THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

WORKPLACE RELATIONS (REGISTRATION AND ACCOUNTABILITY OF ORGANISATIONS) (CONSEQUENTIAL PROVISIONS) BILL 2002

SUPPLEMENTARY EXPLANATORY MEMORANDUM

(Amendments to be moved on behalf of the Government)

(Circulated by authority of the Minister for Employment and Workplace Relations, the Honourable Tony Abbott MP)
OUTLINE

The Government is proposing a number of amendments to the Bill to reflect the proposed restructuring of the Workplace Relations (Registration and Accountability of Organisations) Bill 2002 (the RAO Bill) as an Act to amend the Workplace Relations Act 1996 (WR Act), rather than to enact separate legislation concerning the registration and internal administration of registered organisations. The Government is also proposing minor amendments to remove a provision that details the application of Division 2 of Part 3 of the Workplace Relations (Registration and Accountability of Organisations) Bill 2002, which is being removed from that Bill.

FINANCIAL IMPACT STATEMENT

The proposed amendments are not expected to have any impact on Commonwealth expenditure.
NOTES ON AMENDMENTS

Conversion of RAO Bill to WR Act Schedule

Amendment No. 1 – Title, page 1 (line 2)
Amendment No. 1 would insert the word ‘Amendment’ after ‘Workplace Relations’ in the title of the RAO Bill to reflect the fact that the RAO Bill proposes to amend the WR Act.

Amendment No. 2 – Clause 1, page 1 (line 7)
Amendment No. 2 would insert the words ‘Legislation Amendment’ after ‘Workplace Relations’ to amend the citation of the Act.

Amendment No. 3 – Clause 2, page 4 (table item 26)
Amendment No. 4 – Clause 4, page 2 (lines 11 to 14)
Item 26 of the table in Clause 2 sets down the commencement rules for items 48 to 49 of Schedule 3. These items are no longer necessary following the restructuring of the RAO Bill into a Schedule of the WR Act, and would be omitted by Amendments 211 and 212. Amendment No. 3 would omit the item in the table, while amendment No. 4 would omit sub-clause 2(4) which relates specifically to item 26 of the table.

SCHEDULE 1 – TRANSITIONAL PROVISIONS

Conversion of RAO Bill to WR Act Schedule

Amendment No. 5 – item 1, page 6 (lines 9 and 10)
Amendment No.5 would omit the definition of the “RAO Act” and insert a definition of the “RAO Schedule” to mean Schedule 1B to the WR Act.

Amendment No. 6 – item 1, page 6 (line 11)
Amendment No. 6 would amend the definition of the “WR Act” to exclude a reference to Schedule 1B to the WR Act.

Amendment No. 7 – item 1, page 6 (line 13)
Amendment No. 8 – item 1, page 6 (line 16)
Amendment No. 10 – item 2, page 6 (line 24)
Amendment No. 11 – item 4, page 7 (line 9)
Amendment No. 12 – item 5, page 7 (line 30)
Amendment No. 13 – item 5, page 8 (line 3)
Amendment No. 14 – item 7, page 8 (line 21)
Amendment No. 15 – item 7, page 8 (line 23)
Amendment No. 18 – item 8, page 8 (line 33)
Amendment No. 19 – item 9, page 9 (line 4)
Amendment No. 20 – item 9, page 9 (line 9)
Amendment No. 21 – item 11, page 10 (line 8)
Amendment No. 22 – item 13, page 10 (line 15)
Amendment No. 24 – item 13, page 10 (line 18)
Amendment No. 25 – item 14, page 10 (line 26)
Amendment No. 26 – item 15, page 10 (line 30)
Amendment No. 27 – item 15, page 11 (line 2)
Amendment No. 28 – item 15, page 11 (line 8)
Amendment No. 29 – item 15, page 11 (line 9)
Amendment No. 30 – item 15, page 11 (line 15)
Amendment No. 31 – item 16, page 11 (line 19)
Amendment No. 33 – item 18, page 12 (line 5)
Amendment No. 34 – item 19, page 12 (line 13)
Amendment No. 35 – item 20, page 12 (line 20)
Amendment No. 36 – item 20, page 12 (line 22)
Amendment No. 37 – item 21, page 13 (line 2)
Amendment No. 38 – item 22, page 13 (line 6)
Amendment No. 39 – item 22, page 13 (line 10)
Amendment No. 41 – item 23, page 13 (line 15)
Amendment No. 42 – item 23, page 13 (line 17)
Amendment No. 43 – item 24, page 13 (line 21)
Amendment No. 44 – item 24, page 13 (line 24)
Amendment No. 45 – item 24, page 14 (line 1)
Amendment No. 46 – item 24, page 14 (line 2)
Amendment No. 47 – item 24, page 14 (line 3)
Amendment No. 48 – item 25, page 15 (line 6)
Amendment No. 49 – item 26, page 15 (lines 11 and 12)
Amendment No. 50 – item 26, page 15 (line 13)
Amendment No. 51 – item 26, page 15 (line 16)
Amendment No. 52 – item 26, page 15 (line 19)
Amendment No. 53 – item 26, page 15 (line 22)
Amendment No. 54 – item 26, page 15 (line 23)
Amendment No. 55 – item 27, page 16 (line 12)
Amendment No. 57 – item 27, page 16 (line 13)
Amendment No. 58 – item 28, page 16 (line 26)
Amendment No. 59 – item 29, page 16 (line 32)
Amendment No. 60 – item 30, page 17 (line 13)
Amendment No. 61 – item 31, page 17 (line 17)
Amendment No. 62 – item 33, page 18 (line 10)
Amendment No. 64 – item 36, page 19 (line 22)
Amendment No. 65 – item 36, page 19 (line 28)
Amendment No. 66 – item 37, page 20 (lines 3 and 4)
Amendment No. 67 – item 37, page 20 (line 8)
Amendment No. 68 – item 38, page 20 (line 11)
Amendment No. 70 – item 39, page 20 (line 20)
Amendment No. 71 – item 39, page 20 (line 24)
Amendment No. 72 – item 40, page 20 (line 29)
Amendment No. 73 – item 41, page 21 (line 3)
Amendment No. 74 – item 42, page 22 (line 8)
Amendment No. 75 – item 42, page 22 (line 12)
Amendment No. 76 – item 42, page 22 (line 13)
Amendment No. 77 – item 42, page 22 (lines 14 and 15)
Amendment No. 78 – item 42, page 22 (line 17)
Amendment No. 79 – item 43, page 22 (line 20)
Amendment No. 80 – item 44, page 22 (line 27)
Amendment No. 81 – item 44, page 22 (line 28)
Amendment No. 82 – item 44, page 23 (line 3)
Amendment No. 83 – item 44, page 23 (line 6)
Amendment No. 84 – item 44, page 23 (line 7)
Amendment No. 85 – item 44, page 23 (line 14)
Amendment No. 86 – item 44, page 23 (line 15)
Amendment No. 87 – item 44, page 23 (line 22)
Amendment No. 88 – item 44, page 23 (line 23)
Amendment No. 89 – item 44, page 23 (line 31)
Amendment No. 90 – item 44, page 23 (line 32)
Amendment No. 91 – item 45, page 24 (line 23)
Amendment No. 92 – item 46, page 24 (line 25)
Amendment No. 95 – item 48, page 30 (line 4)
Amendment No. 98 – item 49, page 36 (line 3)
Amendment No. 100 – item 54, page 38 (line 24)
Amendment No. 101 – item 55, page 38 (line 29)
Amendment No. 102 – item 55, page 39 (line 3)

Each of these amendments are consequential to the insertion of Schedule 1B to the WR Act. They replace all references to the “RAO Act” with references to the “RAO Schedule”.

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Amendment No. 9 – item 1, page 6 (line 17)
Amendment No. 16 – item 7, page 8 (line 24)
Amendment No. 17 – item 7, page 8 (line 25)
Amendment No. 23 – item 13, page 10 (line 16)
Amendment No. 32 – item 16, page 11 (line 21)
Amendment No. 40 – item 23, page 13 (line 10)
Amendment No. 56 – item 27, page 16 (line 13)
Amendment No. 69 - item 38, page 20 (line 12)
Amendment No. 93 – item 46, page 24 (line 29)
Amendment No. 96 – item 48, page 30 (line 9)

Each of these amendments are consequential to the insertion of Schedule 1B to the WR Act. They replace all references to “that Act”, “the Act” or “Act” with references to “that Schedule”, “the Schedule”, “Schedule” or “the Workplace Relations Act”, as appropriate.

Amendment No. 94 – item 46, page 25 (line 9)
Amendment No. 97 – item 48, page 30 (line 16)

Amendment Nos. 96 and 99 would change references to the name of this Bill.

Amendments to transitional provision

Amendment No. 63 – Schedule 1, item 34, page 19 (lines 3 to 13)

Item 34 sets down the transitional rules that apply following the commencement of the RAO Schedule. Amendment No. 63 would amend the item to reflect the implementation of the RAO Schedule.

In short, the RAO Schedule would apply to elections (for both an office in an organisation or a branch of an organisation or a position other than an office) where no steps have been taken in relation to the election prior to the commencement of the provision. If any steps have been taken, then the WR Act applies to any steps taken that were started but not finished before the commencement of the Schedule, and the Schedule would apply to any steps that commenced on or after commencement. However, new section 188 of the RAO Bill (which requires the use of declaration envelopes and outer envelopes) would not apply to elections that had been commenced prior to the commencement of the Bill.

Amendments as a consequence of the removal of Part 3 of Chapter 9 of the Workplace Relations (Registration and Accountability of Organisations) Bill 2002

Amendment No. 99 – Schedule 1, Part 7, page 37 (lines 2 to 7)

Chapter 9 of the RAO Bill sets out the duties of officers and employees of organisations in relation to the financial management of an organisation or branch. It also sets out their general duties in relation to orders or directions of the Federal Court or of the Commission. Part 3 of Chapter 9, in particular, sets out the general duties of officers and employees in relation to orders or directions of the Federal Court or the Commission.
Notes on Amendments

Government amendments to the Principal Bill will delete Part 3 of Chapter 9 and make other, minor technical amendments as a consequence.

**Amendment No. 99** makes minor consequential amendments to the Workplace Relations (Registration and Accountability of Organisations) (Consequential Provisions) Bill 2002, by removing the application clause in Part 7 of Schedule 1 of the Principal Bill (clause 50).

**SCHEDULE 2 – AMENDMENT OF THE WORKPLACE RELATIONS ACT 1996**

**Conversion of RAO Bill to WR Act Schedule**

Amendment No. 103 – item 5, page 40 (lines 16 and 17)
Amendment No. 104 – item 14, page 41 (lines 11 and 12)
Amendment No. 105 – item 16, page 41 (line 19)
Amendment No. 107 – item 16, page 41 (line 25)
Amendment No. 110 – item 22, page 42 (lines 12 and 13)
Amendment No. 111 – item 24, page 42 (line 18)
Amendment No. 112 – item 27, page 43 (lines 4 and 5)
Amendment No. 113 – item 28, page 43 (lines 9 and 10)
Amendment No. 114 – item 29, page 43 (lines 12 and 13)
Amendment No. 115 – item 30, page 43 (lines 15 and 16)
Amendment No. 116 – item 31, page 43 (lines 18 and 19)
Amendment No. 117 – item 32, page 43 (lines 21 and 22)
Amendment No. 118 – item 34, page 43 (lines 27 and 28)
Amendment No. 119 – item 36, page 43 (lines 6 and 7)
Amendment No. 120 – item 38, page 44 (line 11)
Amendment No. 122 – item 43, page 44 (line 25)
Amendment No. 123 – item 43, page 44 (lines 26 and 27)
Amendment No. 124 – item 43, page 45 (lines 2 and 3)
Amendment No. 127 – item 43, page 45 (line 14)
Amendment No. 128 – item 43, page 46 (lines 19 and 20)
Amendment No. 129 – item 44, page 46 (lines 24 and 25)
Amendment No. 130 – item 46, page 46 (line 29)
Amendment No. 131 – item 48, page 47 (lines 1 and 2)
Amendment No. 132 – item 49, page 47 (lines 4 and 5)
Amendment No. 133 – item 50, page 47 (lines 7 and 8)
Amendment No. 134 – item 51, page 47 (lines 10 and 11)
Amendment No. 135 – item 52, page 47 (lines 13 and 14)
Amendment No. 136 – item 53, page 47 (lines 16 and 17)
Amendment No. 138 – item 54, page 47 (line 20)
Amendment No. 140 – item 55, page 47 (line 24)
Amendment No. 141 – item 56, page 47 (lines 26 and 27)
Amendment No. 142 – item 57, page 48 (lines 2 and 3)
Amendment No. 144 – item 58, page 48 (lines 7 and 8)
Amendment No. 145 – item 59, page 48 (lines 12 and 13)
Amendment No. 147 – item 60, page 48 (line 22)
Amendment No. 148 – item 61, page 48 (line 26)
Amendment No. 149 – item 62, page 48 (line 30)
Amendment No. 150 – item 63, page 49 (lines 1 and 2)
Amendment No. 151 – item 64, page 49 (lines 5 and 6)
Amendment No. 153 – item 68, page 49 (line 24)
Amendment No. 154 – item 70, page 50 (lines 4 and 5)
Amendment No. 155 – item 70, page 50 (lines 7 and 8)
Amendment No. 156 – item 71, page 50 (lines 14 and 15)
Amendment No. 158 – item 73, page 50 (lines 22 and 23)
Amendment No. 159 – item 74, page 50 (lines 26 and 27)
Amendment No. 160 – item 80, page 51 (line 14)
Amendment No. 161 – item 81, page 51 (line 16)
Amendment No. 162 – item 82, page 51 (lines 18 and 19)
Amendment No. 163 – item 84, page 52 (lines 15 and 16)
Amendment No. 164 – item 86, page 53 (lines 11 and 12)
Amendment No. 165 – item 86, page 53 (line 16)
Amendment No. 166 – item 86, page 53 (lines 17 and 18)
Amendment No. 167 – item 86, page 53 (lines 30 and 31)
Amendment No. 168 – item 87, page 54 (lines 12 and 13)
Amendment No. 169 – item 89, page 54 (lines 18 and 19)
Amendment No. 170– item 90, page 54 (lines 21 and 22)
Amendment No. 171 – item 96, page 55 (lines 10 and 11)
Amendment No. 172 – item 97, page 55 (lines 13 and 14)
Amendment No. 173 – item 98, page 55 (lines 17 and 18)
Amendment No. 174 – item 98, page 55 (lines 19 and 20)
Amendment No. 175 – item 98, page 55 (line 22)
Amendment No. 176 – item 108, page 56 (lines 21 and 22)
Amendment No. 177 – item 109, page 56 (lines 25 and 26)
Amendment No. 178 – item 109, page 56 (lines 27 and 28)
Amendment No. 179 – item 110, page 57 (line 2)
Amendment No. 180 – item 111, page 57 (lines 4 and 5)
Amendment No. 181 – item 112, page 57 (line 7)
Each of these amendments are consequential to the insertion of Schedule 1B to the WR Act. They replace all references to the ‘Registration and Accountability of Organisation Act’ in the WR Act with references to the ‘Registration and Accountability of Organisations Schedule’.

**Amendment No. 106 – item 16, page 41 (line 22)**
Amendment No. 106 would insert the words ‘Legislation Amendment’ after ‘Workplace Relations’ in legislative note after item 16 to reflect the proposed renaming of the Principal Bill.

**Amendment No. 108 – item 19, page 42 (lines 3 to 5)**
Amendment No. 108 would delete the definition of ‘the Registration and Accountability of Organisations Act’ in subsection 4(1) of the WR Act and replace it with the definition of the “Registration and Accountability of Organisations Schedule”, which will point the reader to Schedule 1B to the WR Act.

**Amendment No. 109 – after item 19, page 42 (after line 5)**
Amendment No. 109 would insert new item 19A, which will amend the definition of “WR Act” to exclude a reference to Schedule 1B to the WR Act and regulations made under section 338 of that Schedule.

**Amendment No. 121 – item 39, page 44 (after line 15)**
Amendment No. 121 would replace the reference to “Acts other than the Registration and Accountability of Organisations Act” with “other than the Registration and Accountability of Organisations Schedule” in the legislative note after item 39.

**Amendment No. 125 – item 43, page 45 (lines 4 and 5)**
Amendment No. 126 – item 43, page 45 (line 7)
Amendment No. 137 – item 53, page 47 (line 17)
Amendment No. 139 – item 54, page 47 (line 21)
Amendment No. 143 – item 57, page 48 (lines 4 and 5)
Amendment No. 146 – item 59, page 48 (line 16)
Amendment No. 152 – item 64, page 49 (line 9)
Amendment No. 157 – item 71, page 50 (lines 16 and 17)
Each of these amendments are consequential to the insertion of Schedule 1B to the WR Act. They replace all references to the ‘that Act’ in the WR Act with references to ‘that Schedule’.
SCHEDULE 3 – AMENDMENT OF OTHER ACTS

Conversion of RAO Bill to WR Act Schedule

Amendment No. 182 – page 59 (line 4)
Amendment No. 183 – item 1, page 59 (line 5 to 8)
Amendment Nos. 182 and 183 would omit item 1, including its heading.

Amendment No. 184 – item 2, page 59 (lines 13 and 14)
Amendment No. 189 – item 9, page 60 (line 7)
Amendment No. 190 – item 13, page 60 (lines 15 and 16)
Amendment No. 191 – item 14, page 60 (lines 18 and 19)
Amendment No. 192 – item 17, page 60 (lines 26 and 27)
Amendment No. 193 – item 20, page 61 (lines 5 and 6)
Amendment No. 194 – item 22, page 61 (lines 10 and 11)
Amendment No. 197 – item 26, page 61 (lines 19 and 20)
Amendment No. 198 – item 28, page 61 (lines 24 and 25)
Amendment No. 200 – item 32, page 62 (lines 7 and 8)
Each of these amendments would substitute a reference to “Registration and Accountability of Organisations Act” with a reference to “Registration and Accountability of Organisations Schedule” in various Acts.

Amendment No. 185 – item 3, page 59 (lines 17 to 19)
Amendment No. 185 would substitute the definition of “Registration and Accountability of Organisations Act” with a definition of “Registration and Accountability of Organisations Schedule” in the Builders Labourers’ Federation (Cancellation of Registration – Consequential Provisions) Act 1986.

Amendment No. 186 – page 59 (after line 19), after item 3
Amendment No. 186 would insert the words ‘other than Schedule 1B’ into the definition of the “WR Act” in the Builders Labourers’ Federation (Cancellation of Registration – Consequential Provisions) Act 1986.

Amendment No. 187 – item 6, page 59 (lines 25 to 28)
Amendment No. 188 – item 7, page 59 (line 29) to page 60 (line 1)
Item 7 amends paragraph 4(3A)(b) of the Builders Labourers’ Federation (Cancellation of Registration – Consequential Provisions) Act 1986. However, this amendment is no longer necessary, as Amendment No. 187 will repeal the paragraph and replace it with a new paragraph. Accordingly, amendment No. 188 would omit item 7.

Amendment No. 195 – page 61 (after line 11), after item 22
Amendment No. 196 – item 23, page 61 (line 12 and 13)
Amendment No. 199 – item 30, page 62 (lines 2 and 3)
These amendments substitute references to “that Act” for “that Schedule” in paragraph (5)(1)(c) and subsection 7(3) of the Builders Labourers’ Federation (Cancellation of Registration – Consequential Provisions) Act 1986.

Amendment No. 201 – item 33, page 62 (lines 10 to 12)
Amendment No. 203 – item 36, page 62 (lines 22 to 24)
Amendment No. 204 – item 37, page 62 (line 26) to page 63 (line 2)
Amendment No. 208 – item 41, page 63 (lines 23 to 28)
Amendment No. 209 – item 47, page 64 (lines 15 to 18)
Amendment No. 213 – item 50, page 65 (lines 4 to 7)
Amendment No. 214 – item 51, page 65 (lines 9 to 12)
Amendment No. 215 – item 52, page 65 (lines 14 to 17)
Amendment No. 218 – item 54, page 65 (lines 24 to 26)
Amendment No. 223 – item 58, page 66 (lines 12 to 14)
Amendment No. 225 – item 60, page 66 (line 25) to page 67 (line 2)
Amendment No. 226 – item 61, page 67 (lines 4 to 9)
Amendment No. 227 – item 62, page 67 (lines 11 to 14)
Amendment No. 228 – item 63, page 67 (lines 16 to 19)
Amendment No. 229 – item 64, page 67 (lines 22 to 24)
These amendments would replace references to the RAO Act in various Commonwealth Acts with references to Schedule 1B of the WR Act.

Amendment No. 202 – item 35, page 62 (lines 16 to 19)
Amendment No. 202 would omit item 35.

Amendment No. 2105– item 38, page 63 (line 7)
Amendment No. 206 – item 39, page 63 (line 13)
Amendment No. 207 – item 40, page 63 (line 19)
Amendments No. 205, 206 and 207 would amend items 38 to 40 to update the citation of the RAO Bill in the *Criminal Code Act 1995*.

**Amendment No. 210 – page 64 (line 19)**  
Amendment No. 211 – item 48, page 64 (lines 20 to 25)  
Amendments No. 210 and 211 would omit item 48, including its heading.

**Amendment No. 212 – item 49, page 64 (line 26) to page 65 (line 2)**  
Amendment No. 212 would omit item 49.

**Amendment No. 216 – page 65 (line 18)**  
Amendment No. 217 – item 53, page 65 (lines 19 to 22)  
Amendment Nos. 216 and 217 would omit item 53, including its heading.

**Amendment No. 219 – page 65 (line 27)**  
Amendment No. 220 – item 55, page 66 (lines 1 to 3)  
Amendment Nos. 219 and 220 would omit item 55, including its heading.

**Amendment No. 221 – item 56, page 66 (lines 5 to 7)**  
Amendment No. 221 would omit item 56 and insert a new item 56 to change the reference to sections numbers in the WR Act and the RAO Schedule.

**Amendment No. 222 – item 57, page 66 (lines 8 to 10)**  
Amendment No. 222 would omit item 57 which amends Schedule 1 of the WR Act.

**Amendment No. 224 – item 59, page 66 (lines 17 to 23)**  

**SCHEDULE 4 – AMENDMENTS ABOUT ENTRY TO PREMISES**

**Conversion of RAO Bill to WR Act Schedule**

**Amendment No. 230 – item 3, page 69 (lines 7 and 8)**  
Amendment No. 231 – item 4, page 69 (lines 10 and 11)**
Amendment No. 232 – item 5, page 69 (lines 13 and 14)
Amendment No. 233 – item 6, page 69 (lines 16 and 17)

These amendments are consequential to the insertion of Schedule 1B of the WR Act. They replace references in the WR Act to the ‘Registration and Accountability of Organisations Act’ with references to the ‘Registration and Accountability of Organisations Schedule’.