CONCILIATION AND ARBITRATION AMENDMENT BILL
(NO. 2) 1980

Date Introduced: 2 April 1980
House: House of Representatives
Presented by: Hon. A.A. Street, Minister for Industrial Relations

Short Digest of Bill

Purpose

To provide, in accordance with an agreement reached with the New South Wales Government, for joint sittings of the Australian Conciliation and Arbitration Commission and the Industrial Commission of New South Wales to deal with certain oil industry matters.

Background

The Full Bench of the Conciliation and Arbitration Commission decided in 1976 that employment in the oil industry should be covered by federal awards because of the national nature of the industry.

The operators at Australian Lubricating Oil Refinery Ltd. (ALOR), Australian Oil Refining Pty. Ltd. (AOR), and Total Refineries Australia Ltd. (TRAL) refused to accept federal coverage because they received better wages and conditions under the State award. Industrial disputation over a period of three years culminated in a strike and petrol rationing in June 1979, following which the Federal Arbitration Commission suspended the operation of its awards for three months to allow a solution to be worked out. This was later extended to 31 March 1980.

A joint Commonwealth/State working party was established to investigate proposals for the settlement of the jurisdictional problems in the oil industry of N.S.W. During the period of suspension of Federal award coverage, industrial relations at the refinery were regulated by State Government directives and then by emergency legislation passed in the N.S.W. Parliament in November 1979 which enabled the appointment of a judge from the N.S.W. Industrial Commission to deal with disputes in the N.S.W. oil industry.

In a joint State/Commonwealth statement issued on 20 December 1979, it was announced that an agreement had
been reached to provide for joint sittings of the Australian Conciliation and Arbitration Commission and the Industrial Commission of N.S.W. to deal with certain industrial matters in the N.S.W. oil industry. It was agreed that this approach would apply only to the operators at the AOR, ALOR and TRAL refineries in N.S.W.; that common negotiations—the established process for handling federal claims by the federal parties within the federal jurisdiction—would proceed as they have always done; that a mechanism would be provided including the right of intervention within the N.S.W. jurisdiction for determining which matters should be the subject of a joint sitting; that appeals from decisions of joint sittings would lie in the N.S.W. jurisdiction. This solution requires legislation to be passed by both the State and the Commonwealth Parliaments. An amendment to the N.S.W. Industrial Arbitration Act 1940 to incorporate this agreement has been passed and is expected to receive the Royal Assent in the near future. This Bill seeks to fulfil the Commonwealth’s part of the agreement.

Main Provisions

Clause 3 inserts s.4A after s.4 of the Principal Act. Proposed sub-section 4A(1) defines an "oil industry industrial matter", "prescribed employee", "prescribed employer" and "prescribed New South Wales Act". Proposed sub-section 4A(2) limits the application of the Conciliation and Arbitration Act 1904 over oil industry matters to this section; proposed sub-section 4A(3) allows for the concurrent operation of the N.S.W. Industrial Arbitration Act insofar as that Act makes provisions with respect to oil industry industrial matters; proposed sub-section 4A(4) allows for the appointment of a Presidential Member who shall exercise powers that are conferred by the prescribed N.S.W. Act for the purposes of this section (proposed sub-section 4A(5)).

Finance, Industries, Trade & Development Group

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LEGISLATIVE RESEARCH SERVICE