

Latest news for registered organisations

CFMEU Allegations

In July this year, the media began extensively reporting on allegations of misconduct and corruption within the Victoria-Tasmania Divisional Branch of the Construction and General Division of the CFMEU.

After careful consideration of the allegations and extensive consultation with a range of stakeholders, the General Manager of the Fair Work Commission (the Commission) initiated proceedings in the Federal Court of Australia to appoint an independent administrator for the Construction and General Division of the CFMEU. These proceedings were discontinued after a Bill was passed by the Federal parliament placing the Construction and General Division under administration for up to five years. The independent administrator appointed was Mr Mark Irving KC (the Administrator).

The Administrator will have the ability to ensure that the Division and Divisional Branches function effectively and lawfully within the legislative framework and the lawful objectives of the CFMEU. The Administrator will be required to ensure that the rights of members of the union continue to be protected and that the Division and Divisional Branches operate in accordance with their objects.



Registered Organisations Education and Support Program Events

We have now hosted four in-person information sessions in Melbourne, Sydney, Brisbane and Perth as part of our Registered Organisations Education and Support Program.

These events were well attended and we received feedback that the event was 'really informative and helpful' and '... excellent... I thought it's one of the best government-based presentations I've ever been to'.

We are planning on holding our next information session in Adelaide before the end of the year and stay tuned for an announcement of this event and details. Further events are planned for Canberra and Hobart in 2025.



Streamlining Right of Entry Permits

The Commission has undertaken significant work to streamline the Right of Entry process as part of its commitment to implementing the recommendations from the Registered Organisations External Review.

In August, we released two new Right of Entry Permit forms on our website.

The new Right of Entry Permit form (F42) replaces two previous application forms. It simplifies the application process by giving the form a more logical flow and requiring all relevant information and documents to be lodged at the same time. It will reduce the time taken for applicants to fill in the application and is also expected to reduce processing time for Commission staff.

The second new form (F42D) is an even more simplified version of the permit form for those who hold a current permit, are still employed with the same organisation, and are applying for a new permit before their existing one expires.

The form F42D is, in effect, a type of renewal application and will significantly reduce the processing time. The permit holder's photograph, signature and completed right of entry training (if undertaken within the last 6 years) submitted in the previous permit application will be reused and relied upon for the renewed permit provided that no major details have changed.

The new Right of Entry Permit Forms can be found here:

[Apply for a Fair Work entry permit \(Form F42\)](#)

[Apply to renew a current Fair Work entry permit \(Form F42D\)](#)

We will also be hosting a live webinar on Right of Entry Permits, including the form changes, in October where you will be able to hear directly from our subject matter experts and ask any questions you may have. Details of the webinar will be released soon.



HSU Proceedings

On 23 August 2024, the General Manager of the Fair Work Commission commenced civil penalty proceedings in the Federal Court of Australia against Diana Asmar, David Asmar and senior members of the Health Services Union, Victoria No. 1 Branch, also known as the Health Workers Union (HWU).

The proceedings commenced by the General Manager allege that Diana Asmar, as Branch Secretary, failed to act in accordance with the officers' duties required under the *Fair Work (Registered Organisations) Act 2009* (the RO Act). The proceedings allege Ms Asmar's contraventions were facilitated by other senior officers and employees of the HWU who failed to comply with the minimum standards of conduct required by officers and employees of registered organisations.

The alleged conduct, which occurred between 2016 and 2021, significantly impacted the Branch's finances and the ability of the Branch to serve the best interests of its members.

The proceedings have been commenced following a lengthy investigation into alleged financial misconduct within the Branch. Aspects of that investigation relating to the audit of financial reports of the Branch are continuing.

The investigation and proceedings relate solely to conduct within the Branch, and not to any other part of the HSU. The National Office of the HSU has cooperated with the Commission's investigation.



Commission enters into its second enforceable undertaking

The General Manager has accepted the Commission's second enforceable undertaking under the RO Act.

The [enforceable undertaking](#) was entered into with the Transport Workers' Union of Australia as a result of non-compliance by its Victoria-Tasmania Branch relating to maintaining its register of members. This voluntary but binding agreement aims at addressing non-compliance that has occurred as well as preventing future non-compliance.

To learn more about the General Manager's expanded powers, see our guidance notes on [enforceable undertakings](#) and [infringement notices](#).



Financial reporting card 2023

We've assessed 268 financial reports that were lodged by reporting units of registered organisations with a financial year ending in 2023.

To help registered organisations with compliance, we've produced a report card that identifies the most common mistakes made by reporting units and provides practical steps to achieve voluntary compliance for the 2024 reporting period. We encourage you to consider these areas of focus to avoid errors. Non-compliance could mean corrections are required and an updated financial report having to be provided both to members of your organisation and the Commission.

[View the report card for 2023 financial reporting.](#)

We recommend reporting units use our [compliance calculator](#) to help you comply with the financial reporting timeframes. The timeframes continue to be a challenge for some reporting units, and the compliance calculator is an effective tool that supports voluntary compliance.



Education Survey

We value your opinion about our education program, and how we can help you and your registered organisation comply with the legislative requirements of the RO Act. If you have accessed any of our education materials, we would like to hear from you.

Our Annual Education Survey is now open until 31 October 2024.

Your responses will help influence and inform our education program over the next 12 months.

We want to hear about your experiences with the Commission's education materials, events and website as well as any changes you would like to see or suggestions on the types of resources you need.

The survey will take you no longer than 10 minutes to complete and all responses will remain completely anonymous.

[Click here to access the survey.](#)



Model Rules project update

Since March 2024, the Registered Organisations Services Branch of the Commission (ROSB) has been working with stakeholders and expert consultant Peter Punch of Carroll & O'Dea Lawyers, to draft a set of annotated Model Rules.

These rules will be a valuable tool to assist organisations to understand the complex legal concepts underpinning rules in a practical way.

Last quarter we announced the development of two rulebooks:

- For employee and employer organisations (with Branches); and
- For employee and employer organisations (without Branches).

First drafts of both rulebooks were circulated to the Compliance Practitioners Reference Group and Registered Organisations Advisory Committee for feedback in July 2024. There was also a live session with the model rules working group which allowed for feedback and discussion of the first drafts.

This month we will begin amending the rulebooks based on the feedback we have received so far. We are also consulting with the AEC to discuss model election rules.



Governance to You Program

The RO Act is a complex piece of legislation. If you require any assistance in complying with it and are in need of guidance, we are able to provide expert advice about its requirements.

Our Governance to You Program is designed to provide you with specific in-depth advice and assistance tailored to your organisation's needs. This can include providing you with materials or arranging an information session for individuals or small groups.

These presentations can be held in person or online, covering any topics you would like help with. Simply state your main areas of concern when making your [Governance to You](#) booking and an experienced ROSB staff member will contact you to discuss your request and arrange a suitable date and time if required.

New podcast episodes released

We released a new episode of our 'RO pod – talking about the governance of registered organisations' in August on [emerging trends in financial reports](#).



In the episode, we discuss financial reporting requirements and processes, including aspects of financial reporting that are unique to registered organisations. We also look at common compliance issues we've seen when assessing the 2023 financial reports, and how they compare to previous years.

New episodes, and most of our previous episodes are available on [Spotify](#) and [Apple](#), as well as on our [podcast page](#).

Compliance Practitioners Induction Kit



At the end of July, we released our Compliance Practitioners Induction Kit to our website. The induction kit is intended to assist compliance officers in understanding how their organisation can achieve voluntary compliance and provide resources that make that process easier and more accessible.

[Access our new Compliance Practitioners Induction Kit.](#)

Related links

[Registered organisations](#) [Tools and templates](#) [Regulatory education](#)