Updated on 5 December 2016

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KEY WR BILLS IN THE 45th FEDERAL PARLIAMENT

Several important pieces of WR legislation have passed through federal parliament in the past four weeks as detailed in this update.

Both Houses of Parliament had their final sitting day for the year on 1 December 2016 and will resume on 7 February 2017. No further federal legislation will pass until then. However, several Bills new Bills are anticipated to be tabled in early 2017, as detailed later in this document.

Below is a summary and snapshot of the status of key WR Bills before the 45th parliament.

RECENTLY PASSED WORKPLACE RELATIONS ACTS

Building & Construction Industry (Improving Productivity) Act 2016

The Building & Construction Industry (Improving Productivity) Act 2016 along with the Building & Construction Industry (Consequential & Transitional Provisions) Act 2016 passed through the Senate on 30 November 2016 and received Royal Assent on 1 December 2016.

This is the legislation to re-establish the Australian Building & Construction Commission (ABCC).

According to the Act's commencement provisions, it was due to take effect the day after Royal Assent (2 December 2016). A new Code for the Tendering and Performance of Building Work 2016 took effect on 2 December 2016 with a two-year transitional period for current enterprise agreements to become code-compliant.

Overview of the legislation

The Act repeals and replaces the Fair Work (Building Industry) Act and re-establishes the ABCC, also extending the regulator's jurisdictional and industry sector application.

The Act creates, in relation to industrial action and picketing, a new set of workplace relations rules applying only to participants in the building and construction industry.

It also provides for penalties for unlawful industrial action by building industry participants that are significantly higher than those under the Fair Work Act.

The Act reinstates the former powers of the ABCC along with the former provisions of the Building & Construction Industry Improvement Act (BCII Act), with some modifications. In particular, the Act restores 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; and
- stronger anti-coercion measures;

Brand new provisions in the Act provide for:

- its regulation to extend to offshore construction projects and the transport of building goods;
- strict rules around unlawful picketing; and
- a reverse onus of proof applied to some coercive and unlawful activities, although a reverse onus will not apply to workers who allege they have taken industrial action due to an imminent risk to health or safety.

The new Act also allows the ABCC to initiate or participate in legal proceedings where union and employer parties have reached a settlement, even in relation to matters that were settled prior to the new Act taking effect.

The Act also makes industrial agreements unenforceable to the extent they seek to secure standard employment conditions across a particular building site or sites where employees are employed by different enterprises (ie makes project agreements unenforceable).

Successful amendments to the legislation

Amendments made to the Act prior to its passage through the Senate include:

- A two-year transitional period for existing enterprise agreements to become code-compliant (until 29 November 2018).

- The establishment of a Security of Payments Working Group that will monitor the impact of the ABCC's activities on the conduct of building industry participants in relation to security of payments legislation.

- The Federal Safety Commissioner to audit compliance with National Construction Code performance requirements in relation to building materials.

- A requirement for successful tenderers for Federal Government building work to provide information including the extent to which domestically sourced and manufactured materials will be used.

- A requirement for the ABC Commissioner to represent all building participants with impartiality, along with more detailed annual reporting.

- Continued oversight by the Administrative Appeals Tribunal of the ABC Commissioner's use of the compulsory information-gathering powers.

New building code now in effect

Employment Minister Michaelia Cash issued a new Code for the Tendering and Performance of Building Work 2016 on 2 December 2016. The new code took effect that day and for the most part replaced the 2013 Building Code that was previously in effect.

The new code will apply to all new tenders for Commonwealth-funded building work from 2 December 2016 onwards. New enterprise agreements made from that date must comply with the new code in order to be eligible for Commonwealth-funded building work.

Building contractors covered by enterprise agreements made before 2 December 2016 have until 29 November 2016 to become code-compliant whilst still being able to tender for Federal Government-funded building work.

Obligations in the Building Code 2013 continue to apply to Commonwealth-funded building work for which expressions of interest or tenders were issued prior to 2 December 2016.

The new 2016 code is available here.

A final version of the Act as passed through both houses of parliament is available here.

Fair Work (Registered Organisations) Amendment Act 2016

This government legislation passed through both houses of parliament on 22 November 2016 and received Royal Assent on 24 November 2016. It will shortly take effect and apply to 47 unions and 63 employer organisations.

The legislation will 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.

In amendments made to the legislation in the Senate, the Act also includes:

- **New requirements** and approval processes for auditors of registered organisations; and

- **Significant new "whistleblower" protections** applying to registered organisations, which are also set to extend to corporations and public sector entities within 18 months. The provisions applying to registered organisations include the ability for whisteblowers to seek civil remedies in the courts and the ability for potential criminal offences to apply to officers of registered organisations including potential jail terms of up to two years.

Speaking on the whistleblower amendments in the Senate on 21 November 2016, Senator Nick Xenophon said they go "far beyond anything that has ever been proposed and has ever been implemented in the Commonwealth or the states. These amendments provide significant improvements on what exists in the Public Interest Disclosure Act."

Senator Derryn Hinch told the Senate on 21 November 2016:

"These amendments greatly improve on the existing reprisal and compensation provisions for registered organisation whistleblowers; they provide a more comprehensive scheme of civil remedies, civil penalty orders and criminal liability for reprisals."

Senator Michaelia Cash told the Senate on 21 December 2016:

"[The amendments] without a doubt provide strong protections for whistleblowers, and they will give whistleblowers the protections that they need to confidently expose corruption in registered organisations."

According to Senator Xenophon, four important aspects of the amendments include:

- **The ability** for whistleblowers to remain anonymous in the first instance and still be protected.
- **The threshold** for triggering the whisteblower protections going from requiring disclosures to be "made in good faith" to a "simple need for a whistleblower to have reasonable suspicions that their information discloses breaches of the law".
- **The ability** of whistleblowers to claim damages for any detriment suffered, for both direct reprisals against them but also if their employers or others fail in their duty to prevent or limit the detrimental impacts they may experience, ranging from psychological harm to impacts on reputation.
- **The removal** of the potential for legal costs orders to be imposed on whistleblowers who fail in their application for compensation unless their claim was "completely vexatious or an abuse of process".

In undertakings providing to Senators Hinch and Xenophon in exchange for their support of the amended Bill, Employment Minister Michaelia Cash gave an undertaking to implement a process whereby the above whisteblower reforms would be replicated into Australia's corporations law and public sector law. Legislation to that effect will need to be introduced by December 2017 with legislation to be dealt with by the federal parliament no later than 30 June 2018.

For the final version of the Act as passed through both houses of parliament, click here.

Income Tax Rates Amendment (Working Holiday Maker Reform) Act 2016 (No 2) NEW

This government Bill passed through both houses of parliament on 1 December 2016 and is now awaiting Royal Assent.

First tabled on 28 November 2016, the legislation applies a 15% income tax rate to working holiday maker taxable income (that is assessable income derived from

Australian sources by working holiday makers, less any relevant deductions) on amounts up to $37,000, with ordinary tax rates for taxable income exceeding that amount.

The amendments will apply from 1 January 2017.

To view the final version of the Bill as passed through both houses of parliament, click here.

Fair Work Amendment (Respect for Emergency Services Volunteers) Act 2016

This legislation has received Royal Assent and came into force on 13 October 2016.

The key purpose of the legislation is to preclude or render ineffective any term in an enterprise bargaining agreement (EBA) that would impact on the capacity of a designated emergency management body to properly manage its volunteers, regardless of whether the EBA came into effect before or after 13 October 2016.

The Explanatory Memorandum states that the legislation's amendments to the Fair Work Act are to implement the government's commitment to protect emergency services bodies and their volunteers.

The legislation provides that an EBA cannot include terms that undermine the capacity of volunteer emergency services bodies to properly manage their volunteer operations, and can also not include terms that are inconsistent with state or territory laws regulating such bodies.

Under the legislation, an enterprise agreement covering a "designated emergency management body" cannot include an objectionable term that:

- **Restricts or limits** the body's ability to:
  - Engage or deploy its volunteers;
  - Provide support or equipment to those volunteers;
  - Manage its relationship with or work with any recognised emergency management body in relation to those volunteers;
  - Otherwise manage its operations in relation to those volunteers.
- **Requires** the body to consult or reach agreement with any other person or body before taking any action for the purposes of:

- Engaging or deploying its volunteers;
- Providing support or equipment to those volunteers;
- Managing its relationship with or work with any recognised emergency management body in relation to those volunteers;
- Otherwise managing its operations in relation to those volunteers.

- **Restricts or limits** the body's ability to recognise, value, respect or promote the contribution of its volunteers to the wellbeing and safety of the community; or
- **Requires or permits** the body to act other than in accordance with a law of a state or territory, so far as the law confers or imposes on the body a power, function or duty that affects or could affect its volunteers.

The legislation also provides an entitlement to certain volunteer bodies to make submissions to the Fair Work Commission in relation to matters about enterprise agreements or workplace determinations that could affect the volunteers of a designated emergency management body.

To view the final legislation as passed by both houses of parliament, click here.

GOVERNMENT WORKPLACE RELATIONS BILLS STILL BEFORE THE PARLIAMENT

Fairer Paid Parental Leave Bill 2016

The Federal Government tabled a revised Fairer Paid Parental Leave Bill 2016, after a 2015 Bill failed to pass through the previous parliament.

The new Bill was tabled on 20 October 2016 and is currently before the House of Representatives. It has similarities and differences compared with the 2015 Bill.

If passed, as with the previous Bill, the new Bill means parents can no longer receive the full amount of nationally-funded paid parental leave if they are entitled to employer-provided primary carer leave payments.

Any employer-provided payments will be deducted from the government-funded 18-week paid leave entitlement.

Under the Bill, the total entitlement for eligible mothers / primary carers is 18 weeks' pay, which is the maximum government-funded entitlement for those with no paid employer entitlement. The government-funded entitlement is currently paid at the federal minimum wage for 18 weeks (totalling $12,108.60 based on a minimum wage of $672.70 a week).

Employer entitlements can be "topped up" by government

Primary carers who are entitled to employer-provided payments in excess of 18 weeks on their current salaries would not receive any payments from the government if and when the legislation took effect. Those employees would be solely reliant on employer-provided leave entitlements.

However, if employees are entitled to, for instance, six weeks' pay at their current salary from their employer, they would still receive 12 weeks' pay at the federal minimum wage from the government. That is, they would have their employer-funded leave "topped up" by the government to 18 weeks.

Currently, full 18-week payments under the government-funded scheme are made to eligible primary carers irrespective of what they receive from their employer (ie they receive full amounts of both). That is how the scheme has operated since its inception on 1 January 2011.

While the new Bill will reduce government-funded entitlements for many primary carers, it will not reduce them to the extent the 2015 Bill would have.

The 2015 Bill would have taken the total government-funded leave entitlement of $12,108.60 and reduced it by the total dollar figure of any employer-funded primary carer leave. This would have left some women with no government entitlement at all, despite their employer only providing them with, for example, six weeks' pay.

The new Bill, as with the previous Bill, will require primary carers to inform the Department of Human Services of any primary carer pay they are entitled to from their employer, with that amount then deducted from the government-funded 18-week entitlement.

'Paymaster' function to be removed

The new Bill, as with the original Bill, seeks to reduce the administrative burden on businesses by removing the current requirement for employers to act as "paymaster" in administering government-funded payments to employees.

If the Bill passes, employees will be paid directly by the Department of Human Services unless an employer "opts in" to provide government payments directly to employees, and the employee consents.

New changes to the parental leave work test

The new Bill proposes changes to the "paid parental leave work test" that were not included in the 2015 Bill. Those changes are aimed at taking into account pregnant employees who are unable to continue working because of a risk to their pregnancy or because there is no safe job to transfer to. The changes include:

- **Extending** the allowable break between two working days from 8 to 12 weeks (this is said to enable more working parents, particularly those in irregular employment, to be eligible for paid parental leave); and
- **Allowing** an earlier work test period for mothers in dangerous jobs who have to give up work early in their pregnancy (this change is said to ensure women in certain occupations such as jockeys, painters or miners, who cannot work during part of their pregnancy, can still be eligible for paid parental leave).

A new s11A of the Bill defines the maximum paid parental leave (PPL) start day which has the effect of allowing a claimant to backdate their PPL period start day by 28 days before the date of an effective claim or verification of a child's birth.

Dad and Partner pay not affected

Dad and Partner Pay, which is currently provided by the government to fathers or secondary carers for up to two weeks on the federal minimum wage, will not be affected by the new Bill and will continue to be available in addition to employer-provided paid paternity leave for fathers or secondary carers.

The Bill's provisions will take effect for births and adoptions from 1 January 2017 if the Bill passes through parliament before that date. Failing that, it will have a later start date.

The Bill has been referred to the Senate Community Affairs Legislation Committee for inquiry and report. Submissions are due by 16 December 2016, with the inquiry to report on 15 February 2017.

To see the new Bill and its progress through parliament, click here.

Seafarers and Other Legislation Amendment Bill 2016

The Seacare scheme will remain in place but be subject to a raft of changes under a new Bill introduced to parliament in October 2016.

The Seacare scheme is currently made up of the Seafarers Rehabilitation and Compensation Act 1992 (the Seafarers Act) and the Occupational Health & Safety (Maritime Industry) Act 1993 (the OHS(MI) Act).

The Federal Government tabled the Seafarers and Other Legislation Amendment Bill 2016 on 13 October 2016 and debate on the Bill has been adjourned until after a Senate committee inquiry reports.

The Bill is part of a package of three Bills including the Seafarers Safety and Compensation Levies Bill 2016 and the Seafarers Safety and Compensation Levies Collection Bill 2016.

Overview of the Bill's proposed changes

The Bill, if passed, would:

- **Introduce** a new test to clarify coverage of the Seafarers Act;
- **Repeal** the OHS(MI) Act and extend coverage of the Commonwealth Work Health and Safety Act 2011 to vessels covered by the Seafarers Act;
- **Update** the workers' compensation provisions in the Seafarers Act to restore alignment with broader Commonwealth workers' compensation laws; and
- **Give effect to** recent changes to the Maritime Labour Convention and make minor amendments to broader Commonwealth workers' compensation and work health and safety laws.

Regulation and coverage of the new scheme

While the Bill does not propose to abolish the Seacare scheme itself, it does seek to abolish the Seacare Authority and transfer governance of the scheme to the Safety, Rehabilitation and Compensation Commission (SRCC).

The Bill also seeks to insert new provisions into the Seafarers Act to clarify coverage of the Seacare scheme with the intention being to maintain a similar scope to what it currently has.

According to the Explanatory Memorandum (EM), the current provisions of the Seafarers Act and the OHS(MI) Act "cause significant uncertainty for employers, employees and the scheme's regulators".

The EM notes that the *Aucote* Federal Court decision in 2014 significantly expanded coverage of the scheme but, even before that, there was "considerable practical difficulty determining coverage".

"Vessels can move in and out of coverage from voyage to voyage," the EM says. "This means vessels need to have insurance cover to meet the state or territory and the national law."

The changing profile of vessels operating around Australia from predominantly coastal and international shipping to an increasing number of vessels involved in the offshore oil and gas sector has added to the complexity in coverage, the EM says.

The Bill's proposed new coverage test is two-tiered and removes the need to refer to the now repealed Navigation Act 1912, incorporating relevant definitions into the Seafarers Act. The new test is:

1. A vessel must be a "prescribed vessel" to be covered; and

2. The vessel must not be used wholly or predominantly for voyages or other tasks that are within the territorial sea of a particular state or territory.

Employers and operators of vessels could apply to the SRCC to "opt in" or seek to be exempt from the scheme.

Specific work health and safety amendments

According to the EM to the Bill:

> *"The Seacare Review recommended that the model WHS laws should be specifically adapted for the maritime industry … Retaining industry-specific WHS legislation covering the sector of the maritime industry covered by the scheme is no longer necessary. The sector is not so significantly different from other industries which fall under generally applying Commonwealth, state or territory WHS laws as to justify the continuation of separate WHS arrangements."*

Under the Bill, the OHS(MI) Act would be repealed and the Commonwealth Work Health and Safety Act extended to apply to the Seacare scheme with some sector-specific amendments including:

- **Making** technical amendments to s12 of the WHS Act to clarify it applies to 'upstream duty holders' where the activity gives rise to a potential risk to workers cover by the WHS Act;

- **Removing** the requirement on businesses to provide Comcare with an up to date list of health and safety representatives (HSRs);

- **Replacing** the reference to giving 'directions' in a Provisional Improvement Notice with giving 'recommendations'; and

- **Clarifying** that judges and heads of mission are not 'officers' for the purpose of the WHS Act.

Workers' compensation changes

In relation to workers' compensation, the Bill seeks to update the Seafarers Act to:

- **Extend** the definition of 'medical treatment' to include further types of compensable treatment;

- **Reduce** the threshold for compensation for a permanent impairment that is a binaural hearing loss from 10% to 5%;

- **Change** the level of contribution of employment to an injury that is a disease from a 'material' to a 'significant' degree; and

- **Change** the coverage of psychological injuries to exclude injuries suffered as a result of 'reasonable administrative action taken in a reasonable manner' instead of as a result of 'reasonable disciplinary action'.

The Bill has not been debated since it was tabled on 13 October 2016.

The package of Bills has been referred to the Senate Education and Employment Committee for inquiry and report. Submissions were due by 1 December 2016, with the inquiry due to report on 7 February 2017.

To see the Bill and its Explanatory Memorandum, click here.

PRIVATE MEMBERS' BILLS STILL BEFORE THE PARLIAMENT

Fair Work Amendment (Pay Protection) Bill 2016 NEW

This Private Members' Bill was tabled by Greens MP Adam Bandt in the House of Representatives on 28 November 2016.

The Bill, if passed, would amend the Fair Work Act 2009 to extend protections for employees covered by an enterprise agreement to require employers to pay a base rate of pay, full rate of pay and any casual loading that is no less than the relevant award or national minimum wage order.

The Bill has not yet passed through the Lower House of parliament.

To view the Bill and its explanatory memorandum, click here.

Fair Work Amendment (Protecting Christmas) Bill 2016 NEW

This Private Members' Bill was tabled by Greens MP Adam Bandt in the House of Representatives on 21 November 2016.

The Bill, if passed, would amend the National Employment Standards within the Fair Work Act 2009 to ensure that people who are entitled to receive Public Holiday penalty rates who work on Christmas Day (25 December) and New Year's Day (1 January) will be paid public holiday penalty rates for working on those days, regardless of whether the state / territory in which they reside declares those dates as public holidays.

The Bill has not yet passed through the Lower House of parliament.

To view the Bill and its explanatory memorandum, click here.

Migration Amendment (Putting Local Workers First) Bill 2016 NEW

This Private Members' Bill was tabled by Labor MP Bill Shorten in the House of Representatives on 28 November 2016.

The Bill, if passed, would amend the Migration Act 1958 to introduce a range of measures to make Australia's temporary work visa system "fairer".

The amendments, if successful, would introduce safeguards into Australia's temporary skilled migration program to improve employment opportunities for Australian citizens and permanent residents, promote the welfare of temporary migrant workers, and facilitate compliance with occupational licensing and workplace safety regulations.

The amendments would also put in place stronger safeguards to ensure that Australian employers seek to hire local workers first, with temporary work visas used to fill genuine skills shortages rather than displace local workers and undercut wages and conditions.

The Bill has not yet passed through the Lower House of parliament.

To view the Bill and its explanatory memorandum, click here.

Fair Work Amendment (Gender Pay Gap) Bill 2015

This Bill was restored to the Senate notice paper on 31 August 2016 after an identical version of the Bill lapsed in the previous parliament.

The Private Members Bill, sponsored by Greens Senator Larissa Waters, seeks to prohibit clauses in employment contracts that prevent workers talking about their pay with colleagues.

According to Senator Waters, pay secrecy helps hide discrimination, unconscious bias and bad decision-making such as two people being paid differently to do the same job.

The Bill seeks to ban "gag" clauses in employment contracts going forward and, if passed, would deem existing clauses unenforceable.

The Bill was referred to the Senate Education and Employment Legislation Committee which handed down its final report on 30 November 2016.

The majority committee recommended the Senate not pass the Bill and that government, employer and industry stakeholders, and employee representatives collaborate to actively promote and implement best practice strategies to tackle the gender pay gap in Australian workplaces.

The Bill is not expected to progress further at this stage.

To view the Bill, click here.

Fair Work Amendment (Penalty Rates Exemption for Small Businesses) Bill 2015

This Private Members Bill was restored to the Senate notice paper on 31 August 2016 but has not since been debated.

A previous identical version of the Bill failed to pass through the previous parliament and lapsed in the lead-up to the federal election.

The Bill is sponsored by independent Senators Bob Day and David Leyonhjelm.

The restored Bill, as with the earlier version, seeks to reduce regulation of the relationship between small businesses and their employees by reducing instances where certain small businesses are required to pay penalty rates.

The Bill seeks to allow small businesses (defined as comprising fewer than 20 employees) in the restaurant and catering, retail and hospitality industries, to operate more viably, according to the Bill's Explanatory Memorandum.

To achieve that, the Bill states that for small businesses in the specified industries, modern awards cannot require penalty rates to apply unless at least one of three conditions are met:

- The work is in addition to 10 hours of work in a day;

- The work is on a public holiday; or

- The work is on a weekend and in addition to 38 hours of work over a seven-day period.

To view the Bill, click here.

Fair Work Amendment (Protecting Australian Workers) Bill 2016

This Private Members Bill was restored to the Senate notice paper on 31 August 2016 after an earlier identical version failed to pass through the previous parliament. The Bill has not been debated since being re-tabled.

The Bill is sponsored by Labor Senator Doug Cameron and, if passed, would amend the Fair Work Act 2009 to:

- **Clarify** the application of the Act to skilled migrants, making it clear the Act applies to all employees irrespective of their migration status;

- **Require** Fair Work Information Statements to contain information for employees about their rights under the Fair Work Act 2009, the relationship between workplace laws and the Migration Act 1958, and the rights of overseas workers to seek redress for contraventions of workplace laws;

- **Provide** additional protection from adverse action taken against employees who question whether a workplace right exists or whether they are employees and not independent contractors;

- **Introduce** a "reasonable person" test in determining whether an employer has engaged in sham contracting;

- **Enable** the courts to make orders requiring directors of phoenix companies to pay unpaid wages and other entitlements when a company of which they are a director is "phoenixed";

- **Increase** the maximum penalties available for certain breaches of the Act in circumstances where the size of a business, the sophistication of its management systems and its existing statutory duties in respect of its conduct should mitigate against the breaches occurring;

- **Give** the courts power to make orders disqualifying persons from managing a corporation for a period in relation to certain civil contraventions of the Act if the court is satisfied that disqualification is justified; and

- **Introduce** new offences for serious contraventions of the Act that involve the use of coercion or threats. Criminal offences, including up to two years' imprisonment, would be available.

To view the Bill, click here.

ANTICIPATED GOVERNMENT LEGISLATION

Protecting Vulnerable Workers Bill

In the lead-up to the July 2016 federal election, the Coalition released its *Policy to protect vulnerable workers*, which would strengthen existing laws.

It is expected that legislation will be tabled in federal parliament some time after federal parliament resumes on 7 February 2017.

According to the Coalition's policy, proposed legislation would:

- **Increase** the penalties applying to employers who underpay workers and fail to keep proper employment records.
- **Introduce** an even higher penalty for "serious contraventions" that would apply to any employer that has intentionally "ripped off" workers, regardless of the employer's size.
- **Introduce** a new offence that captures franchisors and parent companies who fail to deal with exploitation by their franchisees (this policy was in response to the 7-Eleven scandal that revealed systematic underpayment of workers in the franchise).
- **Deliver** $20 million in extra funding for the Office of the Fair Work Ombudsman for its enforcement and compliance activities.
- **Strengthen** the Office of the Fair Work Ombudsman to more effectively deal with employers who "intentionally exploit" workers.
- **Establish** a Migrant Workers Taskforce within the Office of the Fair Work Ombudsman to target employers who exploit skilled migrants.

Legislation giving effect to this policy is expected to be tabled in early 2017.

Trade Union Governance and Corruption Bill

In the lead-up to the 2016 federal election, the Coalition released its *Commitment to fairness and transparency in workplaces* policy. That policy stated that a re-elected Turnbull Government would adopt the recommendations of the Heydon Royal Commission in regard to registered organisations and the building industry. In particular, the Coalition would:

- **Legislate** to allow the courts to ban officials of registered organisations from holding office if they repeatedly break the law.
- **Codify** the obligations for officials of registered organisations to act in the best interests of their members.
- **Outlaw** payments between an employer and union that are not covered by legitimate exemptions.
- **Require** disclosure to employees of any payments between employers and unions.
- **Enable** courts to place registered organisations in administration or deregister them if they become "dysfunctional".
- **Introduce** new sanctions for deliberately falsifying membership records.
- **Introduce** a new "public interest test" for mergers of registered organisations. This is directly relevant to the proposed merger between the CFMEU and MUA.

This Bill is anticipated to be tabled in the Autumn or Winter sessions of parliament in 2017.