

[Act 1996 No 109]



New South Wales

Industrial Relations Amendment Bill 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Industrial Relations Act 1996* so as:

- (a) to apply to contract agreements made with a group of carriers under that Act similar provisions that apply to enterprise agreements made with employees under that Act, and
 - (b) to validate amalgamations of industrial organisations under the *Industrial Relations Act 1991*, and to validate any such amalgamations under the *Industrial Relations Act 1996* unless proceedings are brought within 6 months after the amalgamation.
-

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Industrial Relations Act 1996* set out in Schedules 1 and 2.

Schedule 1 Amendments relating to contract agreements

Schedule 1 [1] requires a contract agreement to identify the parties to the agreement and the class of contracts to which it applies. A similar requirement applies to enterprise agreements.

Schedule 1 [2] makes provision, similar to that applying to enterprise agreements, relating to the approval by the Industrial Relations Commission of contract agreements. The Commission is required to reject a contract agreement that unfairly excludes some of the carriers who ought reasonably to be included because of the organisational and operational relationship between them and the carriers covered by the proposed contract agreement. In addition, the Commission is required to follow the principles for approval of enterprise agreements.

Schedule 1 [3] applies similar special requirements relating to contract agreements entered into with groups of carriers as apply to enterprise agreements entered into with employees, namely:

- (a) notification to the Industrial Registrar of a proposed contract agreement before or at the time that formal negotiations are undertaken with the carriers, and
- (b) advice to prescribed persons or bodies by the Industrial Registrar of the proposed contract agreement, and
- (c) approval of the proposed contract agreement by at least 65% of the carriers in a secret ballot, and
- (d) a comparison report prepared by the Industrial Registrar of the conditions of engagement of the carriers under relevant contract determinations of the Commission that are to be replaced by the proposed contract agreement.

Schedule 1 [4] makes provision, similar to that applying to enterprise agreements made with employees, that any termination of a contract agreement must be approved in a secret ballot by at least 65% of the carriers bound by the agreement.

Schedule 1 [5] enables the making of savings and transitional regulations as a consequence of the enactment of the proposed Act.

Schedule 2 **relating to amalgamations**

The Schedule inserts provisions relating to challenges to the amalgamation of industrial organisations of employees or employers. The Schedule validates any amalgamation under the *Industrial Relations Act 1996* or under the former *Industrial Relations Act 1991*. However, the Schedule preserves the right of a person to challenge, in the Industrial Relations Commission, an amalgamation under the *Industrial Relations Act 1996* within 6 months after the registration of the amalgamated organisation under that Act.