

c2013-148D
Opposition

LEGISLATIVE COUNCIL

National Disability Insurance Scheme (NSW Enabling) Bill 2013

First print

Proposed amendments

- No. 1 Page 3, clause 5. Insert after line 5:
(2) A transfer of disability services assets pursuant to this Act must be on commercial terms unless the transfer is to a not-for-profit service provider.
- No. 2 Page 6, clause 14, line 24. Omit "does not require the consent". Insert instead "requires the consent".
- No. 3 Page 6, clause 14, line 29. Omit "under an industrial instrument".
- No. 4 Page 8, clause 16. Insert after line 16:
(2) A disability services employee is not to be transferred under this Part to employment in the non-government sector until the employee has been paid an amount that is the full monetary value of the employee's entitlements as a disability services employee to accrued leave (including long service leave), or that amount has been paid to the Minister to be held in trust for the benefit of the employee.
- No. 5 Page 8, clause 17, lines 17-21. Omit all words on those lines.
- No. 6 Page 8. Insert after line 21:
18 Disputes *transfer or a*
(1) Any issue, dispute, question or difficulty arising from any action taken in connection with a proposed transfer of a disability services employee under this Part may be referred by any person to the Industrial Relations Commission for conciliation and, if not resolved by conciliation, for resolution by arbitration.
(2) Subject to this section, Chapter 3 of the *Industrial Relations Act 1996* applies in respect of a matter referred to the Industrial Relations Commission under this Part in the same way as that Part applies in respect of an industrial dispute.
(3) The operation of this section and the powers of the Industrial Relations Commission in connection with this section are not limited by section 146C (Commission to give effect to certain aspects of government policy on public sector employment) of the *Industrial Relations Act 1996*.