

FIRST PRINT

**INDUSTRIAL ARBITRATION (FURTHER AMENDMENT)
BILL 1986**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill:

Long Service Leave (Amendment) Bill 1986;

Long Service Leave (Metalliferous Mining Industry) Amendment Bill 1986.

The object of this Bill is to amend the Industrial Arbitration Act 1940—

- (a) to limit the duration and provide for the review of exemptions, in respect of awards, granted to employers under section 87 or 88c of that Act;
- (b) to provide that decisions of the Retail Trade Industrial Tribunal are not to be the subject of any appeal or review; and
- (c) to make express provision for the making of reports by the Tribunal on matters referred to it by the Minister.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the several provisions of the proposed Act. Of the amendments proposed to be made—

- (a) those relating to exemptions are to commence on a day to be appointed by the Governor-in-Council; and
- (b) those relating to the Retail Trade Industrial Tribunal are to commence on the date of assent to the proposed Act.

Clause 3 is a formal provision which gives effect to the Schedules of amendments.

Clause 4 provides that the amendments relating to the Retail Trade Industrial Tribunal do not apply to orders, awards, rulings or decisions made before the commencement of the amendments.

Schedule 1 (1) specifies the circumstances in which the Industrial Commission or a conciliation committee may grant an exemption under section 87 of the Principal Act (proposed section 87A).

Schedule 1 (1) also provides a framework for controlling exemptions granted under the Principal Act—

- (a) by limiting the duration of exemptions granted after the commencement of the proposed amendment to 3 years (or a shorter period specified by the Industrial Commission or conciliation committee);
- (b) by empowering the Industrial Commission or conciliation committee to extend the period of an exemption so granted by periods each not exceeding 3 years; and
- (c) by enabling the Industrial Commission to review any exemption in certain specified circumstances and to confirm, vary or revoke the exemption,

(proposed section 87B).

Schedule 1 (2) extends the power of the Industrial Registrar (subject to appeal) to declare certain documents obsolete, so as to include industrial agreements and exemptions under the Principal Act, and parts of all documents subject to that power.

Schedule 2 (1) (a) and (b) amend section 38r (1) of the Principal Act so that all the functions of the Industrial Commission, including its functions exercised in court session, in relation to the retail trade industry are exercisable only by the Retail Trade Industrial Tribunal.

Schedule 2 (1) (c) provides that no appeal lies from a decision of the Retail Trade Industrial Tribunal.

Schedule 2 (2) makes express provision for the making of reports by the Retail Trade Industrial Tribunal on matters referred to it by the Minister.
