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

[2011-68]

New South Wales

Status Information

Currency of version

Repealed version for 28 November 2011 to 27 November 2011 (accessed 1 November 2024 at 13:23)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**
  The Act was repealed by sec 30C of the *Interpretation Act 1987* No 15 with effect from 29.11.2011.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the Interpretation Act 1987.

File last modified 29 November 2011

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

New South Wales

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

New South Wales

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.

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***.