

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, the 16th Day of November 1976

INDUSTRIAL RELATIONS AMENDMENT BILL (NO. 3)

Proposed Amendments

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

Clause 10: To add the following subclauses:

(3) This section shall be deemed to have come into force on the 8th day of March 1974.

(4) Nothing in this section shall affect the rights of the parties under any judgment given in any Court before the passing of this Act, or under any judgment given on appeal from any such judgment, whether the appeal is commenced before or after the passing of this Act.

(5) All prosecutions in respect of offences committed before the passing of this Act and all actions for the recovery of penalties in respect of breaches of awards or collective agreements, being breaches that have occurred before the passing of this Act, shall be taken and dealt with as if this section had not been passed.

Clause 20: To omit the proposed new section 124B and the proposed new section 124D.

Clause 21: (a) To omit subsection (5) of the proposed new section 125 (all the words in lines 1 to 5 on page 24).

(b) To omit subsection (9) of the proposed new section 125A (all the words in lines 17 to 21 on page 27).

Proposed new clause 21A: To insert, after *clause 21*, the following new clause:

21A. Application of disputes procedures of Part X of principal Act where union deregistered—(1) Section 139 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

“(2) Where a dispute of the kind described in subsection (1) of this section relates to work that was formerly within the scope of a union that has been deregistered under section 130 of this Act, notice of that dispute may be given, under subsection (1) of this section, only with the consent of the Minister.”

(2) Section 142 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

“(2) Where any dispute that exists or is threatened relates to work that was formerly within the scope of a union that has been deregistered under section 130 of this Act, a conciliator may take action under subsection (1) of this section in respect of that dispute only with the consent of the Minister.”

Proposed new clause 21B: To insert, after *clause 21A* (as proposed to be inserted by this Supplementary Order Paper), the following new clause:

21B. Provisions as to voluntary agreements—(1) Section 141 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Notwithstanding anything in subsection (1) of this section or in section 138 of this Act, an agreement that relates to the terms of employment of any workers who are employed or engaged or are to be employed or engaged on work that was formerly within the scope of a union that has been deregistered under section 130 of this Act shall be filed under subsection (1) of this section only with the consent of the Minister.”

(2) Section 141 of the principal Act is hereby further amended—

(a) By omitting from subsection (3) the words “such agreement”, and substituting the words “agreement filed pursuant to subsection (1) of this section”:

(b) By omitting from subsection (5) the words “agreement under”, and substituting the words “agreement filed pursuant to subsection (1) of”.

Clause 35: To add the following subclauses:

(4) Subsections (1) and (2) of this section shall be deemed to have come into force on the 8th day of March 1974.

(5) Nothing in subsections (1) and (2) of this section shall affect the rights of the parties under any judgment given in any Court before the passing of this Act, or under any judgment given on appeal from any such judgment, whether the appeal is commenced before or after the passing of this Act.

(6) All prosecutions in respect of offences committed before the passing of this Act shall be taken and dealt with as if subsections (1) and (2) of this section had not been passed.

EXPLANATORY NOTE

The proposed amendment to *clause 10* makes that clause retrospective to 8 March 1974 (the date of commencement of the Industrial Relations Act 1973). Existing judgments are not affected. Also unaffected are prosecutions in respect of offences committed before the passing of this Bill and actions for the recovery of penalties in respect of breaches of awards, being breaches that have occurred before the passing of this Bill.

The proposed amendments to *clause 20* omit the new section 124B and the new section 124D. These are the sections that the Labour Committee recommended for inclusion in other legislation.

The proposed amendments to *clause 21* effect amendments that are consequential on the omission of the new section 124D.

The proposed new *clause 21A* provides that, where a dispute arises or is threatened in relation to any work that was within the scope of a union that has been deregistered under section 130 of the Industrial Relations Act 1973, the consent of the Minister of Labour will be required before the provisions of Part X of that Act which enable a conciliator to deal with disputes can be applied in respect of that dispute.

Subclause (1) of the proposed new *clause 21B* provides that, where a union has been deregistered under section 130 of the Industrial Relations Act 1973, a voluntary agreement relating to work within the scope of the deregistered union may be filed under section 141 of the principal Act only with the consent of the Minister of Labour. When a voluntary agreement is filed under the said section 141 that agreement has some of the effects of a collective agreement.

Subclause (2) of the proposed new *clause 21B* makes it clear that subsections (3) and (5) of the said section 141 apply only in respect of agreements that have been filed under subsection (1) of that section.

The proposed amendment to *clause 35* is related to and consequential upon the amendment made by this Supplementary Order Paper to *clause 10*.