

Explanatory note

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

Overview of Bill

The object of this Bill is to make miscellaneous amendments to the Industrial Relations Act 1996 (the principal Act) as a consequence of the enactment of the Industrial Relations (Commonwealth Powers) Act 2009 which referred certain matters relating to workplace relations to the Commonwealth Parliament.

In particular, the Bill:

(a) amends the principal Act to update existing references to Commonwealth workplace relations legislation, including the Fair Work Act 2009 of the Commonwealth (the Commonwealth Fair Work Act), and

(b) facilitates the transition, to the State industrial relations system, of federal industrial instruments relating to specified State or local government employers declared not to be national system employers.

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.

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Industrial Relations Amendment (Consequential Provisions) Bill 2010

Explanatory note

Schedule 1 Amendment of Industrial Relations Act

1996 No 17

Schedule 1 [1] provides that federal industrial instruments relating to specified State or local government employers that are declared by the Minister not to be national system employers under the Commonwealth Fair Work Act will be established as either State awards or enterprise agreements under the principal Act. The Industrial Relations Commission of NSW will have power to vary such awards or agreements or provide exemptions where necessary.

Schedule 1 [4] makes an amendment consequential on the enactment of the Commonwealth Fair Work Act to provide that decisions of the Minimum Wage Panel and a Full Bench of Fair Work Australia (instead of the now defunct Australian Industrial Relations Commission) will be decisions that the Industrial Relations Commission of NSW must adopt and apply to State awards, unless the Commission is satisfied that the decision is not consistent with the objects of the principal Act or that there are other good reasons for not doing so.

Schedule 1 [10] makes it clear that the Industrial Relations Commission of NSW may exercise certain dispute resolution functions in respect of federal enterprise agreements known as preserved State agreements, which were continued under the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 of the Commonwealth.

Schedule 1 [2], [3], [5]–[9] and [11]–[15] make amendments by way of statute law revision to update references to Commonwealth workplace relations legislation, as referred to in the Overview above.

Schedule 2 Amendment of Long Service Leave Act

1955 No 38

Schedule 2 makes a statute law revision amendment to the Long Service Leave Act 1955 to update a reference to a definition of an award.