



Ms Sarah Bainbridge
Standing Committee on Education and Employment
Parliament House
Canberra ACT 2600

Email: ewer.sen@aph.gov.au

22 November 2013

Dear Ms Bainbridge

Subject: Fair Work (Registered Organisations) Amendment Bill 2013

Thank you for your invitation to respond by way of submission to the proposed Fair Work (Registered Organisations) Bill 2013.

The Australian Public Transport Industrial Association (APTIA) is the industrial arm of the Bus Industry Confederation (BIC) which is the peak body representing bus and coach operators across the Country as well as bus and coach body manufacturers and chassis suppliers and other associated suppliers to the industry. In all our members employ over 50,000 persons.

The industrial arm (APTIA) has 23 members comprising all the state bus and coach associations (which include their members) and other larger bus and coach operators who operate across state borders such as Murrays Australia and Trandev Australasia. APTIA is funded by the members through their membership of BIC who provides administrative support through its National Industrial Relations Manager.

The APTIA Council members and BIC Council members are primarily one and the same.

Whilst APTIA understands the need for stringent regulation of registered organisations and also the public's expectation nevertheless there are a couple of issues which APTIA would like to raise in your deliberations about the proposed Bill.

1. On the 29th June 2012 the Fair Work (Registered Organisations) Act 2012 was assented to. As you know this Act substantially increased compliance obligations for registered organisations including disclosure of material and financial interests and provided financial training obligations upon those officers of the Organisation with whom some financial responsibility fell. The amendments also required Organisations to change their Rule to reflect the new laws.
2. APTIA changed its Rules on 18th June 2013 in accordance with the amended statute and lodged its notification with the Fair Work Commission on the 20th June 2013. In response to an inquiry from the Fair Work Commission on the 20th August 2013 APTIA responded on the same day. The Decision to approve of the change of the Rules in accordance with the amended legislation was communicated to APTIA on this date, the 22nd November 2013.
3. The Coalition, prior to the recent federal election provided to small business a series of policy commitments including the reduction of red and green tape, the setting aside at least two parliamentary sitting days each year for the purpose of *"repealing counterproductive, unnecessary or redundant legislation and consequently removing associated regulations."*

4. The Coalition also committed to a number of industrial relations reforms affecting small business in their “Improving the Fair Work Laws” which included:

“The Coalition will provide practical and useful help for small business workplaces because this is where many jobs are created and innovation happens. Small business men and women have many demands on their time and don’t have the resources to be legal experts as well. The Coalition is determined to help them by ensuring the Fair Work Ombudsman provides targeted and clear help. This will include a number of initiatives and help small business improve their understanding of the Fair Work laws so they have confidence to grow and employ. We will also encourage greater compliance and education by providing potential immunity from Fair Work Ombudsman pecuniary penalty prosecutions for a small business employer if it pays or applies the wrong employment conditions, provided the error was not deliberate and the employer had previously sought Fair Work Ombudsman advice and help on the same issue.”

Whilst APTIA serves 23 members it is not in revenue or in numbers considered a large Organisation. Its resources are dependent upon support from its National body the Bus Industry Confederation. In terms of Organisation it may be described as a ‘small business’.

Therefore, whilst APTIA understands the need for the regulation it also submits that the proposed legislation or regulations that flow from it should take into account the need to recognise the scale of extra compliance which all Organisations, large and small will have to cope with.

Yours faithfully

Ian Macdonald, National IR Manager