*Updated on 26 April 2016*

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| |  | | --- | | **Disclaimer:** The following snapshot is released for the purpose of informing AMMA members only and is not for broader distribution. The contents of this document do not contain legal advice and the precise legal meaning of some of the legislative provisions contained herein will evolve if and when the Bills pass through parliament and into law. | |

**STATUS OF 3 KEY WR BILLS IN FEDERAL PARLIAMENT**

Three important pieces of WR legislation went before the federal parliament in recent weeks. Following is an update on the status of the Fair Work (Registered Organisations) Amendment Bill 2014 (No 3), the Building & Construction Industry (Improving Productivity) Bill 2013 (No 2), and the Road Safety Remuneration Repeal Act 2016.

**Fair Work (Registered Organisations) Amendment Bill 2014 (No 3)**

A fourth version of the Fair Work (Registered Organisations) Amendment Bill went before the Senate on 18 April 2016.

It was identical to an earlier third version of the Bill that was voted down in the Senate on 17 August 2015.

The Fair Work (Registered Organisations) Amendment Bill 2014 (No 3) seeks to amend the Fair Work Act 2009 and the Fair Work (Registered Organisations) Act 2009 to:

* **Establish** a Registered Organisations Commission and provide it with investigation and information-gathering powers to monitor and regulate registered organisations (replacing the Fair Work Commission in relation to that function only);
* **Change** the requirements on officers’ disclosure of material personal interests; and
* **Increase** financial accounting and disclosure obligations for registered organisations and their officers.

The fourth and latest version of the Bill did not pass through the House of Representatives during debate on 18 April 2016 and is not expected to pass prior to parliament ceasing ahead of a likely 2 July 2016 federal election.

The Building & Construction Industry (Improving Productivity) Bill 2013 (No 2) has already provided the PM with a trigger for a double dissolution federal election (see below for details of that Bill).

To view the latest Registered Organisations Bill, click [here](http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r5652).

**Building & Construction Industry (Improving Productivity) Bill 2013 (No 2)**

The Senate resumed consideration of this Bill on 18 April 2016 after the Federal Government placed it on the Senate’s schedule again.

The government originally tabled the Bill on 2 February 2016 and it was identical to an earlier defeated government Bill of the same name.

The latest version of the Bill had passed through the House of Representatives in early February 2016 but had been stuck before the Senate.

While several cross-Bench Senators proposed amendments to the Bill, it failed to pass through parliament on 18 April 2016 and consequently provided Prime Minister Malcolm Turnbull with the necessary double dissolution trigger. The PM has since indicated that a double dissolution federal election is likely on 2 July 2016.

The Bill was voted down (“negatived”) on 18 April 2016 by a vote of 36 Senators to 34. Of the eight Senate cross-benchers, four voted in favour of the Bill (Day, Leyonhjelm, Wang and Xenophon) while four voted against it (Lazarus, Madigan, Lambie and Muir).

The Bill had sought to reinstate the former powers of the Australian Building & Construction Commission (ABCC) along with the former provisions of the Building & Construction Industry Improvement Act (BCII Act), with some modifications.

In particular, the Bill sought to restore those parts of the BCII Act that provided for:

* higher penalties for unlawful conduct by building industry participants;
* stronger prosecutorial powers for the inspectorate and its director;
* a broader definition of building work;
* greater scope for injunctions to stop unlawful industrial action;
* stronger anti-coercion measures;
* more effective compulsory information gathering powers; and
* greater independence of the inspectorate.

Other provisions in the Bill sought:

* its regulation to be extended to some offshore construction projects;
* strict rules around unlawful picketing;
* bolstered rules around taking industrial action that sought to hold unions more accountable for their members' conduct; and
* a reverse onus of proof applied to some coercive and unlawful activities as well as to individuals seeking to stop work on alleged health and safety grounds.

The legislation, had it succeeded, would have repealed and replaced the Fair Work (Building Industry) Act 2012 as well as regulating various aspects of building industry conduct that are currently regulated by the Fair Work Act 2009 (but were formerly regulated by the BCII Act).

To view the unsuccessful Bill and its journey through parliament, click [here](http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r5602).

**Road Safety Remuneration Repeal Act 2016**

The Federal Government tabled the Road Safety Remuneration Repeal Bill 2016 in parliament on 18 April 2016 and it passed through both houses of parliament swiftly, receiving Royal Assent on 19 April 2016 and taking effect two days later (21 April 2016).

As a result of the Act passing into law, the Road Safety Remuneration Act 2012 has been repealed, and it was that Act that gave the Road Safety Remuneration Tribunal (RSRT) life.

Consequently, the RSRT was abolished with effect from 21 April 2016 and so were all orders previously handed down by the tribunal. Several more had been in the offing, including one that would have impacted on the oil and gas industry. An application by the TWU in 2014 had sought a remuneration order to apply to road transport drivers engaged in delivery by means of a tanker of oil, fuel, gas or petroleum products. That dispute will now go no further.

At the time of its abolition, the RSRT had issued two enforceable orders, both of which ceased to have effect at midnight on 21 April 2016.

* **The Road Transport and Distribution Long Distance Operations Road Safety Remuneration Order 2014**, which set arrangements for payment and deduction conditions for owner drivers, provided health and safety and contract obligations and had protections from adverse conduct.
* **The Contractor Driver Minimum Payments Road Safety Remuneration Order 2016,** which was issued by the tribunal on 18 December 2015. It was due to commence on 4 April 2016 but its commencement was later deferred and the order is now defunct. It would have set mandatory minimum pay rates for owner drivers.

According to the explanatory memorandum to the order:

*“While the 2016 order was intended to benefit owner drivers, overwhelmingly the industry including owner drivers and small road transport businesses oppose it.”*

This was evidenced by proceedings before the tribunal and the Federal Court, eventually leading to a groundswell of support, including from AMMA and other industry groups, for the RSRT’s abolition.

The Act makes unnecessary another Bill tabled at the same time deferring all road safety remuneration orders, including the contractor driver order, until January 2017 (*see below Bill for details*).

To view the final repeal Act, click [here](http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r5655).

The Road Safety Remuneration Amendment (Protecting Owner Drivers) Bill 2016 had also been tabled in parliament on 18 April 2016 and was aimed at suspending the operation of the Contractor Driver Minimum Payments Order 2016, and any subsequent orders, until 1 January 2017. The Bill did not pass through parliament in the latest sitting period and is now unnecessary due to the repeal of the RSRT.

To view the Bill, click [here](http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r5656).