

1993—No. 68

INDUSTRIAL RELATIONS ACT 1991—REGULATION

(Relating to continued organisations)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Industrial Relations Act 1991, has been pleased to make the Regulation set forth hereunder.

JOHN HANNAFORD,
Attorney General
and Minister for Industrial Relations.

The Industrial Relations Regulation 1992 is amended by inserting after clause 130 the following clause:

Savings and transitional provisions relating to suspension or cancellation of continued organisations

131. (1) For the purposes of the application of the suspension and cancellation provisions of the 1991 Act, an act or omission of a continued organisation occurring before the commencement of the 1991 Act on 31 March 1992 may be taken into account only if:

- (a) it is relevant to any of the grounds for suspension or cancellation in section 583 or 625 of the 1991 Act; and
- (b) it is also relevant to any of the former grounds for cancellation.

(2) The former grounds for cancellation are the grounds that were, at the time the act or omission concerned occurred, grounds for the cancellation of the organisation's registration under any former Act under which the organisation was registered at that time.

(3) For the purposes of the application of the suspension and cancellation provisions of the 1991 Act to an act or omission occurring before the commencement of the 1991 Act:

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- (a) a reference in section 583 or 625 of the 1991 Act to an order of the Industrial Court or an award or agreement made under that Act includes a reference to an order of the former Industrial Commission or an award or agreement made under a former Act; and
- (b) a reference in section 583 or 625 of the 1991 Act to an object of the 1991 Act includes a reference to any object of a former Act that is also an object of the 1991 Act.

(4) In this clause:

“continued organisation” means:

- (a) a continued incorporated industrial organisation; or
- (b) a continued non-industrial organisation; or
- (c) a continued unincorporated industrial organisation,

within the meaning of Part 4 of Chapter 5 of the 1991 Act (whether or not the registration of the organisation under Part 2 of that Chapter has been confirmed);

“former Act” means the Industrial Arbitration Act 1940 or the Trade Union Act 1881;

“the 1991 Act” means the Industrial Relations Act 1991;

“the suspension and cancellation provisions” means:

- (a) Division 11 of Part 3 of Chapter 5 of the 1991 Act; and
- (b) Subdivision 2 of Division 2 of Part 4 of that Chapter; and
- (c) Division 11 of Part 3 of that Chapter as applied by clause 108 (2) to and in respect of a continued unincorporated industrial organisation or a continued non-industrial organisation.

EXPLANATORY NOTE

The Industrial Relations Act 1991 (the 1991 Act) recognises, as continued industrial or non-industrial organisations, certain trade and industrial unions that were registered under the Trade Union Act 1881 or the Industrial Arbitration Act 1940 or both, and treats these organisations as being registered under the 1991 Act (The Trade Union Act 1881 and the Industrial Arbitration Act 1940 were repealed by the 1991 Act.) The 1991 Act also provides for the confirmation of the registration of such an organisation under that Act after its rules have been revised to accord with the 1991 Act.