



Repeal de-merger from registered organisations amalgamation provisions

This *Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024* repeals the 2020 changes to the *Fair Work (Registered Organisations) Act 2009* relating to the withdrawal of a constituent part from an amalgamated registered organisation and restores the previous provisions.

What has changed?

The *Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024* (Closing Loopholes 2 Act) repeals changes made to the *Fair Work (Registered Organisations) Act 2009* (Registered Organisations Act) by the *Fair Work (Registered Organisations) Amendment (Withdrawal from Amalgamations) Act 2020* (except for some minor technical amendments) and restores the previous longstanding provisions.

The 2020 changes allowed the Fair Work Commission (the Commission) to accept de-merger applications made more than 5 years after an amalgamation occurred and broadened the definition of ‘separately identifiable constituent part’ (a part of an organisation capable of de-merging).

As a part of the 2020 changes, several technical amendments were also made regarding the conduct of ballots, the proposed name and rules of the relevant organisations involved, the Commission’s power to accept undertakings and the transfer of members at the conclusion of a demerger process.

What do these changes mean?

The changes repeal the 2020 changes and restore the requirement for de-merger applications from amalgamated organisations to be made 2 to 5 years after the amalgamations occurred. The Closing Loopholes 2 Act also restores the longstanding category of constituent parts that are capable of de-merging and reverses the technical amendments noted above.

When will these changes come into effect?

The measure commenced on 27 February 2024.

For more information on the Closing Loopholes legislation, visit: <https://www.dewr.gov.au/workplace-relations>