

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, the 4th Day of October 1978

INDUSTRIAL LAW REFORM BILL

Proposed Amendments

Hon. Mr GORDON, in Committee, to move the following amendments:

Clause 5: To insert, after subclause (3), the following subclause:

(3A) The said section 125A is hereby further amended—

(a) By inserting in subsection (1) (a), after the words “his union” in both places where they appear, the words “or his branch of that union”:

(b) By inserting in subsection (2), after the words “by a union”, the words “or a branch of a union”:

(c) By inserting in subsection (2), after the words “of the union”, the words “or the branch”:

(d) By inserting in subsection (4) (d), after the word “union”, the words “, branch of a union”.

To insert in line 3 on page 5, after the words “workers belong”, the words “and each branch of that union to which those workers belong”.

To omit from lines 29 to 31 on page 5 the words “any union or association of which the worker or employer was a member when the alleged contravention occurred”, and substitute the following paragraphs:

(a) Any union or branch of a union of which the worker or employer was a member when the alleged contravention occurred; or

(b) Any association of which any such union was a member when the alleged contravention occurred.

To insert, after subclause (4), the following subclause:

(4A) The said section 125A is hereby further amended by adding the following subsection:

“(9) For the purposes of this section,—

“(a) ‘Branch’, in relation to any union, means any portion or division of the union’s membership in respect of which provision is made in the rules or by resolution of the union (or branch in the case of a sub-branch) for the local government of that portion or division of the membership by an executive or committee of management; and includes a sub-branch; and

“(b) A branch of a union may, as if it were a body corporate, be sued, and have judgment entered against it, in the name under which it carries on its activities; and

“(c) Sections 155 and 182 (5A) of this Act shall apply, with such modifications as are necessary, as if references to a union included references to a branch of a union.”

Clause 8: To omit from lines 5 and 6 on page 8 the words “relates to a ballot, be made within 1 month after”, and substitute the words “is made pursuant to subsection (1) (c) of this section, be made during the month beginning with”.

Clause 14: To omit from line 26 on page 15 the expression “123”, and substitute the expression “63”.

To omit from line 28 on page 15 the word “workers”, and substitute the word “employees”.

To omit from line 42 on page 15 the expression “124 (1)”, and substitute the expression “64 (1)”.

To omit all the words in lines 2 to 4 on page 16, and substitute the words “view to compelling any employees, or to aid another employing authority or employer in compelling any employees, to accept conditions of employment or comply with any demands made by the employing authority or the employer”.

To omit from line 6 on page 16 the words “or subsection (3)”.

To omit from line 9 on page 16 the words “or lockout”.

To insert in line 30 on page 17, after the word “occurred”, the words “and who belonged to the group or class of employees involved in the contravention”.

EXPLANATORY NOTE

Clause 5: The proposed amendments affect section 125A of the Industrial Relations Act 1973 (which relates to strikes and lockouts affecting export slaughterhouses). The amendments (apart from one amendment by way of clarification) are designed to enable actions for the recovery of penalties provided for in that section to be taken against branches of unions. For that purpose branches of a union are placed, as far as possible, in the same position as the union itself.

Clause 8: The proposed amendment has the effect of specifying with greater particularity the period during which an application under *subsection (1) (c)* of the new section 101F may be made.

Clause 14: The proposed amendments, with one exception, effect a number of minor corrections.

The exception is the last amendment to this clause. This amendment affects the provision that enables a penalty (which has not been paid by a service organisation) to be recovered (to the extent of a maximum of \$50 each) from the members of that service organisation. The amendment limits this right of recovery to a right to recover from the members of that organisation who are members of the group or class of employees involved in the contravention of the Act.