

# Latest news for registered organisations

---

## Holiday closure

The Commission, including the Registered Organisations Services Branch (ROSB), will be closed from Wednesday 25 December to Friday 27 December 2024 and on Wednesday 1 January 2025.

We wish you a safe and happy festive season.

---



## Did you know?

When sending correspondence to us, please address it to:

- “The General Manager of the Commission”; or
- “Registered Organisations Services Branch of the Commission”

Do not simply address it to the “Fair Work Commission”.

This will prevent unnecessary delays in your correspondence reaching us.

You can always email us directly at [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au).



## Registered Organisations Education and Support Program Events

In November, we hosted an in-person information session in Adelaide as part of our Registered Organisations Education and Support Program. This follows the earlier sessions we held in Melbourne, Sydney, Brisbane and Perth this year.

We received positive feedback and suggestions that we will take on board for future events.

Further events are planned for Canberra and Hobart in 2025 pending the levels of interest. Stay tuned for announcements of these events!



## CFMEU Administration – Exemption certificates under the Fair Work Act

The Construction and General Division of the Construction, Forestry and Maritime Employees Union (CFMEU) is under administration. Restrictions apply to certain 'removed persons' unless the Commission has granted them a certificate under the *Fair Work Act 2009*.

The restrictions on those persons include:

- Becoming a candidate for election for or being appointed to an office in any organisation
- Becoming employed or engaged by any organisation, and
- Being, purporting to be, or holding themselves out to be a bargaining representative

Penalties apply for breaching these restrictions without a certificate granted by the Commission.

Details on the eligibility and process to [apply for a certificate of exemption can be found here](#).



## CFMEU Administration – Anti-avoidance fact sheet

For the time that the Construction and General Division of the CFMEU is under administration, under section 323P of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) it can be unlawful to obstruct the administration.

Civil or criminal penalties apply for breaching the anti-avoidance provisions.

We have published a fact sheet providing further information

about the [operation of the anti-avoidance provision and examples of avoidance conduct](#).



## Model Rules project update for 2025

Since March 2024, we've 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 assist organisations to understand the complex legal concepts underpinning rules in a practical way.

Stakeholder consultation with the working group, Registered Organisations Advisory Committee and the Compliance Practitioners Reference Group has continued.

No further feedback was sent in by organisations since our last update. The original notes of the session have been sent to the AEC and Peter Punch.

We are planning to meet with the AEC again to progress the existing model election rules. We will keep you updated in 2025 about the progress of this project.



## Financial reports are due soon

For reporting units with a financial year which ended on 30 June 2024, your financial reports are due with the Commission. Reminder letters have already been sent to reporting units that haven't yet lodged theirs. Late lodgement could attract penalties.

There are a range of financial reporting resources available to help you, including [model financial statements](#), [reporting guidelines](#) and [the Commission's internal compliance checklists](#). Use our [compliance calculator](#) to comply with the legislated timeframes.

If you are having trouble finalising your financial reporting process and require advice and assistance, please contact our Financial Analysis Team on 1300 341 665 or via email [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au).



## Improved timeframes for election and permit applications

The Commission has been exceeding its target timeframes to issue election decisions and right of entry permits.

Election decisions:

- 50% are issued within 22 days, exceeding our target of 28 days

- 90% are issued within 33 days, exceeding our target of 56 days

Right of Entry permits:

- 50% are processed within 13 days, far exceeding our target of 28 days
  - 90% are processed within 28 days, far exceeding our target of 56 days
- 

## Recurring issues with entry permit applications

We have noticed some recurring issues with applications for entry permits, which can delay the time taken to issue them.

### **Declaration from Committee of Management officers**

As the Committee member, you are making personal declarations on behalf of your organisation. You must set out what specific actions you took to be satisfied that the proposed permit holder is a fit and proper person to hold an entry permit. You need to provide details on:

- Communications you have had with the proposed permit holder (e.g. messages, emails or meetings)
- Searches you have conducted (e.g. legal databases, Federal Court, and the Commission)

### **Statutory declaration for lost, stolen or late returned permits**

If your permit is lost or stolen, you must immediately report it to us so that the permit can be cancelled.

You must also provide a statutory declaration setting out details of the circumstances including:

- when the loss occurred or when it was discovered that the permit was lost
- when and where the permit was last seen
- where the permit was normally kept
- whether you sought to exercise right of entry while the permit was lost

If your permit is returned late (i.e. more than 7 days after its expiry), you must provide a statutory declaration setting out details of the circumstances:

- the reasons the permit was returned late
- whether you sought to exercise right of entry while the permit was expired

We are unlikely to issue a new permit when issues about the current application or a previous permit have not been addressed.

### **Lodging F42D applications too late**

A F42D application should be lodged **at least 4 weeks before the current permit expires** to allow time for Commission staff to assess the application and avoid any breaks in holding an entry permit.

---



## Compliance snapshot 2024

We have recently published our [2024 compliance snapshot](#). This is a point-in-time document that provides a broad overview of statistics relevant to registered organisations – annual returns, elections, permits, education activities and the Commission’s timeframes for processing lodgements.

Registered organisations can use the data to understand their own achievements and priorities and monitor their own performance against other organisations.



## Relaunch of our RO Flower

We have re-launched our Registered Organisations (RO) Flower – a visual resource guide for organisations with our fact sheets, forms, templates and tools that assist you with complying with the requirements of the RO Act.

New additions to the RO Flower include sections on Right of Entry permits and Registration and Rules.

The [updated RO Flower can be found here](#). The RO Flower is a “live” document and new resources will be added where appropriate, so we recommend you bookmark the resource instead of downloading or printing it out, as it is subject to change.



## New podcast episode released

We have released a new episode of our podcast, ‘RO pod – talking about the governance of registered organisations’.

[Podcast: Common protected disclosure issues](#)

In this episode, we discuss matters that are commonly the subject of protected disclosures received and practical tips to assist you to determine whether the alleged conduct falls within the Commission’s jurisdiction. We also look at protections for whistleblowers.

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



## Education calendar for 2025

We have released the Registered Organisations Education Activities Calendar for 2025.

In December last year, the General Manager published the [Registered Organisations Education and Engagement Strategy 2024–25](#). As part of the strategy, the General Manager committed to publishing a calendar of education activities that the Registered Organisations Services Branch of the Commission will produce in the upcoming year.

The calendar includes a list of materials, tools and live events aimed at helping registered organisations comply with their obligations under the RO Act.

The Registered Organisations [Education Activities Calendar for 2025](#) can be found [here](#).

---

## Related links

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

---

You are receiving this email because you subscribed to updates from the Fair Work Commission.

You can unsubscribe. You will continue to receive other FWC emails you have subscribed to. You can update your preferences (add or remove multiple subscriptions or change your contact details).