

Explanatory note

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

Overview of Bill

The object of this Bill is to allow Commissioners of the Industrial Relations Commission who are Australian lawyers to hear and determine small claims applications for orders for the recovery of remuneration and other amounts payable by employers.

The Bill also amends other related legislation by way of statute law revision.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation. However, an amendment made by Schedule 2 to the proposed Act will commence immediately before the amending provision that it amends.

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Industrial Relations Further Amendment (Jurisdiction of Industrial Relations Commission) Bill 2009

Explanatory note

Schedule 1 Amendment of Industrial Relations Act 1996 No 17

The Industrial Relations Act 1996 (the principal Act) confers jurisdiction on the Industrial Relations Commission in Court Session and the Local Court constituted by an Industrial Magistrate to hear and determine small claims applications for orders for the recovery of remuneration and other amounts payable by employers.

(Uncommenced amendments made by another Act to the principal Act abolish the office of Industrial Magistrate and confer this jurisdiction of an Industrial Magistrate instead on the Local Court sitting at a designated place.) The maximum amount that an employer may be ordered to pay on a small claims application is currently \$20,000. The Industrial Relations Commission (if it is not constituted as the Commission in Court Session) may deal with a small claims matter only if the matter arises in the course of other proceedings before the Commission.

In amending the definition of industrial court in section 364 of the principal Act, Schedule 1 [2] will enable a Commissioner of the Industrial Relations Commission who is an Australian lawyer to hear and determine "stand alone" small claims applications (that is, without the matter having to arise in the course of other proceedings). Schedule 1 [1] makes a consequential amendment.

Schedule 2 Amendment of Industrial Relations

Amendment (Jurisdiction of Industrial Relations Commission) Act 2009 No 32

Schedule 2 makes various amendments to the Industrial Relations Amendment (Jurisdiction of Industrial Relations Commission) Act 2009 by way of statute law revision (mostly to enable certain amendments made by that Act to be incorporable as intended by that Act).