

**INDUSTRIAL ARBITRATION (RETAIL TRADE)
AMENDMENT ACT 1988 No. 97**

NEW SOUTH WALES



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**INDUSTRIAL ARBITRATION (RETAIL TRADE) AMENDMENT ACT
1988 No. 97**

NEW SOUTH WALES



Act No. 97, 1988

An Act to amend the Industrial Arbitration Act 1940 so as to abolish the Retail Trade Industrial Tribunal; to amend the Factories, Shops and Industries Act 1962 consequentially; and for related purposes. [Assented to 19 December 1988]

Industrial Arbitration (Retail Trade) Amendment 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Industrial Arbitration (Retail Trade) Amendment Act 1988.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Industrial Arbitration Act 1940 No. 2

3. The Industrial Arbitration Act 1940 is amended as set out in Schedule 1.

Consequential amendment of Factories, Shops and Industries Act 1962 No. 43

4. The Factories, Shops and Industries Act 1962 is amended as set out in Schedule 2.

**SCHEDULE 1—AMENDMENT OF INDUSTRIAL ARBITRATION
ACT 1940**

(Sec. 3)

(1) Section 30 (**Jurisdiction**)—

After section 30 (2), insert:

(3) The jurisdiction and powers conferred on the commission by this Act shall be taken to include the jurisdiction and powers conferred on the commission by section 91D of the Factories, Shops and Industries Act 1962.

(2) Part 3, Division 7 (**Retail trade industry**) (ss. 38N–38V)—

Omit the Division.

(3) Schedule 5 (**Provisions Relating to the Tribunal**)—

Omit the Schedule.

(4) Schedule 6 (**Savings and Transitional Provisions**)—

After clause 1, insert:

Industrial Arbitration (Retail Trade) Amendment Act 1988

Transitional

2. The Retail Trade Industrial Tribunal is abolished and any matter (including an appeal under section 91D of the Factories, Shops and Industries Act 1962) pending before or partly heard by the Tribunal immediately before its abolition may be dealt with or may continue to be heard by the commission.

Industrial Arbitration (Retail Trade) Amendment 1988

**SCHEDULE 1—AMENDMENT OF INDUSTRIAL ARBITRATION
ACT 1940—*continued***

Saving of orders, awards, rulings or decisions under s. 38r

3. An order, award, ruling or decision made under section 38r at any time and in force immediately before the abolition of the Tribunal shall, for the purposes of this Act, be taken to be an order, award, ruling or decision made at that time by a member of the commission sitting alone.

Saving of awards etc. under s. 38v

4. A variation of or an amendment to the terms of an award or a new award made under section 38v and in force immediately before the abolition of the Tribunal shall have the same effect as it would have had if Division 7 of Part 3 had not been repealed.

**SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF FACTORIES,
SHOPS AND INDUSTRIES ACT 1962**

(Sec. 4)

(1) Part 4, Division 3A—

Omit the heading, insert instead:

Division 3A—Appeals relating to retail shops

(2) Section 91A (Definitions)—

Omit the definition of “Tribunal”

(3) Sections 91B (Functions of Tribunal), 91C (Special provisions relating to reports by Tribunal)—

Omit the sections.

(4) Section 91D (Appeals to Industrial Commission)—

(a) Omit “Tribunal” wherever occurring, insert instead “Commission”.

(b) Section 91D (1)—

Omit “in accordance with the regulations and”.

(c) Section 91D (2)—

Omit the subsection.

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SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF FACTORIES,
SHOPS AND INDUSTRIES ACT 1962—*continued*

(d) After section 91D (4), insert:

(5) In this section—

“Commission” means the Industrial Commission of New
South Wales.

[*Minister's second reading speech made in—
Legislative Assembly on 13 October 1988
Legislative Council on 7 December 1988*]
