



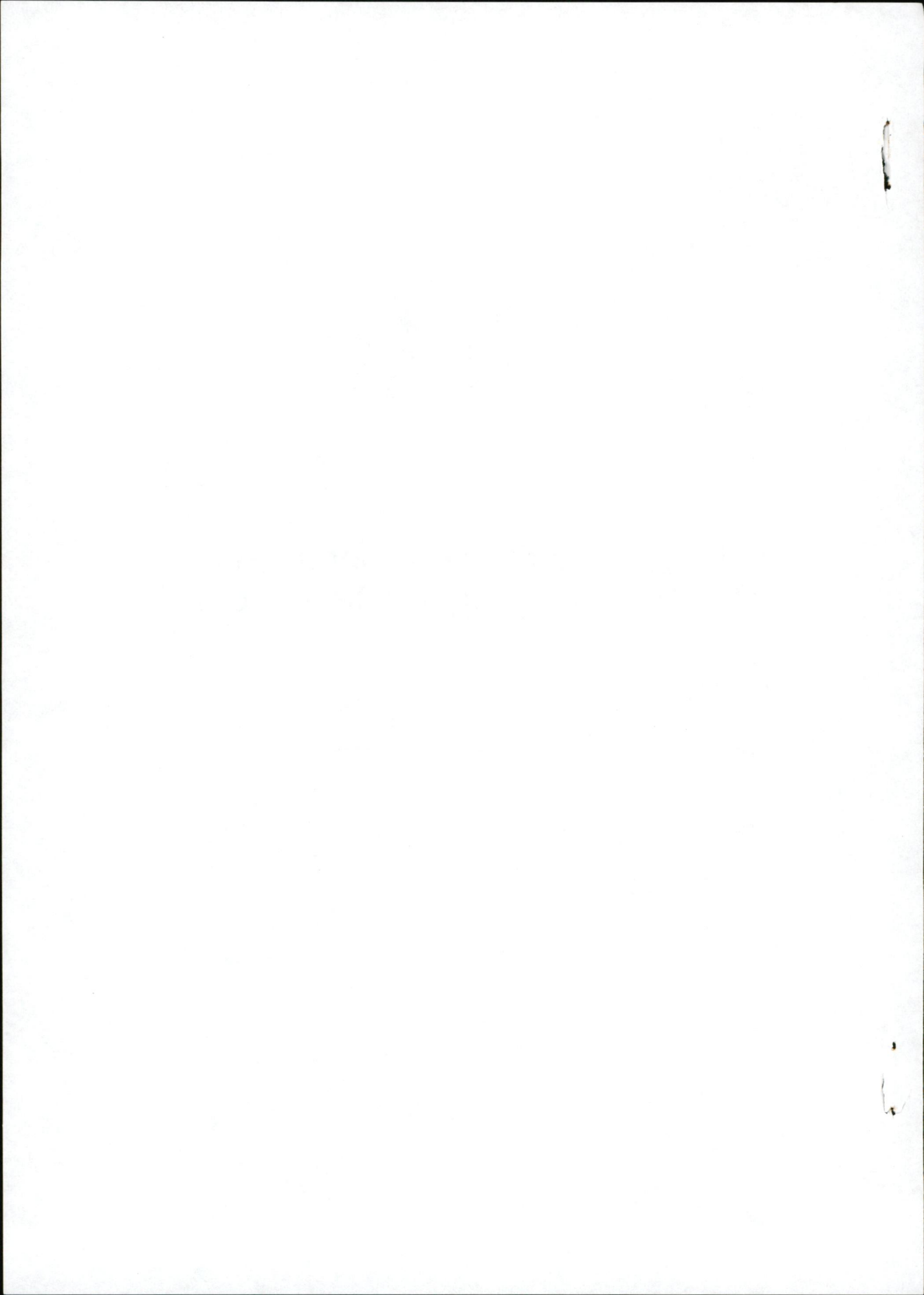
New South Wales

# Industrial Relations Amendment (Unfair Contracts) Act 1998 No 106

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New South Wales

# **Industrial Relations Amendment (Unfair Contracts) Act 1998 No 106**

Act No 106, 1998

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An Act to amend the *Industrial Relations Act 1996* with respect to the jurisdiction of the Industrial Relations Commission relating to unfair contracts. [Assented to 5 November 1998]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Industrial Relations Amendment (Unfair Contracts) Act 1998*.

**2 Commencement**

This Act commences on a day to be appointed by proclamation.

**3 Amendment of Industrial Relations Act 1996 No 17**

The *Industrial Relations Act 1996* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

### [1] Section 109A

Insert after section 109:

#### **109A Exclusion of certain contracts in connection with unfair dismissals**

- (1) This Division does not apply to a contract of employment that is alleged to be an unfair contract for any reason for which:
  - (a) an application has been or could have been made by the employee under Part 6 (Unfair dismissals), or
  - (b) such an application could have been made but for the provisions of section 83 that exclude the employee from making an application under that Part.
- (2) In this section:

*contract of employment* means any contract or arrangement under which work is done by a person in the capacity of an employee, and includes a related condition or collateral arrangement with respect to such a contract.

*dismissal* has the same meaning that it has in Part 6.

### [2] Schedule 4 Savings, transitional and other provisions

Insert at the end of clause 2 (1):

*Industrial Relations Amendment (Unfair Contracts) Act 1998.*

**[3] Schedule 4**

Insert after clause 19:

**19A Transitional provision consequent on changes to unfair contracts jurisdiction**

Section 109A (which was inserted by the *Industrial Relations Amendment (Unfair Contracts) Act 1998*) does not affect the jurisdiction of the Commission under Part 9 of Chapter 2 in connection with the dismissal of an employee before the commencement of that section.

[Minister's second reading speech made in—  
Legislative Council on 8 April 1998  
Legislative Assembly on 29 October 1998 a.m.]

BY AUTHORITY