# Industrial Relations Amendment (Unfair Contracts) Act 1998 No 106

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New South Wales

Industrial Relations Amendment (Unfair Contracts) Act 1998 No 106

Act No 106, 1998

An Act to amend the Industrial Relations Act 1996 with respect to the jurisdiction of the Industrial Relations Commission relating to unfair contracts, [Assented to 5 November 1998]
The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Industrial Relations Amendment (Unfair Contracts) Act 1998*.

2 Commencement

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

3 Amendment of Industrial Relations Act 1996 No 17

The *Industrial Relations Act 1996* is amended as set out in Schedule 1.
Schedule 1 Amendments

[1] Section 109A

Insert after section 109:

109A Exclusion of certain contracts in connection with unfair dismissals

(1) This Division does not apply to a contract of employment that is alleged to be an unfair contract for any reason for which:

(a) an application has been or could have been made by the employee under Part 6 (Unfair dismissals).

or

(b) such an application could have been made but for the provisions of section 83 that exclude the employee from making an application under that Part.

(2) In this section:

contract of employment means any contract or arrangement under which work is done by a person in the capacity of an employee, and includes a related condition or collateral arrangement with respect to such a contract.

dismissal has the same meaning that it has in Part 6.

[2] Schedule 4 Savings, transitional and other provisions

Insert at the end of clause 2 (1):

[3] Schedule 4

Insert after clause 19:

19A Transitional provision consequent on changes to unfair contracts jurisdiction

Section 109A (which was inserted by the Industrial Relations Amendment (Unfair Contracts) Act 1998) does not affect the jurisdiction of the Commission under Part 9 of Chapter 2 in connection with the dismissal of an employee before the commencement of that section.

[Minister’s second reading speech made in—
Legislative Council on 8 April 1998
Legislative Assembly on 29 October 1998 a.m.]