



DECISION

Fair Work (Registered Organisations) Act 2009
s.30(1)(a) RO Act—Cancellation of registration

Health Services Association of New South Wales, The
(D2019/24)

DEPUTY PRESIDENT SAUNDERS

NEWCASTLE, 16 APRIL 2020

Application by organisation for cancellation of registration.

[1] The Health Services Association of New South Wales (**HSA**) is an organisation registered under the *Fair Work (Registered Organisations) Act 2009 (RO Act)*. Its objects include “to preserve, promote and represent the interests of public health service providers and public health service employers who are Members of the Association”.¹

[2] On 23 December 2019, the HSA made an application pursuant to s 30(1)(a) of the RO Act to the Fair Work Commission (**Commission**) for the cancellation of its registration (**Application**). The reason given by the HSA for making the Application is as follows:

“The HSA decided that it would not become a party to the many and various industrial instruments to be negotiated on behalf of its members with the many and various health related industrial organisations. As a result of this strategic decision and due to the onerous reporting requirements, as set out in the RO Regulations, all members of the HSA no longer wish for the HSA to be a registered organisation in accordance with the *Fair Work (Registered Organisation) Act 2009*.”

[3] On 15 April 2020, I conducted a hearing, by telephone, in relation to the Application. At the hearing I granted leave to the HSA to amend the Application to clarify that it was making the Application pursuant to regulation 33(a), not regulation 33(b), of the *Fair Work (Registered Organisations) Regulations 2009 (Regulations)*. Such leave was appropriate in circumstances where it was apparent from the information contained in the Application, together with the documents attached to it, that the approval for cancellation of the HSA’s registration was obtained from its members at an Annual General Meeting and the rules of the HSA which are concerned with the calling and conduct of general meetings of members are rules which apply to the “cancellation of its registration by a majority of members voting at a ballot of the members” within the meaning of Regulation 33(a).²

¹ Rule 1.3 of the HSA’s rules

² *Building Service Contractors’ Association of Australia – Queensland Division, Industrial Organisation of Employers*
[2016] FWC 6435

[4] In support of the Application, the HSA relies on two statutory declarations made by Ms Grainne Ann Faith O'Loughlin, Chair and Director of the HSA. The first statutory declaration was made on 20 December 2019 and the second was made on 8 April 2020. The HSA also relies on the documents it filed in the Commission with the Application (as attachments to the Application).

[5] No objections were made to the Application.

[6] I am satisfied on the basis of the material before the Commission that the HSA's Application for cancellation of its registration was made in accordance with Regulations 33 and 34.

[7] I consider it appropriate that the registration of the HSA be cancelled under s 30(1)(a) of the RO Act. An order to that effect will separately be issued [PR718302].



DEPUTY PRESIDENT

Appearances:

Mr Stevens, solicitor, on behalf of the applicant.

Hearing details:

2020.

Newcastle:

15 April 2020

Printed by authority of the Commonwealth Government Printer

<PR718301>