



26 August 2019

Committee Secretary
Senate Education and Employment Legislation Committee
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT

Email: eec.sen@aph.gov.au

Dear Committee Secretary

Tasmanian Branch of the Australian Salaried Medical Officers' Federation Submission to the Senate Education and Employment Legislation Committee Inquiry into the *Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019*

The Tasmanian Branch of the Australian Salaried Medical Officers Federation makes the following submission regarding the *Fair Work (Registered Organisations) Amendment (Ensuring Integrity)* bill before the Committee:

Summary of the Bill: (taken from the Australian Parliament website)

Amends the *Fair Work (Registered Organisations) Act 2009* to: include certain serious criminal offences as a new category of 'prescribed offence' for the purposes of the automatic disqualification regime in relation to registered organisations; establish an offence for a disqualified person to continue to act as an official or in a way that influences the affairs of an organisation; allow the Federal Court to disqualify officials from holding office in certain circumstances or if they are otherwise not a fit and proper person; allow the Federal Court to cancel the registration of an organisation on a range of grounds; expand the grounds on which the Federal Court may order remedial action to deal with governance issues in an organisation; expressly provide that the Federal Court may appoint an administrator to an organisation or part of an organisation as part of a remedial scheme; introduce a public interest test for amalgamations of registered organisations; and make minor and technical amendments.

Who we are:

1. The Australian Salaried Medical Officers' Federation Tasmania branch is part of a federally registered trade union, the Australian Salaried Medical Officers' Federation ("ASMOF").
2. ASMOF Tasmania supports the submission made by the Australian Council of Trade Unions to this Inquiry and our national body, the Australian Salaried Medical Officers' Federation ("ASMOF").
3. ASMOF Tasmania covers some 336 salaried medical officers in Tasmania from interns through to senior specialists.
4. Our annual budget is in the vicinity of \$3,300.00
5. We are run by a volunteer board made up of doctors, who are working long hours within the public health system, as well as for some, the private sector, medical colleges and educational facilities.
6. The branch is assisted by an Executive Director through a conjoint agreement with the Australian Medical Association of Tasmania (AMA Tas) and an industrial officer through a conjoint agreement between AMA Tas and the Australian Medical Association of Victoria (AMAV).
7. Officers of ASMOF are motivated to volunteer their time to the union to maintain and improve the provision of services to members, to promote and protect the interests of the profession more generally, and to advocate for the provision of quality public health services.

Our concerns with the bill:

8. ASMOF Tasmanian Branch is a *reporting unit* pursuant to section 242 of the *Fair Work (Registered Organisations) Act 2009* ("the Act").
9. The current Act imposes certain obligations on our branch in relation to the records that must be kept on membership and officers, the keeping of financial records and accounting and auditing (refer Chapter 8 of the Act).
10. The current regulatory regime of standards and reporting is already particularly onerous for a small organisation such as ASMOF Tasmania, which has very limited resources to put towards compliance obligations.
11. It is our view that the regulatory regime envisaged by this bill if enacted would exceed the regulatory burden placed on other not for profit organisations and the corporate sector.
12. This bill with its increased compliance and heavy handed approach may make it harder to encourage members to volunteer on the Board. We are already finding it difficult to fill

Executive positions due to the requirements of the AEC election process and mandatory training associated with the role.

13. The implication of this bill is that any breach, however small and unintentional, of the legislation could result in the Federal Minister suspending the local branch and putting it into the administration of another body, thus disempowering the local entity and removing local representation.
14. The bill could also lead to the disqualification of union officials working for the entity if they fail to stop their organisation from breaking the law.
15. The fact that third parties with 'a public interest' can make an application to deregister a union body under this bill, opens unions up to outside political attack to cause union resources to be diverted from one area to that of defence in another, whether the deregistration is successful or not.
16. If enacted, in order to ensure absolute compliance with the increasing red-tape being placed upon us by the Federal Government through ROC, this bill will divert further resources away from valuable activities such as providing a conduit between workers and their employer to help improve working conditions and safety for doctors, and advance our public health system.

We request that Senators consider the implications of further legislative requirements on small unions such as ours, which do not have resources to be able to invest into further compliance measures and already find the compliance measures under ROC to be onerous and resource intensive.

Dr Stuart Day
Tasmanian President ASMOF