



22 November 2013

Ref: 2013.1237CH

Committee Secretary
Senate, Education and Employment Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Re: The Fair Work (Registered Organisation) Amendment Bill 2013

Dear Chairperson,

We refer to your email dated the 18th November 2013 inviting submissions to the Standing Committee on Education and Employment, with specific reference to the Fair Work (Registered Organisation) Amendments Bill 2013.

The Australian Community Services Employers Association thanks the Committee for this opportunity to make a written submission regarding the Bill. We trust that the information provided is of assistance to the Committee.

Yours sincerely,

Kim Teague
President
ACSEA T/A Community Management Solutions

**The Australian Community Services Employers Association (ACSEA) supplementary submissions to
the
Fair Work (Registered Organisations) Amendment Bill 2013**

1. The ACSEA supports the Fair Work (Registered Organisations) Amendment Bill 2013 in principal. The ACSEA supports any legislative regime that promotes accountability and transparency of either trade unions or member associations that are member governed. It is our opinion that the provisions of this Bill are consistent with that objective.
2. The ACSEA is cognisant of the catalyst behind this Bill and of previous submissions put to the standing committee in relation to Fair Work (Registered Organisations) Amendment Bill 2012. The amount of public interest displayed, as a result of the debacle that represents the running of the HSU is self-evident and requires no further explanation. The ACSEA is of the opinion that this Bill aims to put in place not just an independent authority (Registered Organisations Committee) with powers to monitor and regulate registered organisations, but to strengthen financial accountability, disclosure and transparency to ensure that the mistakes of the past are not repeated going forward.
3. ACSEA, whilst supporting the general tenor of the Bill, would like to bring to the attention of the Standing Committee the following concern:
 - a. That a number of the provisions contained within the proposed Bill place a higher / more extreme onus than those prescribed under the Corporations Act 2001 for Company Directors.
 - b. In addition, there is also concern that for organisations such as ours (Community based Employer Associations), these now expansive requirements levied on both existing and proposed Officers will, in some instances inhibit the attraction and retention of officers.
 - c. ACSEA understands the requirement to strengthen reporting functions based upon the historical events during the course of 2013, in relation to HSU however, we would ask the Standing Committee to be cognisant of the effect that these more onerous conditions would place on Officers within organisations such as ours and / or other employer associations across Australia.
 - d. The Committee should be mindful of the potential detriment in attracting skilled board members who may, for whatever reason, find the requirements to disclose pecuniary interests of not just themselves, but also their partners, as an overreaction to something that could have been dealt with in a more considered fashion in lieu of some of the recommendations put forward.
 - e. ACSEA has no objection to the Registered Organisation Commissioner acting as the enforcer, and sees this as a positive step for both Trade Unions and Employer Associations going forward. However we respectfully caution the Standing Committee in relation to creating a higher benchmark than those already in place under the Corporations Act 2001 to the point where it becomes an active deterrent to organisation such as ours in attempting to attract and retain suitably qualified Board members.
4. ACSEA is of the strong view that the Fair Work (Registered Organisations) Amendment Bill 2013 be strengthened as per the previous General Managers report into the conduct of Trade Unions / Employees Associations and the perceived short comings in that Act as identified in the General Managers report ¹.

In closing we welcome any opportunity to provide further feedback to the standing committee should this be deemed necessary.

¹ General Manager, Fair Work Australia, Statement (7 May 2012),
<http://www.fwa.gov.au/documents/media/release/7-May-2012.htm>