

## **Explanatory note**

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

### Overview of Bill

The object of this Bill is to amend the *Industrial Relations Act 1996* as follows:

- (a) to increase the maximum monetary penalties that may be imposed for a contravention of a dispute order,
- (b) to enable costs to be awarded in proceedings for a contravention of a dispute order,
- (c) to enable appeals to be made to the Court of Appeal on a question of law of public importance against penalties imposed, or other actions taken, by the Industrial Relations Commission in Court Session for contraventions of dispute orders,
- (d) to provide for the making of any necessary regulations containing consequential savings and transitional provisions.

### 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 the date of assent to the proposed Act.

### **Schedule 1 Amendment of Industrial Relations Act 1996 No 17**

**Schedule 1 [2]** increases the maximum monetary penalty that may be imposed for a breach of a dispute order for a first offence to \$110,000 for the first day of an offence and \$55,000 for each subsequent day the offence continues (the current amounts are \$10,000 and \$5,000, respectively). The new maximum penalty for a subsequent breach will be \$220,000 for the first day of an offence and \$110,000 for each subsequent day the offence continues (the current amounts are \$20,000 and \$10,000, respectively).

**Schedule 1 [3]** removes the prohibition on the awarding of costs in proceedings of the Industrial Relations Commission in Court Session for a contravention of a dispute order.

**Schedule 1 [5]** confers on a party to proceedings for a contravention of a dispute order a right to appeal, with leave, to the Court of Appeal on a question of law of public importance relating to a penalty imposed or other action taken by the Industrial Relations Commission. Dispute orders can be made against parties to industrial disputes, members, officers and employees of industrial organisations and persons engaged in secondary boycotts in connection with industrial disputes. The right to appeal to the Court of Appeal will only operate after any rights of appeal to the Full Bench of the Industrial Relations Commission in Court Session have been exhausted. On an appeal the Court of Appeal may remit the matter to the Full Bench of the Commission for determination in accordance with the decision of the Court of Appeal.

**Schedule 1 [1] and [4]** make consequential amendments.

**Schedule 1 [6]** enables regulations containing savings and transitional provisions to be made consequent on the enactment of the proposed Act.

**Schedule 1 [7]** applies the amendments made by the proposed Act to proceedings for contraventions of dispute orders that occur on or after the day the proposed Act commences, whether or not the dispute order concerned was made before that day.