

## ENFORCEABLE UNDERTAKING

Undertaking to the General Manager of the Fair Work Commission

Given under section 316C the *Fair Work (Registered Organisations) Act 2009*  
by the Master Painters Australia - N.S.W. Association Inc.

Date: 3 February 2026

### PARTIES

1. This enforceable undertaking (EU) is given by the Master Painters Australia - N.S.W. Association Inc. (Master Painters) to the General Manager of the Fair Work Commission (General Manager) pursuant to s. 316C of the *Fair Work (Registered Organisations) Act 2009* (RO Act) and Part 6 of the *Regulatory Powers (Standard Provisions) Act 2014* (Regulatory Powers Act).

### BACKGROUND

#### *The structure of Master Painters*

2. Master Painters is a federally registered organisation of employers connected to the master painters, decorators and signwriting industries. Master Painters has no branches.
3. The focus of the conduct leading to this EU occurred in relation to its financial reporting obligations.

### THE CONDUCT

4. The Commission identified that Master Painters was non-compliant in relation to its statutory obligations for the lodgement of financial reports for the year ending 31 December 2022 (2022 FR), the year ending 31 December 2023 (2023 FR) and the year ending 31 December 2024 (2024 FR) under the RO Act.

#### *Statutory non-compliance*

5. A registered organisation must prepare a financial report and operating report at the end of each financial year. There are specific legislative timeframes detailed in the RO Act which require these reports to be prepared, audited, presented to members and lodged with the Commission. Paragraph 8 of this EU specifies these legislative requirements in more detail.
6. Master Painters' financial reports for the 2022 FR, 2023 FR and 2024 FR were lodged with the Commission on 4 December 2025. For ease of reference, Master Painters' reporting performance against the statutory timeframes is detailed in the table below:

**Financial Report for year ended 31 December 2022**

(Reporting unit granted an extension of time for this particular Financial Report)

	<b>Statutory timeframe</b> (no later than)	<b>Date event occurred</b>
<b>Prepare General Purpose Financial Report (GPFR) (s 253)</b>	10 July 2023	<b>13 March 2025</b>
<b>Prepare operating report (s 254)</b>	10 July 2023	<b>13 March 2025</b>
<b>Provide full (i.e. audited) report to members (s 265(5))</b>	10 July 2023 (with extension)	<b>6 November 2025</b>
<b>Full report (audited) presented to a meeting (s 266)</b>	31 July 2023 (with extension)	<b>27 November 2025</b>
<b>Lodge with the Commission (s 268)</b>	14 August 2023	<b>4 December 2025</b>

**Financial Report for year ended 31 December 2023**

	<b>Statutory timeframe</b> (no later than)	<b>Date event occurred</b>
<b>Prepare General Purpose Financial Report (GPFR) (s 253)</b>	9 June 2024	<b>5 November 2025</b>
<b>Prepare operating report (s 254)</b>	9 June 2024	<b>5 November 2025</b>
<b>Provide full report to members (s 265(5))</b>	9 June 2024	<b>6 November 2025</b>
<b>Full report presented to a meeting (s 266)</b>	30 June 2024	<b>27 November 2025</b>
<b>Lodge with the Commission (s 268)</b>	14 July 2024	<b>4 December 2025</b>

**Financial Report for year ended 31 December 2024**

	<b>Statutory timeframe</b> (no later than)	<b>Date event occurred</b>
<b>Prepare General Purpose Financial Report (GPFR) (s 253)</b>	9 June 2025	<b>5 November 2025</b>
<b>Prepare operating report (s 254)</b>	9 June 2025	<b>5 November 2025</b>
<b>Provide full report to members (s 265(5))</b>	9 June 2025	<b>6 November 2025</b>
<b>Full report presented to a meeting (s 266)</b>	30 June 2025	<b>27 November 2025</b>
<b>Lodge with the Commission (s 268)</b>	14 July 2025	<b>4 December 2025</b>

7. The delay in lodgement of financial reports, beyond the statutory timeframes, as detailed above was despite the Commission's repeated correspondence both written and verbal, reminding Master Painters of its legislated reporting requirements. For example, in relation to the 2022 FR alone, the Commission contacted Master Painters on at least 22 separate occasions over the span of almost 3 years.

*Apparent contraventions of the RO Act*

8. The Commission's analysis has identified that Master Painters did not meet its statutory obligations under ss. 253(1), 254(1), 265(5), 266, 268 and 285 of the RO Act, which are civil penalty provisions. These sections and the requirements are detailed below:

**253(1)** – *As soon as practicable after the end of each financial year, a reporting unit must cause a general purpose financial report to be prepared, in accordance with the Australian Accounting Standards, from the financial records kept under subsection 252(1) in relation to the financial year.*

*Civil penalty: 100 penalty units*

**254(1)** – *As soon as practicable after the end of each financial year, the committee of management of a reporting unit must cause an operating report to be prepared in relation to the financial year.*

*Civil penalty: 100 penalty units*

**265(5)** – *Copies of the full report must be provided (free of charge to its members) within... the period of 5 months starting at the end of the financial year.*

*Civil penalty: 100 penalty units*

**266** – *Full report to be presented to a general meeting of the members within the period of 6 months starting at the end of the financial year.*

*Civil penalty: 100 penalty units*

**268** – *lodge with the Commission a full report, concise report and prescribed designated officer certificate within 14 days after the general meeting.*

*Civil penalty: 100 penalty units*

**285** – *requires officers of an organisation to act with care and diligence in relation to the financial management of the organisation.*

*Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.*

9. For the financial years 2022, 2023 and 2024 Master Painters:
  - i. contravened ss. 253 and 254 by completing the 2022 FR, 2023 FR and 2024 FR returns after they were due.
  - ii. contravened s.265 by not providing members with a full financial report that was complete and correct, 5 months after the financial year had ended, i.e. after the legislative deadline.
  - iii. contravened s266 by not providing members with a full report at a general meeting with the period of 6 months starting at the end of the financial year.
  - iv. contravened s268 by not lodging a full report, concise report and designated officer certificate with the Fair Work Commission with the statutory timeframe.
  - v. officers contravened s 285 by not acting with care and diligence in ensuring the organisations financial reporting was completed and lodged within the statutory timeframes of the RO Act.
10. It was open to the Master Painters to seek a short extension of time for some of these steps for its 2023 FR and 2024 FR, but it did not do so, acknowledging that it would not have been in a position to comply within the allowable time for any extension of time granted.

#### ADMISSIONS BY MASTER PAINTERS

11. The Commission commends the acknowledgements and concessions made by the Master Painters.
12. When put to them, Master Painters:
  - i. conceded that they had missed the legislated timeframe to provide financial reports to members and to the Commission, and had not met associated obligations, for the 2022 FR, 2023 FR and 2024 FR years;
  - ii. acknowledged there has been "*ongoing*" and "*significant non-compliance*" with the RO Act;
  - iii. now recognises that "*sustained compliance with Law is fundamentally required in the best interests of the Members*"

#### REMEDIAL ACTION ALREADY TAKEN BY THE MASTER PAINTERS

13. Master Painters has implemented additional measures to ensure governance and compliance with the RO Act. These include:
  - i. Master Painters prioritising compliance with legislative requirements;
  - ii. appointing an accredited auditor to help ensure the efficient completion of required financial

- reporting obligations under the RO Act;
- iii. providing every member of Master Painters' committee of management with each item of Commission correspondence that details the organisation's non-compliance;
  - iv. implemented measures intended to ensure compliance for the 2025 financial year (ending on 31 December 2025) and subsequent years;
  - v. updating and reviewing Master Painters' financial system to ensure all financial transactions have the necessary evidence to ensure integrity and make the auditing process more efficient;
  - vi. a commitment to undergoing an operational review and updating relevant Master Painters policies, taking into account the latest Commission guidelines, decisions and model rules;
  - vii. a commitment to commencing a rule change process to ensure compliance with relevant obligations and to maintain a constitution that is fit for purpose and in the best interests of members; and
  - viii. a commitment to implement an effective Risk Management and Compliance governance framework along with associated education and training for the Committee and operational staff (including undertaking training delivered by Commission staff).

#### ACKNOWLEDGEMENT BY THE GENERAL MANAGER OF THE COMMISSION

14. The General Manager is committed to, among other things, promoting high standards of accountability of organisations and their office holders to their members, promoting compliance with the financial reporting and accountability requirements of the RO Act, and embedding within organisations a culture of good governance and voluntary compliance with the law.
15. The General Manager acknowledges the Master Painters' co-operation, admissions and its commitment to elevate and continue to strengthen its financial reporting procedures and general compliance with the RO Act across the organisation.
16. The General Manager also acknowledges that the steps set out above indicate the commitment of the Master Painters to implement systems and processes directed towards achieving ongoing compliance with the RO Act, particularly in relation to financial reporting.

#### ENFORCEABLE UNDERTAKINGS

17. Master Painters undertakes, for the purposes of s. 316C of the RO Act and Part 6 of the Regulatory Powers Act, that:

Undertaking	Timeframe
Master Painters will publish a copy of this EU on its website, with an acknowledgement of the contraventions set out in the EU, and will email members a link to the location of the EU.	On commencement of the EU
The President of Master Painters will contact the Commission to make arrangements for all of the Master Painters' committee, senior management and compliance staff to undertake training provided by the Registered Organisations Services Branch of the Commission through its 'Governance to You' program concerning financial reporting obligations and the duties of officers with respect to financial reporting.	Within 3 weeks of the commencement of the EU
All Master Painters Committee members, senior management and compliance staff must complete that Governance to You training program.	Within 12 weeks from the date of contacting the Commission to schedule the training.
Master Painters will provide the Commission with details of each step required for the preparation, auditing, presentation and lodgement of the financial report for year ending 31 December 2025, and the expected timeframes for completion of each step.	Within 3 weeks of the commencement of the EU
Master Painters will ensure that each step of the 2025 FR process is completed in compliance with the RO Act	From commencement of the EU
Master Painters will commence a rule change process – including the insertion of a '5% rule' – as part of ensuring compliance with relevant obligations. Master Painters must lodge any draft proposed rule alterations with the Commission at <a href="mailto:regorgs@fwc.gov.au">regorgs@fwc.gov.au</a> to seek advice and assistance from the Commission's Rules Team on any proposed rule alterations required to improve compliance.	Within 8 weeks (56 days) from the date of commencement of the EU.
After receiving advice from the Commission's Rules Team, Master Painters will undertake the rule altering procedures set out in its rules before lodging the rule alterations under section 159 of the RO Act with the Commission.	Commence the rule alteration process within 3 weeks (21 days) from the date of receiving final advice from the Commission's Rules Team.

NO INCONSISTENT STATEMENTS

18. Master Painters must not make and must use its best endeavours to ensure that its officers, employees or agents do not make, any statement or otherwise imply, either orally or in writing, anything that is inconsistent with admissions or acknowledgements contained in this EU.

COMMENCEMENT

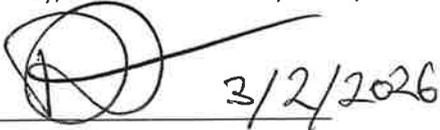
19. This EU comes into effect when:
- i. It is executed by the Master Painters; and
  - ii. the General Manager accepts the EU (the Commencement Date).

ACKNOWLEDGEMENTS

20. Master Painters acknowledges that:
- i. The General Manager will make this EU publicly available, including by publishing it on the Commission's website.
  - ii. If the Master Painters contravenes any of the terms of this EU, the General Manager may apply to any of the Courts set out in s. 316C(4) of the RO Act for orders under s. 115 of the Regulatory Powers Act.

EXECUTED AS AN ENFORCEABLE UNDERTAKING

21. Executed by Master Painters pursuant to s. 316C of the RO Act and Part 6 of the Regulatory Powers Act by, and on its behalf by Danny Talbot, President, Master Painters Australia NSW Association Inc.

  
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Danny Talbot  
President  
Master Painters Australia - N.S.W. Association Inc.

Accepted by the General Manager, Fair Work Commission pursuant to s. 316C of the RO Act and Part 6 of the Regulatory Powers Act on 5/02/2026

  
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Murray Furlong  
General Manager  
Fair Work Commission