

2022-2023-2024

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Fair Work (Registered Organisations)  
Amendment (Withdrawal from  
Amalgamation) Bill 2024**

**No.     , 2024**

*(Employment and Workplace Relations)*

**A Bill for an Act to permit certain members of the  
CFMEU to withdraw from that organisation**



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1 **A Bill for an Act to permit certain members of the**  
2 **CFMEU to withdraw from that organisation**

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act is the *Fair Work (Registered Organisations) Amendment*  
6 *(Withdrawal from Amalgamation) Act 2024*.

7 **2 Commencement**

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

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

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

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

### 7 **3 Schedules**

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9 repealed as set out in the applicable items in the Schedule  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

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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

16 **1 Definitions**

17 In this Schedule:

18 ***CFMEU*** means:

- 19 (a) the registered organisation named, as at 2 December 2023, as  
20 the Construction, Forestry and Maritime Employees Union;  
21 or  
22 (b) if the organisation (the ***old organisation***) mentioned in  
23 paragraph (a) changes its name, or amalgamates with any  
24 other registered organisation of which the old organisation  
25 becomes a part under Part 2 of Chapter 3 of this Act—the old  
26 organisation under its new name or the other organisation (as  
27 the case requires).

28 ***Manufacturing Division*** means the Manufacturing Division as  
29 defined in the rules of the CFMEU at the commencement of this  
30 clause.

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

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

7 Note: Part 13 of Schedule 1 to the *Fair Work Legislation Amendment*  
8 *(Closing Loopholes No. 2) Act 2024* commenced on 27 February  
9 2024. The ***old Act*** means this Act as in force on 26 February 2024.

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

14 Note: Part 13 of Schedule 1 to the *Fair Work Legislation Amendment*  
15 *(Closing Loopholes No. 2) Act 2024* commenced on 27 February  
16 2024. The ***old Regulations*** means the *Fair Work (Registered*  
17 *Organisations) Regulations 2009* as in force on 26 February 2024.

## 18 2 Joint written notice

19 (1) This clause applies if the Manufacturing Division is proposing to  
20 withdraw from the CFMEU.

21 (2) The CFMEU and the committee of management of the  
22 Manufacturing Division may give the Minister a notice, made  
23 jointly in writing, containing the following:

24 (a) a statement of the name, and a copy of the rules, proposed for  
25 the organisation (the ***new organisation***) that the  
26 Manufacturing Division is to be registered as when the  
27 withdrawal from amalgamation takes effect;

28 (b) a statement of the name, and a copy of the alterations of the  
29 rules, proposed for the CFMEU when the withdrawal from  
30 amalgamation takes effect;

31 (c) if there is any overlap between the eligibility rules proposed  
32 for the new organisation and the eligibility rules for the  
33 CFMEU as proposed to be altered—details of the overlap,  
34 along with undertakings from the committee of management  
35 of the Manufacturing Division and the CFMEU about how  
36 the Manufacturing Division and the CFMEU will avoid



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- 1 demarcation disputes that might otherwise arise from the  
2 overlap.
- 3 (3) A joint written notice under subclause (2) must:
- 4 (a) state that the committee of management of the Manufacturing  
5 Division and the CFMEU have reached agreement on the  
6 following matters:
- 7 (i) the name of the CFMEU when the withdrawal from  
8 amalgamation takes effect;
- 9 (ii) the eligibility rules included in the copy of the rules  
10 proposed for the new organisation when the withdrawal  
11 from amalgamation takes effect;
- 12 (iii) the eligibility rules for the CFMEU as proposed to be  
13 altered when the withdrawal from amalgamation takes  
14 effect; and
- 15 (b) be signed by:
- 16 (i) a person authorised by the committee of management of  
17 the CFMEU to sign the notice; and
- 18 (ii) a person authorised by the committee of management of  
19 the Manufacturing Division to sign the notice.
- 20 (4) A reference to a committee of management in subclause (2) or (3)  
21 is taken to be a reference to the committee of management as  
22 constituted at the time the joint written notice is signed.

### 23 **3 Application to withdraw from the CFMEU**

- 24 (1) Notwithstanding any other provision of this Act, an application  
25 may be made to the FWC for a secret ballot to be held to decide  
26 whether the Manufacturing Division should withdraw from the  
27 CFMEU.
- 28 (2) Part 3 of Chapter 3 of the old Act, and the old Regulations, apply  
29 (subject to this Schedule) in relation to the application and  
30 anything done in relation to the application (whether before or after  
31 the commencement of this clause).
- 32 (3) An application under subclause (1) cannot be made after  
33 31 October 2024.

- 1 (4) If an application is made under subclause (1), the application is to  
2 be treated (subject to this Schedule) for all purposes as though the  
3 application were made pursuant to section 94 of the old Act.

4 **4 Operation of old Act and old Regulations if joint written notice is**  
5 **given by deadline**

- 6 (1) If a joint written notice is given to the Minister under  
7 subclause 2(2) on or before 30 August 2024, the Minister may, by  
8 legislative instrument, make a determination:  
9 (a) specifying that, if an application under subclause 3(1) is  
10 made, Part 3 of Chapter 3 of the old Act, and the old  
11 Regulations, apply, subject to the determination, in relation  
12 to the application and anything done in relation to the  
13 application (whether before or after the commencement of  
14 this clause); and  
15 (b) modifying the operation of provisions of the old Act, or  
16 provisions of the old Regulations:  
17 (i) to deal with matters relating to the application or  
18 anything that is connected with or arises from the  
19 application; or  
20 (ii) to facilitate or give effect to the withdrawal from  
21 amalgamation or anything that is connected with or  
22 arises from the withdrawal.
- 23 (2) Without limiting subclause (1), a determination may make  
24 provision in relation to the matters dealt with in clause 5.
- 25 (3) A determination under subclause (1) cannot be made after  
26 31 October 2024.

27 **5 Operation of old Act and Regulations if joint written notice not**  
28 **given by deadline**

- 29 (1) If a joint written notice is not given to the Minister under  
30 subclause 2(2) on or before 30 August 2024, the provisions of this  
31 clause have effect.
- 32 (2) The following provisions of the old Act do not apply in respect of  
33 an application made under subclause 3(1):  
34 (a) subsections 94(1) and (2);

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- 1 (b) section 94A;  
2 (c) subsections 95A(3) and (6).
- 3 (3) An application made under subclause 3(1) is not required to  
4 comply with the following provisions of the old Regulations:  
5 (a) paragraph 83(a);  
6 (b) paragraph 83(c);  
7 (c) paragraph 83(d);  
8 (d) paragraph 83(f);  
9 (e) particulars 2, 3 and 4 of Form 2 in Schedule 3.
- 10 (4) Paragraph 83(b) of the old Regulations has effect as if a reference  
11 to the eligibility rules of the amalgamated organisation  
12 immediately before the application for a ballot is made were a  
13 reference to the eligibility rules of the amalgamated organisation as  
14 at 2 December 2023.
- 15 (5) A reference in the old Act or the old Regulations to:  
16 (a) amalgamated organisation is taken to be a reference to the  
17 CFMEU; and  
18 (b) constituent part or separately identifiable constituent part is  
19 taken to be a reference to the Manufacturing Division.
- 20 Note 1: It follows that, for example, for the purposes of the following  
21 provisions of the old Act, the Manufacturing Division is taken to  
22 be the relevant separately identifiable constituent part:  
23 (a) the definitions of *constituent member* and *proposed withdrawal*  
24 *from amalgamation* in subsection 93(1);  
25 (b) paragraph 94(3)(c);  
26 (c) paragraph 109(2)(d);  
27 (d) paragraph 109(3)(d);  
28 (e) section 111.
- 29 Note 2: For the purposes of paragraph (e) of Note 1, section 111 does not  
30 apply to all persons eligible to be members of the Manufacturing  
31 Division (see subclause (9)).
- 32 (6) If an application is made under subclause 3(1) or subsection 109(1)  
33 of the old Act, a reference to a committee of management in the  
34 following provisions of the old Act is taken to be a reference to the  
35 committee of management as constituted at the time the application  
36 is made:  
37 (a) subsection 94(3);
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(b) subsection 109(3).

*Eligibility rules of new organisation and CFMEU*

(7) Section 95A of the old Act has effect as if subsections (4) and (5) of that section were omitted and the following subsections were substituted:

“(4) The eligibility rules of the new organisation must reflect the following rules of the CFMEU as at 2 December 2023:

(a) 2(C);

(b) 2(F), but must exclude:

(i) persons who are engaged in Queensland, the Australian Capital Territory or the Northern Territory; and

(ii) floor covering layers in Queensland or Western Australia; and

(iii) persons who are engaged in the plate, sheet or ornamental glass industry in New South Wales or Western Australia and persons engaged in or in connection with the following industries or trades in New South Wales or Western Australia: plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass workers (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters and plate-glass factories and luxfer glazing;

(c) 2(P)(D);

(d) 2(P)(G);

(e) 2(R).

(5) The eligibility rules of the CFMEU, as proposed to be altered, must not overlap with the eligibility rules of the new organisation when the withdrawal from amalgamation takes effect.”.

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- 1 (8) Subsection 95A(11) of the old Act has effect as if the words “or  
2 (3)” were omitted.
- 3 (9) Notwithstanding the definition of *Manufacturing Division* in  
4 clause 1, and paragraph (5)(b) of this clause, section 111 of the old  
5 Act (which deals with transfers of membership following  
6 withdrawal) does not apply in relation to persons not eligible to be  
7 members of the new organisation.
- 8 *Orders for ballots*
- 9 (10) Notwithstanding the old Act and the old Regulations, if the  
10 application seeks, pursuant to subsection 100(3) of the old Act, that  
11 the FWC make orders that the vote of the constituent members be  
12 done in whole or in part by attendance ballot, the FWC must make  
13 the orders.

14 **6 Alteration of eligibility rules of new organisation and CFMEU**  
15 **under this Act after withdrawal**

- 16 (1) This clause applies if the Manufacturing Division withdraws from  
17 the CFMEU.
- 18 (2) Notwithstanding any other provision of this Act, the FWC or the  
19 General Manager must not, after the withdrawal from  
20 amalgamation takes effect and before 1 January 2034, consent to  
21 an alteration of the eligibility rules of the CFMEU if the FWC or  
22 the General Manager (as the case requires) is satisfied that:
- 23 (a) the alteration to the eligibility rules would result in an  
24 overlap between the eligibility rules of the CFMEU and the  
25 new organisation; and
- 26 (b) the new organisation has raised an objection to the alteration  
27 with the FWC or the General Manager (as the case requires).