

**INDUSTRIAL ARBITRATION (ADJUSTMENT OF  
AWARDS) AMENDMENT ACT 1988 No. 53**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Industrial Arbitration Act 1940 No. 2

SCHEDULE 1—AMENDMENTS

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**INDUSTRIAL ARBITRATION (ADJUSTMENT OF AWARDS)  
AMENDMENT ACT 1988 No. 53**

NEW SOUTH WALES



**Act No. 53, 1988**

An Act to amend the Industrial Arbitration Act 1940 to provide for the adjustment of awards following certain decisions of the Australian Conciliation and Arbitration Commission; and for other purposes. [Assented to 26 October 1988]

*Industrial Arbitration (Adjustment of Awards) Amendment 1988*

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

**Short title**

1. This Act may be cited as the Industrial Arbitration (Adjustment of Awards) Amendment Act 1988.

**Commencement**

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

**Amendment of Industrial Arbitration Act 1940 No. 2**

3. The Industrial Arbitration Act 1940 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 23A (**Committee's powers in fixing wages**)—

After "Act" where firstly occurring, insert "(except section 57)".

(2) Section 53 (**Definitions**)—

Section 53 (1)—

After the definition of "Commonwealth Conciliation and Arbitration Commission", insert:

"Commonwealth decision" means a decision of the Australian Conciliation and Arbitration Commission that generally affects, or is likely to generally affect—

(a) the wages or other remuneration; or

(b) the working conditions,

of employees in New South Wales who are subject to its awards.

(3) Section 57 (**National wage decisions**)—

(a) Section 57 (1)—

Omit the subsection, insert instead:

(1) As soon as practicable after the making of a Commonwealth decision, the commission in court session shall, on application or of its own motion, give consideration to the decision and shall, unless satisfied that there are good reasons not to do so, order—

(a) for the purposes of awards and orders under this Act, the adoption, wholly or partly and with or without modification, of the principles, guidelines, conditions and other matters having effect under the Commonwealth decision; and

*Industrial Arbitration (Adjustment of Awards) Amendment 1988*

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SCHEDULE 1—AMENDMENTS—*continued*

(b) the variation of such awards and orders to give effect to the adoption.

(b) Section 57 (2)—

Omit “a determination pursuant to subsection (1), it shall direct the amount (if any), being not greater than the amount determined pursuant to that subsection,”, insert instead “an order under subsection (1), it shall direct the amount (if any)”.

(c) Section 57 (2)—

Omit “the determination”, insert instead “the order”.

(d) Section 57 (2)—

After “varied”, insert “in order to achieve consistency with the order”.

(e) Section 57 (3) (a)—

Omit the paragraph.

(f) Section 57 (4)—

Omit “subsection (1)”, insert instead “this section”.

(g) Section 57 (5)—

Omit “subsection (4)”, insert instead “this section”.

(h) Section 57 (5)—

Omit “determination has been made by the commission in court session under subsection (1)”, insert instead “order has been made under subsection (1)”.

(i) Section 57 (5)—

Omit “such determination”, insert instead “the order”.

(j) Section 57 (6), (7)—

After section 57 (5), insert:

(6) While an order under subsection (1) is in force—

(a) an award or a variation of an award; or

*Industrial Arbitration (Adjustment of Awards) Amendment 1988*

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SCHEDULE 1—AMENDMENTS—*continued*

(b) an order under this Act, other than an order by the commission in court session amending or revoking the order under subsection (1),

may not be made in such a way as to be inconsistent with the order under subsection (1).

(7) In this section, “award” includes a determination of a contract regulation tribunal.

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*[Minister's second reading speech made in—  
Legislative Assembly on 14 September 1988  
Legislative Council on 12 October 1988]*







# INDUSTRIAL ARBITRATION (ADJUSTMENT OF AWARDS) AMENDMENT BILL 1988

NEW SOUTH WALES



## EXPLANATORY NOTE

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

The object of this Bill is to provide for the adjustment of the wages and working conditions of employees under State awards following general decisions of the Australian Conciliation and Arbitration Commission such as those made in proceedings commonly known as the national wage case.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

**Clause 3** is a formal provision that gives effect to the Schedule of proposed amendments to the Principal Act.

### SCHEDULE 1—AMENDMENTS

Schedule 1 (1) amends section 23A of the Principal Act to make it clear that a conciliation committee is bound by section 57 as proposed to be amended.

Schedule 1 (2) amends section 53 of the Principal Act to insert a definition of "Commonwealth decision", which is defined as the decision in a national wage case before the Australian Conciliation and Arbitration Commission.

Schedule 1 (3) amends section 57 of the Principal Act to provide for—

- (a) consideration by the Industrial Commission of the decision in a national wage case;
  - (b) an order by the Industrial Commission adopting, with or without modification, matters having effect under that decision;
  - (c) the making of future awards and related decisions, and any variations of existing or future awards and related decisions, in a manner consistent with the order;
  - (d) adjustment of the basic wage as a consequence of the order; and
  - (e) appropriate variations of existing awards as a consequence of the order.
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# INDUSTRIAL ARBITRATION (ADJUSTMENT OF AWARDS) AMENDMENT BILL 1988

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS

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**INDUSTRIAL ARBITRATION (ADJUSTMENT OF  
AWARDS) AMENDMENT BILL 1988**

NEW SOUTH WALES



No. , 1988

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**A BILL FOR**

An Act to amend the Industrial Arbitration Act 1940 to provide for the adjustment of awards following certain decisions of the Australian Conciliation and Arbitration Commission; and for other purposes.

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*Industrial Arbitration (Adjustment of Awards) Amendment 1988*

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

**Short title**

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**5 Commencement**

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

**Amendment of Industrial Arbitration Act 1940 No. 2**

3. The Industrial Arbitration Act 1940 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 23A (**Committee's powers in fixing wages**)—

After "Act" where firstly occurring, insert "(except section 57)".

15 (2) Section 53 (**Definitions**)—

Section 53 (1)—

After the definition of "Commonwealth Conciliation and Arbitration Commission", insert:

20 "Commonwealth decision" means a decision of the Australian Conciliation and Arbitration Commission that generally affects, or is likely to generally affect—

(a) the wages or other remuneration; or

(b) the working conditions,

25 of employees in New South Wales who are subject to its awards.

(3) Section 57 (**National wage decisions**)—

(a) Section 57 (1)—

Omit the subsection, insert instead:

30 (1) As soon as practicable after the making of a Commonwealth decision, the commission in court session shall, on application or of its own motion, give consideration to the decision and shall, unless satisfied that there are good reasons not to do so, order—

35 (a) for the purposes of awards and orders under this Act, the adoption, wholly or partly and with or without modification, of the principles, guidelines, conditions and other matters having effect under the Commonwealth decision; and

*Industrial Arbitration (Adjustment of Awards) Amendment 1988*SCHEDULE 1—AMENDMENTS—*continued*

- (b) the variation of such awards and orders to give effect to the adoption.
- (b) Section 57 (2)—  
 5 Omit "a determination pursuant to subsection (1), it shall direct the amount (if any), being not greater than the amount determined pursuant to that subsection," insert instead "an order under subsection (1), it shall direct the amount (if any)".
- (c) Section 57 (2)—  
 Omit "the determination", insert instead "the order".
- 10 (d) Section 57 (2)—  
 After "varied", insert "in order to achieve consistency with the order".
- (e) Section 57 (3) (a)—  
 Omit the paragraph.
- 15 (f) Section 57 (4)—  
 Omit "subsection (1)", insert instead "this section".
- (g) Section 57 (5)—  
 Omit "subsection (4)", insert instead "this section".
- (h) Section 57 (5)—  
 20 Omit "determination has been made by the commission in court session under subsection (1)", insert instead "order has been made under subsection (1)".
- (i) Section 57 (5)—  
 Omit "such determination", insert instead "the order".
- 25 (j) Section 57 (6), (7)—  
 After section 57 (5), insert:
- (6) While an order under subsection (1) is in force—  
 (a) an award or a variation of an award; or  
 (b) an order under this Act, other than an order by the  
 30 commission in court session amending or revoking the order under subsection (1),  
 may not be made in such a way as to be inconsistent with the order under subsection (1).
- (7) In this section, "award" includes a determination of a  
 35 contract regulation tribunal.

