

## **EXPLANATORY STATEMENT**

Issued by the authority of the Attorney-General

*Fair Work (Registered Organisations) Act 2009*

*Fair Work (Registered Organisations) (CFMEU Construction and General Division Administration) Determination 2024*

### **AUTHORITY**

Subsection 323B(1) of the *Fair Work (Registered Organisations) Act 2009* (the FWRO Act) provides that the Minister may, in writing, determine a scheme for the administration of the Construction, Forestry and Maritime Employees Union (CFMEU) Construction and General Division (the Division) and its branches, if the Minister is satisfied that, having regard to Parliament's intention in enacting the FWRO Act, it is in the public interest for the Division and its branches to be placed under administration.

The Attorney-General, having regard to the requirements under the FWRO Act, is satisfied that it is in the public interest for the Division and its branches to be placed under administration.

A scheme determined under subsection 323B(1) of the FWRO Act is a legislative instrument within the meaning of the *Legislation Act 2003* (the Legislation Act) (subsection 323B(2) of the FWRO Act).

The *Fair Work (Registered Organisations) (CFMEU Construction and General Division Administration) Determination 2024* (the Instrument) establishes the scheme as set out in Annexures A, B and C.

### **PURPOSE AND OPERATION**

The purpose of the Instrument is to establish a scheme for the administration of the Division and its branches. The scheme provides for the matters set out in subsection 323B(3), and other appropriate matters pursuant to subsection 323B(4A) of the FWRO Act.

### **CONSULTATION**

Before making the Instrument, the Attorney-General considered the general obligation to undertake appropriate consultation pursuant to section 17 of the Legislation Act. Given the urgent need to determine whether to place the Division and its branches into administration, being satisfied it is in the public interest to do so, it was not reasonably practicable to undertake consultation. This urgency is reflected in subsection 323B(4) of the FWRO Act, which provides that the Minister is not required to observe any requirements of the natural justice hearing rule in making a decision under section 323B.

### **NON-DISALLOWABLE INSTRUMENT**

In accordance with subsection 323B(2) of the FWRO Act, section 42 (disallowance) of the Legislation Act does not apply to the Instrument.

### **REGULATORY IMPACT**

The Office of Impact Analysis advised that an impact analysis was not required for the Instrument as it was unlikely to have more than a minor regulatory impact (OIA24-07802).

### **COMMENCEMENT**

The Instrument will commence immediately after the instrument is registered.