



# Quarterly newsletter

ISSUE 14 | NOVEMBER 2020

## From the Commissioner

This is our last newsletter for 2020. This year the COVID-19 pandemic presented significant challenges for registered organisations and their members. We've been working proactively and pragmatically with registered organisations, mindful of difficulties they may encounter in complying with their regulatory obligations.

We've continued to reach out to stakeholders to identify any issues. We know there have been some difficulties in holding meetings and elections, attending approved financial training and other governance and record-keeping issues. We have developed, and will continue to develop, a range of resources to assist organisations.

The ROC's small, dedicated team has predominantly been working remotely because of COVID-19 restrictions. Nevertheless, the team has worked tirelessly to ensure we are able to maintain our services to our stakeholders while also planning for a future beyond COVID-19.

In 2021 we will continue to work with registered organisations to overcome COVID-19 related issues, particularly in the elections space. We'll be delivering more initiatives from the 2020–21 National Education Strategy.

I'd like to thank registered organisations for their compliance efforts throughout this difficult year, and wish you the best for the upcoming festive season.

**Mark Bielecki**  
Registered Organisations Commissioner



## Register now for our online discussion panel

Our next online panel is about officer financial training and is on 25 November at 11:00 am (AEST). Please join us for this live event. [Click here to register.](#)

Subject matter experts from the ROC will answer your questions and provide guidance about:

- when officers need to complete approved training
- how to access financial training, including during the COVID-19 pandemic
- the ROC's observations from its financial training audit
- how the ROC assesses training exemption applications



Let us answer your questions! Just like our workshops, the content is tailored to address common compliance issues. If you have a question you would like us to address, you can email us at [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au). If you prefer to ask your question anonymously, you can submit your question via our [website](#).

If you missed our discussion about elections, or any of our earlier online events, you can listen to them [online](#).



## Compliance update: Whistleblower disclosures and elections

Many of the disclosures we receive are about conduct during elections. For example, we received several complaints about the use of organisation resources during elections, and the deliberate addition of ineligible people on the roll of voters.

This is a timely reminder for registered organisations to ensure that elections are conducted in accordance with their rules and the RO Act.

In August we published a [compliance update](#) which explains the common concerns relating to conduct during elections. The update provides practical guidance to encourage organisations to be proactive and take action to prevent misconduct from arising.



## Annual report and corporate plans now online

The 2019–20 Fair Work Ombudsman and Registered Organisations Commission Entity annual report is now available [online](#).

The 2020–21 Fair Work Ombudsman and Registered Organisations Commission Entity corporate plan sets out the strategic direction of the ROC and the Fair Work Ombudsman. It is available [here](#).



## Industrial elections restarting

During the pandemic, organisations and their branches may have been affected by revised timeframes set by the Australian Electoral Commission (AEC).

To protect the health and safety of members of registered organisations and AEC staff, the AEC suspended elections between April and October 2020. The AEC also notified organisations that it was creating a schedule to work through elections that were unable to be conducted, or were underway and had been suspended, due to the pandemic.

The ROC is working cooperatively with organisations and the AEC to assist in resolving any issues that may arise from postponed or rescheduled elections.



## Financial reports due soon

A reminder for those reporting units with a financial year which ended on 30 June 2020, your financial reports are due with the ROC shortly.

To assist you, we have a range of financial reporting resources available on our website. These include [model financial statements, reporting guidelines and our internal financial reporting checklists](#).

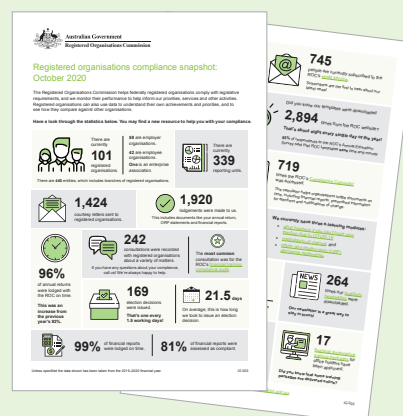


## Spotlight on our tools: infographic

### Analyse your performance against our compliance snapshot – How did you go?

Last month we released an [infographic](#) to give you a snapshot of how registered organisations have engaged with our education resources, and us more broadly, to fulfil their legislative obligations.

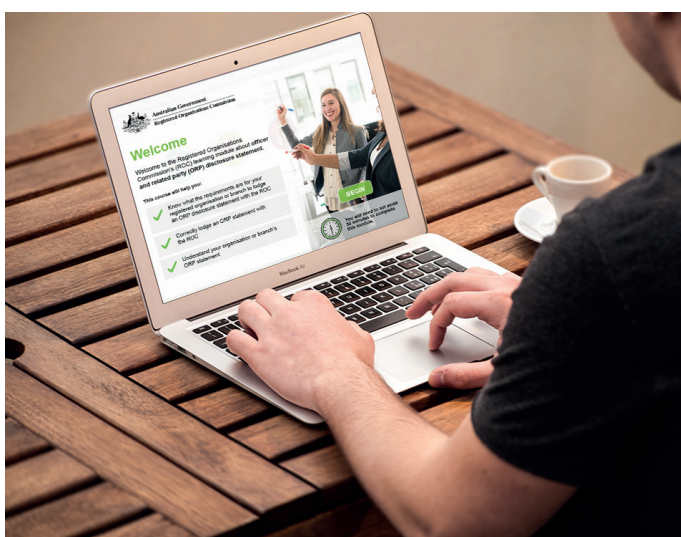
The ROC analyses data to inform its priorities, services and activities. Registered organisations can also use this data to understand their own achievements and priorities, and to gain insights into how their compliance compares to other organisations.





## New e-learning module released: The officer and related party disclosure

Last month we released an e-learning module about the [officer and related party disclosure statement](#). This was our third online learning module, following the release of a module about [elections](#) during the COVID-19 pandemic and [notifications of change](#).



Our module has been designed to help registered organisations and branches complete the officer and related party disclosure statement. It includes practical examples and at the end of the module you can complete a short quiz.

This module can be undertaken in conjunction with the [ORP online question and answer panel](#). The panel answered questions from attendees and walked organisations through a practical hypothetical, helping explain how to complete the ORP statement.

Your feedback is appreciated, and helps our education team to produce resources that are both practical and user-friendly. Please complete the survey at the end of the modules, or email us at [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

Our Annual Education Survey will be sent in January 2021, which provides a further opportunity to give feedback and suggestions about the resources we provide, or you would like to see us provide.

## Latest podcasts

Since August, the ROC has released three new podcasts, two of which are instalments in our Good Governance in Practice series.

In our podcast about [holding meetings](#), we focus on key concepts like notice requirements, minute-taking, quorums and proxies, and provide real-life examples to illustrate how registered organisations can achieve best-practice for the conduct of meetings. In our podcast about [inducting officers](#), we discuss how registered organisations can equip new officers with information about their officer duties and responsibilities.



We have also released [an episode about the ROC toolbox](#), which identifies all of the resources that have been designed to make compliance easier.

Since it was launched in August 2019, episodes of ROCpod have been downloaded more than 1900 times.

Episodes are released on the last Friday of every month, and are available on the ROC website and via the popular podcast platforms. Our November episode will feature a discussion with Commissioner Mark Bielecki. Stay tuned!



## Further release of plain English case summaries

In recent months, we have released additional plain English summaries of matters decided by the Federal Court relating to breaches of the RO Act.

The summaries are of the following cases:

- [Registered Organisations Commissioner v Australian Workers' Union \(No 2\) \[2020\] FCA 1148](#)
- [General Manager of the Fair Work Commission v McGiveron and Burton \[2017\] FCA 405](#)
- [General Manager of the Fair Work Commission v Musicians' Union of Australia \[2016\] FCA 302](#)
- [General Manager of the Fair Work Commission v Thomson \(No 3\) \[2015\] FCA 1001 \(liability\); and \(No 4\) \[2015\] FCA 1433 \(penalty\)](#)
- [General Manager of Fair Work Australia v Health Services Union and Others \[2014\] FCA 970](#)
- [General Manager of Fair Work Australia v Health Services Union \[2013\] FCA 1306](#)

The recently published case summaries explain officer duties under the RO Act, and highlight the importance of robust policies and procedures to prevent and detect misconduct. They also emphasise the importance of keeping proper financial records and transparency.

The ROC has developed the case summaries following stakeholder feedback, and they have proven to be one of the most accessed education resources since their release.



## Looking ahead:

**November:** Online panel about officer financial training; ROCpod podcast: Interview with the Commissioner

**December:** Officer financial training final report; ROCpod podcast: Good Governance in Practice – Conflicts of interest

**January:** Online panel about annual returns of information; ROCpod podcast: The regulatory framework

## Did you know?



It is a RO Act requirement that every officer of a registered organisation with financial duties must complete approved financial training within six months of taking office, unless they hold an exemption (s. 293K of the RO Act).

During 2019-20 the ROC undertook an audit of compliance with s. 293K. The voluntary audit was designed to educate people about the requirements of the legislation and to benchmark and increase compliance. The voluntary audit process has raised greater awareness around the training requirement.

A significant number of organisations chose to engage with the ROC and participate in consultations for the audit. We found:

- **43%** of organisations were compliant
- **24%** were non-compliant but had planned remediation; and
- **2%** were non-compliant with no planned remediation.

We will be releasing a final report later this year and will continue working to increase awareness and elevate compliance.

## ROC Christmas closure



**Our offices will be closed from 12:30pm on Thursday 24 December 2020 and will reopen as usual from Monday 4 January 2021.**