

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Budget Estimates 2013-2014**

Agency - Fair Work Commission

DEEWR Question No. EW0104_14

Senator Abetz asked on 3 June 2013, Hansard page 78

Question

FWC - Australian Childcare Centres

Senator ABETZ: Is this organisation that has not had an election since 2003 still operable? Ms Carruthers: I think that is the point. It is still registered and, when you ring up, there is still someone answering the phone. But in the absence of elected officers it is not possible for the organisation to function effectively under the act because there is no-one to sign financial reports, lodge annual reports and so on. That is why I was interested in referring that matter to the tribunal. Senator ABETZ: And here we are in 2013, a full decade later, undertaking this activity. Better late than never but, under the rules of the organisation, how often should elections have taken place? Ms Carruthers: Every four years. Senator ABETZ: In 2007 was any follow-up action taken as to why they had not had elections in 2007? Ms O'Neill: I would have to take that on notice.

Answer

The Fair Work Commission has provided the following response.

No action was taken. At that time (and up until 2012) the Australian Industrial Registry/Fair Work Australia (FWA) did not routinely follow up branches or organisations that failed to conduct elections as required by their rules.

In 2012 an audit was undertaken of all registered organisations to clarify their election procedures, timing and status. The Regulatory Compliance Branch has since adopted a proactive approach and notifies each organisation/branch prior to the prescribed period (being 2 months before nominations are due to open as deduced from the organisation's rule book) reminding it of its obligation to arrange the conduct of the election with the FWA. In addition, FWA follows up with any organisation/branch that does not lodge an election request as required by its rules.