

EXPLANATORY STATEMENT

Minute No. 25 of 2003 - Minister for Employment and Workplace Relations

Subject- *Workplace Relations Act 1996*

Workplace Relations Legislation Amendment (Registration and Accountability of Organisations)(Consequential Provisions) Act 2002

Workplace Relations Amendment Regulations 2003 (No.3)

Workplace Relations (Registration and Accountability of Organisations) Amendment Regulations 2003 (No.1)

Workplace Relations Legislation Amendment (Registration and Accountability of Organisations)(Consequential Provisions) Regulations 2003

Subsection 359(1) of the *Workplace Relations Act 1996* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Sections 535 and 536 of the Act provide, respectively, for the making of regulations relating to transitional registration applications and regulations relating to certain recognised associations that have become registered.

Item 55 of Schedule 1 of the *Workplace Relations Legislation Amendment (Registration and Accountability of Organisations)(Consequential Provisions) Act 2002* (the CP Act) provides that the Governor-General may make regulations dealing with matters of a transitional nature relating to the Registration and Accountability of Organisations Schedule to the Act (RAO Schedule). This schedule was inserted by the *Workplace Relations Amendment (Registration and Accountability of Organisations) Act 2002* and commenced on 12 May 2003.

Transitional regulations under the Workplace Relations Legislation Amendment (Registration and Accountability of Organisations)(Consequential Provisions) Act 2002 (CP Act) and the Workplace Relations (Registration and Accountability of Organisations) Amendment Regulations 2003 (RAO Amendment Regulations)

The transitional regulations under the CP Act provide members with access to prescribed financial information relevant to his or her organisation during the transitional period between the commencement of an organisation's first financial year under the RAO Schedule provisions and the making of the first auditor's report.

Item 25 of the RAO Amendment Regulations inserts a new Part 11 to provide members with access to prescribed financial information relevant to his or her organisation in the transitional period between the commencement of an organisation's first financial year and when its first auditor's report is made under the RAO Schedule.

Technical changes to the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*

The RAO Amendment Regulations make a number of minor technical amendments, including amendments to ensure consistency of terminology and to correct grammar and cross-referencing errors. The regulations clarify a number of procedural and notification requirements for organisations' elections.

Items 1, 2, 4, 5, 6, 11, 18 and 27 make amendments to ensure consistency of terminology and correct grammatical errors or cross-referencing.

Item 3 inserts a new requirement in subregulation 31(4) that if after a replacement certificate is issued, an organisation finds a certificate which was thought to be lost or destroyed, the organisation is obliged to surrender that certificate to the Industrial Registrar.

Item 7 and Item 12 omit paragraph 67(4)(e) and 96(3)(e), respectively, to clarify that where two or more votes are placed in separate declaration envelopes and sent to the Australian Electoral Commission (AEC) in one prepaid envelope, an electoral officer is not obliged to render the votes informal.

Items 8, 10, 13, 15, 16, 21 and 22 clarify that the AEC must advise the Industrial Registrar within 21 days of a possible contravention of subregulations 68(9), 87(3), 97(11), 112(3), 113(2), 142(1) and 145(2).

Item 9 and Item 19 clarify that the information provided for the purposes of subregulations 69(1)(d) and 140(1)(d), respectively, is the total number of ballot papers received by the closing day of the ballot.

Items 14, 17, 20 and 24 set out the requirement in subregulations 98(5), 115(4), 115(5), 141(4), 141(5), 141(6), 141(7), 153(3) and 153(4) for organisations to publish notices of the availability of certain material in a way that is reasonably accessible to the organisations' members.

Item 23 substitutes subregulations 152(2) and 152(3). New subregulation 152(2) provides that the Industrial Registrar must be of the opinion that the notice mentioned in subregulation 152(1) is likely to come to the attention of persons likely to be affected by the proposed amalgamation. The previous subregulation 152(2) is renumbered as 152(3).

Item 26 inserts a note in Schedule 1, Form 2 indicating that the RAO Schedule requires that the application must be accompanied by a written outline of the proposal to withdraw from the amalgamation.

Repeal of Workplace Relations Regulations in relation to Victorian recognised associations

These Regulations repeal Regulation 132H and Schedule 7 of the *Workplace Relations Regulations 1996*. These provisions enabled 'recognised associations' under the former *Employee Relations Act 1992 (Vic)* to be conferred the same rights as registered organisations under the Act for defined purposes during a transitional period and allowed them to seek formal registration under the Act. These provisions no longer have any practical application.

These Regulations also make minor technical amendments to ensure consistency of terminology.

The Regulations commence on gazettal.