



New South Wales

Industrial Relations Amendment (Public Vehicles and Carriers) Bill 2001

Explanatory note

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

Overview of Bill

Chapter 6 of the *Industrial Relations Act 1996* provides for a modified industrial relations system for drivers of public vehicles and carriers of goods who are engaged under contracts that are not contracts of employment.

Part IV of the *Trade Practices Act 1974* (*the Trade Practices Act*) of the Commonwealth prohibits certain restrictive trade practices. However, section 51 (1) (b) of that Act provides that those prohibitions do not affect anything that is done in a State, if the thing is specified in, and specifically authorised by, an Act passed by the Parliament of that State, or regulations made under such an Act.

The *Competition Policy Reform (New South Wales) Regulation 2001* made under the *Competition Policy Reform (New South Wales) Act 1995* specifically authorises things done under Chapter 6 of the *Industrial Relations Act 1996* in relation to contract determinations and agreements made or approved by the Industrial Relations Commission. That authorisation lapses on 13 January 2002 and cannot be extended by regulation (by reason of section 51 (1C) (c) and (d) of the Trade Practices Act).

The object of this Bill is to continue to protect Chapter 6 of the *Industrial Relations Act 1996* from the operation of Part IV of the Trade Practices Act, and to place that protection on a permanent footing, by amending the *Industrial Relations Act 1996* so that it specifically authorises things done under Chapter 6 for the purposes of the Trade Practices Act and its corollary in New South Wales, the *Competition Code of New South Wales*. The Bill makes it clear that the authorisation extends to things done by the Contract of Carriage Tribunal under Chapter 6 (namely, the payment of compensation for the unfair termination of head contracts of carriage).

The authorisation ceases to have effect 2 years after the date of assent to the proposed Act.

Outline of provisions

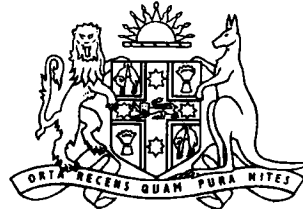
Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision giving effect to the amendment to the *Industrial Relations Act 1996* set out in Schedule 1.

Schedule 1 makes the amendment described in the Overview above.

First print



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New South Wales

Industrial Relations Amendment (Public Vehicles and Carriers) Bill 2001

No. , 2001

A Bill for

An Act to amend the *Industrial Relations Act 1996* to make provision with respect to the operation of Part IV of the *Trade Practices Act 1974* of the Commonwealth and the *Competition Code of New South Wales*.

The Legislature of New South Wales enacts: 1

1 Name of Act 2

 This Act is the *Industrial Relations Amendment (Public Vehicles and Carriers) Act 2001*. 3
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2 Commencement 5

 This Act commences on the date of assent. 6

3 Amendment of Industrial Relations Act 1996 No 17 7

 The *Industrial Relations Act 1996* is amended as set out in Schedule 1. 8

Schedule 1 Amendment

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(Section 3)

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Section 310A

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Insert after section 310:

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310A Authorisations for purposes of Trade Practices Act 1974 of the Commonwealth

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(1) The following things are specifically authorised by this Act for the purposes of section 51 of the *Trade Practices Act 1974* of the Commonwealth and the *Competition Code of New South Wales*:

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(a) anything done by the Commission in exercising its functions under this Chapter,

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(b) anything done by a person in order to comply with a contract determination of the Commission under this Chapter,

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(c) the entering into of an agreement approved by the Commission under this Chapter,

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(d) the doing of anything preparatory or incidental to the entering into of any such agreement,

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(e) anything done under any such agreement,

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(f) anything done by the Contracts of Carriage Tribunal in exercising its functions under this Chapter.

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(2) Things authorised to be done by subsection (1) are authorised only to the extent (if any) that they would otherwise contravene Part IV of the *Trade Practices Act 1974* of the Commonwealth or the *Competition Code of New South Wales*.

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(3) This section extends to any contract determination made or agreement entered into before the commencement of this section.

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Industrial Relations Amendment (Public Vehicles and Carriers) Bill 2001

Schedule 1 Amendment

- (4) The authorisation conferred by this section ceases to have effect
on the day that is 2 years after the date of commencement of
this section. 1
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