



QUARTERLY NEWSLETTER

Issue 07 – February 2019

FROM THE COMMISSIONER



Welcome to our first Quarterly Newsletter for 2019.

Like last year, we again have a number of new initiatives in 2019 to provide you and your organisations with access to concise, clear and timely information.

These include:

- new resources to assist registered organisations develop 'in house' whistleblower policies;
- updated interstate workshops following last year's five successful sessions; and
- a new facility to enable you to modify your email subscription service so you can, if you wish, tailor the type of information you receive from us.

These and other initiatives have been largely driven by our national 2018-19 Education Strategy, which schedules the release of education tools to aid organisations. Feedback tells us the Strategy has been well received, and it will be further refined for 2019-2020.

Looking ahead, governance, education and promoting voluntary compliance will again be a key focus for us, and the ROC looks forward to working with you.

- Mark Bielecki, Commissioner

RESOURCES TO HELP 'IN-HOUSE' WHISTLEBLOWER POLICIES

New resources are now available to assist registered organisations develop 'in-house' whistleblower policies and to encourage positive in-house 'speak up' cultures.

Also, the ROC has updated the information on its website about protected disclosures (whistleblower disclosures), and the agencies responsible for responding to them.

The resources aim to support registered organisations and their officers when responding to whistleblower disclosures raised within their organisation.

These resources cover a range of issues including the types of matters that can be disclosed, who can disclose them, reporting procedures and examples of disclosable conduct.

For more details, visit the ROC website Whistleblower page. Additional material will be added about the whistleblower scheme as it becomes available.

INTERSTATE WORKSHOPS BACK IN 2019

Almost 350 people including from unions and employer associations attended our information workshops last year at Parramatta, Melbourne, Darwin, Perth and Brisbane. In total, 68 registered organisations were represented, which is almost two thirds of the organisations the ROC interacts with.

This encouraging level of interest has the ROC planning further workshops this year, using feedback from last year's sessions to help shape the format and modules.

As well as providing an overview of statutory and reporting requirements, the workshops provide updated education, guidance, tips and refresher materials. The next workshop is in Sydney on March 26. To attend, simply complete the registration form and email it to regorgs@roc.gov.au by 13 March.



TAILOR YOUR SUBSCRIPTION SERVICE

In an era where there can be information 'overload', the ROC has modified its email subscription service so you can now tailor the information you receive.

If our 800-plus subscribers wish to continue to receive all our updates, they do not need to take any further action.

However, if you have specific preferences about the information you would like to receive, or wish to sign-up to receive our email updates, simply click here to make your selections.



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EDUCATION & ASSISTANCE

Annual return reminder

The 31 March deadline for annual return lodgments is fast approaching. Be prepared by utilising our updated online resources available on the [fact sheets, templates and webinars page](#) of the ROC website. In particular, our latest [webinar](#) provides information and tips for when lodging an annual return including what your lodgement needs to contain, common areas of non-compliance and the types of resources available to assist you.

Financial training

Information about the requirement for officers to undertake financial training and the ROC's intended audit of that training are the focus of a new [webinar](#). The webinar explores the obligation of officers who have financial duties to undertake approved financial training within six months of taking up office. The webinar also advises of an upcoming audit of training compliance by officers. The ROC looks forward to working with organisations to assist them with their compliance.

ORP disclosure obligations

The ROC embarked on a tailored education campaign and actively engaged with organisations to alert them to new Officer and Related Party (ORP) disclosure obligations. This was timed to help organisations and branches with financial years that ended on 30 June 2018, and which were required to lodge an ORP Statement by 31 December last year. The ROC welcomed the high initial compliance rate of 91%, with 100% of disclosures now lodged. Those with a financial year ending 30 September 2018 are next due to lodge disclosure statements by the end of March 2019.

RECENT COURT CASES SERVE AS TIMELY REMINDERS

Two recent Federal Court decisions serve as timely reminders to registered organisations, their branches and office holders of the need to comply with their statutory obligations.

Justice Barker handed down civil penalties to a registered organisation in the sum of \$29250 relating to contraventions over three consecutive years by a branch in failing to lodge financial returns within statutory timeframes. His Honour found that a branch secretary, by their failure to ensure the timely preparation, circulation and lodgment of financial reports... 'failed to exercise their powers and discharge their duties with the degree of care and diligence that a reasonable person would exercise'. A penalty of \$6630 was imposed on the branch secretary.

In another Federal Court judgement, the Full Court reduced the penalties imposed on a registered organisation to \$163 000 – comprising \$95 000 for failing to remove more than 20 000 unfinancial members from its register of members after they had been unfinancial for more than two years, and \$68 000 for failing to retain registers of members as at prescribed dates.

The Full Court said that the rights, privileges and protections that registration under the RO Act confers upon registered organisations 'come with serious obligations, including obligations to keep accurate records about their membership. It is important that registered organisations should understand that those obligations must be complied with and that non-compliance will attract substantial penalties'.

The ROC has extensive information on its website [here](#) to help organisations, office holders and employees to understand and comply with their obligations under the RO Act.

DISCLOSURE STATEMENT FOR BARGAINING REPRESENTATIVES

A new [Guidance Note](#) is now available on our website.

LOOKING AHEAD...

Further information and guidance to be provided includes:

- In March, information workshop No.6 in Sydney CBD
- In April, an elections refresher to assist organisations in understanding what to include in prescribed information for elections
- In May, information session No.7 in Melbourne

For more information about the ROC's upcoming activities please view our 2018-19 [Education Strategy](#) available on the ROC website.