



# Notification of changes

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The *Fair Work (Registered Organisations) Act 2009* (RO Act) requires registered organisations to lodge certain information with the Fair Work Commission (the Commission) annually (section 233(1)). Whenever any changes occur in relation to certain records, registered organisations are required to lodge a notification of change with the Commission (section 233(2)).

This fact sheet explains the requirement to notify the Commission of changes to records. It does not cover all matters relating to keeping and lodging records arising under the Fair Work legislation. The Commission has published other fact sheets in relation to [Records to be kept by registered organisations](#) and [Records to be lodged annually by registered organisations](#).

## Changes to which records (sections 233(2), 230(1) and regulation 147)?

A registered organisation must notify the Commission of any changes to the following records:

- the list of offices in the organisation or in a branch of the organisation
- the name, postal address or occupation of a person holding office
- the name of a branch of the organisation
- the commencement or cessation of a branch of the organisation
- the address of the office of the organisation, or the address of the office of a branch of the organisation
- an election for an office in the organisation or branch is required or is no longer required during the calendar year.



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## What does the Commission do with the information?

Records including the above information are required to be lodged by each organisation by 31 March in each year in the Annual Return of Information (Annual Return). Annual Returns are published under the corresponding organisation on the Commission website. This information can be found by clicking on the [‘Find a Registered Organisation’](#) tab. Notifications of changes are published in descending date order within the corresponding year’s annual return document. This enables members to view the changes with reference to the complete list of office holders.

## When must changes be notified (section 233(2) and regulation 151)?

Details of any changes must be notified within 35 days after the change occurs.

Notifications of changes cannot be lodged before a change takes effect.

Examples:

- if officers begin to hold office after an election at the next conference, a branch must notify of the change within 35 days after the conference (not before the conference)
- if an officer resigns and it takes effect in one month, a branch must notify of the change after the resignation takes effect in one month
- if an officer resigns immediately but it takes 6 weeks for the Australian Electoral Commission (AEC) to complete a casual vacancy election, the branch must notify of the first resignation within 35 days of it taking effect and notify a second time when the new officer is elected after the election is complete
- if following an election the AEC sends the uncontested declaration of results to the branch and the Commission and then at a later date sends a contested declaration, the branch must notify the Commission of the new officers and any officers that have lost office within 35 days of the changes. This may require two notifications, depending on when the officers take and lose office, to ensure that the Commission is notified within 35 days of any changes. Also the notification(s) must be lodged even though the Commission has already received the declarations.



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Please see [our quiz](#) for more examples of when organisations and branches must notify the Commission of changes.

## What needs to be included?

- the notification must be lodged with a signed declaration that the information lodged is a correct statement of the changes made (section 233(2)).
- the notification must identify the changes readily.
- the notification should include the date the change occurred.
- for changes to office holders the following details are also required:
  - the title of the relevant office
  - the name of each new or former office holder
  - the postal address of each new office holder (for privacy reasons, the Commission recommends that the records of the organisation keep the address of organisation or branch as a professional postal address or PO Box for each of its office holders)
  - the occupation of each new office holder
- the street address must be included for new branches.

The Commission recommends the use of the [template Notification of Changes](#) to help ensure that all of the required details are included in a notification of change.

## Who can sign the declaration?

The declaration must be signed by the Secretary or another office holder whose duties under the rules of the organisation or branch include lodging required information to the statutory body (section 233(2) and regulation 150). A template declaration is included in the [template Notification of Changes](#).

If an organisation is divided into branches or divisions, the notification of change may be made by a national office holder or the relevant branch or division office holder, depending on who has authority under the rules



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of the organisation to keep the records. If made by a branch officer, it is recommended that a copy is sent to the national office for its records.

## Penalties

The sections of the RO Act that relate to notifications of change are civil penalty provisions. If a notification of change is not lodged or is not lodged on time, the organisation can be liable for penalties up to 60 penalty units (section 233(2)). Further, if a person makes a declaration in the notification of change and they know, or are reckless as to whether, the declaration is false or misleading, that person can be liable for penalties up to 100 penalty units (section 233(3))<sup>1</sup>.

## Find out more

- [Guidance Note – Commission Quiz Answers: Notifications of Change](#)
- [Legislative Summary – Notifications of Change](#)
- [Internal Checklist – Notifications of change](#)

## Lodgement of notifications of change

Notifications of change can be lodged with the Commission by email to: [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au).

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This fact sheet is not intended to be comprehensive. It is designed to assist in gaining an understanding of the Fair Work Commission (the Commission) and its work. The Commission does not provide legal advice.

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<sup>1</sup> Section 4AA, Crimes Act 1914 defines the amount of a penalty unit.