

Passed by both Houses



New South Wales

# Industrial Relations Amendment (Non-operative Awards) Bill 2011

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*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Legislative Council*  
2011

*Clerk of the Parliaments*



New South Wales

## **Industrial Relations Amendment (Non-operative Awards) Bill 2011**

Act No     , 2011

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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.

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**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.

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## **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*.