

ROC & GOVERNANCE CHANGES

What is it, and what is new?

The Registered Organisations Commission (ROC) is being abolished and its regulatory powers are being transferred to the Fair Work Commission (FWC).

The FWC will have new rights and powers relating to Infringement Notices and Enforceable Undertakings. In addition to this, the government has committed to undertaking a review of the regulation of Registered Organisations in 2023. This will be an opportunity to address the issues associated with creating a more appropriate regulatory framework that supports the democratic functions of unions.

What are the key rights and requirements?

- » From 6 June 2023, the ROC and the Registered Organisations Commissioner will no longer operate, and all powers and functions held or exercised by them will be performed as required by the FWC or the FWC General Manager respectively.
- » Materials relating to governance which unions currently submit to the ROC will now need to be submitted to the FWC.
- » The FWC will commence consultation, coordinated by the ACTU, in relation to the transfer of functions from the ROC to the FWC.

Infringement Notices:

- » After 6 June 2023 the FWC will be able to issue infringement notices for failure to meet governance requirements where they are single contraventions. If the infringement

fine is paid, no proceedings can be brought in relation to that contravention.

Enforceable Undertakings:

- » After 6 June 2023 the FWC will be able to produce enforceable undertakings.
- » Enforceable undertakings ordinarily specify an alleged contravention and a set of actions to be taken (or not taken) by the person or organisation giving the undertaking (for example undertaking training or providing a refund).
- » If a person or organisation enters into an enforceable undertaking with the FWC and then doesn't comply with it, the FWC can seek to have the undertaking enforced by a court.

Strategic considerations for your union

Coordinate:

- » What opportunities are there for unions to share resources in educating senior staff or BCOM members about Union Governance?
- » Ensure your union has a representative on the ACTU's union governance group which will be the main reference group for the consultation on the transfer of functions to the FWC.

Growth:

- » How do we ensure we can efficiently and effectively meet our governance obligations in a way that allows us to focus on growth?

Precedent:

- » How do we create a coordinated position and response to the kinds of remedial actions that could be included in enforceable undertakings?

**EQUIP
PLAN
WIN**

EQUIP

- **IR LAW FORUMS**
(7 - 19 Feb) - Respect, Equity,
Bargaining 1/2/3 and Electives
- **LEGISLATION
BRIEFING NOTES**
- **FACT SHEETS**

PLAN

- **STRATEGIC LEADERSHIP
MEETING (20 - 21 Feb)**
- **UNION INTERNAL
PLANNING**

WIN

- **MOVEMENT WIDE
EDUCATION**
- **COORDINATION**
- **GOOD PRECEDENTS**
- **GROWTH AND POWER**