



**Australian Government**

**Registered Organisations Commission**

# Registered Organisations Commission (ROC)

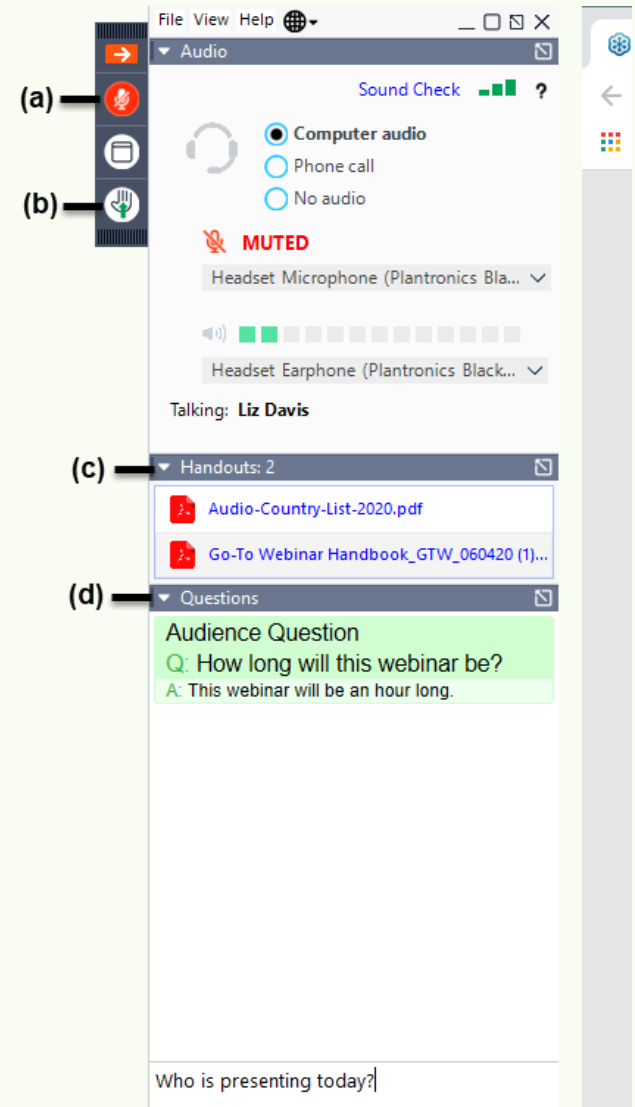
## Notifications of change ('NoC') workshop

March 2021



# Housekeeping

- Microphone icon – Mute (red) when you are not talking.  
A green microphone – it is switched on.
- Hand icon – Raise your hand when you want to ask a question.
- Handouts – You can download resources
- Questions – Type your question here
- Post-workshop survey





## Annual return of information

Your annual return must be lodged with the ROC on or before  
**Wednesday 31 March 2021**

- The annual return is closely tied with the obligation to notify the ROC of changes to your records.
- NoCs are published on the ROC website after your annual return (in the same document) to create a visible record about your organisation throughout the year.



## The requirement

A registered organisation must update their records and notify the ROC of any changes to the following records:

- 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
- an election for an office in the organisation or branch is required or is no longer required during the calendar year.



## Timeframe

The NoC must be lodged within 35 days after the change occurs (and not before).

Information about organisations change throughout the year, however certain scheduled events might cause change to occur:

- An election
- A rule change



## Why is this important?

- Encourages accountability and transparency
- Assists members to participate in the affairs of their organisation
- Civil penalty provision of the RO Act

The Full Court of the Federal Court in *CEPU v ROC* [2020] (on appeal):

*The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.*



## The ROC template

- We recommend organisations use the ROC template
- The template is designed to help you comply with the requirements



# The ROC template

**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, [NAME], being the [OFFICER] of the [ORGANISATION NAME], 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:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  1. [include OLD name and address and NEW name and address of every branch that has changed]
- 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.
- On [DATE] the following branch[es]:<sup>3</sup>
  - COMMENCED operation:
    1. [include name and STREET address of each new branch]
  - CEASED operation:
    1. [include name of each closed branch]

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

[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](mailto: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
National	1.6.2018	Secretary	Full Name	Full Name	<i>This must be the postal address for the office holder on your records. This information is publicly available and therefore it is recommended that a PO Box or the address of the organisation or branch be kept on your records</i>	<u>Paid official</u>
...	1.6.2018	President	vacant	Full Name	See instruction above	mechanic
NSW	1.6.2018 (resigned) 7.6.2018 (appointed)	President	Full Name	Full Name	See instruction above	mechanic
		Committee of Management Member	Full Name	Full Name	See instruction above	mechanic
		Treasurer	Full Name	vacant	vacant	vacant





# Common areas of non-compliance

## Late lodgement

- Remember: 35 days! (and not before the change takes effect)
- Voluntarily rectifying late lodgement is important
- The ROC looks at patterns of late lodgement
- **Does your organisation have an internal process for updating records and lodging NoCs?**



# Common areas of non-compliance

## Incomplete lodgement

- The NoC should readily identify the changes to your records
- It must include the date of the change
- It must include a signed declaration that the information lodged is a correct statement of the changes made.
- Use the template to assist with a complete lodgment.
- **Best practice tip:** Download a new NoC template from our website every time



# Common areas of non compliance

## The lodgement of private and sensitive information

- NoCs are published on the ROC website and becomes publicly available information.
- For the officer's address, avoid using private residential addresses (use 'c/o the organisation' instead).
- Do not attach sensitive documents like letters of resignation



## Common areas of non compliance

The NoC must be signed by the right person

- The NoC must be signed by a **Secretary** or **another office holder whose duties under the rules of the organisation** or branch include **lodging required information** to the statutory body.
- Look at your rules if someone other than your Secretary is signing it.
- **Who is authorised in your organisation to sign a NoC?**



## Common areas of non compliance

The lodgement of NoCs where no changes have occurred

- A NoC is only required after a **change** has taken effect.
- Not required if the same officer has been re-elected to office.



## Rectifying non-compliance

If you become aware of non-compliance, voluntarily rectifying it as early as possible is important.

### *ROC v CEPU [2020]*

- Organisations with complex structures must take greater steps to ensure there are appropriate governance systems for accurate record keeping
- Organisations are encouraged to self-report contraventions of the RO Act and address the reasons for non-compliance as the failure to do so may result in higher penalties.



## Good governance check

- **Who is responsible for preparing and lodging NoCs in your organisation?**
- **What kind of training have they received?**
- **How does your organisation ensure that corporate knowledge for compliance requirements is maintained?**



## Additional assistance

### The ROC website

- NoC fact sheet
- NoC template
- E-learning module, with self-assessment quiz

### Call or email

- The ROC can provide tailored assistance

**Is there any other way the ROC can help you?**





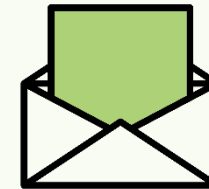
# For more information or to contact us



**ROC website**  
[www.roc.gov.au](https://www.roc.gov.au)



**ROC phone number**  
1300 341 665  
  
(service operates between  
9.00am and 5.00pm  
Monday to Friday)



**Mailing address**  
GPO Box 2983  
Melbourne VIC 3001



## Hypothetical exercise – XYZ employer association

The Secretary of XYZ employer association signed the 2021 annual return on 15 March 2021. It was lodged with the ROC on 29 March 2021.

There were various changes to the organisation over the next 12 months.

**What needs to happen, and by what timeframe must this occur?**



# Hypothetical exercise

The lease of XYZ's office at 1 Alma St Surry Hills ends on 20 March 2021.

XYZ employer association moves to a new office at 2 Shirley St Surry Hills on 21 March 2021.





## Hypothetical exercise

On 30 April 2021 XYZ's President Josie Jones announces that she intends to resign from office in a few months' time to allow for a smooth transition for her successor.

Josie's resignation takes effect from 1 July 2021, and under the rules of the organisation Billy Briggs is appointed as the new President on 1 July.





## Hypothetical exercise

Wendy is the Treasurer, and she resigns from office on **2 August 2021**, effective immediately.

A casual vacancy election is conducted and Ralph is elected as the Treasurer. His term commences on **28 December 2021**, when the result of the election is declared.

The ROC is copied into the email from the AEC with the Declaration of Results attached. Administration staff at XYZ see the email and are aware that the ROC knows that Ralph was elected.





## Hypothetical exercise

XYZ has a scheduled election for all offices on the Committee of Management (ten offices). Only nine people nominate.

On 18 January 2022 the AEC Declaration of Results declares that five officers are returned and four offices are occupied by new officers.





## Hypothetical exercise

The Fair Work Commission certifies rule changes for XYZ employer association, effective 28 February 2022.

The new rules:

- Creates a new branch of the organisation ('South West branch')
- Creates a new non-elected non-office position of 'Executive Director' for the national office





# Hypothetical exercise

On 1 March 2022 XYZ has an IT upgrade.

The email addresses and telephone numbers of all employees and officers change.

