

**Since the ABCC legislation and the registered organisations legislation came in, has the rate of convictions or court matters increased or decreased? Are they less egregious or more egregious? The question goes to whether the bill is necessary or whether or not that legislation has done a substantial amount to remedy the conduct that the judges were talking about.**

Since the commencement of the *Fair Work (Registered Organisations Act) 2016* which established the Registered Organisations Commission (ROC), the ROC has commenced 2 litigations in regard to conduct that occurred after the Act's commencement. The conduct in both cases began prior to the establishment of the ROC, and continued after its establishment. One case has been concluded and one remains before court.

The alleged conduct identified in these cases includes:

- failures by a registered organisation to lodge prescribed information to enable the conduct of election to offices,<sup>1</sup>
- failure by an organisation to keep accurate records of its list of officers,<sup>2</sup>
- failure by an organisation to lodge timely notifications of changes to its officers,<sup>3</sup>
- failure by an organisation to keep an accurate list of, and to notify changes to, its offices and office holders.<sup>4</sup>

This is compared to the nine litigations brought by the ROC since its establishment or continued following their transfer from the Fair Work Commission.

The Department is aware of a number of investigations that are currently under investigation by the ROC. These include:

- An investigation into whether current or former office holders in the Health Services Union complied with their statutory obligations, including to act with care and diligence, act in good faith and in the best interests of the organisation and to not improperly use their positions.
- An investigation into the Construction, Forestry, Maritime, Mining and Energy Union, Mining and Energy Division, Queensland District Branch, in relation to credit card use and loans possibly paid by the CFMEU mining and energy division's Queensland district to its officials.

---

<sup>1</sup> *Registered Organisations Commissioner v Australian Hotels Association* [VIC1442/2018]

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *Registered Organisations Commissioner v Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia* [NSD802/2018]