



FAIR WORK  
COMMISSION

20 May 2013

Mr Brian de Caires  
Chief Executive Officer/Secretary  
Australian Security Industry Association Limited  
PO Box 1338  
CROWS NEST NSW 1585

Dear Mr de Caires,

**Re: Annual Return of Information Contained in Records of Organisation - s233 Fair Work (Registered Organisations) Act 2009 - Australian Business Industry Association Limited (AR2013/291)**

I refer to the declaration and copy of records providing information in accordance with sub-section 233(1) of the *Fair Work (Registered Organisations) Act 2009* ('the Act') which were lodged with the Fair Work Commission on 6 March 2013.

The documents lodged cover the following information:

- Number of members as at 31 December 2012;
- Declaration that the register of members was kept and maintained as required by section 230(1)(a) and 230(2);
- List of offices of the organisation and the persons holding those offices;
- The address of the office of the organisation;
- A record in relation to elections due to be held in 2013.
- A certification that the copy of records lodged is a correct statement of the information contained in the records of the organisation.

The documents have been filed.

Yours sincerely

Stephen Kellett  
Senior Adviser  
Regulatory Compliance Branch

**From:** [Orgs](#)  
**To:** [KELLETT, Stephen](#)  
**Subject:** FW: On CMS+ AR2013/291 FW: ASIAL - 2013 Annual Return  
**Date:** Saturday, 18 May 2013 9:18:39 AM  
**Attachments:** [5 March 2013 FWA Annual Return 2013.pdf](#)

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**From:** Asial CEO [<mailto:ceo@asial.com.au>]  
**Sent:** Wednesday, 6 March 2013 12:49 PM  
**To:** [sydney@fwc.gov.au](mailto:sydney@fwc.gov.au)  
**Subject:** ASIAL - 2013 Annual Return

Please find attached ASIAL's 2013 Annual Return.

Regards

**Bryan de Caires**

Chief Executive Officer

**Australian Security Industry Association Ltd (ASIAL)**

Tel: 02 8425 4300 Fax: 02 8425 4343

Website: [www.asial.com.au](http://www.asial.com.au)









FAIR WORK  
COMMISSION

19 February 2013

Mr Chris Delaney  
Australian Security Industry Association Ltd  
PO BOX 1338  
Crows Nest NSW 1585

Dear Mr Delaney

**Australian Security Industry Association Ltd  
Annual Return of Information for 2013 [AR2013/291]**

This is a courtesy letter to remind you of the obligation to lodge an Annual Return of Information for 2013 in respect of the above by **31 March 2013**.

A signed and dated declaration certifying matters prescribed in the *Fair Work (Registered Organisations) Act 2009* [the 'RO Act'] must be lodged with the Fair Work Commission ('the Commission') by that date. The matters to be included in the declaration are set out in the attached checklist.

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. The Secretary or other prescribed officer must also notify the Commission within 35 days of any changes to such records.

Once an Annual Return or change of records has been lodged, a copy will be posted on the Commission's website at [www.fwc.gov.au](http://www.fwc.gov.au)— under [Registered organisations - List of registered organisations](#). In order to protect the privacy of the relevant office holders listed in the declarations, you may wish to list their official mailing address rather than personal home address.

The Commission encourages you to lodge all returns electronically e.g. as pdf or tif files at [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au) . Please ensure that emailed documents include signatures where required.

**Please note: failure to comply with these obligations is subject to a civil penalty provision** (up to \$33,000 for a body corporate and \$6,600 for an individual per contravention), see s.305 of the RO Act. Further, 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.

Please do not hesitate to contact me on (03) 8661 7936 or by e-mail at [robert.pfeiffer@fwc.gov.au](mailto:robert.pfeiffer@fwc.gov.au) if you wish to discuss the requirements outlined in this correspondence.

Yours sincerely,

Robert Pfeiffer  
Senior Adviser  
Regulatory Compliance Branch

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Melbourne VIC 3000  
GPO Box 1994  
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### 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)] <b>Note:</b> 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 <b>office</b> and <b>officer</b> 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 <b>office</b> and <b>officer</b> 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)] <b>Note:</b> 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 list of offices, list of officeholders, list of branches (where relevant) and 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].