

Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019
Education and Employment Legislation Committee

Questions on Notice

Salaried Medical Officers' Federation (ASMOF), Tasmanian Branch

1. What is the annual budget of the ASMOF or the registered organisation to which the ASMOF belongs?

Approx \$3,300

2. What is the total value of assets owned by the ASMOF or the registered organisation to which the ASMOF belongs?

No assets

3. How many members does the ASMOF have?

342 as of 3 October 2019

4. How many staff does the ASMOF employ?

ASMOF Tasmania branch employ no staff, but are supported by an Executive Officer part time through a conjoint agreement with AMA Tasmania and an Industrial Officer part time through a conjoint agreement with AMA Victoria. Costs associated with their work are paid on invoice.

5. How much does membership of the ASMOF cost?

Membership of ASMOF is offered as part of a public sector doctor's AMA membership. AMA Tasmania provides \$10 per doctor to ASMOF.

6. What positions in the ASMOF are elected by members?

All positions are elected and are voluntary.

8 Branch Councillors: Branch President
Branch Vice-President
Branch Secretary
Branch Assistant Secretary/Treasurer
Branch Councillors
2 Federal Council delegates

a. Who conducts these elections?

Australian Electoral Commission

b. How often are these elections held?

Every three years and as required in between to fill vacancies

c. When was the last election held?

2018 was the last election for the entire executive, however, we have had to go through the process this year to fill a vacancy for Branch Assistant Secretary/ Treasurer, which failed to produce one nomination

and so we are having to go through the AEC process again, which will not conclude now until the 6th of January 2020, when the postal vote closes.

d. How many candidates were there for each position at the last election?

There were 7 nominations, one for each position and no further election process was required.

e. How many members voted for each position at the last election?

An election was not required.

f. How much is each position paid in salary?

Nothing. All voluntary.

g. What benefits in kind are associated with each position?

None.

Federal Councillors have flight and accommodation costs paid to attend meetings interstate.

7. Does the ASMOF maintain any direct relationship with a state entity (such as an industrial association)?

Yes, the Tasmanian Salaried Medical Practitioners Society.

Members on the ASMOF Executive tend to also be on the executive for TSMPS, due to the reality it is difficult to find enough doctors willing to give their time to either organisation.

a. If so, what is the total value of assets and total membership of that state entity?

No assets. Budget \$3,300

8. Do you think unions need to break the law in order to represent their members?

The short timeframe required to answer this question does not allow me to consult with the membership on their view.

9. What has your organisation done to reign in the lawbreaking behaviour of rogue organisations like the Construction Forestry Maritime Mining and Energy Union (CFMMEU)?

If any law has been broken by any person or organisation, it is up to the Police in the relevant jurisdiction to press charges in relation to that unlawful behaviour or for the statutory body involved e.g Tax Department, to use their powers to address the unlawful behaviour.

10. Do you condemn the actions of John Setka?

The short timeframe required to answer this question does not allow me to consult with the membership on their view, other than to re-iterate the evidence provided at the Senate hearing on behalf of ASMOF Tasmania that no law should be developed to attack one individual, especially when there are other laws in place which could be used to address any unlawful behaviour any individual is partaking in whether within the union movement, private enterprise or indeed, parliament. Nobody is above the law.

11. Do you think John Setka should remain in his role with the CFMMEU?

As a principle, it should be the members of an organisation who determine who will be in their leadership team and when and how a leader can be removed.

12. Do you accept that the Ensuring Integrity bill applies equally to all registered organisations, both employer organisations and unions?

The point being made in our submission, is that we believe the Ensuring Integrity bill goes beyond what is reasonably required to scrutinise registered organisations and provides power to a Minister and third parties to interfere in the operations of a union or other registered organisation in a way that has not been permissible before, could be used politically and has no equivalent power available in the corporate world.

13. Do you agree that other than with respect to the commission of serious offences that will warrant automatic disqualification, the bill maintains the position in the existing Registered Organisations Act that only the Court has the power to disqualify a union official or de-register a union?

It is the process that is the problem. I re-iterate the evidence provided at the Senate hearing on behalf of ASMOF Tasmania, that the bill allows for mischievous or deliberate intervention to occur by a Minister or third party that would result in unions having to direct scarce resources away from actions which push their industrial agenda on behalf of members, towards mounting a case before the Court. And we all know that legal action does not come cheaply for any party

14. Do you agree that other than with respect to the commission of serious offences that will warrant automatic disqualification, the bill maintains the position that a union official will only be disqualified, or a union have its registration cancelled, if the court is satisfied it would not be 'unjust' to do so, taking into account all the relevant circumstances and nature of the conduct in question?

This bill increases complexity and stress for a small organisation like ours run by a voluntary board with skeleton staff support. We already find the processes onerous and stressful to ensure nothing is breached. To have the added stress of possible court action and the possible deregistering of your organisation through the actions/ complaints of a Minister or third party, is unnecessary and unjustified. It feels like the heavy hand of government interfering in our work on behalf of public sector doctors.

15. Do you agree that the bill maintains the position in the current Registered Organisations Act that the Fair Work Commission alone is responsible for approving the amalgamation of organisations?

We haven't looked at the issue of amalgamation as it is not on our agenda.

Stuart Day
President
ASMOF Tasmania branch