

LEGISLATIVE ASSEMBLY

Read 1° 1 October 1985

(Brought in by Mr Crabb and Mr Walsh)

A BILL

To amend the *Industrial Relations Act 1979*, and for other purposes.

Industrial Relations (Complementary Industrial Relations System) Act 1985

The Parliament of Victoria enacts as follows:

Purposes.

1. The purposes of this Act are to—

- 5 (a) enable the conduct of joint proceedings of the Industrial Relations Commission of Victoria and the Australian Conciliation and Arbitration Commission; and
- (b) provide for the reference of industrial disputes or matters from one Commission to the other; and
- 10 (c) provide for conferences between the Industrial Relations Commission of Victoria and other industrial authorities.

Commencement.

2. This Act comes into operation on a day to be proclaimed.

Principal Act.

Reprinted to No.
9699.
Subsequently
amended by Nos.
9663, 9899,
9902, 10000,
10087, 10111
and 10140.

3. In this Act the *Industrial Relations Act* 1979 is called the Principal Act.

Insertion of new Part 111A.

4. After Part III. of the Principal Act insert:

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**'PART IIIA.—COMPLEMENTARY INDUSTRIAL RELATIONS
SYSTEM'**

Definitions.

'46A. (1) In this Part—

"**Federal Act**" means the Commonwealth Act known as the *Conciliation and Arbitration Act* 1904 as amended and in force for the time being and, if the provisions of that Act are re-enacted, means those provisions as re-enacted and as subsequently amended and in force for the time being.

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"**Federal Commission**" means the Australian Conciliation and Arbitration Commission.

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(2) A reference in this Part to the Federal Commission includes a reference to a member of the Federal Commission.'

Application.

"46B. This Part applies to and in relation to an industrial dispute or industrial matter arising before, on or after the commencement of the *Industrial Relations (Complementary Industrial Relations System) Act* 1985."

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Joint proceedings.

"46C. (1) If in the opinion of the President it is appropriate to do so, the Commission in Full session, a Commissioner sitting alone or a Board may, notwithstanding anything in this Act, exercise, in the presence of—

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(a) the Federal Commission;

(b) the parties to an industrial dispute or industrial matter in relation to which the Federal Commission is exercising power; and

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(c) any witness summoned by the Federal Commission—

any of the powers of the Commission, Commissioner or Board (as the case may be) which may be exercised in relation to an industrial dispute or industrial matter.

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(2) Where the Commission in Full session, a Commissioner sitting alone or a Board is exercising powers as provided by sub-section (1), the Commission, Commissioner or Board may, without limiting the generality of section 15 (2) or 37 (6), have regard to any evidence given to the Federal Commission in the presence of the Commission, Commissioner or Board and the parties to the industrial dispute or industrial matter before the Commission, Commissioner or Board, being evidence that is relevant to the exercise of those powers.

(3) Nothing in this section is to be taken to prevent the Commission in Full session, a Commissioner sitting alone or a Board from exercising powers in relation to an industrial dispute or industrial matter in the presence of any person other than the Federal Commission or a person referred to in sub-section (1) (b) or (c)."

Exercise of powers conferred under Federal Act.

"46D. (1) A member of the Commission nominated under sub-section (2) may exercise the powers conferred on the member by or under such of the provisions of the Federal Act or any other Commonwealth Act as may be prescribed.

(2) If in the opinion of the President it is appropriate to do so, the President may nominate a member of the Commission to exercise powers as provided for in sub-section (1).

(3) An order decision award or determination made by a member of the Commission in exercise of the powers referred to in sub-section (1) is for the purposes of this Act deemed not to have been made by the member under this Act.

(4) A regulation prescribing provisions of the Federal Act or another Commonwealth Act may refer to those provisions as in force at the time the regulation is made or as in force from time to time."

Reference of industrial dispute or matter to Federal Commission.

"46E. (1) The President may—
 (a) if in the opinion of the President it is appropriate to do so; and
 (b) where an industrial dispute or industrial matter is before a Board, with the consent of that Board—
 refer to a member of the Federal Commission the whole or any part of an industrial dispute or industrial matter which under this Act is at the time of the reference within the jurisdiction of the Commission in Full session, a Commissioner sitting alone or a Board.

(2) The President may request the President of the Federal Commission to nominate a member of the Federal Commission to whom a reference under sub-section (1) may be made.

(3) The President may revoke a reference under sub-section (1) at any time before the member of the Federal Commission settles or makes an order decision award or determination in respect of the industrial dispute or industrial matter.

(4) The member of the Federal Commission to whom the whole or any part of an industrial dispute or industrial matter has been referred—

(a) may investigate that industrial dispute or industrial matter or part thereof and settle or make an order decision award or determination (as the case requires) in respect of that industrial dispute or industrial matter or part thereof;

(b) for the purposes of paragraph (a), may exercise all the powers of the Commission in Full session, Commissioner sitting alone, Board or Chairman of the Board (as the case requires); and

(c) shall act in accordance with this Act and the regulations.

(5) An order decision award or determination made by the member of the Federal Commission is for the purposes of this Act deemed to be an order decision award or determination of the Commission in Full session, Commissioner sitting alone, Board or Chairman of the Board (as the case requires)."

Conference with other industrial authorities.

'46F. (1) If it appears to the President to be desirable that a conference should be held with any other industrial authority, the President may, if that industrial authority is willing, confer with that industrial authority or arrange for another member of the Commission to do so, with a view to securing co-ordination between orders decisions awards or determinations made or to be made under this Act or agreements registered or to be registered under this Act and orders decisions awards or determinations made or given or to be made or given by that industrial authority.

(2) Where it appears to the President to be desirable, the President may confer with the Federal Commission in relation to the exercise or proposed exercise of powers in the manner provided for in section 46C.

(3) In sub-section (1), "**industrial authority**" means a commission, court, board, tribunal or committee having authority under any other law of this State or under any law of the Commonwealth or of another State or a Territory of the Commonwealth to hear and determine industrial disputes or industrial matters.'

