

INDUSTRIAL RELATIONS AMENDMENT (INDUSTRIAL REPRESENTATION) BILL 2012

Schedule of amendments of 12 September 2012

Nos. 1-2 Page 3, Schedule 1 [1], lines 3–6. Omit all words on those lines. Insert instead:

[1] Section 218 Criteria for registration

Insert “(other than an organisation referred to in paragraph (n) during the period referred to in that paragraph)” after “organisation of employees” where firstly occurring in section 218 (1) (m).

Page 3, Schedule 1 [1]. Insert after line 6:

[2] Section 218 (1) (n) and (o)

Insert after section 218 (1) (m):

, and

- (n) in the case of an organisation of employees—the organisation is free from control by, or improper influence from, an employer or by an organisation or other association of employers; and
- (o) in the case of an organisation of employees to which Schedule 5 applies that made an application for registration before, or makes such an application within 12 months after, the date of assent to the *Industrial Relations Amendment (Industrial Representation) Act 2012*—the organisation satisfies the requirements of subsection (1A).

No. 3 Page 3, Schedule 1 [2]. Insert after line 23:

- (1B) In determining under subsection (1A) (a) whether an existing organisation would more effectively represent members than the applicant organisation, the Industrial Registrar must have regard to the resources and representative infrastructure of the applicant.

No. 4 Page 4, Schedule 1 [4], lines 7–13. Omit all words on those lines. Insert instead:

Insert after section 245 (3):

- (3A) The Industrial Registrar must not consent to an alteration of the rules of an industrial organisation of employees to which Schedule 5 applies relating to eligibility for membership of the organisation (being an application for consent made before, or within 12 months after, the date of assent to the *Industrial Relations Amendment (Industrial Representation) Act 2012*) if, in relation to persons who would be eligible for membership because of the alteration there is, in the opinion of the Industrial Registrar, another organisation:

- No. 5 Page 4, Schedule 1 [4], line 17. Omit “subsection (3)”. Insert instead “subsection (3A)”.
- No. 6 Page 4, Schedule 1 [4]. Insert after line 23:
- (3B) In determining under subsection (3) whether an existing organisation would more effectively represent members than the applicant organisation, the Industrial Registrar must have regard to the resources and representative infrastructure of the applicant.
- No. 7 Page 4, Schedule 1 [4], line 24. Insert “an application referred to in subsection (3A) for consent to” after “refuse to consent to”.
- No. 8 Page 5, Schedule 1 [7], lines 24–31. Omit all words on those lines.
- No. 9 Schedule 1 [8], line 32 on page 5 to line 9 on page 6. Omit all words on those lines.
- No. 10 Page 6, Schedule 1 [9], lines 10–15. Omit all words on those lines.
- No. 11 Page 6, Schedule 1. Insert after line 19:

[11] Schedule 5

Insert after Schedule 4:

Schedule 5 Registration of similar organisations

Application of Schedule

This Schedule applies to the following organisations:

the Emergency Medical Service Protection
Association (NSW) Inc (EMPSA NSW),
the Australian Salaried Medical Officers’
Federation (NSW).
