



## DECISION

*Fair Work (Registered Organisations) Act 2009*

s.30(1)(a) RO Act - Application by organisation for cancellation of registration

### **Clay Brick & Paver Association of New South Wales**

(D2023/2)

DEPUTY PRESIDENT SAUNDERS

NEWCASTLE, 25 MAY 2023

*Application by organisation for cancellation of registration*

[1] Clay Brick & Paver Association of New South Wales (**CBPA**) is an organisation registered under the *Fair Work (Registered Organisations) Act 2009 (RO Act)*.

[2] On 15 March 2023, CBPA 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 reasons given by CBPA for making the Application are as follows:

- “1. Pursuant to regulation 30(1)(a), the Association is entitled to apply for cancellation of its registration if approval has been given to the Association to apply for cancellation by a majority of its members voting at a ballot of the members taken in accordance with the Rules.
2. That approval was given on 23 February 2023. The details of that approval are set out in the response to question 1.2 above. The members came to this decision given that the Association had been performing minimal functions and was no longer required to serve its members’ interests.”

[3] In support of the Application, CBPA relies on a declaration made by Mr Avery Spackman, President of CBPA, on 9 March 2023.

[4] No objections were made to the Application.

[5] I am satisfied on the basis of the material before the Commission that CBPA’s Application for cancellation of its registration was made in accordance with regulations 33 and 34 of the *Fair Work (Registered Organisations) Regulations 2009*. In relation to regulation 33, I am satisfied that the approval for cancellation of CBPA’s registration was obtained from its members at a General Meeting and the rules of CBPA 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).<sup>1</sup>

[6] I consider it appropriate that the registration of CBPA be cancelled under s 30(1)(a) of the RO Act. An order to that effect will separately be issued ([PR762471](#)).



DEPUTY PRESIDENT

*Appearances:*

*Mr S Wilding*, Solicitor, for the Applicant

*Hearing details:*

2023.

Newcastle (by telephone)

24 May.

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<PR762472>

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<sup>1</sup> *Building Service Contractors' Association of Australia – Queensland Division, Industrial Organisation of Employers*  
[\[2016\] FWC 6435](#)