



# Media Statement

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## Transport Workers' Union of Australia enters into an enforceable undertaking

Melbourne, Friday 13 September 2024

The General Manager of the Fair Work Commission (Commission), Murray Furlong, has today accepted an enforceable undertaking (EU) under section 316C of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The Transport Workers' Union of Australia (TWU) entered into the undertaking as a result of non-compliance by its Victoria-Tasmania Branch (the Branch) in relation to maintaining its register of members.

Enforceable undertakings are voluntary but binding agreements under the RO Act that are negotiated between a person or entity and the Commission's General Manager. They can be directed towards non-compliance that has occurred and are often specifically designed at changing behaviours to assist in preventing future non-compliance. Failure to comply with the terms of an enforceable undertaking are likely to result in court action to enforce the undertaking, as well as the use of civil penalty proceedings in relation to instances of conduct identified to be in contravention of the RO Act.

The ability to enter into enforceable undertakings is one of the expanded powers and functions that were conferred on the General Manager as part of amendments to the RO Act which commenced on 6 March 2023, as a result of the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022. The Commission's use of EUs is also governed by its [Compliance and Enforcement Policy](#).

Commission staff engaged with the TWU following completion of a protected disclosure investigation which identified concerns around the record-keeping of the Branch. The concerns related to the Branch's failure to remove resigned members from the register within the timeframe required under section 230 of the RO Act, which also led to a failure to keep an accurate member register as required by section 230 of the RO Act.

At a very early stage, the TWU co-operated with the Commission's regulatory intervention and commenced its own proactive steps to work towards remediating the non-compliance. The TWU has agreed for Branch officers and staff responsible for maintaining the register to undertake training in relation to record-keeping requirements, as well as to commission a further independent audit of the Branch membership figures to ensure accuracy of the register. The TWU is also in the process of implementing a new internal membership data across all Branches, ensuring that it complies with the requirements of the RO Act. The TWU has agreed to arrange for a copy of the EU to be made public on its website.

Enforceable undertakings represent a means to embed changed compliance behaviour. The remedial actions taken by the TWU, along with those they have committed to in the enforceable undertaking, demonstrate a commitment to improving processes and their approach to compliance.

A copy of the EU has been published on the Commission's website. More information about enforceable undertakings can be found in our [Guidance Note \(pdf\)](#).

- [Transport Workers Union Enforceable Undertaking \(pdf\)](#)

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