

FIRST PRINT

**INDUSTRIAL ARBITRATION (SPECIAL PROVISIONS) BILL,
1984**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to provide for the cancellation of the registration of the Building Construction Employees and Builders Labourers Federation of New South Wales as an industrial union upon a declaration made by the Governor applying the provisions of the proposed Act to that union. Re-registration of that union while those provisions apply would be refused.

The cancellation would be sought on the ground that the relevant union had engaged in activities which are contrary to the public interest.



**INDUSTRIAL ARBITRATION (SPECIAL PROVISIONS) BILL,
1984**

No. , 1984.

A BILL FOR

An Act relating to the registration under the Industrial Arbitration Act, 1940,
of the Building Construction Employees and Builders Labourers Federa-
tion of New South Wales as an industrial union.

Industrial Arbitration (Special Provisions) 1984

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Industrial Arbitration (Special Provisions) Act, 1984".

Interpretation.

2. (1) In this Act—

10 "Principal Act" means the Industrial Arbitration Act, 1940;

"the union" means the Building Construction Employees and Builders Labourers Federation of New South Wales.

(2) Expressions used in this Act shall, except in so far as the context or subject-matter otherwise indicates or requires, have the same meanings
15 respectively as in the Principal Act.

Cancellation of certain registration.

3. (1) Where the Minister certifies to the Governor that the union has, by its executive, members or otherwise, engaged in activities which are contrary to the public interest, the Governor may declare that subsection (2) applies
20 to and in respect of the union.

(2) Upon a declaration being made by the Governor as referred to in subsection (1), the registration of the union under the Principal Act shall, by the operation of this Act, be cancelled and the union shall, for all purposes, accordingly cease to be registered under that Act as an industrial union.

25 **(3)** A declaration made by the Governor as referred to in subsection (1) shall be published in the Gazette as soon as practicable after it is made.

Industrial Arbitration (Special Provisions) 1984

(4) Notwithstanding any provision of the Principal Act, if the registration under that Act of the union as an industrial union is cancelled pursuant to this Act, the registrar shall refuse any application for registration of a trade union under that Act which, in the opinion of the registrar, is (by reason of its membership, executive or otherwise) the same, or substantially the same, as the union.

(5) A certificate given, or declaration made, under this Act shall not be challenged, appealed against, quashed or called into question by any court.

10 (6) No proceedings, whether for an order in the nature of prohibition, certiorari or mandamus or for a declaration or injunction or for any other relief, shall lie in respect of—

(a) a certificate given, or declaration made, under this Act; or

15 (b) any decision, proceeding, step or other matter involved in the giving or making of any such certificate or declaration.

(7) The cancellation of the registration of the union pursuant to this Act shall not relieve the union or any member thereof from the obligation of any award or industrial agreement, or order of the commission, or a conciliation commissioner, or a committee, or from any penalty or liability 20 incurred prior to the cancellation.

Repeal of certain provisions.

4. On a day to be appointed by the Governor and notified by proclamation published in the Gazette, the provisions of section 3 (1)–(4) are repealed.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984



**INDUSTRIAL ARBITRATION (SPECIAL PROVISIONS) ACT, 1984,
No. 121**

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 121, 1984.

An Act relating to the registration under the Industrial Arbitration Act, 1940, of the Building Construction Employees and Builders Labourers Federation of New South Wales as an industrial union. [Assented to, 21st November, 1984.]

Industrial Arbitration (Special Provisions) 1984

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Industrial Arbitration (Special Provisions) Act, 1984".

Interpretation.

2. (1) In this Act—

"Principal Act" means the Industrial Arbitration Act, 1940;

"the union" means the Building Construction Employees and Builders Labourers Federation of New South Wales.

(2) Expressions used in this Act shall, except in so far as the context or subject-matter otherwise indicates or requires, have the same meanings respectively as in the Principal Act.

Cancellation of certain registration.

3. (1) Where the Minister certifies to the Governor that the union has, by its executive, members or otherwise, engaged in activities which are contrary to the public interest, the Governor may declare that subsection (2) applies to and in respect of the union.

(2) Upon a declaration being made by the Governor as referred to in subsection (1), the registration of the union under the Principal Act shall, by the operation of this Act, be cancelled and the union shall, for all purposes, accordingly cease to be registered under that Act as an industrial union.

(3) A declaration made by the Governor as referred to in subsection (1) shall be published in the Gazette as soon as practicable after it is made.

Industrial Arbitration (Special Provisions) 1984

(4) Notwithstanding any provision of the Principal Act, if the registration under that Act of the union as an industrial union is cancelled pursuant to this Act, the registrar shall refuse any application for registration of a trade union under that Act which, in the opinion of the registrar, is (by reason of its membership, executive or otherwise) the same, or substantially the same, as the union.

(5) A certificate given, or declaration made, under this Act shall not be challenged, appealed against, quashed or called into question by any court.

(6) No proceedings, whether for an order in the nature of prohibition, certiorari or mandamus or for a declaration or injunction or for any other relief, shall lie in respect of—

- (a) a certificate given, or declaration made, under this Act; or
- (b) any decision, proceeding, step or other matter involved in the giving or making of any such certificate or declaration.

(7) The cancellation of the registration of the union pursuant to this Act shall not relieve the union or any member thereof from the obligation of any award or industrial agreement, or order of the commission, or a conciliation commissioner, or a committee, or from any penalty or liability incurred prior to the cancellation.

Repeal of certain provisions.

4. On a day to be appointed by the Governor and notified by proclamation published in the Gazette, the provisions of section 3 (1)–(4) are repealed.

In the name and on behalf of Her Majesty, I assent to this Act.

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 21st November, 1984.*

