



DECISION

Fair Work (Registered Organisations) Act 2009
s.30(1)(c) RO Act - Cancellation of registration on FWC's Own Motion

Bacon Factories' Union of Employees, Queensland, The (D2023/3)

DEPUTY PRESIDENT SAUNDERS

NEWCASTLE, 25 SEPTEMBER 2023

Cancellation of registration of a registered organisation.

Introduction

[1] The Bacon Factories' Union of Employees, Queensland, (**BFUEQ**) is an organisation registered under the *Fair Work (Registered Organisations) Act 2009 (RO Act)*. The BFUEQ became a registered organisation effective from 29 May 2015.¹

[2] Section 30(1)(c)(i) of the RO Act provides that the Fair Work Commission (**Commission**) may cancel the registration of an organisation on its own motion if 'it has satisfied itself, as prescribed, that the organisation is defunct'. Section 30(2) provides that before the Commission cancels the registration of an organisation under s 30(1)(c) it must give the organisation an opportunity to be heard.

[3] Regulation 36 of the *Fair Work (Registered Organisations) Regulations 2009 (RO Regulations)* relevantly provides:

“(1) For paragraph 30(1)(c) of the Act, FWC must, with a view to satisfying itself that an organisation is defunct, comply with the following subregulations.

(2) FWC must make appropriate inquiries by letters sent by post to:

- (a) the organisation at its office; and
- (b) the members of the committee of management of the organisation as last known to FWC at their postal addresses as last known to the FWC.

(3) If, after inquiries made under subregulation (2), the FWC fails to satisfy itself whether the organisation is defunct, the FWC must publish in the *Gazette* a notice stating that:

- (a) subject to consideration of any objections lodged in accordance with the notice, the registration of the organisation will, at the end of one month after the date of publication of the notice, be cancelled on the ground that the organisation is defunct; and
- (b) a person who wishes to show cause why the registration of the organisation should not be cancelled on that ground may, within one month

after the date of publication of the notice, lodge with the FWC a notice of objection.”

[4] Firstly on 26 June 2023 and secondly on 12 July 2023, the Commission put the BFUEQ and the members of its committee of management on written notice that it was considering cancelling the registration of the BFUEQ pursuant to section 30(1)(c) of the RO Act, on the basis that the BFUEQ is defunct. These steps were taken pursuant to Regulation 36(2) of the RO Regulations.

[5] The BFUEQ and the members of its committee of management were given 14 days to file any submissions or make comments in relation to the potential cancellation of BFUEQ’s registration. No such material has been received by the Commission.

[6] A notice that the Commission intends to cancel the registration of BFUEQ was subsequently published in the Gazette on 31 July 2023. No objections were received.

Consideration

[7] The information which is before the Commission on which I have relied to make this decision may be summarised as follows:

- On 20 October 2022, Mr Steven Vaughan, the General Secretary of the BFUEQ advised the Commission that the that the BFUEQ would be closing based on the organisation’s current finances and the prediction of income in the following twelve months. Mr Vaughan also provided the Commission with a copy of the minutes of the state council meeting held on 14 October 2022 which confirmed that the organisation would be closing. The General President set out in the Opening Speech of that meeting that “there is no other alternative than to close the BFUE down completely”.
- On 29 May 2023, Mr Vaughan and Ms Donna Cox, administrator, spoke with a Commission staff member by telephone. Mr Vaughan confirmed that the union had closed and that he was content for the Commission to cancel the union’s registration. Ms Cox advised that the Final Audit Report was with the auditor. The Commission has not been advised that the Final Audit Report has been completed nor been provided with a copy.
- The Commission has also obtained a copy of the BFUEQ’s Financial Statements for the year ended 30 June 2022. The Financial Report states that “there is significant uncertainty that the Union will be able to continue to operate on a going concern basis, as the Union is likely to have insufficient cash available to continue to operate for the next 12 month period”. The Financial Report also includes a statement that the “committee of management is currently considering closing down the Union at the end of December 2022.”
- On 31 March 2023, Mr Vaughan, being an authorised person on behalf of the BFUEQ, declared that:

- “The Organisation no longer has an address.
 - The organisation has no branches.
 - On 31 December in the previous year the number of members was 249.”
- In his 31 March 2023 declaration, Mr Vaughan also stated that all of the BFEUQ’s offices were vacant.

[8] Given the BFUEQ has no fixed address, no operating branches, no officers, and upon making the above inquiries, I am satisfied that the BFUEQ is defunct.

Conclusion

[9] For the reasons given, I consider it appropriate that the registration of the BFUEQ be cancelled under s 30(1)(c)(i) of the RO Act. An order to that effect will separately be issued [[PR766552](#)].



DEPUTY PRESIDENT

Printed by authority of the Commonwealth Government Printer

<PR766551>

¹ *The Bacon Factories' Union of Employees, Queensland* [[2015\] FWC 3489](#)