



New South Wales

Industrial Relations Amendment (Amalgamations) Regulation 1996

under the

Industrial Relations Act 1991

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Industrial Relations Act 1991*.

J. W. Shaw

Minister for Industrial Relations

Explanatory note

The object of this Regulation is to extend the circumstances in which the results of ballots for the amalgamation of State branches of federally registered unions may be used for the purposes of the amalgamation of State organisations with similar coverage.

This Regulation is made under the *Industrial Relations Act 1991*, including section 749 (the general regulation making power) and section 568 (which authorises the variation of the requirements of the Act relating to proposed amalgamations of industrial organisations).

1996 No 263

Clause 1 Industrial Relations Amendment (Amalgamations) Regulation 1996

**Industrial Relations Amendment
(Amalgamations) Regulation 1996**

1 Name of Regulation

This Regulation is the *Industrial Relations Amendment (Amalgamations) Regulation 1996*.

2 Amendment of Industrial Relations Regulation 1992

The *Industrial Relations Regulation 1992* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment of Industrial Relations Regulation 1992

(Clause 2)

[1] Clause 103A Ballot of members not required for certain amalgamations

Insert “That sufficient ballot may comprise a number of ballots conducted in the course of one or more Federal amalgamations.” after “Federal amalgamation.” in clause 103A (I).

[2] Clause 103A (2)

Omit “The Industrial Registrar may issue such a certificate only if satisfied that”. Insert instead “The Industrial Registrar must, on application, issue such a certificate, but only if satisfied that”.

[3] Clause 103A (2) (a), (b) and (c)

Omit the paragraphs. Insert instead:

- (a) the State amalgamation will result in an industry coverage by an industrial organisation that is substantially similar or comparable to the industry coverage of the Federal organisations concerned in the Federal amalgamation OF amalgamations, and
- (b) the Federal organisations operate in New South Wales or any part of New South Wales, and
- (c) the Federal amalgamation or amalgamations has or have been approved by a ballot or ballots in accordance with the Commonwealth Act and none of those ballots is subject to any inquiry into alleged irregularities in relation to them, and

1996 No 263

Industrial Relations Amendment (Amalgamations) Regulation 1996

Schedule 1 Amendment of Industrial Relations Regulation 1992

[4] Clause 103A

Insert after clause 103A (2):

(2A) A certificate under this clause is not to be refused merely because of any of the following:

- (a) the persons who would otherwise be eligible to vote in a ballot for the purposes of the State amalgamation are not the same or substantially the same as the persons who were eligible to vote in the relevant ballot or ballots for the purposes of the Federal amalgamation or amalgamations,
- (b) the period that has elapsed between the date of the relevant ballot or ballots for the Federal amalgamation or amalgamations and the State amalgamation,
- (c) any of the relevant ballots for the Federal amalgamation or amalgamations was a national ballot or otherwise included persons not resident in New South Wales,
- (d) any of the relevant ballots for the Federal amalgamation or amalgamations occurred before the commencement of this clause or before the commencement of the Act.