

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2016 - 2017

Outcome 2 - Workplace Relations and Economic Strategy

Department of Employment Question No. EMSQ16-000935

Senator Cameron asked on 19 October 2016 on proof Hansard page 136

Question

Fair Work (Registered Organisations) Amendment Bill

Senator CAMERON: Minister, I did raise the issue of the Fair Work (Registered Organisations) Amendment Bill with you and the secretary and the chair. I said I did not want to ambush you with it, so I gave you an opportunity to go and have a look and see whether you could find the answer. The issue is that the bill, in section 246, says that the minister may make rules about transitional matters, and then, if you go back to schedule 2, on page 2, it talks about 1 July 2014. Does this make the bill retrospective? Does this mean that criminal penalties are retrospective? Does this mean that disclosure requirements are retrospective? If so, wouldn't they be impossible to comply with?

Senator Cash: No, it does not. This is a consequence of the fact that the bill is a reintroduction of a former bill. The bill, as you know, was a trigger for the double dissolution election, and under the Constitution it must be brought back into the parliament in the same form as prior to the election. If it is suggested, as you are suggesting, that there may be a need for technical amendments to reflect what is now a passage of time, the government will take this on notice and consider amendments if necessary.

Senator CAMERON: If these amendments are required to make the bill non-retrospective, they would have to be introduced into the Senate when the bill is being dealt with, and that would mean it would not be a double dissolution bill.

Senator Cash: As I said, if it is suggested that there may need to be technical amendments to reflect the passage of time, the government will take that on notice and consider it when necessary.

Senator CAMERON: Does that then mean that the bill would not be a bill that could go to a joint sitting?

Senator Cash: I will take that on notice. We do not have the legal counsel here unfortunately, but I can take that on notice.

Answer

Amendments to the commencement date of the Fair Work (Registered Organisations) Amendment Bill 2014 can be moved or made in the Senate without affecting the ability of the Government to take the Bill to a joint sitting.