



## DECISION

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

### **Timber Merchants' Association (Victoria), The** (D2017/6)

SENIOR DEPUTY PRESIDENT HAMBERGER

SYDNEY, 6 NOVEMBER 2017

*Application by The Timber Merchants' Association (Victoria) for cancellation of registration.*

[1] *The Timber Merchants' Association (Victoria) (148V)* (the Association) is an organisation of employers registered under the *Fair Work (Registered Organisations) Act 2009* (RO Act). The Association was registered as an organisation on 26 May 1922.

[2] On 27 June 2017 the Association made an application pursuant to s.30(1)(a) of the RO Act for the cancellation of its registration. Section 30(1)(a) of the RO Act provides:

#### **30 Cancellation of registration on technical grounds etc.**

- (1) The FWC may cancel the registration of an organisation:
- (a) on application by the organisation made under the regulations;
  - ...

[3] The *Fair Work (Registered Organisation) Regulations 2009* (the RO Regulations) sets out the relevant regulations in that respect, being regs.33 and 34, which provide:

#### **33 Cancellation of registration (Schedule 1, s.30(1)(a))**

An organisation may apply under paragraph 30(1)(a) of the Act for the cancellation of its registration if approval has been given to the organisation to apply for the cancellation of its registration by a majority of the members voting at a ballot of the members taken:

- (a) in accordance with any rules that apply; or
- (b) if no rules apply - in accordance with:
  - (i) any rules of the organisation providing for the election of any of its officers by a direct voting system; or
  - (ii) if subparagraph (i) does not apply - procedures approved by the FWC.

**34 Application for cancellation of registration (Schedule 1, s.30 (1) (a))**

(1) An application by an organisation under paragraph 30(1)(a) of the Act for the cancellation of its registration must:

(a) be in the form set out in the Procedural Rules or in a form otherwise approved by the President; and

(b) set out full particulars of the circumstances that entitle the organisation to make the application; and

(c) contain a declaration signed by an officer of the organisation authorised to sign the declaration verifying the facts in the application; and

(d) be lodged with the FWC.

(2) An organisation that has a web site must publish on its web site a notice that it has lodged the application mentioned in subregulation (1).

(3) The FWC, on receipt of an application mentioned in subregulation (1), must publish a notice of the receipt of the application in the Gazette.

(4) Within 35 days after publication of the notice mentioned in subregulation (3), an interested person (the objector) may lodge with the FWC a notice of objection to the application for cancellation of registration.

...

(7) FWA must:

(a) fix a time and place for hearing the application and any objection to the application; and

(b) notify the organisation and any objector of the time and place fixed for the hearing.

(8) FWA must not:

(a) refuse to grant an application for cancellation of registration without giving the applicant an opportunity to be heard; or

(b) grant the application without giving any objector an opportunity to be heard.

**[4]** The application was signed by Ms Emma Watt, the Association's Executive Director, and the supporting declaration was signed by Mr Peter Alexander, the Association's President. The application fulfils the requirements of regs.33 and 34 of the RO Regulations.

**[5]** Notice of the application was published in the Commonwealth of Australia Gazette on 9 August 2017. The period within which objections could be made closed on 13 September 2017. No objections were received in this period.

[6] The application was listed for hearing before me on 3 November 2017. The Association was represented by Ms Watt. No other appearances were recorded, and the hearing commenced on the basis that there were no objections arising from the Gazette Notice, and no challenges to the application.

[7] I consider it appropriate that the registration of the association be cancelled under s.30(1)(a) of the RO Act. I grant the application with effect from 13 November 2017.



SENIOR DEPUTY PRESIDENT

*Appearances:*

*Ms E Watt* appeared for the applicant

*Hearing details:*

2017

Sydney

3 November

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