

FIRST PRINT

INDUSTRIAL ARBITRATION (AMENDMENT) BILL 1991

NEW SOUTH WALES



EXPLANATORY NOTE

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

The objects of this Bill are:

- (a) to amend the Industrial Arbitration Act 1940 to enable a person who is or was a non-judicial member of the Industrial Commission to be appointed by the Governor for a further term of office after reaching the age of 65 years but before reaching the age of 72 years (at present under the Judicial Officers Act 1986, non-judicial members of the Industrial Commission are required to retire on reaching the age of 65 years); and
- (b) to make special provision with respect to Deputy President Mills of the Industrial Commission (Mr. Mills is taken to have been appointed under the new provision described above for a period ending on 21 August 1992).

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act commences on the date of assent.

Clause 3 amends the Industrial Arbitration Act 1940 in the manner described in paragraph (a) above.

Clause 4 makes the special provision with respect to Mr. Mills referred to in paragraph (b) above.

FIRST PRINT

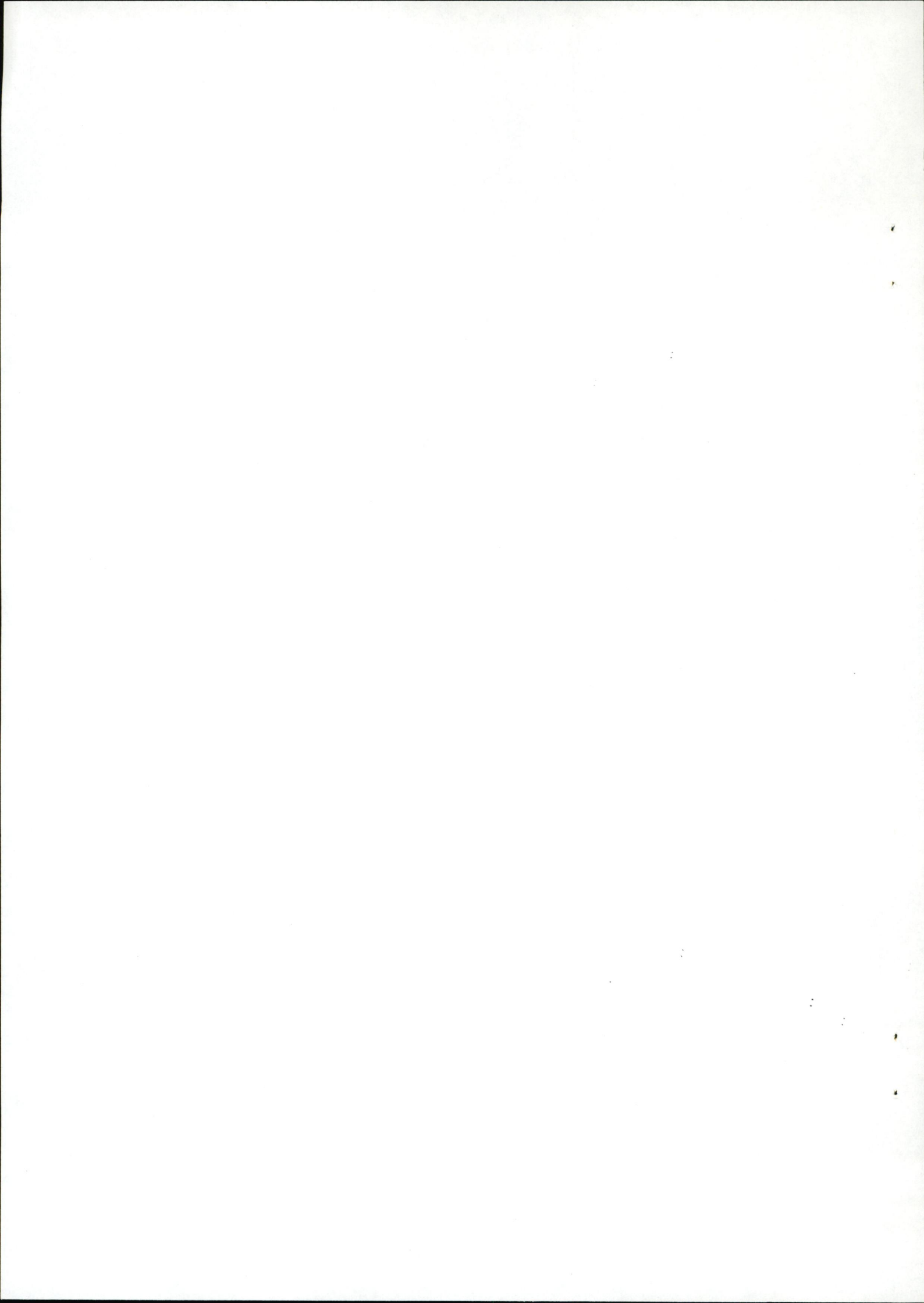
INDUSTRIAL ARBITRATION (AMENDMENT) BILL 1991

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Industrial Arbitration Act 1940 No. 2, sec. 14 (Industrial Commission)
 4. Special provision with respect to Deputy President Mills
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INDUSTRIAL ARBITRATION (AMENDMENT) BILL 1991

NEW SOUTH WALES



No. , 1991

A BILL FOR

An Act to amend the *Industrial Arbitration Act 1940 to enable non-judicial members of the Industrial Commission to be re-appointed after reaching the age of 65 years.

Industrial Arbitration (Amendment) 1991

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Industrial Arbitration (Amendment) Act 1991.

Commencement

2. This Act commences on the date of assent.

Amendment of Industrial Arbitration Act 1940 No. 2, sec. 14 (Industrial Commission)

3. The Industrial Arbitration Act 1940 is amended by inserting after section 14 (2A) the following subsections:

(2B) A person who is or was a non-judicial member of the commission may be appointed by the Governor to be such a member after the person reaches the age of 65 years.

(2C) Any appointment under subsection (2B):

- (a) may not be made in respect of a person so as to extend beyond the date on which the person reaches the age of 72 years; and
- (b) may be made before the person reaches the age of 65 years (in which case the appointment has effect on and from the date the person reaches that age); and
- (c) is to be made for a term not exceeding 3 years at any one time; and
- (d) has effect despite any provision to the contrary in this section or the Judicial Officers Act 1986.

Special provision with respect to Deputy President Mills

4. (1) Following the retirement of Mr. Mervyn George Mills as a member of the Industrial Commission on 21 August 1991 (being the date of Mr. Mills' 65th birthday), Mr. Mills is taken to have been appointed as a non-judicial member of the Industrial Commission under section 14 (2B) of the Industrial Arbitration Act 1940, as amended by this Act.

(2) That appointment is for a period commencing on 21 August 1991 or the date of assent to this Act (whichever is the later) and ending on 21 August 1992.

Industrial Arbitration (Amendment) 1991

(3) If the date of assent to this Act is after 21 August 1991, Mr. Mills is taken to have been on leave without pay during the period between 21 August 1991 and the date of assent for the purposes of determining seniority and leave entitlements.

**INDUSTRIAL ARBITRATION (AMENDMENT)
ACT 1991 No. 21**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Industrial Arbitration Act 1940 No. 2, sec. 14 (Industrial Commission)
 4. Special provision with respect to Deputy President Mills
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**INDUSTRIAL ARBITRATION (AMENDMENT)
ACT 1991 No. 21**

NEW SOUTH WALES



Act No. 21, 1991

An Act to amend the Industrial Arbitration Act 1940 to enable non-judicial members of the Industrial Commission to be re-appointed after reaching the age of 65 years. [Assented to 23 August 1991]

Industrial Arbitration (Amendment) 1991

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Industrial Arbitration (Amendment) Act 1991.

Commencement

2. This Act commences on the date of assent.

Amendment of Industrial Arbitration Act 1940 No. 2, sec. 14 (Industrial Commission)

3. The Industrial Arbitration Act 1940 is amended by inserting after section 14 (2A) the following subsections:

(2B) A person who is or was a non-judicial member of the commission may be appointed by the Governor to be such a member after the person reaches the age of 65 years.

(2C) Any appointment under subsection (2B):

- (a) may not be made in respect of a person so as to extend beyond the date on which the person reaches the age of 72 years; and
- (b) may be made before the person reaches the age of 65 years (in which case the appointment has effect on and from the date the person reaches that age); and
- (c) is to be made for a term not exceeding 3 years at any one time; and
- (d) has effect despite any provision to the contrary in this section or the Judicial Officers Act 1986.

Special provision with respect to Deputy President Mills

4. (1) Following the retirement of Mr. Mervyn George Mills as a member of the Industrial Commission on 21 August 1991 (being the date of Mr. Mills' 65th birthday), Mr. Mills is taken to have been appointed as a non-judicial member of the Industrial Commission under section 14 (2B) of the Industrial Arbitration Act 1940, as amended by this Act.

(2) That appointment is for a period commencing on 21 August 1991 or the date of assent to this Act (whichever is the later) and ending on 21 August 1992.

Industrial Arbitration (Amendment) 1991

(3) If the date of assent to this Act is after 21 August 1991, Mr. Mills is taken to have been on leave without pay during the period between 21 August 1991 and the date of assent for the purposes of determining seniority and leave entitlements.

[*Minister's second reading speech made in—
Legislative Assembly on 21 August 1991
Legislative Council on 21 August 1991*]





