



12 May 2022

Julia Angrisano
National Secretary
Finance Sector Union of Australia

By email: fsuinfo@fsunion.org.au

Dear Ms Angrisano,

E2022/1 – Withdrawal of prescribed information pending rule alterations being certified – Delay of scheduled election

I refer to your letter dated 11 May 2022 on behalf of the Finance Sector Union of Australia (**FSU**) in which you notified the withdrawal of prescribed information which had been lodged with the Registered Organisations Commission (**the ROC**) on 14 April 2022 for the FSU's upcoming 2022 scheduled election.

In the prescribed information lodged on 14 April 2022, the FSU explained that there were rule alterations currently with the Fair Work Commission (**FWC**) for consideration,¹ and that these were yet to be certified. The FSU noted in the prescribed information lodged with the ROC at that time that the proposed rule alterations amounted to a “wholesale change to the rules and structure” of the FSU and that they would have the effect of a “complete restructure” including “altering almost every office”.

The ROC contacted the FWC on 4 May 2022 in relation to this matter. On 5 May 2022, FWC staff confirmed that the proposed rule alterations, if certified, would “completely restructure the organisation” and that, if certified in their proposed form, “almost every office in the organisation will no longer exist” with “new offices and management committees” in place. FWC staff also advised that, due to the substantial alterations and the need for the FWC to liaise further with the FSU regarding these, the alterations were not expected to be certified in the coming weeks.

In circumstances where issuing an election decision now, under the rules as they currently exist, may well have led to the conduct of a large-scale election for offices that would no longer exist if and when the rule alterations are certified, ROC staff engaged in consultations with the FSU about this matter.

Among the reasons for this was to endeavour to prevent a situation such as that which arose in *Sara, in the matter of an inquiry into the election for offices in the Australian Salaried Medical Officers Federation* [2018] FCA 844. In that matter, an officer of the registered organisation had to seek orders from the Federal Court in circumstances where an election was commenced

¹ FWC matter R2021/219, lodged on 14 December 2021

under the 'old' rules, which were then entirely replaced by 'new' rules, in order to prevent two concurrent elections, one of which included a number of abolished or replaced offices.

Following the consultations between the FSU and the ROC, the FSU has withdrawn the prescribed information lodged on 14 April 2022 for this election and I note that the FSU has undertaken to lodge fresh prescribed information for the election, including the new offices, once the rule alterations have been certified by the FWC.

If you require any further information or wish to discuss this matter, please feel free to contact me either by phone on 1300 341 665 or by email to the ROC at regorgs@roc.gov.au.

Yours sincerely,



Bill Steenson
Principal Lawyer, Compliance
Registered Organisations Commission