



DECISION

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

Consult Australia [Industrial] (D2020/4)

DEPUTY PRESIDENT SAUNDERS

NEWCASTLE, 18 SEPTEMBER 2020

Application by organisation for cancellation of registration – registration cancelled.

[1] Consult Australia [Industrial] (**CAI**) is an organisation registered under the *Fair Work (Registered Organisations) Act 2009 (RO Act)*.

[2] On 25 March 2020, CAI 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 CAI for making the Application is as follows:

- “1. Consult Australia [Industrial] was created as a perceived benefit to members of Consult Australia, an industry association, but has not been utilised since its establishment in July 2014.
2. Scenarios where it would be necessary/useful to members are incredibly limited and would then require additional processes and protocols to be developed which we do not have the capacity to deliver.
3. The compliance requirements are stringent and carry a high financial risk if not met – this necessitates dedicated time from a senior resource to ensure the risk is appropriately managed despite no usage being made of the service (ie set and forget is not an option).
4. Despite being offered as a free additional service to members, less than 50% of members have ‘opted in’ (and a large percentage of these are micro firms who have no need of the service.)”

[3] On 17 September 2020, I conducted a hearing, by telephone, in relation to the Application. In support of the Application, CAI relies on a statutory declaration made on 25 March 2020 by Mr Peter Geoghegan, Treasurer/Secretary of Consult Australia [Industrial]. CAI also relies on the documents it filed in the Commission as attachments to the Application.

[4] No objections were made to the Application.

[5] It is apparent from the information contained in the Application, together with the documents attached to it, that the approval for cancellation of CAI’s registration was obtained from its members at a Special General Meeting and the rules of CAI which are concerned with the calling and conduct of a Special General Meeting 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) of the *Fair Work (Registered Organisations) Regulations 2009 (Regulations)*.¹

[6] I am satisfied on the basis of the material before the Commission that CAI’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 CAI be cancelled under s 30(1)(a) of the RO Act. An order to that effect will separately be issued [PR722934].



DEPUTY PRESIDENT

Appearances:

Ms Grayson, CEO of Consult Australia, with *Mr Mather*, President of the Applicant, on behalf of the Applicant.

Hearing details:

2020.

Newcastle:

17 September.

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<PR722933>

¹ *Building Service Contractors’ Association of Australia – Queensland Division, Industrial Organisation of Employers*
[2016] FWC 6435