



## DECISION

*Fair Work (Registered Organisations) Act 2009*  
s.159—Alteration of other rules of organisation

### **The Victorian Showmen's Guild** (R2020/176)

MURRAY FURLONG

MELBOURNE, 12 NOVEMBER 2020

*Alteration of other rules of organisation.*

[1] On 19 October 2020, The Victorian Showmen's Guild (the Guild) lodged with the Fair Work Commission a notice and declaration setting out particulars of an alteration to the rules of the Guild.

[2] The particulars set out an alteration to rule 16 – *Election of Committee* and entail the insertion of a new sub-rule 16.8. The effect of the alteration is to extend the current term of all offices within the Guild by one year for a total term of two years.

[3] I understand that the alteration has been necessitated by the impact of COVID-19 on the conduct of the election for offices within the Guild which would otherwise have occurred this year. In this regard, I note that the Guild lodged the prescribed information in relation to the election of those offices with the Registered Organisations Commission (ROC) on 16 March 2020 and the ROC arranged for the conduct of that election on 28 April 2020 in accordance with s. 189 of the *Fair Work (Registered Organisations) Act 2009*.<sup>1</sup>

[4] I recently considered the relevant principles associated with an alteration to the rules of an organisation which has the effect of extending current terms of office in *The Australian Industry Group* [2020] FWCD 3662. As with the alteration in that matter, I am satisfied that the terms of new sub-rule 16.18 preclude any potential presumption that its effect does not apply to the current terms of offices within the Guild.

[5] On the information contained in the notice, I am satisfied the alterations have been made under the rules of the organisation.

[6] In my opinion, the alteration complies with and is not contrary to the *Fair Work (Registered Organisations) Act 2009*, the *Fair Work Act 2009*, modern awards and enterprise agreements, and is not otherwise contrary to law. I certify accordingly under subsection 159(1) of the *Fair Work (Registered Organisations) Act 2009*.



DELEGATE OF THE GENERAL MANAGER

**Endnotes:**

<sup>1</sup> *The Victorian Showmen's Guild* [2020] ROCD 69. Accessible at <https://www.roc.gov.au/ArticleDocuments/423/206v-e2020-55.pdf.aspx>

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