Industrial Relations (Consequential Provisions) Bill 1987

Date Introduced: 14 May 1987
House: House of Representatives
Presented by: Hon. Ralph Willis, M.P., Minister for Industrial Relations

Digest of Bill

Purpose
To deal with the transfer of organisations, awards and other matters from the Conciliation and Arbitration Commission (C&AC) to the proposed Australian Industrial Relations Commission (IRC) and to amend a number of Acts as a consequence of the introduction of the Industrial Relations Bill 1987 (IRB).

Background
Refer to the Digest for the Industrial Relations Bill 1987.

Main Provisions
Clause 3 will repeal the Conciliation and Arbitration Act 1904 (C&A Act).

Part II of the Bill (clauses 5 to 85) deals with saving and transitional provisions.

Organisations registered under the C&A Act will be taken to be registered under the IRB by virtue of clause 5. Similarly, organisations deregistered under the C&A Act will remain deregistered as if the C&A Act had not been repealed (clause 6).

Awards made under the C&A Act will continue in force under the IRB subject to that Bill, as will awards made under specialist Acts, such as the Postal Services Act 1975 (clause 7).

Division 2 deals with the jurisdiction of the Federal Court and the proposed Labour Court. By clause 8, matters pending in the Federal Court under the C&A Act, or the Trade Practices Act 1974 will be transferred to the Labour Court if the matter would be within the Labour Court’s jurisdiction. Matters part heard before the Federal Court will remain before that Court (clause 9).

Proceedings before the C&AC will be transferred to the IRC (clause 11), as will unheard matters before the Federal Police Arbitral Tribunal (clause 12). Similarly, disputes notified under the C&A Act will be taken to have been notified under the IRB (clause 14).

An appeal will be determined according to the law applying before the commencement of this Bill where:

- the appeal has been instituted before the commencement of this Bill; or
the appeal has been instituted after the commencement of this Bill and:

(i) the appeal relates to a judgement given; or
(ii) proceedings commenced before the commencement of this Bill (clause 21)

Secret ballots ordered and started under the C&A Act but not completed before the commencement of this Bill are to be completed as if that Act had not been repealed (clause 39).

Common rules in force under the C&A Act are to remain in force under the IRB (clause 40). Similarly, employers bound by awards under the C&A Act will be bound by that award under the IRB (clause 41).

Applications for registration pending under the C&A Act are to be treated as applications under the IRB (clause 44). Similarly, applications for alteration of eligibility rules pending under the C&A Act are to be treated as applications under the IRB (clause 47).

Elections commenced within the relevant period (generally 12 months) after the commencement of the IRB will be heard under the provisions of the C&A Act (clause 54).

Clause 58 deals with amalgamations proposed before the commencement of the IRB. Where none of the ballots has yet started, the matter will be dealt with under the IRB. In other cases, the provisions of the C&A Act will apply.

Certificates of conscientious objection issued before the commencement of this Bill will continue in force for the period specified as if the C&A Act had not been repealed (clause 62).

Penalties imposed by a Court under the C&A Act will be enforceable as if that Act had not been repealed (clause 68).

Bans clauses inserted under the C&A Act will continue in force by virtue of clause 74 which will also allow the IRC and the Labour Court to take the place of the CAC and the Federal Court in this regard.

Agreements under Part X of the C&A Act, which allows agreements for the prevention and settlement of industrial disputes by conciliation and arbitration, will remain in force (clause 77).

Clause 86 will amend the Acts as set out in the Schedule to the Bill. The majority of amendments relate to changing references from the C&A Act to the IRB.

Clause 96 will allow the Labour Court to make orders to resolve difficulties relating to the application of this Bill or a provision of the IRB affected by this Bill.

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

16 July 1987

Bills Digest Service
Legislative Research Service
This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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