



Fact sheet

Records to be kept by registered organisations

The *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires organisations (both employer and employee) to keep and provide access to specified records. This fact sheet provides an overview of these obligations. For information about lodgment requirements see [Fact sheet: Elections in organisations and their branches](#), [Fact sheet: Annual returns—Records to be lodged annually by registered organisations](#) and [Fact sheet: Financial reporting process and timelines](#).

This fact sheet does not cover all matters relating to records to be kept, provision of access to records and lodgment of records by organisations arising under the Fair Work legislation.

Records to be kept

1. A register of members (sections 230 & 231)

Organisations are required to keep:

- a register of its members which records each member's:
 - name
 - postal address, and
 - whether the member became a member under an agreement with a State union in accordance with section 151(1) of the RO Act (section 230(1)(a))
- a copy of the register of members as it stood on 31 December in each year for a period of seven years (section 231(1))
- a record of the number of members on 31 December in the previous year (section 230(1)(d) and regulation 147);
- if the organisation entered a membership agreement with a State union under section 151(1), a record of the number of members who on the 31 December in the previous year were ineligible State members within the meaning of section 150 (section 230(1)(d) and regulation 147).

2. Offices and office holders (section 230)

Organisations are required to keep:

- a list of the offices in the organisation and each branch (section 230(1)(b))

- a list of persons holding the offices, showing each person's:
 - name
 - postal address, and
 - occupation (section 230(1)(c)).

3. Branches and addresses (section 230)

Organisations are required to keep:

- a record of the name of each branch of the organisation
- a record of the name of each branch that commenced operation in the previous 12 months
- a record of the name of each branch that ceased operation in the previous 12 months
- a record of the address of the office of the organisation
- a record of the address of the office of each branch of the organisation (section 230(1)(d) and regulation 147).

4. Elections (sections 230 & 231)

Organisations are required to keep:

- a record of each election that must be held during each year commencing 1 January for any offices in the organisation and branches of the organisation (section 230(1)(d) and regulation 147)
- a copy of the register, or part of the register, as it stood on the day on which the roll of voters for a ballot for an election for office was closed (unless the AEC determined that a ballot for an election was not required) (section 231(2) and regulation 148).

5. Financial records (section 252)

- Reporting units of an organisation (see [Fact sheet: Financial reporting process and timelines](#) for explanation of reporting units) are required to keep:
 - such financial records as correctly record and explain the transactions and financial position of the reporting unit
 - financial records in such a manner as will enable a General Purpose Financial Report (see [Fact sheet: Financial reporting process and timelines](#) for explanation of a General Purpose Financial Report) to be prepared
 - financial records in such a manner as will enable the accounts to be conveniently and properly audited
- where an organisation consists of 2 or more reporting units, the financial records for each of the reporting units must, as far as practicable, be kept in a consistent manner

- financial records may be retained on a cash or accrual basis (however, the General Purpose Financial Report must be prepared on an accrual basis (section 253(1))
- membership records may be kept on a cash basis even if other financial records are kept on an accrual basis
- financial records must be kept for a period of seven years after the completion of transactions to which they relate.

6. Minutes

Organisations must have a rule which requires the keeping of minute books. The minute books must record the proceedings and resolutions of meetings of committees of management of the organisation and its branches (section 141(1)(b)(iia)). For information on alterations to rules and rule requirements please contact the Fair Work Commission – www.fwc.gov.au.

7. Officer and Related Party Disclosures

- As part of the officer and related party disclosures officers must make disclosures to their committees of management of particular financial information. This information must be kept by the organisation or branch to compile the annual Officer and Related Party Disclosure Statement (section 293BC).
- Material personal interests that are disclosed by officers must be recorded in the minutes of the committee of management meeting (section 293C).

Access to records

- a person authorised by the Commissioner of the Registered Organisations Commission (the ROC) may inspect, make copies of or take extracts from the records kept by an organisation under sections 230 and 231 (see points 1-4 above) at such times as the Commissioner specifies (section 235(1));
- an organisation must cause its records to be available at all relevant times to a person authorised by the Commissioner to inspect the records (section 235(2));
- the Commissioner may, in certain circumstances, direct an organisation to deliver to the Commissioner a copy of the register of members, or part of the register, for a member of the organisation to inspect at a specified place (section 236);
- an organisation must provide a copy of the rules of the organisation, any amendments to the rules, a copy of the list of offices, or a copy of the list of persons holding office to a member who has requested in accordance with section 347(2);
- an officer of an organisation may inspect the books of the organisation at all reasonable times for the purpose of a legal proceeding (section 280). This right continues for seven years after the person has ceased to be an officer (section 280(2)). The meaning of

books includes a register, any other record of information, financial report or financial records and a document (section 280(6));

- a reporting unit of an organisation must provide free of charge to members a full financial report or, if so resolved by the reporting unit's committee of management, a concise report (see [Fact sheet: Financial reporting process and timelines](#)) (section 265);
- the full financial report must be reported to a general meeting of members of the reporting unit or, in certain circumstances, to a meeting of the committee of management of the reporting unit within 6 months of the end of the financial year (section 266);
- a member of a reporting unit or the Commissioner may apply, in accordance with sections 272(2) and (4), to the reporting unit for the provision of financial information as specified in regulations 166 and 182;
- a member, in certain circumstances, may apply to the Fair Work Commission for an order authorising inspection of financial records (sections 273, 274 and 275);
- the committee of management or a general meeting of members of a reporting unit may authorise a member to inspect financial records of the reporting unit (section 277);
- a member of an organisation may inspect a statement lodged under section 237(1) (statement of loans, grants and donations) by the organisation (section 237(4));
- a member may request the details of any material personal disclosure recorded in the minutes and such details must be provided within 28 days of the request (section 293C);
- organisations and branches must provide their members and the Commissioner with an Officer and Related Party Disclosure Statement within 6 months of the end of the financial year (section 293J);
- during an investigation the Commissioner can require a person to produce documents to the Commissioner (section 335) or seek a warrant to seize documents (section 335K).

As noted above, a number of records need to be lodged with the ROC. See Fact sheet: Elections in organisations and their branches, Fact sheet: Annual returns—Records to be lodged annually by registered organisations and Fact sheet: Financial reporting process and timelines for lodgment requirements.

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This fact sheet is not intended to be comprehensive. The Registered Organisations Commission does not provide legal advice. Users must rely upon the relevant legislation, which is set out in the *Fair Work (Registered Organisations) Act 2009*, the *Fair Work Act 2009*, the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* and the *Fair Work (Registered Organisations) Regulations 2009*.