**Checklist CL 005A** | 17 January 2024

Annual Return advanced checklist – for an organisation with Branches (RO Act section 233)

|  |  |  |  |
| --- | --- | --- | --- |
| **caseHQ Number for AR** | AR2024/ | | |
| **Action Officer** |  | **Organisation Name** |  |
| **Org. Code** |  | **Lodgement Date** |  |
| **KPI date for the Annual Return assessment**  **Note: The Annual Return must be assessed within 40 working days of lodgement (KPI)** | |  | |

### Instructions for internal Fair Work Commission use only (click on arrow to show more):

|  |
| --- |
| Y = information is present and correct  N = information is present but incorrect OR information is not present but should be  na = not applicable  Y/N/na or Y/N = not yet considered |
| **DO NOT PROCESS NOCS IN RELATION TO THIS ANNUAL RETURN UNTIL AFTER THE ANNUAL RETURN HAS BEEN FILED** |

| **Lodgement** | |
| --- | --- |
| Date stamp affixed or email with date | **Y/N** |
| Lodged on or before 31 March 2024 in accordance with regulation 149 | **Y/N** |
| If late, how many days late? | **No. of days/n/a** |
| If late, check whether the 2023 AR was late (this is already ‘N’ because no Annual Returns were lodged late in 2023) | **N** |
| If late, check whether the 2022 AR was late | **Y/N/na** |

### For internal use only (click on arrow to show more): update caseHQ and the website

|  |  |
| --- | --- |
| **In this section:**  **Y = information is correct in caseHQ and on the website OR the information was incorrect but has been corrected**  **N = information in caseHQ or on the website is incorrect and has not been corrected** | |
| Check Total Membership Numbers is recorded in caseHQ on edit screen on the box called ‘Total membership’ | **Y/N** |
| Check AR has been uploaded to the website (if not already on the website – redact private information, OCR, optimise and upload) | **Y/N** |
| Check that the matter history in caseHQ has a ‘Risk Based Assessment’ event with ‘Advanced Checklist’. If not, check with the risk assessment administrator whether this is an Advanced Review and then enter on caseHQ ‘Risk Based Assessment’ with appropriate event performed. If a primary review, change to the Primary Review checklist. | **Y/N** |
| Make sure caseHQ correctly records the **key office holders for the organisation and each branch\***:   * Secretary * Assistant Secretary * President * CEO or Executive Director (if an officer)   Update the relevant office holders on caseHQ by:   * deleting previous office holder from the list of related entities of the org/branch * adding new office holder as a related entity of the org/branch * make sure you save the changes by selecting ‘save’ on the entity   \* **NOTE:** take a risk-based approach: if an organisation has many branches, just check the key office holders for the top two levels (e.g. national and divisional levels of the organisation) | **Y/N** |
| Make sure caseHQ correctly records **the primary contact for the organisation and each of its branches\***:   * make sure the primary contact’s relationship to organisation & each branch is entered as ‘primary contact’ * if someone else is listed as the primary contact, change the relationship of that person to ‘contact’, unless you know they are definitely no longer associated with the organisation or branch. In this case delete as a related entity. * make sure you save these changes by selecting ‘save’ on the entity * make sure the new primary contact’s preferred email address is the org’s or branch’s preferred email address:   + select ‘preferred contact’ in the relevant email address details on the new primary contact’s entity details, or you may need to create a new email address and select ‘preferred contact’   + if there is already a preferred, but different, email address, UNCHECK ‘preferred contact’ on this old email address, but do NOT inactivate the old email address * check whether the previous primary contact is the contact for any open Fair Work Commission (Commission) matters * if so, change the contact details on the matter to the new office holder for those matters, UNLESS it is an I matter   + if it is an I matter advise the relevant action officer that the primary contact for this organisation or branch has changed   \* **NOTE:** take a risk-based approach: if an organisation has many branches, just check the primary contacts for the top two levels of the organisation | **Y/N** |
| Make sure caseHQ correctly records **the address of the organisation and each of its branches\*:**   * if the address has changed, ‘add’ the new address on caseHQ by selecting ‘add’ in the address field   + enter the ‘effective date’ which is the date of commencement of the new address * ‘inactivate’ the old address of the org/branch on caseHQ   + enter the ‘effective date’ which is the date the old address ceased * make sure you save the changes by selecting ‘save’ on the entity * if there is an open I matter, advise the relevant action officer   \* **NOTE:** take a risk-based approach: if an organisation has many branches, just check the primary contacts for the top two levels of the organisation | **Y/N** |
| If the Annual Return states that **a branch has been created**, check whether the branch is an entity on caseHQ. If not:   * confirm with the compliance manager to create the new branch * create the new branch as an entity on caseHQ * the org code must start with the code of the organisation and must be in the format ‘NNNL-LLL’ where N=a number and L=a letter * make sure it has a primary contact * make sure it is a related entity of the organisation (relationship = Branch) * check whether the description of the organisation on our website needs to change, and if it does, change it * ensure the branch name is an available option when loading documents to the web | **Y/N/na** |
| If the Annual Return states that **a branch has ceased**, check whether the branch has been inactivated on caseHQ. If not:   * confirm whether to cancel the branch with the compliance manager * cancel the branch entity on caseHQ * check whether the branch is a party to any open matters, and if so consider whether the matter should be closed or remain open * if there is an open I matter, advise the relevant action officer * delete the branch as related entity of the organisation * check whether the description of the organisation on our website needs to change, and if it does, change it * remove the branch code from the list of options when loading documents to the web * **if the cessation of a branch or branches means that the organisation no longer has any branches, stop using this checklist and use the checklist for an organisation without branches** | **Y/N/na** |
| You are using this checklist because this AR lists branches. Check caseHQ and our website to ensure that the branches match those listed in the AR  Y = the information is correct, i.e. caseHQ and the website matches the information in the AR  N = caseHQ or the website does NOT match the information in the AR | **Y/N** |
| If caseHQ and/or our website does NOT match the list of branches in the AR bring this to the attention of a compliance manager. There will need to be an analysis of the rules to ascertain whether our records are incorrect or the AR is incorrect  If we conclude that our records are incorrect, update our records as per instructions above for creation/cessation of a branch  If we conclude that the organisation does NOT have ANY branches, **stop using this checklist and use the checklist for organisations without branches**, making sure you record in the checklist that the AR incorrectly lists branches. | **Y/na** |
| Consider whether there are any other issues which affect our records in caseHQ, e.g. a different name of the organisation/branch. If so consult with the compliance manager prior to making any changes.  **NEVER CHANGE THE NAME OF AN ORGANISATION OR BRANCH WITHOUT CONFIRMING WITH THE COMPLIANCE/EDUCATION AND REPORTING MANAGER** | **Y/N** |

| **Are there any queries, inquiries or investigations relating to this organisation?** | |
| --- | --- |
| Are there any open Qs/INQs/INVs relating to the organisation or any of its branches? If so: | **Y/N** |
| Discuss with a compliance manager and action officer of the Q/INQ/INV whether this Annual Return should be re-allocated to the action officer of the Q/INQ/INV | **Y/N/na** |
| File note the discussion with compliance manager & action officer | **Y/N/na** |
| Discuss with compliance manger whether **next year’s AR** should be an advanced review. If so:   * advise the risk assessment administrator and update the 5-year risk assessment plan | **Y/N/na** |
| Discuss with a compliance manager and action officer of the Q/INQ/INV whether this Annual Return should be re-allocated to the action officer of the Q/INQ/INV | **Y/N/na** |

| **List issues raised in last year’s AR**  **(add more rows if needed)** | **Has the issue been corrected in this year’s AR?** |
| --- | --- |
|  | **Y/N/na** |
|  | **Y/N** |
|  | **Y/N** |

### For internal use only (click on arrow to see more): Instructions regarding filling the declaration columns

|  |
| --- |
| **Declaration** |
| In this section, you would normally just complete the national office column, because usually it is just the national office that makes the declarations.  SOMETIMES (but not necessarily) a Division or Branch officer, who is authorised to do so, might make a declaration as to their portion of the register and records (note: it must be **one annual return**, but may comprise multiple declarations if the records and register is kept in divisions/branches). In this case, you will need to fill the relevant column for each Division and each Branch, or you may wish to attach a table or spreadsheet for multiple branches. |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **One declaration ☐ OR Multiple declarations ☐** | | | | | | | | | | |
| Type in the name of Division or Branch in this row | National | Branch | Branch | Branch | Branch | Branch | Branch | Branch | Branch | Branch |
| Name and position of **officer** signing |  |  |  |  |  |  |  |  |  |  |
| Statement signed by secretary or prescribed **officer** [see reg 150] | **Y/N** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** |
| Register of members has been kept and maintained during preceding year as required by section 230(1)(a), section 230(2) [see section 233(1)(a)] | **Y/N** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** |
| Copy of records lodged is correct statement of information as required by section 233(1)(b) | **Y/N** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Information required by section 230 and regulation 147** | | | | | | | | | | |
| In this section you need to complete a column for each division/branch. Black shading means this cell is definitely ‘n/a’ | | | | | | | | | | |
| Type in name of Division or Branch in this row | National | Branch | Branch | Branch | Branch | Branch | Branch | Branch | Branch | Branch |
| Record of STREET address of office of organisation [regulation 147(d)(i)] | **Y/N** |  |  |  |  |  |  |  |  |  |
| Record of name of each branch [regulation 147(a)] |  | **Y/N** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** |
| Record of STREET address of each branch [regulation 147(d)(ii)] |  | **Y/N** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** |
| Record of number of members on 31 December of the previous year [regulation 147(f)] | **Y/N** |  |  |  |  |  |  |  |  |  |
| **NOTE: Members should include financial and unfinancial members, but do not include retired members and in most cases do not include associate members** | | | | | | | | | | |
| A list of the offices in the organisation and each branch of the organisation [section 230(1)(b)] | **Y/N** | **Y/N** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** |
| **NOTE: Offices must be elected and usually include all members of Boards, Committees, Councils and Conferences (except for advisory bodies). Vacant offices should be included.** | | | | | | | | | | |
| A list of the names, postal addresses and occupation of persons holding office at the time of signing the declaration [section 230(1)(c)] | **Y/N** | **Y/N** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** |
| **NOTE: Annual returns of information are published on our website. Commission recommends that the organisation/branch keep on its records an address that is NOT private, for example the address of the organisation or branch or a PO Box.** | | | | | | | | | | |
| Record of each election to be held this year [regulation 147(e)] | Y/N | Y/N | Y/N/na | Y/N/na | Y/N/na | Y/N/na | Y/N/na | Y/N/na | Y/N/na | Y/N/na |
| **NOTE: This includes all elections that are scheduled to occur between 1 January and 31 December this year and the offices to be elected** | | | | | | | | | | |
| Record of name of each branch commencing operation in the last 12 months prior to the lodgement of the AR [regulation 147(b)] | **Y/N/na** |  |  |  |  |  |  |  |  |  |
| Record of name of each branch ceasing operation in the last 12 months prior to the lodgement of the AR [regulation 147(c)] | **Y/N/na** |  |  |  |  |  |  |  |  |  |
| Record of eligible state members [regulation 147(g)] (if applicable) | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** | **Y/N/na** |

### For internal use only (click on arrow to show more): Assessed

|  |  |
| --- | --- |
| Record file note assessed and upload checklist completed to this point on the AR matter | **Y/N** |

### For internal use only (click on arrow to show more): Compliant

|  |  |
| --- | --- |
| Enter the Compliance data on the front edit screen of the AR  (and also record whether an election is due this year)   * All dark green boxes are Y or na then compliance = yes * Any dark green boxes are N, then compliance = No   Compliance is a measure of **initial compliance** how well the organisation did before we stepped in. If the organisation was able to rectify some issues and is ultimately compliant this does not change the initial compliance measure. We are recording how well organisations are improving over time with initial compliance. | **Y/N** |
| If compliance = No, discuss with a compliance manager whether **next year’s** AR should be an advanced review. If so:   * advise the risk assessment administrator and update the 5-year risk assessment plan | **Y/N/na** |

| **Inconsistencies**  This is to resolve Notifications of Change not lodged | |
| --- | --- |
| If inconsistencies in **key information** (see table above regarding updating caseHQ and website which is a check of key information) contact the organisation by phone to ascertain whether they had, in fact, lodged one or more required notifications of change, and, if they haven’t whether less than 35 days has lapsed since the change | **Y/N/na** |
| If notification/s not lodged and 35 days has not lapsed, remind organisation of requirement to lodge notification/s of change within 35 days of the change | **Y/N/na** |
| If notification/s not lodged and if the change occurred more than 35 days ago, remind organisation that they are in contravention of section 233(2) and even though late, they need to lodge the notification of change with the Commission ASAP. Reinforce that this is to provide transparency for members so that members can see who is an officer at any given time. | **Y/N/na** |

### For internal use only (click on arrow to show more): record of conversation and action sought

|  |  |
| --- | --- |
| Record conversation in caseHQ with event ‘consultation’ and event performed ‘consultation regarding compliance’ | **Y/N/na** |
| If notification/s not lodged open **LAST YEAR’s** AR | **Y/N/na** |
| If **LAST YEAR’s** AR is not allocated to anyone, allocate to yourself | **Y/N/na** |
| If **LAST YEAR’s** AR is allocated to another action officer, advise the action officer of above | **Y/N/na** |
| Record in caseHQ on **LAST YEAR’S** AR as ‘File Note’ ‘Action Sought’. You (or the action officer) need to process this when it arrives. | **Y/N/na** |

| **Do NOT file if** | **Y = do not file issue**  **N = no issue** |
| --- | --- |
| Issues raised in last year’s AR have been repeated | **Y/N/n/a** |
| Annual Return was signed by someone other than the Secretary or prescribed officer (if ‘Acting’ as an Officer check the organisation’s rules) | **Y/N** |
| The required declarations were not made/were not complete | **Y/N** |
| Street address of organisation was not provided or PO Box listed | **Y/N** |
| Record of name of each branch was not provided | **Y/N** |
| Membership numbers were not provided or are for the wrong date (i.e. not at **31 December 2023**) | **Y/N** |
| The list of offices or officers is incomplete (the office chart on the entity should identify all the relevant offices and officers) | **Y/N** |
| Postal addresses of officers not provided | **Y/N** |
| Occupations of officers not provided | **Y/N** |
| Election information for 2024 not provided | **Y/N** |
| Omission of the commencement or cessation of any branches in the previous 12 months | **Y/N/na** |

| **Actions sought** |
| --- |
| Action sought (if any) |

| **If lodged late** | |
| --- | --- |
| If second time or more than second time late:   * advise compliance manager, noting how many days late | **Y/N/na** |
| * if compliance manager decides to commence a Q, INV or INQ filenote as ‘referred to compliance’ and link the matter in the ‘related matters’ field * if new matter NOT created, file note discussion with compliance manager as ‘filenote ‘filenote’ * consider whether the risk assessment below should be changed | **Y/N/na** |
| * discuss whether next year’s annual return should be an advanced review. If so:   + advise the risk assessment administrator and update the 5-year risk assessment plan | **Y/N/na** |

| **If third or more time that a specific issue has been repeated** | |
| --- | --- |
| If third time or more that a specific issue has been repeated:   * advise a compliance manager | **Y/N/na** |
| * if compliance manager decides to commence a Q/INQ or INV filenote as ‘referred to compliance’ and link to the matter in the ‘related matters’ field * consider whether this AR should be re-allocated to the action officer responsible for the Q/INQ/INV matter * if a new matter NOT created, file note discussion with compliance manager as ‘file note’ ‘file note’ * consider whether the risk assessment below should be changed | **Y/N/na** |
| * discuss whether next year’s AR should be an advanced review. If so:   + advise the risk assessment administrator and update the 5-year risk assessment plan | **Y/N/na** |

| **Resolving the do not file issues** |  |
| --- | --- |
| Resolve the ‘do not file’ issues | |
| Can they be resolved by phone? If so, call and record in caseHQ as ‘File Note’ ‘Action Sought’ | **Y/N/na** |
| If cannot be resolved by phone, prepare letter or email | **Y/N/na** |
| Email or letter to organisation seeking further information/action checked and sent | **Y/N/na** |
| Record the email/letter sent in caseHQ as ‘Document Sent’ ‘Action Sought’ | **Y/N/na** |
| Ensure subsequent discussions are recorded in caseHQ as ‘Consultation’ ‘discussion regarding compliance’ | **Y/N/na** |
| Ensure subsequent documents received or sent are recorded in as document received or document sent | **Y/N/na** |
| **Comments** | |

### For internal use only (click on arrow to show more): Processing when issues resolved

|  |  |
| --- | --- |
| In record either ‘Document Received’ ‘sought action completed’ OR ‘File Note’ ‘sought action completed’ (whichever relevant) | **Y/N/na** |

| **Risk assessment** | |
| --- | --- |
| All issues should have been resolved by now. If so, the risk assessment is response level one, as set out below. If issues have NOT been resolved, the risk assessment will have a different response level. | |
| Having regard to the Commission risk-based framework, the recommended response level and option is?  Static Risk: High  Dynamic Risk: Satisfied  Response Level: One  Response Option: File Annual Return | Having regard to the Commission risk-based framework, the recommended response is level one and the recommended response option is to file the Annual Return |

### For internal use only (click on arrow to show more): Filing

|  |  |  |
| --- | --- | --- |
| Actions resolved | | **Y/N/n/a** |
| Acknowledgement letter to organisation prepared (via caseHQ template) and checked   * Use template: ‘AR Advanced Review Acknowledgement’ | | **Y/N** |
| Select the relevant paragraphs for your letter | | **Y/N** |
| Dispatch through caseHQ OR send via outlook and upload to matter history as event category ‘document sent’ and event type ‘acknowledgement letter’ | | **Y/N** |
| Resulted in caseHQ – ‘Return filed’ | | **Y/N** |
| The AR will have already been uploaded to the website. If an amended AR has been lodged, remove the first AR from the website and replace with the amended AR.  Add the filing letter and **ONLY** important correspondence, e.g. no emails unless they contain important information. If you decide to include an email, double check that there is NO private information. | | **Y/N** |
| Documents checked for any private material to be redacted and redact if appropriate (if unclear, seek advice from a compliance manager) | | **Y/N** |
| Save the document as a pdf, making sure you name it in accordance with the required naming convention:   * + only lower case and hyphens   + no spaces, or strange characters   The naming convention is: code-file-name.pdf, for example: 188v-ar2024-142.pdf | | **Y/N** |
| OCR and optimise the document | | **Y/N** |
| Upload to website | | **Y/N** |
| Updated and final checklist attached to caseHQ either to the result or a ‘file note: file note’ | | **Y/N** |
| Matter closed unless outstanding NoCs | **Closed/NoCs** | |
| DO NOT CLOSE if there are Notifications of Changes that have not yet been acknowledged. In this case make sure the Notifications of Change are processed before closing. | | |
| **ONCE FILED PROCESS ALL NOCS IN RELATION TO THIS ANNUAL RETURN**  **DO NOT CLOSE THE MATTER UNTIL AFTER YOU HAVE FINALISED ALL THE OUTSTANDING NOCS** | | |

**Date:** Click or tap to enter a date.