

Watchdog wants \$505K penalty for union's poor record-keeping

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The Registered Organisations Commissioner is seeking a \$505,000 penalty against the CEPU for record-keeping breaches, despite the union's claim that the conduct was not deliberate.

In a case management hearing in front of Justice Geoffrey Flick Tuesday, ROC barrister Dominique Hogan-Doran SC said there had been "carelessness within the systems or lack of systems within the reporting organisation" and that a penalty of between \$475,000 and \$505,000 was warranted.

The ROC alleges 82 contraventions, all of which the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union has admitted to. The union asked the court for an extension until November to put forward evidence, including affidavits from ten union officials, showing the breaches were not deliberate in hopes of avoiding a penalty.

Judge Flick criticised the request, saying he was "tired" of Fair Work cases taking "more time than is warranted".

"The days of parties exploring all aspects, up hill and down dale, are coming to an end," he told union barrister Christopher Tran.

The ROC filed the case on May 10, accusing the CEPU of failing to keep an accurate list of its offices and office holders between March 2015 and May 2017.

The union failed to notify the ROC when it had a change in records and made a "deliberate decision" not to do so, Hogan-Doran said.

While Tran denied that the breaches were deliberate, "it may well be that some of them can be described as careless," he admitted.

The union is seeking relief from penalties under Section 315 of the Fair Work (Registered Organisations) Act, which provides that if an organisation acts honestly in the right circumstances, it can be excused from a contravention.

"Your Honour would need to be persuaded that the conduct was honestly engaged in," Tran told the judge.

The next case management hearing has been set for December 18.

Lander & Rogers Lawyers represents the ROC. Hall Payne Lawyers represents the CEPU.

The case is [Registered Organisations Commissioner v Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia](#).



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