

FIRST PRINT

INDUSTRIAL RELATIONS (AMENDMENT) BILL 1993

NEW SOUTH WALES



EXPLANATORY NOTE

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

The Industrial Relations Act 1991 prescribes minimum conditions of employment for enterprise agreements. In particular, the hourly rate of wages for ordinary hours of employment is not to be less than that otherwise applicable under the relevant award, former industrial agreement or other instrument if the enterprise agreement had not been made.

The object of this Bill is to amend that Act in order to clarify the operation of the minimum condition as to the hourly rate of wages by disregarding penalty rates otherwise applicable under the relevant award, former industrial agreement or other instrument.

Casual loadings payable to casual employees (that is, loadings payable to casual employees to compensate them for the lack of normal employment benefits such as annual leave and long service leave) are not to be disregarded.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day to be appointed by proclamation.

Clause 3 amends section 122 of the Industrial Relations Act 1991 to give effect to the above object.

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INDUSTRIAL RELATIONS (AMENDMENT) BILL 1993

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend section 122 of the Industrial Relations Act 1991 so as to disregard penalty rates in determining the minimum rates of wages for enterprise agreements.

Industrial Relations (Amendment) 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Industrial Relations (Amendment) Act 1993.

5 **Commencement**

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

**Amendment of Industrial Relations Act 1991 No. 34, s. 122
(Minimum conditions of employment)**

10 3. The Industrial Relations Act 1991 is amended by inserting after section 122 (3) the following subsections:

15 (4) For the purposes of this section, the hourly rate of wages for ordinary hours of employment for an employee under the relevant award, former industrial agreement or other instrument does not include so much of the hourly wage rate as is attributable to a penalty rate.

(5) Subsection (4) does not operate to exclude casual loadings payable to casual employees.

20 (6) In subsection (4), "penalty rate" includes penalty allowances or penalty premiums, and also includes so much of the hourly wage rate for an employee as is attributable to the particular hours or days, or both, during or on which the employee works.
