

2022-2024

The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

**Fair Work (Registered Organisations)
Amendment (Protecting Vulnerable
Workers) Bill 2024**

No. , 2024

(Senator Lambie)

**A Bill for an Act to amend the *Fair Work
(Registered Organisations) Act 2009*, and for related
purposes**

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1 **A Bill for an Act to amend the *Fair Work***
2 ***(Registered Organisations) Act 2009*, and for related**
3 **purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act is the *Fair Work (Registered Organisations) Amendment*
7 *(Protecting Vulnerable Workers) Act 2024*.

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with
11 column 2 of the table. Any other statement in column 2 has effect
12 according to its terms.

1

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	

2

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

3

4

5

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

6

7

8

3 Schedules

9

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

10

11

12

1 **Schedule 1—Amendments**
2

3 ***Fair Work (Registered Organisations) Act 2009***

4 **1 After section 5C**

5 Insert:

6 **5D Schedule 3 has effect**

7 Schedule 3 has effect.

8 Note: Schedule 3 is about applications for withdrawal from the CFMEU.

9 **2 At the end of the Act**

10 Add:

11 **Schedule 3—Applications for withdrawal**
12 **from the CFMEU**

13 Note: See section 5D.
14

15 **1 Definitions**

16 (1) In this Schedule:

17 ***CFMEU*** means the Construction, Forestry and Maritime
18 Employees Union, and any successors thereto.

19 ***Manufacturing Division*** means the Manufacturing Division as
20 defined in the rules of the CFMEU at the commencement of this
21 clause.

22 ***new organisation*** means the organisation that is registered
23 pursuant to section 110 of the old Act as a result of the withdrawal
24 of the Manufacturing Division from the CFMEU.

25 ***old Act*** means this Act, as in force immediately before the
26 commencement of Part 13 of Schedule 1 to the *Fair Work*
27 *Legislation Amendment (Closing Loopholes No. 2) Act 2024*.

1 **old Regulations** means the *Fair Work (Registered Organisations)*
2 *Regulations 2009*, as in force immediately before the
3 commencement of Part 13 of Schedule 1 to the *Fair Work*
4 *Legislation Amendment (Closing Loopholes No. 2) Act 2024*.

5 **2 Applications for withdrawal from the CFMEU**

6 (1) Notwithstanding any other provision of this Act, an application
7 may be made to the FWC for a secret ballot to be held, to decide
8 whether the Manufacturing Division should withdraw from the
9 CFMEU.

10 (2) The following apply in respect of an application made under
11 subclause (1):

12 (a) Part 3 of Chapter 3 of the old Act and the old Regulations
13 continue to apply in relation to the application and anything
14 done in relation to the application (whether before or after the
15 commencement of this clause);

16 (b) the application must be made before 1 September 2024;

17 (c) the application is treated for all purposes as an application
18 made pursuant to section 94 of the old Act.

19 (3) The following provisions of the old Act do not apply in respect of
20 an application made under subclause (1):

21 (a) paragraphs 94(1)(a) to (c);

22 (b) subsection 94(2);

23 (c) section 94A.

24 (4) Notwithstanding section 95A of the old Act:

25 (a) the eligibility rules of the new organisation must reflect
26 rules 2(C), 2(F), 2(O)(i)(SECTION A)(e), 2(P)(D), 2(P)(G)
27 and 2(R) of the rules of the CFMEU as at 2 December 2023;
28 and

29 (b) the eligibility rules of the CFMEU must not overlap with the
30 eligibility rules of the new organisation.

31 (5) Notwithstanding any other provision of this Act, the FWC must
32 not, after the withdrawal from amalgamation takes effect and
33 before 1 January 2034, consent to an alteration of the eligibility
34 rules of the CFMEU if the FWC is satisfied that:

- 1 (a) the alteration to the eligibility rules would result in an
2 overlap between the eligibility rules of the CFMEU and the
3 new organisation; and
4 (b) the new organisation has raised an objection to the alteration
5 with the FWC.
- 6 (6) Notwithstanding the old Act and the old Regulations, if the
7 application seeks, pursuant to subsection 100(3) of the old Act, that
8 the FWC make orders that the vote of the constituent members be
9 done in whole or in part by attendance ballot, the FWC must make
10 the orders.
- 11 (7) A reference to amalgamated organisation in the old Act and the old
12 Regulations means the CFMEU.