



Fact sheet

Annual returns—Records to be lodged annually by registered organisations

The *Fair Work (Registered Organisations) Act 2009* (RO Act) requires organisations (both employer and employee) to lodge specified records on an annual basis and any changes to those records within 35 days of the change. This fact sheet provides an overview of these obligations.

Note 1: registered organisations are referred to in this sheet simply as organisations.

Note 2: references in this fact sheet to regulations are to the Fair Work (Registered Organisations) Regulations 2009.

Note 3: The information in this fact sheet does not cover all matters relating to records to be lodged by of organisations arising under the Fair Work legislation. See Fact sheet: Elections in organisations and their branches for lodgment requirements regarding elections and Fact sheet: Financial reporting process and timelines for lodgment requirements regarding Financial Reports.

Records to be lodged annually (annual return)

An organisation must lodge with the Registered Organisations Commission (the ROC) by 31 March each year:

1. A declaration regarding the register of members (section 233(1)(a) and regulations 149 & 150)
 - the declaration needs to certify that the register of members has, during the immediately preceding calendar year, been kept and maintained as required by sections 230(1)(a) and 230(2)
 - the declaration must be signed and lodged by the secretary, or other officer who is required by the organisation or the rules of the organisation to keep the register of members (regulation 150); and
2. Other records to be lodged (section 233(1)(b) and regulation 147)
 - a copy of the records required to be kept under sections 230(1)(b), (c) and (d) (see table below for details)
 - with a declaration certifying that the records lodged are a correct statement of the information contained in those records
 - the declaration must be signed by the secretary, or other officer who is required by the organisation or the rules of the organisation to keep these records.

Records to be lodged within 35 days of changes

An organisation must lodge with the ROC within 35 days of any change (section 233(2) and regulation 151):

- any change made to the records required to be kept under sections 230(1)(b), (c) and (d) (see table below for details)
- this notification must be certified by declaration that the changes notified are a correct statement of the changes
- the declaration must be signed by the secretary, or other officer who is required by the organisation or the rules of the organisation to keep these records (regulation 150).

Table—records to be lodged annually and within 35 days of any change

Record	Key Contents
Maintenance of register of members [section 233(1)(a)]	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 sections 230(1)(a) and (2)
List of offices [section 233(1)(b)]	A list of the offices in the organisation and each branch (a record of which is required to be kept in accordance with section 230(1)(b)) (note the definition of “office” and “officer” in sections 6 & 9)
List of office holders [section 233(1)(b)]	A list of the names, postal addresses and occupations of the persons holding the offices (a record of which is required to be kept in accordance with section 230(1)(c)) (note the definition of “office” and “officer” in sections 6 & 9)
List of branches [section 233(1)(b)]	A record of the name of each branch of the organisation (a record of which is required to be kept in accordance with section 230(1)(d) and regulation 147)
New branches [section 233(1)(b)]	A record of the name of each branch that commenced operation in the previous 12 months (a record of which is required to be kept in accordance with section 230(1)(d) and regulation 147)
Old branches [section 233(1)(b)]	A record of the name of each branch that ceased operation in the previous 12 months (a record of which is required to be kept in accordance with section 230(1)(d) and regulation 147)
Addresses of organisation and	A record of the address of the office of the organisation and the address of the office of each branch (a record of which is required to be

branches [section 233(1)(b)]	kept in accordance with section 230(1)(d) and regulation 147)
Elections in organisation and branches [section 233(1)(b)]	<p>A record of each election that must, under the rules of the organisation, be held during each calendar year commencing 1 January for any offices in the organisation and branches of the organisation (i.e. for the calendar year in which the return is lodged) (a record of which is required to be kept in accordance with section 230(1)(d) and regulation 147).</p> <p>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 section 189 of the RO Act (see Fact sheet: Elections in organisations)</p>
Statement concerning number of members [section 233(1)(b)]	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 s151(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 section 150 of the RO Act (a record of which is required to be kept in accordance with section 230(1)(d) and regulation 147)

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This fact sheet is not intended to be comprehensive. The Registered Organisation 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*.