Digest of Bill

Purpose

To replace the Conciliation and Arbitration Act 1904 as the principal legislation dealing with industrial relations.

Background

This Bill is the result of the Government’s consideration of the Report of the Committee of Review of Australian Industrial Relations Law and Systems (the Hancock Report). The appointment of the Committee was announced by the Minister on 14 July 1983 and the Report was presented on 30 April 1985. The Commonwealth’s primary power in this area is paragraph 51(xxxv) of the Constitution which gives the Commonwealth power to legislate for ‘Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State’. The last major examination of this power occurred in R. v Coldham; Ex parte Australian Social Welfare Union (1983) 47 ALR 225 (the Social Welfare Union case) where the High Court held that the term ‘industrial dispute’ did not have a technical or legal meaning but should be given it’s popular meaning. In addition to the conciliation and arbitration power, the Commonwealth can rely on other powers, such as the trade and corporation powers, to support legislation in this area.

The Hancock Report was generally in favour of the present system of conciliation and arbitration and rejected the idea of full deregulation of the labour market. The Report states that ‘argument to the effect that economic benefits would arise from “deregulation” of the labour market allow inadequately- if at all- for the existence of imperfections and concentrations of power within the labour market. There is little reason to believe that the theoretical advantages attributed to a deregulated labour market would be achieved merely by dismantling the conciliation and arbitration system’. As the Report was generally in favour of the present system, its recommendations are mainly concerned with improvements to the system and the question of ‘opting out’.

A number of the Report’s recommendations dealt with the jurisdiction of the Federal commission. As the Social Welfare Union case increased the range of matters that may be considered as industrial matters, the Report recommended that jurisdiction be widened to cover all matters capable of falling within this decision. It was recommended that this involve “an evaluation and possible deletion of the terms “industrial dispute”, “industrial matter” and “industry” in the Conciliation and
Arbitration Act so as to ensure that the statutory definitions do not have the effect of narrowing the jurisdiction that would otherwise be available within the current interpretations of section 51(xxxv). 2

In addition to this general recommendation, a number of specific recommendations were made on the area of jurisdiction. One recommendation was that the definition of employee be amended to cover 'quasi-employees', i.e. those who are hired on contract for the provision of labour only, or labour and equipment, where in all other aspects they are employees. A further recommendation was that the commission be given jurisdiction to reinstate employees or order that compensation be paid where an employee is unfairly dismissed. 4

Section 2 of the *Conciliation and Arbitration Act* 1904 lists the objectives of the Act. It was recommended that they be replaced to insert a consideration of the public interest and to pursue the objectives in a manner conductive to economic growth, high employment, high living standards and stable prices. In this regard the Report rejected the use of terms such as 'capacity to pay' and 'international competitiveness' in the objectives on the grounds that it would be inappropriate to link the operation of the system to various indicators. The Report stated that 'These (the indicators) reflect economic doctrines that enjoy varying degrees of support and whose prescription might cause inflexibility, contention and confusion'. 5

Another area considered in the Report is the base of trade unions. Unions in Australia are based on the craft union model where a union will cover employees in the same trade, such as plumbers or metal workers, rather than industry based unions where all employees associated with an industry would be in the same union. While favouring industry based unions on the grounds that they would be likely to reduce demarcation disputes and promote better relations between the employer and employees as both would have a mutual interest in the industry, the Report noted the practical problems that would be associated with the short-term implementation of industry based unions and did not recommend legislation in this area. 6 An associated problem noted is the growth in the number of unions, particularly smaller unions. To alleviate the problems associated with this, the Report recommended that, except in special circumstances, the minimum number of members in a registered organisation be 1000. It was also proposed that amalgamation be made easier in order to facilitate a reduction in the number of unions and a gradual move to industry-based unions. 7

The relationship between Federal and State industrial relations systems was also examined. The dual systems exist as the Commonwealth's power in this area is limited to the matters referred to in the Constitution and is not an exclusive power. The Report noted the advantages of the dual system such as the accessibility of the State systems and local knowledge but concludes that these were outweighed by the disadvantages such as inconsistency of results, varying standards and forum shopping. While again noting the practical difficulties of change in the short-term, the Report recommended that the parties work towards an integrated Federal-State system in the long run. 8

One of the more controversial areas dealt with in the Report concerns penalties and the use of civil courts in industrial disputes. The *Conciliation and Arbitration Act* 1904 contains penalty provisions which allow penalties for breaches of awards and other matters while the most controversial of the 'penalty' provisions are sections 45D and 45E of the *Trade Practices Act* 1974 which prohibit secondary boycotts.
Without reaching a final view as to the effectiveness of penalties, the Report reached the opinion that 'the correct view is that penalties can have no more than a limited role in the arbitration system; that they certainly cannot be its mainstay'.\textsuperscript{9} Relying on this view and that the sanctions provisions in the Act have not been an effective deterrent to the use of direct action, the Report concluded that strikes, lock outs and other forms of direct action should not attract monetary penalties.\textsuperscript{10} The Committee was divided on the question of the retention of sections 45D and 45E of the \textit{Trade Practices Act 1974}. One view was that the activities regulated by the sections are essentially industrial and so should be dealt with by the industrial tribunals. The conflicting view expressed was that the activities regulated which effect third parties that are not part of the industrial dispute and should have the normal forms of legal redress open to them.\textsuperscript{11} In relation to 'essential services' the Report recommended that each case be taken on its own circumstances and noted 'the Commonwealth has no power to legislate directly to deal with industrial relations issues and therefore no power to deal with essential services as such. The States have such power, but in areas where federal awards prevail the extent of power is limited and indeed uncertain'.\textsuperscript{12}

The Report also made a number of recommendations concerning the structure of the conciliation and arbitration bodies. One of the major concerns was as to which body should exercise the judicial functions connected with conciliation and arbitration which are currently exercised by the Industrial Division of the Federal Court. A need to bring the judicial and administrative arms of the industrial relations system closer together is the major reason for the need to remove the powers from the Federal Court. The first option examined was simply to give the judicial powers to the commission. However, such a move is likely to fail as the High Court decision in the Boilermakers case,\textsuperscript{13} which was decided in 1956 and ruled that the industrial relations judicial powers could not be vested in a body whose dominant purpose was the exercise of non-judicial powers (i.e. conciliation and arbitration), would have to be overruled or a successful referendum held before this could proceed. As either of these occurring was judged to be unlikely, the Report recommended that an Australian Labour Court be established and that all persons appointed to the new court have conciliation and arbitration experience and that the Chief Justice of that body be the President of the Commission.\textsuperscript{14} In an associated recommendation, the Report recommended that the present Conciliation and Arbitration Commission be abolished and replaced with the Australian Industrial Relations Commission which would maintain basically the same structure though new positions of Vice-President would be introduced.\textsuperscript{15} The Report also recommended that the present Act and regulations be repealed and replaced with a simplified statutory framework.\textsuperscript{16}

Another contentious matter examined by the Report was whether employees and employers could agree to 'opt out' of the conciliation and arbitration system. While maintaining that conciliation and arbitration by the commission should continue to be the centre of the industrial relations system, the report was in favour of agreeing parties being subject to alternative methods of conciliation and arbitration.\textsuperscript{17} It was considered that agreed systems would need a conciliation and arbitration element to fall within the power conferred by paragraph 51(\textit{xxxv}) of the Constitution. It was also argued that if agreements did not contain these elements and so fail within this power, the States may regulate the area and so defeat the desired aim. The use of other powers, such as the corporations power, was considered but rejected largely on the grounds that Commonwealth attempts to remove the States from regulating areas not covered by the commission would be divisive and not guaranteed of success.\textsuperscript{18}
Following consultations with unions and industry this Bill has been introduced to implement a number of recommendations and other matters. The Minister stated in the second reading speech 'this Bill reflects many of the Committee's recommendations, but it is by no means a faithful replica of the Report. Indeed, some key recommendations of the Report have been rejected, whilst others have been substantially varied'.

Main Provisions

The objects of the Bill are listed in clause 3 and include to promote industrial harmony; to provide a framework for the settlement of industrial disputes through conciliation and arbitration in a manner that will minimise the disruptive effects on the community; to facilitate the settlement of disputes in a fair manner with the minimum of legal form and technicality; to encourage democratic control of organisations and to ensure that regard is had to the interests, including the economic interests, of the Australian community.

Clause 4 contains the interpretation provisions, the more important being:

**boycott dispute** - a dispute involving a boycott (i.e. a breach of sections 45D or 45E of the *Trade Practices Act 1974*) by an organisation of employees or an officer, member or employee of such an organisation.

**demarcation dispute** - a dispute between two or more organisations, or within an organisation, relating to the rights, status or functions of members of the organisation or the organisation, or a dispute between organisations or employees and employers as to the functions of the employees.

**industrial action** - performance of work in a manner that is different to the way the work is customarily performed where the terms of work are prescribed pursuant to a Commonwealth law or a ban, limitation or restriction other than action agreed between the parties.

**Industrial dispute** - an industrial dispute that extends beyond the limits of any one State and pertains to the relationship between employers and employees or a situation which is likely to give rise to such a dispute.

Clause 5 provides that each reference to an industrial dispute will also be taken to be a reference to an industrial issue which is defined to include matters pertaining to the relationship between waterside employers and workers, maritime employers and workers, or employees of the Australian National Airlines Commission or Qantas Airways Limited and those bodies, that relate to trade or commerce between Australia and overseas, the States, Territories, a State and Territory or within a Territory.

The Australian Industrial Relations Commission (the Commission), which will consist of a President and such numbers of Deputy Presidents and Commissioners as hold office from time to time, will be established by clause 7.

Clause 9 deals with the qualifications for appointment which are a minimum of five years enrolment as a legal practitioner, or service as a Judge, or high level experience in an association representing employees or government or qualifications, obtained at least five years previously, in a field the Governor-General considers substantially relevant.
Members of the Commission may also be members of State industrial bodies (clause 11).

Members of the Commission may be appointed for a fixed term. Otherwise they will hold office until resignation, removal from office or attaining the age of 65 (clause 14).

Presidential Members (i.e. the President and Deputy Presidents) may be removed from office by the Governor-General upon receipt from both Houses of Parliament in the same session of an address praying for the removal on the grounds of misbehaviour or incapacity (clause 24). Similar provisions will apply to Commissioners (clause 28).

The Commission may be constituted by one or more members or a full bench which is to consist of at least three members, two of which are Presidential Members and nominated by the President as a full bench (clause 30).

Where opinion is divided, the opinion of the majority will prevail. If there is no majority, the opinion of the President will prevail, or if the President is not a member the most senior Deputy President, or if no Deputy Presidents are members the most senior Commissioners opinion will prevail (clause 32).

The President will direct the business of the Commission (clause 34), though the President is to assign, as far as is practicable, each industry to a panel consisting of a Presidential Member and at least one other Commissioner (clause 35).

Clause 40 deals with representation. A person may appear in person or, by leave which is to be granted where the Commission is satisfied that the person cannot adequately be represented otherwise or due to special circumstances, by counsel, a solicitor or agent. Organisations may be represented by members, officers or employees of the organisation or an affiliated peak council, and employing authorities may be represented by prescribed persons. The Minister may be represented by counsel, a solicitor or other authorised person (clause 40).

The Minister may intervene in a matter on behalf of the Commonwealth by giving notice to the Industrial Registrar. Others will need leave to intervene (clause 41).

Division 4 of Part II deals with appeals to the full bench which are to occur with the leave of the full bench (clause 42).

Part III deals with the Australian Labour Court (the Court). The Court will be established as a Federal Court by clause 47 and will consist of a Chief Judge and such other judges as are appointed.
Persons may only be appointed to the Court if they have been a Judge, or enrolled as a legal practitioner for at least five years, and have suitable experience and skills in the area of industrial relations (clause 49). A Presidential Member of the Commission may be appointed as a Judge if they satisfy clause 49.

The Court is to consist of a single judge or a full bench which is normally to consist of three or more judges (clause 56).

Where the full court is equally divided on a matter and the appeal was from a decision of a single judge that decision will be affirmed. In appeals from other sources the opinion of the Chief Judge or the most senior judge will prevail (clause 57).

The Court will have jurisdiction over applications for penalties for the non-observance of awards and matters arising from a boycott proceeding or matters under Part VI of the Trade Practices Act 1974 that relate to boycotts and trade unions so long as the Court has issued a certificate under clause 194 or 197 (clause 62).

The Court will have exclusive jurisdiction over matters relating to the Trade Practices Act 1974 that are within its jurisdiction (clause 64).

The High Court may, after granting leave, hear appeals from the full court except on excluded judgments, the most important of which are judgments relating to the interpretation of awards, unfair dismissals and most questions concerning registration (clause 76).

Parties appearing before the Court may do so in person or be represented by counsel or a solicitor (clause 77).

Clause 78 will allow the Minister to intervene in matters before the Court while others will require the Court's leave.

The Judges of the Court will be able to make Rules of the Court that are not inconsistent with this Bill or regulations made under it. Until that time the relevant Federal Court rules will apply (clause 93).

The Australian Industrial Registry (the Registry) will be created by clause 94. The functions of the Registry will be to keep a register of organisations and to act as registry for the Commission and Court (clause 95).

There is to be a Principal Registry and such other registries as the Governor-General determines with at least one in each State and the Northern Territory and the A.C.T. (clause 96).

The Governor-General is to appoint an Industrial Registrar (clause 99) who is to hold office for a maximum of seven years (clause 100). In addition, Deputy Industrial Registrars may be appointed from time to time as is necessary (clause 107).
Registrars may refer matters, other than questions of law, to the Commission (clause 111). Questions of law may be referred to the Court (clause 113).

The Minister may appoint inspectors and give them directions (clause 115). The inspectors will have power to, without force, enter premises where work to which an award applies is performed or has been performed, and inspect work, take samples, interview employees or inspect and take extracts from documents for the purpose of ascertaining if awards and regulations are being complied with (clause 117).

Part VI of the Bill deals with dispute prevention and settlement. The Commission's general function will be to prevent and settle industrial disputes through conciliation and arbitration (clause 120) and in performing its functions is to have regard to the state of the economy and the likely effects on employment and inflation of any decision (clause 121). In addition, the Commission is to aim at standardising hours of work, holidays and working conditions throughout an industry (clause 125).

Employers and organisations are to notify the Commission of a dispute as soon as they become aware of the dispute (clause 129) and where possible the Commission is to deal with the dispute through conciliation (clause 130). To this end the Commission may arrange conferences between the parties, with or without a member present (clause 132). Conciliation will be taken to have been completed when an agreement is reached or the member is satisfied that there is no likelihood of agreement being reached within a reasonable period and, generally, where the parties inform the Member that there is no likelihood of agreement (clause 133).

Where conciliation has been completed and the dispute not fully settled, the Commission is to deal with the dispute through arbitration (clause 134).

Division 3 deals with particular powers of the Commission. The Commission may refuse to hear matters if it appears that: the dispute is trivial; is being dealt with, or it would be proper to be dealt with, by a State industrial authority; it is not necessary or desirable in the public interest to proceed with the dispute; a party is engaging in conduct that is hindering the settlement of a dispute; or a party has breached an award or direction (clause 142). Where the parties have reached agreement and applied for a consent award, the Commission is not to refuse to make the award unless it is of the opinion that the terms are not in settlement of the dispute, the Commission does not have power to make such an award or it would not be in the public interest (clause 143). Similarly, agreements between the parties are to be certified unless the Commission is satisfied of the same matters and if the agreement regulates the relationship between employers and employees, that it contains provisions for the prevention and settlement of future disputes by discussion and agreement. Agreements are to specify the period in which they will be in force (clause 145). Certified agreements are not to be varied by the parties and the Commission is not to exercise its arbitration powers in connection with matters in the agreement and agreements are to overrule awards (clause 146). The Minister may apply to the Commission for a review of a certified agreement and if the Commission finds that the agreement is not in the public interest it may vary or set aside the agreement (clause 147).

For the purposes of preventing or settling an industrial dispute the Commission may make an order that an organisation has exclusive coverage of a group of employees or that an organisation does not have coverage. This power may only be exercised by a Presidential Member or a full bench (clause 148).
Clause 149 will provide for the calling of compulsory conferences.

The Commission will be able to give preference to members of organisations and is to give such preference if of the opinion that it is necessary to do so for the prevention or settlement of a dispute, to ensure that effect will be given to the purpose and objectives of an award, to maintain industrial peace or for the welfare of society (clause 152).

Clause 153 will allow the Commission, by award, to set a rate of pay below the minimum specified in an award for people that it has certified are not capable of earning a wage at the minimum rate.

The Commission will not be able to deal with claims for payment for a period during which the employees engaged in industrial action unless the action was justified on health or safety grounds (clause 155).

Clause 156 will allow stand down clauses to be inserted into awards.

Division 4 deals with directions. Where industrial action is occurring or probable, the Commission will be able to give directions that are necessary or desirable to stop or prevent industrial action (clause 164). Clause 165 contains provisions for directions in relation to public sector employees. A breach of a direction may result in penalties calculated in accordance with clause 215 being imposed.

Division 5 deals with secret ballots. Where the Commission thinks that the prevention or settlement of a dispute might be helped by conducting a ballot of members of an organisation, a secret ballot of members may be conducted (clause 168). Similarly, where members of an organisation who are employed by the same employer at the same location are directed by their organisation to take industrial action, they may request that a secret ballot of those members be held (clause 169). The Commission is to have regard to the results of secret ballots when determining a matter (clause 172) and where the majority of an organisation or branch voted against the action those members will not be required to engage in the action regardless of the organisation's rules (clause 173).

Clause 174 will enable the Commission to make common rules for an industry in a Territory where that would be necessary or expedient for preventing or settling an industrial dispute.

Awards are to specify the period during which they will apply which is to be determined by reference to the wishes of the parties and the desirability of industrial stability (clause 178). Awards will bind all parties to the dispute (clause 181).

Where the Commission has determined that a person has been unfairly dismissed it may order that the person be reinstated in an equal position and be paid for the wages lost or determine the amount of compensation payable (clause 191).

Division 9 deals with boycott disputes. The Commission is to be notified of such disputes (clause 193) and certify if the boycott dispute involves industrial matters (clause 194). If satisfied that the dispute is not likely to be settled promptly by conciliation, the Commission is to issue a certificate to that effect (clause 197).

Part VII deals with co-operation with the States and provides for the reference of
disputes to State bodies where the President considers that appropriate (clause 205) and joint proceedings with State bodies (clause 206).

Part VIII deals with compliance. Courts may impose penalties for breaches of awards. Two or more breaches committed by the same organisation as part of a course of action will generally be treated as one breach and the maximum penalty for a breach will be, for people, a $1000 fine and $5000 for corporations (clause 209). Such judgments will be enforceable as a court judgment (clause 211). Awards may be suspended or cancelled by a full bench where satisfied that an organisation or a substantial number of its members refuse to accept the award or that for any other reason the award should be suspended or cancelled. The suspension or cancellation may be subject to conditions (clause 214). In relation to directions, the Court may grant injunctions to prevent or stop the action which breaches the direction and breaches of an injunction will attract maximum penalties of a $1000 fine for people and $5000 for corporations (clause 215). Clause 216 will prevent certain tort actions, such as inducing someone to breach a contract, against organisations and their representatives.

Actions in tort against a trade union, its officials or members in relation to matters that constitute a breach of sections 45D or 45E of the Trade Practices Act 1974 will be excluded by clause 217.

Part IX deals with Registered Organisations. Associations of employers and employees will be capable of registration (clause 218), though employee associations must, except in special circumstances, have a membership of at least 1000 for registration (clause 219). A designated Presidential Member will be empowered to consider if special circumstances exist to warrant the continued registration of organisations with fewer than 1000 members (clause 223).

Clause 225 lists the matters that must be included in the rules of an organisation, including its purpose, eligibility for membership, the duties of officers and how they may be removed. The rules are to provide for the election of officers by either direct voting or a collegiate system (clause 227) and direct voting is to be by secret ballot (clause 228). The rules are also to provide for the approval of loans, grants and donations by the organisation (clause 231). Changes of rules relating to eligibility for membership are not to be approved if there is another organisation that can cover that work to which the workers can conveniently belong or if the change would result in an industry based organisation ceasing to be industry based, except in special circumstances (clause 234).

Elections for an office of an organisation are to be conducted by the Australian Electoral Commission (clause 240) unless a Registrar has exempted the body from this requirement. Exemptions are only to be granted where the Registrar is satisfied that the election will be conducted in accordance with the organisation's rules and that members will be entitled to vote without intimidation (clause 243). A member of an organisation, or a person who has been a member within the previous 12 months, may apply to the Court for an investigation of any alleged irregularities in an election (clause 248) and the Court may authorise the Industrial Registrar to conduct an inquiry into the matter (clause 250). Where the Court has found irregularities and is satisfied that the irregularities have affected the result, it may order that the election is void, declare another person to be elected or that the Industrial Registrar is to arrange for new elections (clause 253). Persons convicted of a prescribed offence (i.e. generally one involving fraud or dishonesty and punishable by a minimum of three months imprisonment) will generally be unable to stand for election or be
appointed as an official for five years (clause 258).

Division 7 deals with amalgamation. Organisations proposing to amalgamate are to lodge a scheme for the amalgamation which is to include the rules of the organisations and any proposed alteration of the rules (clause 256). The organisations may also apply for a declaration that there is a community of interests in the bodies proposing amalgamation. This is to be issued where the Presidential Member is satisfied that the amalgamation would further the objects of this Bill and that there is a community of interests (i.e. where some members of the organisations would be eligible to join the other organisations and that a substantial number of members of each organisation engage in the same work, are bound by the same award or are engaged in the same industry) (clause 266). If a proposed amalgamation is approved it is to be submitted to the members in a secret ballot conducted by the Australian Electoral Commission (clause 270). Where there is a declaration under clause 266 in force, the ballot will be taken to have approved the amalgamation if more than half the formal votes favour amalgamation. In other cases there will be an additional requirement that at least 25% of those eligible have actually voted (clause 273). If no irregularities are alleged and no outstanding penalties remain unpaid, a date for amalgamation is to be fixed by the Presidential Member (clause 276). The Commonwealth is to bear the expenses of an amalgamation ballot (clause 280).

Employees eligible to become members of an organisation, and who have paid their fees, are to be admitted to the organisation unless of general bad character. Similar rules will apply for employer organisations (clause 288). If an employee or employer satisfies a Registrar that their conscientious beliefs do not allow them to join an organisation and has paid the prescribed fee (i.e. an amount equal to the annual subscription fee that would be payable if the person joined the relevant organisation), the Registrar is to issue a certificate to that effect. Such certificates are to last for a maximum of 12 months, though they may be renewed (clause 293).

Division 10 deals with the keeping of records while Division 11 deals with accounts and audits.

Part X deals with the cancellation of registration. An organisation, an interested person or the Minister may apply for deregistration on the grounds that the conduct of the organisation or a substantial number of its members has prevented or hindered the achieving of the objects of this Bill; has interfered with trade or commerce; or engaged in industrial action that is or is likely to effect the safety, health or welfare of the community. Where the Court considers that these have been satisfied, it may deregister the organisation unless it considers that such action would be unfair or was caused by a particular class of the membership. In the latter case, the Court may alter the eligibility rules to exclude those persons from the organisation (clause 320). If it considers it more just to do so the Court may suspend the rights of the organisation, its power to give directions or restrict the use of funds and property (clause 321). The consequences of deregistration are listed in clause 324 and include that the members cease to receive the benefits of an award and the organisation ceases to be a corporation.

Part XI deals with offences. Amongst other matters it will be an offence to fail to attend a compulsory conference (clause 326); intimidate another on the grounds of their having assisted the Commission (clause 327); fail to attend the Commission, answer questions or produce documents (clause 329); obstruct an inspector (clause 331) or an inspection (clause 332); obstruct or interfere with ballots (clause 339);
dismiss or prejudice a conscientious objector on the grounds that they have not joined an organisation (clause 334); fail to keep the proper records (clause 345); dismiss or prejudice an employee on the grounds that the person proposes to become an officer, delegate or member of an organisation (clause 358); or for an organisation to advise, encourage or incite a person to discriminate against an independent contractor (clause 360).

Clause 366 will authorise the Attorney-General to grant financial assistance to people in certain circumstances.

Courts will not be able to imprison a person for failure to pay a fine imposed under this Bill (clause 376).

Proceedings against unincorporated associations may be taken against the treasurer of the body (clause 379).

Clause 383 will authorise the Governor-General to make regulations under the Bill with maximum penalties for breaches of the regulations of fines of $1000 for natural persons and $2500 for corporations.

References

2. Ibid. p. 376.
3. Ibid. p. 378.
4. Ibid. p. 377.
5. Ibid. p. 529.
6. Ibid. p. 469.
8. Ibid. p. 319.
9. Ibid. p. 635.
10. Ibid. p. 637.
11. Ibid. p. 643.
12. Ibid. p. 645.
13. R v Kirby; Ex parte Boilermakers Society of Australia (1956) 94 CLR 254.
15. Ibid. p. 425.
16. Ibid. p. 693.
17. Ibid. p. 245.
18. Ibid. p. 244.

For further information, if required, contact the Economics and Commerce Group.

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