PARLIAMENT OF AUSTRALIA
DEPARTMENT OF THE PARLIAMENTARY LIBRARY

CONCILIATION AND ARBITRATION (BOYCOTTS) AMENDMENT BILL 1980

Date Introduced: 13 May 1980
House: House of Representatives
Presented by: Hon. A.A. Street, Minister for Industrial Relations

Short Digest of Bill

Purpose

To enable the Conciliation and Arbitration Commission to be involved in disputes arising from contraventions or alleged contraventions of s.45D and the proposed s.45E of the Trade Practices Act where there are industrial relations implications.

Background

This Bill and the associated Trade Practices (Boycotts) Amendment Bill 1980 have arisen out of what is now known as the 'Laidley case'. In this case the Transport Workers Union refused to supply Leon Laidley Pty. Ltd. with petroleum because of fear of decreased employment opportunities for their members. This case was the subject of a series of conferences before the Conciliation and Arbitration Commission after Leon Laidley had obtained an interim injunction from the Federal Court against the Transport Workers Union. In the early proceedings before the Conciliation and Arbitration Commission an agreement was reached with the supplying company, to deny supply of petroleum to Leon Laidley Pty. Ltd. who was not represented at those proceedings. A subsequent hearing in the Commission which allowed representatives from Mr. Laidley and the Australian Petroleum Agents and Distributors Association resolved the issue.

See the Bills Digest for the Trade Practices (Boycotts) Amendment Bill 1980.

Provisions

Clause 2 sets the date of commencement to be the same as for the Trade Practices (Boycotts) Amendment Act 1980.

Clause 3 inserts Division 5A after s.88D in the Principal Act. Proposed s.88DA sets out the application of
the Division. It is to apply to a dispute which relates to a contravention of s.45D or s.45E of the Trade Practices Act. The dispute must also relate to work done under an award or in which an organisation of employees registered under the Conciliation and Arbitration Act, or a member or officer of such an organisation is involved. This is to enable the Commission to have jurisdiction without the need for an interstate industrial dispute. The jurisdiction is to be based on the Trade Practices Act which is based on the Commonwealth's corporations power.

Proposed s.88DB provides that where an injunction has been sought before the Federal Court to restrain conduct that may be in contravention of ss.45D or 45E of the Trade Practices Act then the President or Registrar of the Conciliation and Arbitration Commission may be notified accordingly. This may be done by the person applying for the injunction, the person against whom it is sought or the Minister.

Proposed s.88DC sets out the power of the Commission to settle a s.45D or s.45E dispute by conciliation either when notified or when the President otherwise becomes aware of the dispute. If however either the Minister or the Trade Practices Commission is a party to such a proceeding before the Federal Court, consent has to be given by either the Minister or the TPC to the Conciliation and Arbitration Commission to proceed.

Proposed s.88DD provides that a dispute under this Division is to be dealt with by the President or another Presidential Member and proposed s.88DE sets out the parties to a dispute who are entitled to participate in any proceedings before the Commission under this Division. This includes the Minister and any other persons the Commission specifies.

Proposed s.88DF allows the Commission to exercise the powers and functions it has under Division 1 of the Act in relation to disputes involving ss.45D and 45E except the powers relating to arbitration, the making of awards or the certifying of agreements.