

INDUSTRIAL RELATIONS AMENDMENT (INDUSTRIAL ORGANISATIONS) BILL 2012

Amendments proposed by Legislative Council on 9 May 2012.

- No. 1 Page 3, Schedule 1 [3], line 7. Omit “section 290B or 290D”. Insert instead “Division 11 of Part 4 of Chapter 5”.
- No. 2 Pages 3–5, Schedule 1 [3], line 21 on page 3 to line 24 on page 5. Omit all words on those lines.
- No. 3 Page 6, Schedule 1 [3]. Insert after line 14:

(3) **Interim appointment of administrator**

If an application is made under this section, the Commission may, by order made no later than 3 months after the commencement of this section, appoint an administrator for the organisation the subject of the application if it is of the opinion that:

- (a) it is likely that the basis for a declaration under this section will be established by the application, and
 - (b) it is in the interests of members of the organisation or in the interests of justice that an administrator be appointed pending the determination of the application.
- (4) If the Commission fails to make an order under subsection (3) in relation to the appointment of an administrator for the organisation within 28 days of an application for a declaration under subsection (1), the Minister may exercise the functions of the Commission under this section with respect to the appointment of an administrator if the Minister is of the opinion that:
- (a) it is likely that the basis for a declaration will be established by the application for the declaration or if a declaration has been made by the Commission, and
 - (b) it is in the interests of the members of the organisation or in the interests of justice that an administrator be appointed pending the approval of a scheme under this section.

To avoid doubt, a decision of the Minister under this section may be subject to judicial review by the Supreme Court.

- (5) An administrator appointed under subsection (3) or (4) has, during the term of office of the administrator and to the exclusion of any other person, the function of the conduct and management of the affairs of the organisation or such of those functions as may be specified in the order.
- (6) An administrator appointed under subsection (3) or (4) holds office until the application under this section is determined or for such shorter term as the Commission may, by order, specify.

- (7) If an administrator is appointed under subsection (3) or (4), any office holders of the organisation are suspended from office for the term of the administration.

No. 4 Page 6, Schedule 1 [3]. Insert after line 29:

- (5) Despite any other provision of this section, in any order made under this section the Commission may direct that specified officers are to remain as officers of the organisation or a branch of the organisation for the purposes of giving effect to any scheme or other action taken under this section or of enabling the organisation to function effectively.

No. 5 Page 7, Schedule 1 [3], lines 14–21. Omit all words on those lines.

No. 6 Page 8, Schedule 1 [3], lines 30–35. Omit all words on those lines.

No. 7 Page 8, Schedule 1 [3], line 37. Omit “section 290B or 290D”. Insert instead “this Division”.

No. 8 Page 9, Schedule 1 [3], line 11. Omit “section 290B, 290D or 290G”. Insert instead “this Division”.
