

STATEMENT OF EXPECTATIONS

General Manager of the Fair Work Commission

Registered Organisations

This Statement sets out the Australian Government's expectations of the General Manager of the Fair Work Commission (General Manager) for the regulation of federally registered unions and employer associations (registered organisations) under the *Fair Work (Registered Organisations) Act 2009* (the Act).

The Act seeks to ensure that registered organisations function democratically, efficiently and with high standards of accountability. Non-compliance with the Act undermines the value of the rights and privileges accorded to registered organisations and of the organisations themselves.

The General Manager's role

Generally, the General Manager is not subject to direction from the Commonwealth with respect to the performance of functions or exercise of powers under the Act (noting the ability of the Minister to direct the General Manager to provide specified reports relating to their functions under the Act).

Under the Registered Organisations Act, the functions of the General Manager are to:

- promote efficient management of organisations and high standards of accountability of organisations and their office holders to their members
- promote compliance with financial reporting and accountability requirements of the Act
 - these above functions include providing education, assistance and advice to organisations and their members
- monitor acts and practices to ensure they comply with the provisions of the Act providing for the democratic functioning and control of organisations, and
- do anything incidental to or conducive to the performance of these functions.

The government's policy priorities

The government is focussed on ensuring the effective management and accountability of registered organisations, and their democratic operation in the interest of members. The government expects the General Manager to identify and pursue opportunities to contribute to this objective. In doing so, the government also expects the General Manager to:

- support and enhance tripartism in Australian workplace relations, through genuine and regular engagement with stakeholders including peak bodies
- tailor their regulatory approach to the diverse needs of registered organisations
- take proactive steps to ensure registered organisations are compliant with relevant regulations and operate within the law
- utilise the investigation and enforcement powers of the Act to address non-compliance
- use intelligence and data to inform a risk-based approach to regulatory engagement, including prioritisation of industries or activities of concern
- draw on evidence and stakeholder experience to identify and address systemic non-compliance

- work cooperatively with stakeholders including registered organisations and registered auditors to encourage voluntary compliance, including providing clear and accessible guidance and practical tools to support compliance
- play an active role in ensuring any scheme of administration of a registered organisation or any of its parts is properly implemented and that effective functioning in the interests of members can be achieved as soon as possible
- monitor their operating environment to ensure regulatory approaches keep pace with changes in technology, industry practices and community expectations
- respond appropriately to the changing context and operating environment of registered organisations
- embed within the Fair Work Commission, act in accordance with, and strive for continuous improvement against, the principles of regulator best practice as set out in Resource Management Guide 128 *Regulator Performance*, and
- be transparent in their operations, policies and decision-making processes including by publishing formal regulatory decisions, performance results and updates on emerging issues.

The building and construction industry

The government is committed to addressing the culture of corruption and lawlessness in the building and construction industry. Any unlawful behaviour by unions and employers is unacceptable.

- The government has placed the Construction and General Division of the Construction, Forestry and Maritime Employees Union (the Division) into administration, and strongly supports the Administrator's work to return the Division to the membership as a democratic, member-controlled entity, free of corruption and criminal influence.
- To help achieve this necessary reform of the industry, the government expects the General Manager will identify and act on concerns of unlawful behaviour and support the Administrator's efforts to ensure the Division's effective functioning in the interests of members.

Relationship with stakeholders

Regarding relationships with stakeholders, the government expects the General Manager to:

- ensure that their actions are consistent with the policies of the government, in accordance with section 21 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act)
- consult with and provide appropriate guidance so that registered organisations have clarity about how the General Manager will exercise their powers
- coordinate regulatory activities with other regulators to avoid duplication, including through sharing information where possible, and
- work collaboratively with the Department of Employment and Workplace Relations on significant issues relating to strengthening compliance with the Act.

The government will provide an enabling environment for the General Manager to consistently implement best practice by ensuring they are well informed of the government's policy direction, as specific initiatives and strategies are being considered.

Organisational Matters

Regarding organisational matters, the government expects the General Manager and the staff that support them to:

- implement appropriate controls to manage the risk of unauthorised disclosure of protected or sensitive information
- uphold, promote and comply with the Australian Public Service Values and Code of Conduct
- comply with the requirements under the PGPA Act and associated instruments and policies, and
- hold themselves to account through internal accountability processes that foster a culture of continuous improvement and reflection.