



ANOTHER MILESTONE FOR GHA

On 1 November 2006 GHA was officially registered as an organisation of employers with the Australian Industrial Relations Commission (AIRC).

The Association's application for registration was lodged in the AIRC's Registry on 24 July 2006. Notice of the application was published in the Government Gazette on 9 August 2006 and posted on the AIRC web-site on the same date. No objections were made to the application.

The application was listed for Hearing before the AIRC on 25 October 2006. The matter was heard by Vice President Watson. It was necessary for the Association to satisfy VP Watson that the Association meets each of the requirements for registration that are prescribed by the Workplace Relations Act and Regulations.

In his published decision, VP Watson stated that he was satisfied that each of those requirements had been met by the Association. In particular, he was satisfied that the Association is a genuine association for furthering and protecting the interests of its members and that the aggregate number of employees of members of the Association at the present time is well in excess of the prescribed minimum.

The granting of the Association's application by the AIRC is a milestone in the history of the organisation. It means that the Association is now recognised by the AIRC as representing its members, as employers, in any dispute resolution process with a member's employees that comes before the AIRC. Previously, each member would have to be represented individually. The member could appoint the Association as its agent but in those circumstances the Association would only represent that particular member, not the membership as a whole.

Registration as an organisation under the Workplace Relations Act also has commercial advantages. The Association is now exempt from the payment of income tax in respect of the whole of its income. Previously, even though the Association was a non-profit organisation, the taxation of its income from sources other than member subscriptions was governed by very complex rules, with outcomes that could not always be predicted with certainty.

The registration of the Association as an employers organisation under the Workplace Relations Act is a highly significant achievement which will be of benefit to the Association and its members.

Peter Wertheim

Mr Wertheim is a consultant lawyer with Slater & Gordon. He appeared for the Association before VP Watson in the AIRC proceedings.