

BUILDERS LABOURERS FEDERATION (SPECIAL PROVISIONS) BILL 1986

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Interpretation
 3. Confirmation of cancellation of registration of the State Union
 4. Eligibility of certain building industry employees for membership of certain organisations
 5. Regulations
-

BUILDERS LABOURERS FEDERATION (SPECIAL PROVISIONS) BILL 1986

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to make further provision concerning the registration under the Industrial Arbitration Act 1940 of the Building Construction Employees and Builders Labourers Federation of New South Wales as an industrial union; and to make provisions consequent on the deregistration of that organisation and consequent on the enactment of the Builders Labourers' Federation (Cancellation of Registration) Act 1986 of the Commonwealth.

Builders Labourers Federation (Special Provisions) 1986

WHEREAS—

- 5 (1) a certificate was given or purportedly given under the Industrial Arbitration (Special Provisions) Act 1984 to the effect that the Building Construction Employees and Builders Labourers Federation of New South Wales has engaged in activities which are contrary to the public interest;
- (2) a declaration was made or purported to have been made under that Act on 2 January 1985, in reliance or purported reliance on the giving or purported giving of that certificate;
- 10 (3) the declaration resulted, or if valid would have resulted, in the registration of the Building Construction Employees and Builders Labourers Federation of New South Wales under the Industrial Arbitration Act 1940 being cancelled by the operation of the Industrial Arbitration (Special Provisions) Act 1984;
- 15 (4) some doubts have arisen as to the validity of the certificate or declaration or both and it is desirable that those doubts be removed; and
- 20 (5) the Parliament of the Commonwealth has enacted the Builders Labourers' Federation (Cancellation of Registration) Act 1986 and the Builders Labourers' Federation (Cancellation of Registration—Consequential Provisions) Act 1986 and it is desirable that provisions complementary to certain of those contained in the last-mentioned Act should be enacted by the Parliament of the State:

25 **BE** it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

30 **1.** This Act may be cited as the "Builders Labourers Federation (Special Provisions) Act 1986".

Builders Labourers Federation (Special Provisions) 1986

Interpretation

2. In this Act—

“the Australian Union” means—

- 5 (a) subject to paragraph (b), the association that was registered under the Conciliation and Arbitration Act 1904 of the Commonwealth by the name of “The Australian Building Construction Employees’ and Builders Labourers’ Federation”; or
- 10 (b) if the name of that association has been or is changed— that association under the new name;

“the State Union” means—

- 15 (a) subject to paragraph (b), the organisation that was registered under the Industrial Arbitration Act 1940 by the name of the “Building Construction Employees and Builders Labourers Federation of New South Wales”; or
- (b) if the name of that organisation has been or is changed— that organisation under the new name.

Confirmation of cancellation of registration of the State Union

20 3. (1) The registration of the State Union under the Industrial Arbitration Act 1940 shall, for all purposes, be taken to have been cancelled on 2 January 1985 by the operation of, and pursuant to, the Industrial Arbitration (Special Provisions) Act 1984.

25 (2) In addition, the action of the Minister administering the Industrial Arbitration (Special Provisions) Act 1984 in giving or purportedly giving, before the commencement of this Act, a certificate referred to in that Act shall (to the extent, if any, that that action was invalid) be treated, for all purposes, as having been valid, and the certificate shall correspondingly be treated, for all purposes, as having been validly given from the time it was given or purportedly given.

30 (3) The provisions of subsections (1) and (2) have effect notwithstanding that any proceedings were instituted before the commencement of this Act in relation to any certificate given or purportedly given, or any declaration made or purportedly made, under the Industrial Arbitration (Special Provisions) Act 1984, and any associated matters, and have effect

35 notwithstanding any decision in any such proceedings.

Builders Labourers Federation (Special Provisions) 1986

(4) Except in so far as the parties to any such proceedings (being proceedings pending immediately before the commencement of this Act) otherwise agree, the costs of or incidental to the proceedings incurred by a party to the proceedings shall be borne by the party, and shall not be the
5 subject of any contrary order of any court.

Eligibility of certain building industry employees for membership of certain organisations

4. (1) A reference in this section to a relevant industry is a reference to an industry in or in connection with which—

- 10 (a) the State Union was, immediately before 2 January 1985, registered under the Industrial Arbitration Act 1940; or
- (b) the Australian Union was, immediately before the commencement of the Builders Labourers' Federation (Cancellation of Registration) Act 1986 of the Commonwealth, registered under the
15 Conciliation and Arbitration Act 1904 of the Commonwealth.

(2) Where the Secretary or another executive officer of an industrial union of employees that is registered under the Industrial Arbitration Act 1940 has consented in writing to persons who are, or are usually, employed in work of a specified kind or class, in New South Wales or in a specified part
20 or parts of New South Wales, in a relevant industry being made eligible for membership of that union—

- (a) the regulations under this Act may declare those persons to be eligible for membership of that union; and
- 25 (b) where the regulations so declare, those regulations have effect according to their tenor notwithstanding anything in the rules of that union as in force at the time when the regulations took effect.

(3) The making of regulations for the purposes of this section declaring persons referred to in the regulations to be eligible for membership of an industrial union of employees that is registered under the Industrial
30 Arbitration Act 1940 does not preclude the making of any alteration to the rules of that union and, if an alteration so made of which the Industrial Commission of New South Wales or the Industrial Registrar has approved under the Industrial Arbitration (General) Regulations, the first-mentioned regulations, to the extent of the inconsistency, cease to have effect.

Builders Labourers Federation (Special Provisions) 1986

(4) Regulations made for the purposes of this section continue in force notwithstanding that—

(a) the State Union; or

(b) another organisation—

5 (i) that is not registered under the Industrial Arbitration Act 1940;

 (ii) that was formed in or in connection with the industry in or in connection with which the State Union was registered under the Industrial Arbitration Act 1940 immediately
10 before 2 January 1985; and

 (iii) all or a majority of the members of which are persons who are or have been members of the State Union or the Australian Union,

becomes registered under the Industrial Arbitration Act 1940.

15 (5) Regulations made for the purposes of this section continue in force notwithstanding that—

(a) the Australian Union; or

(b) another association—

20 (i) that is not registered under the Conciliation and Arbitration Act 1904 of the Commonwealth;

 (ii) that was formed in or in connection with the industry or a part of the industry in or in connection with which the Australian Union was registered under the Conciliation and Arbitration Act 1904 of the Commonwealth
25 immediately before the commencement of the Builders Labourers' Federation (Cancellation of Registration) Act 1986 of the Commonwealth; and

 (iii) all or a majority of the members of which are persons who are or have been members of the Australian Union or the
30 State Union,

becomes registered under the Conciliation and Arbitration Act 1904 of the Commonwealth.

Builders Labourers Federation (Special Provisions) 1986

Regulations

5. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for
5 carrying out or giving effect to this Act.
