



New South Wales

# Industrial Relations Amendment (Industrial Court) Bill 2013

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are:

- (a) to amend the *Industrial Relations Act 1996*:
  - (i) to provide for the Industrial Relations Commission in Court Session (also called the *Industrial Court*) to be constituted only by a single judicial member and not by a Full Bench, and
  - (ii) to provide for the various existing functions of such Full Benches to be distributed between the Supreme Court, the Industrial Court constituted by a single judicial member and the Industrial Relations Commission (other than in Court Session), and
  - (iii) to enable certain Judges of the Supreme Court to act as judicial members of the Industrial Court, and
- (b) to amend the *Supreme Court Act 1970*:
  - (i) to enable judicial members of the Industrial Court to act as Judges of the Supreme Court, and
  - (ii) to limit proceedings that are assigned to the Court of Appeal on appeals from, or for the judicial review of, decisions of the Industrial Relations Commission to those involving decisions of the Industrial Court or a judicial member, and
- (c) to amend the *Criminal Appeal Act 1912* to provide for appeals to the Court of Criminal Appeal in respect of convictions for offences by the Industrial Court and for cases stated in criminal appeals before the Industrial Court, and
- (d) to make other consequential or related amendments to legislation.



- (b) to provide for an appeal from the decision of the Commission on a review under Division 1C of Part 9 of that Act to be conducted before a Full Bench of the Commission constituted by 1 Presidential Member who is a judicial member and 2 other members who are Australian lawyers, and
- (c) to make certain consequential or related amendments.

**Schedule 2.3** amends the *Supreme Court Act 1970*:

- (a) to enable judicial members of the Industrial Court to act as Judges of the Supreme Court in proceedings of the Supreme Court, and
- (b) to limit proceedings that are assigned to the Court of Appeal on appeals from, or for the judicial review of, decisions of the Industrial Relations Commission to those involving decisions of the Industrial Court or a judicial member.

**Schedule 2.4** makes amendments to the *Transport Appeal Boards Act 1980* that are consequential on the amendments made by Schedule 1 to the proposed Act.