



Annual returns – records to be lodged annually by registered organisations

The *Fair Work (Registered Organisations) Act 2009* (RO Act) requires organisations to lodge their **annual return** with the Fair Work Commission (the Commission) by March 31st every year.

When referring to an **annual return**, we are talking about documents lodged under section 233 that contains a copy of certain specified records of the organisation and two important declarations. This fact sheet will explain the records that are included in the annual return and the time frames they cover.



Did you know?

Annual returns are published to the Commission's website.

Annual returns often feature in the Commission's most popular downloaded documents as members and officers regularly access these records directly from our [organisations files](#).

This fact sheet does not cover all records that must be kept or lodged with the Commission – for information on [financial reporting](#), [the officer and related party statement](#), [record keeping](#) and [elections](#) please see our website.

What needs to be lodged?

The annual return includes:

- a declaration about the register of members
- the number of members on 31 December



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- information about offices and the people holding them
- information about branches and their addresses
- the address of the organisation
- information about elections
- information about members by virtue of section 151 agreements with a state union
- a declaration that the information provided to Commission correctly reflects the records

The information relates to a number of different time frames. One of the most common mistakes is a misunderstanding of the relevant time frames for each piece of information. The Commission has a useful fact sheet that shows the [annual return time frames on a time line](#). Let's look at them in more detail now.

A declaration about the register of members (section 233(1)(a), regulation 149 and 150)

This declaration has to have very specific wording. It must say 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).

It must be in the part of the annual return that is signed by the secretary, or other officer who is required by the organisation or its rules to keep the register of members (regulation 150).

The Commission has annual return templates.



There is one for [organisations who have branches](#) and one for [organisations that do not have branches](#). These templates ensure that the very specific wording of **both** declarations is correct.

Using the template makes you much more likely to supply all the required information.

The number of members on 31 December (section 230(1)(d), regulation 147)

The annual return must include the number of members that were on the register on the 31st of December.



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All organisations must keep a copy of their register of members as at 31 December each year. From this, the number of members should be easy to identify. If there are branches, some of this information may be held by them, organisations must collect full member numbers in order to complete the annual return.

Information about offices and the people holding them (section 230(1)(b) and (c))

The annual return must include information from the organisation's recorded list of all of its offices. This includes offices in its branches and offices that are currently vacant.



Don't forget to notify us about vacancies!

A recent review of office holders revealed that when it comes to notifications of change organisations often overlook notifying the Commission about officers leaving office. You must notify us when the officers change and this includes both when they leave office and when new officers are elected.

What is an office of the registered organisation will depend upon your rules. Office and officer are defined in sections 6 and 9 of the RO Act. If you are unsure, listen to our helpful podcast – [Who is an officer?](#)

The annual return also must include information from the organisation's records showing all the names, postal addresses and occupations of the people holding those offices.

This information must be current on the day the annual return is signed.



Best practice tip!

The Commission recommends that the organisation keeps a professional address on its officer record (such as the organisation or branch office) as their address for this purpose. This way when you provide a copy of that record in the annual return it doesn't reveal private information which will be published to the website.

It also means that the organisation does not need to update its records (and file a notification of change) every time an officer moves house



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Information about branches and their addresses (section 230(1)(d), r 147)

There are two pieces of information that must be included about branches.

Current branches

The annual return must include information from the organisation's records listing all current branches and their street addresses. Each branch must be listed by name and address. A common error here is to include PO Boxes. The address provided **must** be a street address.

This list of branches is current on the day the annual return is signed.

Changes to branches

The annual return must include information from your records about the names of any branches that have started or ceased during the past 12 months. The relevant period is the 12 months ending on the date the annual return is signed. It is not the last calendar year.

The address of the organisation (section 230(1)(d), regulation 147)

The annual return must include the street address of the organisation. It must be current on the day the annual return is signed. Street addresses are required for service of documents on the organisation and its branches.

Information about elections (section 230(1)(d), regulation 147)

The annual return must include information on every election for office that is scheduled in the current calendar year.

This would include all elections that started prior to the annual return being lodged, any that are currently underway and any that are scheduled to start later in the calendar year (whether they will be completed or not). It also includes all the elections for offices that will occur in the branches of the organisation.



Common error alert!

A common error in annual returns is to provide election information for the previous calendar year. This is not correct. The election information is for elections that are



scheduled between 1 January and 31 December of the year the annual return is being lodged.

Information about members by virtue of section 151 agreements with a state union (section 230(1)(d), regulation 147)

If the organisation has entered into an agreement under section 151 to allow otherwise ineligible members of a state-registered association to also be members of the organisation, the number of these members (taken from the information in your records) must be listed separately. It is also to be as at 31 December.

A declaration that the information provided to the Commission correctly reflects the records (section 233(1)(b))

This declaration is also very specific. Annual returns are a record of the **information contained in the organisation's records**. Therefore it is a declaration that the information provided is a correct statement of the information contained in the records that are required to be kept by the organisation under section 230(1)(b), (c) and (d). It is not a declaration that the information supplied is true and correct.

The template is the best way to ensure that the specific wording of the declaration is correct.



Notification of changes

The annual return is intended to be a true reflection of what is in the organisation's records, and records must be kept up-to-date.

This means when things occur that change the information in the annual return you must supply a notification of change to the Commission outlining what has been removed from the record and what has been added.

This can include:

- officers leaving or being elected
- officer roles being created or abolished
- moving the organisation or a branch to a new location
- opening or closing branches



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In fact, it includes any change that would mean your annual return is no longer correct.

There is a [template](#) to assist with this process.

Further help

For further [information](#) and [tools](#) about annual returns and notifications of change please see our website. If you have any further questions please contact us at regorgs@fwc.gov.au

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This fact sheet is not intended to be comprehensive. The Fair Work 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*.