



FAIR WORK
COMMISSION

24 May 2013

Captain Wayne Moore
President
Australian Maritime Officers' Union
Suite 1, 5th Floor, 377 Sussex Street
SYDNEY NSW 2000

Dear Captain Moore,

Re: Annual Return of Information Contained in Records of Organisation - s233 Fair Work (Registered Organisations) Act 2009 - Australian Maritime Officers' Union (AR2013/214)

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 30 April 2013.

The documents lodged cover the following information:

- A declaration that the register of members required to be kept under sections 230(1)(a) and 230(2) have been kept and maintained in accordance with the Act;
- List of offices in the organisation as required by paragraph 230(1)(b);
- List of names, addresses and occupations of the persons holding those offices as required by paragraph 230(1)(c);
- Information prescribed by regulation 147 as required by paragraph 230(1)(d);
- A declaration certifying that the statements contained in the declaration are true in every particular.

The documents have been filed.

Yours sincerely

Stephen Kellett
Senior Adviser
Regulatory Compliance Branch

From: KELLETT, Stephen
To: ["John@amou.com.au"](mailto:John@amou.com.au)
Subject: Attention Captain Wayne Moore - Annual return of Information - s233 RO Act - filing
Date: Friday, 24 May 2013 11:15:00 AM
Attachments: [AR2013_214 AMOU\(final\).pdf](#)

Dear John,

Please see attached letter in relation to the above.

Yours sincerely

STEPHEN KELLETT

Senior Adviser,

Regulatory Compliance Branch

Fair Work Commission

Tel: (02) 6723 7237

Mob: 0429 462 979

Fax: +61 2 9380 6990

stephen.kellett@fwc.gov.au

80 William Street, East Sydney NSW 2011

www.fwc.gov.au

From: [John Wydell](#)
To: [Orgs: PFEIFFER, Robert](#)
Subject: ON CMS+ Annual Return for of Information for AMOU [AR2013/214]
Date: Tuesday, 30 April 2013 8:43:59 PM
Attachments: [AMOU_AR2013_214.pdf](#)

[AR2013/214](#)

The Registrar

Please find attached Annual Return of Information for AMOU [AR2013/214] for filing.

Yours faithfully

John Wydell
Industrial Officer
Australian Maritime Officers' Union

COMMONWEALTH OF AUSTRALIA

STATUTORY DECLARATION

I, Wayne Stephen Moore of Suite 1, 5th Floor, 377 Sussex Street, Sydney, NSW, 2000, do solemnly and sincerely declare as follows:-

- 1. I am the President of the Australian Maritime Officers' Union ("the AMOU").
- 2. Annexed hereto is a document entitled "Annual Return of Information for Year End 31 December 2012" which contains the following information: the National Office as well as the Eastern, Southern, and Western Area offices of the AMOU, including their respective addresses; and the persons who held an elected position as provided for by the Rules of the AMOU, including contact details for those persons.
- 3. The Register of Members of the organisation required to be kept under sections 230(1)(a) and 230(2) has, during the immediately preceding calendar year, been kept and maintained in accordance with the Act.
- 4. Elections are not required to be held in 2013.
- 5. As at 31 December 2012, the AMOU had 2319 full members, 142 deferred members, 615 associate members, 15 life members.

And I make this solemn declaration by virtue of the Statutory Declarations Act 1959, and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

Declared at Sydney.....)

this thirtieth.....day of)

April..... 2013)

before me:

J. Wydell
.....
~~Justice of the Peace/Solicitor~~

Wayne Moore
.....
Wayne Moore

John Wydell.....

Print full name (and number if JP).
Suite 1, 5th floor
377 Sussex Street
SYDNEY NSW 2000

FAIR WORK COMMISSION

Fair Work (Registered Organisations) Act 2009

**ANNUAL RETURN OF INFORMATION
FOR YEAR END 31 DECEMBER 2012**

**AUSTRALIAN MARITIME OFFICERS' UNION
(AR 2013/214-[001N])**

List of Offices, Office Holders and Branches

NATIONAL OFFICE

Address of Office

Suite 1, 5th Floor, 377 Sussex Street, Sydney NSW 2000

PO Box 407 Haymarket NSW 1240

Office Holders

President: Wayne Stephen Moore Occupation: Ship's Master

Vice President: Kate Ellis Occupation: VTS Operator

The postal address for the above Officers is PO Box 407 Haymarket NSW 1240.

Eastern Area

Address of Office

Suite 1, 5th Floor, 377 Sussex Street, Sydney NSW 2000

PO Box 407 Haymarket NSW 1240

Office Holders

President: Vacant

Vice President Stephen Midgley Occupation: Tug Master

Secretary Richard Barnes Occupation: Tug Master

The postal address for the above Officers is PO Box 407 Haymarket NSW 1240.



Southern Area

Address of Office:

Lawrence House, 194 Drummond Street, Carlton VIC 3053

Office Holders

President:	Neil Francis Hunter	Occupation: Shipwright
Vice President:	Graeme Stone	Occupation: Tug Master
Secretary:	Stephen Taylor Groves	Occupation: Union Official

Western Area

Address of Office

1 High Street, Fremantle WA 6160

PO Box 568, Fremantle WA 6160

Office Holders

President:	Allan Heyne	Occupation: Deck Officer
Vice President:	Paul Dolan	Occupation: Deck Officer
Secretary:	Daniel Alexander Pearson	Occupation: Ship's Master

The postal address for the above Officers is PO Box 568, Fremantle WA 6160.

Other Office Holders

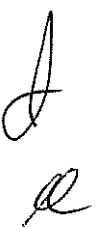
National Delegates

Kerry Bullock	Occupation: Marine Pilot
Aaron Wild	Occupation: Deck Officer

Divisional Delegates

Offshore Division

Tim Higgs	Occupation: Deck Officer
John McDonald	Occupation: Deck Officer



Port Services Division

Darryl Dorrn

Occupation: Marine Safety Officer

The postal address for the above Office holders is PO box 407 Haymarket NSW 1240

Handwritten signature or initials in the bottom right corner of the page.



FAIR WORK
COMMISSION

22 April 2013

Captain Wayne Moore
President
The Australian Maritime Officers' Union

Sent by email: amou@amou.com.au

Dear Captain Moore,

Failure to lodge annual return of information - [AR2013/214]

Our records indicate that the abovenamed organisation has failed to lodge its annual return of information by 31 March 2013 despite the Fair Work Commission ('the Commission') reminding the organisation of its obligation to do so by letters dated 18 February and 21 March 2013.

As you have previously been advised, section 233(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each organisation to lodge with the Commission by 31 March in each year certain information relating to records required to be kept and maintained by the organisation under section 230 of the RO Act and regulation 147 of the *Fair Work (Registered Organisations) Regulations 2009*. I reiterate our previous advice to you that failure to comply with these obligations is subject to a civil penalty provision under section 305 of the RO Act.

Paragraph 7.4 of the FWC Regulatory Compliance Policy (a copy of which is attached) states as follows:

- 7.4 *Where the possible contravention involves failure by an organisation, branch or reporting unit to lodge a matter with FWC in accordance with the timeframes specified in the RO Act, RO Regulations or the rules of the organisation, branch or reporting unit:*
- a. *The Regulatory Compliance Branch will contact the organisation, branch or reporting unit, by telephone and/or in writing, within two weeks to advise that lodgement is overdue;*
 - b. *If lodgement has not occurred within one month of the timeframe specified in the RO Act, RO Regulations or rules, the Regulatory Compliance Branch will advise the organisation, branch or reporting unit that it is seeking voluntary compliance within a specified timeframe and that, in the absence of such voluntary compliance without cause, FWC will commence an inquiry or investigation or initiate court proceedings; and*
 - c. *If lodgement has not occurred within the timeframe specified in the correspondence referred to in paragraph b and the organisation, branch or reporting unit has not been able to show cause regarding why it should not do so, FWC will commence an inquiry or investigation or initiate court proceedings in accordance with this policy as soon as reasonably practicable.*

Section 310 of the RO Act empowers the General Manager of the Commission to apply to the Federal Court for an order against the persons or organisation whose conduct contravened the civil penalty provisions under Part 2 of Chapter 10 by way of a pecuniary penalty.

In accordance with the processes specified in paragraph 7.4(b) of the *FWC Regulatory Compliance Policy* which are set out above, the organisation is required to lodge its outstanding annual return of information with the Commission by no later than 22 May 2013.

Should the organisation fail to do so without reasonable cause, the General Manager or her Delegate may commence action under s.310 of the RO Act without further notice.

Should you seek any clarification in relation to the above, please contact me on (03) 8661 7939 or via email at robert.pfeiffer@fwc.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R. Pfeiffer', is positioned above the typed name.

Robert Pfeiffer
Senior Adviser
Regulatory Compliance Branch



FAIR WORK
COMMISSION

21 March 2013

Captain Wayne Stephen Moore
President
The Australian Maritime Officers' Union
Sent by email: amou@amou.com.au

Dear Captain Moore

**The Australian Maritime Officers' Union
Annual Return of Information for 2013 [AR2013/214]**

I refer to our letter of mid February 2013 reminding you of the obligation to lodge an Annual Return of Information for 2013 in respect of the above by **31 March 2013**. As it is noted that you have not as yet lodged your Annual Return, we provide the following as a second and final reminder. Please ignore this letter if you have lodged the Annual Return for 2013 in the last few days.

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. 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 – under [Registered organisations - List of registered organisations](#). In order to protect the privacy of the relevant office holders listed in 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 files at 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 if you wish to discuss the requirements outlined in this correspondence.

Yours sincerely

Robert Pfeiffer
Senior Adviser
Regulatory Compliance Branch

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) <i>[s.233(1)(a)]</i> Note: 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 office and officer in ss.6 and 9) <i>[s.230(1)(b)]</i>
List of Office holders	A list of the names, postal addresses and occupations of the persons holding the offices (note the definition of office and officer in ss.6 and 9) <i>[s.230(1)(c)]</i>
List of Branches	A record of the name of each branch of the organisation <i>[s.230(1)(d) and r.147(a)]</i>
New Branches	A record of the name of each branch that commenced operation in the previous 12 months <i>[s.230(1)(d) and r.147(b)]</i>
Old Branches	A record of the name of each branch that ceased operation in the previous 12 months <i>[s.230(1)(d) and r.147(c)]</i>
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 <i>[s.230(1)(d) and r.147(d)]</i>
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 . <i>[s.230(1)(d) and r.147(e)]</i> 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 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. <i>[s.230(1)(d) and rr.147(f) and (g)]</i>

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].



FAIR WORK
COMMISSION

18 February 2013

Captain Wayne Stephen Moore
President
The Australian Maritime Officers' Union

Sent by email: amou@amou.com.au

Dear Captain Moore,

**The Australian Maritime Officers' Union
Annual Return of Information for 2013 [AR2013/214]**

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— 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. 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 if you wish to discuss the requirements outlined in this correspondence.

Yours sincerely,

Robert Pfeiffer
Senior Adviser
Regulatory Compliance Branch

Obligation to lodge Annual Return of Information by 31 March

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Failure to comply with these obligations is subject to a civil penalty provision – see s.305 of the RO Act.

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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)]
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