

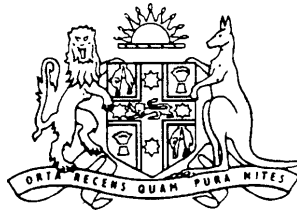


New South Wales

Industrial Relations Amendment (Unfair Contracts) Act 1998 No 106

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New South Wales

Industrial Relations Amendment (Unfair Contracts) Act 1998 No 106

Act No 106, 1998

An Act to amend the *Industrial Relations Act 1996* with respect to the jurisdiction of the Industrial Relations Commission relating to unfair contracts, [Assented to 5 November 1998]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Industrial Relations Amendment (Unfair Contracts) Act 1998*.

2 Commencement

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

3 Amendment of Industrial Relations Act 1996 No 17

The *Industrial Relations Act 1996* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 109A

Insert after section 109:

109A Exclusion of certain contracts in connection with unfair dismissals

- (1) This Division does not apply to a contract of employment that is alleged to be an unfair contract for any reason for which:
 - (a) an application has been or could have been made by the employee under Part 6 (Unfair dismissals), or
 - (b) such an application could have been made but for the provisions of section 83 that exclude the employee from making an application under that Part.

- (2) In this section:

contract of employment means any contract or arrangement under which work is done by a person in the capacity of an employee, and includes a related condition or collateral arrangement with respect to such a contract.

dismissal has the same meaning that it has in Part 6.

[2] Schedule 4 Savings, transitional and other provisions

Insert at the end of clause 2 (1):

Industrial Relations Amendment (Unfair Contracts) Act 1998.

[3] Schedule 4

Insert after clause 19:

19A Transitional provision consequent on changes to unfair contracts jurisdiction

Section 109A (which was inserted by the *Industrial Relations Amendment (Unfair Contracts) Act 1998*) does not affect the jurisdiction of the Commission under Part 9 of Chapter 2 in connection with the dismissal of an employee before the commencement of that section.

[Minister's second reading speech made in—
Legislative Council on 8 April 1998
Legislative Assembly on 29 October 1998 a.m.]