and lodge an amended list of office holders if necessary;
 - If a change of office occurred, please also lodge a formal notification of the change as soon as possible, indicating the date the change occurred;
 - If no change occurred (and the Vice Presidents are currently Lindsay Partridge and Mark Ellenor), please advise in writing that this is the case;
- The list of officers and office holders of the organisation did not include the Committee members. Whilst I note that the organisation's rules provide that Executive Officers are elected by and from the existing Committee members, the Committee Members are separate offices and must be included.
 - Please provide an amended list of offices and office holders that includes the Committee Members, their names, postal addresses and occupations;
- The list of office holders included the Secretary. The Secretary does not appear to be an office in the rules of the organisation.
 - Please remove the Secretary from the amended list of office holders. (The offices that need to be included are the President, each of the 2 Vice Presidents, and each of the 3 Committee Members);
- The postal addresses provided for the office holders appear to be private or residential addresses. The ROC recommends listing the postal address of individual office holders as the registered address of the organisation, in order to protect members' privacy. This is because the ROC publishes annual returns on its website to provide transparency to members, including about who their office holders are.
 - Please consider amending the postal addresses of the office holders in your amended lodgement.

Statement regarding elections to be held this year

(per ss.233(1)(b) and 230(1)(d) of the RO Act, and reg. 147(e) of the RO Regulations).

The Annual Return Declaration dated 13 February 2018 included the necessary statement regarding elections to be held this year, but did not individually list the Executive Officers (President and 2 Vice Presidents). In order to address this, could you please:

- Lodge an amended declaration that includes your previous statement about elections to be held this year, but replaces "office holders" with "President, Vice Presidents (2)".

Contact details

The annual return provides a good opportunity to update the ROC with contact phone and email addresses of the organisation and its individual office holders. This is not a legislative requirement, but it facilitates ease of communication.

Could you please lodge an amended Annual Return addressing the above-listed items to regorg@roc.gov.au so that the Annual Return can be filed. Once filed, it is handy to keep a copy of the complete Annual Return for reference when preparing next year's return.

Thank you for your attention to these matters. If I can be of any assistance please don't hesitate to contact me on direct line (02) 8293 4629, or by email to carolyn.moloney@roc.gov.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'C Moloney', with a long, sweeping flourish extending to the right.

Carolyn Moloney
Registered Organisations Commission



31 January 2018

Mr Nicholas Pezet
President
Clay Brick & Paver Association of New South Wales
Sent via email: david@thinkbrick.com.au

Dear Mr Pezet,

**Clay Brick & Paver Association of New South Wales
Annual Return of Information for 2018 [AR2018/107]**

This is a courtesy letter to remind you of the obligation to lodge an Annual Return of Information for 2018 in respect of the Clay Brick & Paver Association of New South Wales by **31 March 2018**.

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 Registered Organisations 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 Commission 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 \$63,000 for a body corporate and \$12,600 for an individual per contravention), under s.305 of the RO Act.

Please do not hesitate to contact the Commission by phone on 1300 341 665 or by e-mail at regorgs@roc.gov.au if you wish to discuss the requirements outlined in this correspondence.

Yours faithfully,



Sam Gallichio
Adviser
Registered Organisations Commission

Obligation to lodge Annual Return of Information by 31 March

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

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

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

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

Obligation to notify 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].