



New South Wales

Industrial Relations Amendment (Non-operative Awards) Act 2011 No 68

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New South Wales

Industrial Relations Amendment (Non-operative Awards) Act 2011 No 68

Act No 68, 2011

An Act to amend the *Industrial Relations Act 1996* to enable the rescission of awards that have no current application to any employer or employee; and for other purposes. [Assented to 28 November 2011]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Industrial Relations Amendment (Non-operative Awards) Act 2011*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Industrial Relations Act 1996 No 17

[1] Section 17 Variation or rescission of award

Omit “(other than a non-operative award) under this section” from section 17 (1).

[2] Section 17 (1), note

Omit the note.

[3] Section 17 (3) and (4)

Omit “(other than a non-operative award)” wherever occurring.

[4] Section 19 Review of awards

Omit “determine whether or not an award has any current application to any employer or employee” from section 19 (2).

Insert instead “rescind obsolete awards”.

[5] Section 19 (6)

Omit the subsection. Insert instead:

- (6) The Commission is to make such changes to awards as it considers necessary as a result of a review.

[6] Section 20 Consolidation of awards and rescission of obsolete awards

Omit section 20 (2). Insert instead:

- (2) The Commission may rescind an obsolete award or an obsolete part of an award, whether or not in connection with the consolidation of awards.

[7] Section 20A Non-operative awards

Omit the section.

[8] Section 52 Variation of awards and other orders on adoption of National decisions or making of State decisions

Omit “(other than non-operative awards)” from section 52 (1).

[9] Section 52 (2)

Omit the subsection. Insert instead:

Note. The adoption of a National decision or the making of a State decision enables the variation of an award to give effect to the decision without the concurrence of the parties to the award (see section 17).

[10] Schedule 4 Savings, transitional and other provisions

Insert at the end of clause 2 (1):

Industrial Relations Amendment (Non-operative Awards) Act 2011

[11] Schedule 4, clause 54 (2)

Insert “but before the commencement of the *Industrial Relations Amendment (Non-operative Awards) Act 2011*” after “amending Act”.

[12] Schedule 4

Insert at the end of the Schedule with appropriate Part and clause numbers:

**Part Provisions consequent on enactment of
Industrial Relations Amendment
(Non-operative Awards) Act 2011**

Certain awards taken to have been rescinded

- (1) All awards that were declared to be non-operative awards under this Act before the commencement of the *Industrial Relations Amendment (Non-operative Awards) Act 2011* are taken to have been rescinded on the commencement of this clause by the Commission in accordance with section 20 (2).
- (2) Subclause (1) extends to awards referred to in clause 54 (3).

[13] Dictionary

Omit the definition of *non-operative award*.

[Second reading speech made in Legislative Council on 11 October 2011

Agreement in principle speech made in Legislative Assembly on 23 November 2011]

BY AUTHORITY