



Australian Government

Registered Organisations Commission

Federal Court finds ANMF WA Branch Secretary liable for breaches

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13 November 2018

Today the Federal Court handed down judgment on liability in civil proceedings for contravention of section 285(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act) against the Secretary of the Western Australian Branch ('**WA Branch**') of the Australian Nursing and Midwifery Federation ('**ANMF**') Mr Mark Olson. Prior to the hearing of the proceedings against Mr Olson, the ANMF had admitted related contraventions of sections 253, 265(5) and 266 of the RO Act and the question of what penalties should be imposed on the ANMF had been adjourned pending the issuing of the judgment against the WA Branch Secretary.

The Registered Organisations Commissioner has welcomed today's decision because it highlights the importance of financial reporting obligations of registered organisations and the duties of their officers to act with due care and diligence and for the benefit of their members in relation to their organisation's finances.

In today's judgment, Justice Barker found that Mr Olson had contravened section 285(1) of the RO Act because he had not exercised the degree of care and diligence that a reasonable person would exercise, in failing to lodge financial returns within statutory time frames (including general purpose financial reports) between July 2010 and July 2013.

At paragraph 221, Justice Barker noted that the “failure to comply with the reporting obligations under the Act are ... of considerable significance to the effective operation of the RO Act. Persons who exercise effective control of organisations in the manner that Mr Olson did, at material times, should not be encouraged to think that the reporting obligations can be treated lightly, such that they can easily expect to be excused for the contravention of their obligations.”

“Registered organisations occupy a position of trust in our society and members rightly hold high expectations of them,” said Registered Organisations Commissioner Mr Mark Bielecki.

Mr Bielecki also stated “members should not be left in the dark as to the true picture of their organisation’s financial status and management. As the regulator, we remain focused on influencing transparent and accountable conduct among registered organisations, and ideally, we want to see them focused on good governance, sound cultures and to be unwavering in acting in the best interests of their members.”

The Court will hear the parties on penalty and final orders on 6 December 2018.

The judgment can be viewed [here](#)

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