



New South Wales

Industrial Relations Further Amendment (Jurisdiction of Industrial Relations Commission) Bill 2009

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to allow Commissioners of the Industrial Relations Commission who are Australian lawyers to hear and determine small claims applications for orders for the recovery of remuneration and other amounts payable by employers.

The Bill also amends other related legislation by way of statute law revision.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation. However, an amendment made by Schedule 2 to the proposed Act will commence immediately before the amending provision that it amends.

Schedule 1 Amendment of Industrial Relations Act 1996 No 17

The *Industrial Relations Act 1996 (the principal Act)* confers jurisdiction on the Industrial Relations Commission in Court Session and the Local Court constituted by an Industrial Magistrate to hear and determine small claims applications for orders for the recovery of remuneration and other amounts payable by employers. (Uncommenced amendments made by another Act to the principal Act abolish the office of Industrial Magistrate and confer this jurisdiction of an Industrial Magistrate instead on the Local Court sitting at a designated place.) The maximum amount that an employer may be ordered to pay on a small claims application is currently \$20,000. The Industrial Relations Commission (if it is not constituted as the Commission in Court Session) may deal with a small claims matter only if the matter arises in the course of other proceedings before the Commission.

In amending the definition of *industrial court* in section 364 of the principal Act, **Schedule 1 [2]** will enable a Commissioner of the Industrial Relations Commission who is an Australian lawyer to hear and determine “stand alone” small claims applications (that is, without the matter having to arise in the course of other proceedings). **Schedule 1 [1]** makes a consequential amendment.

Schedule 2 Amendment of Industrial Relations Amendment (Jurisdiction of Industrial Relations Commission) Act 2009 No 32

Schedule 2 makes various amendments to the *Industrial Relations Amendment (Jurisdiction of Industrial Relations Commission) Act 2009* by way of statute law revision (mostly to enable certain amendments made by that Act to be incorporable as intended by that Act).

First print



New South Wales

Industrial Relations Further Amendment (Jurisdiction of Industrial Relations Commission) Bill 2009

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New South Wales

Industrial Relations Further Amendment (Jurisdiction of Industrial Relations Commission) Bill 2009

No. , 2009

A Bill for

An Act to amend the *Industrial Relations Act 1996* to make further provision with respect to the jurisdiction of the Industrial Relations Commission when constituted by Commissioners; and to amend other related legislation by way of statute law revision.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Industrial Relations Further Amendment (Jurisdiction of Industrial Relations Commission) Act 2009</i> .	3 4
2 Commencement	5
(1) This Act commences on a day to be appointed by proclamation, except as provided by subsection (2).	6 7
(2) An amendment made by Schedule 2 to a provision of the <i>Industrial Relations Amendment (Jurisdiction of Industrial Relations Commission) Act 2009</i> commences immediately before the commencement of the provision.	8 9 10 11

Schedule 1	Amendment of Industrial Relations Act 1996 No 17	1
		2
[1]	Section 153 Jurisdiction of Commission in Court Session	3
	Insert “379 or” after “section” in section 153 (1) (g).	4
[2]	Section 364 Definitions	5
	Insert after paragraph (a) of the definition of <i>industrial court</i> in section 364 (1):	6
		7
	(a1) in the case of proceedings under section 379 (Small claims procedure)—a Commissioner who is an Australian lawyer (in addition to the Commission in Court Session and the Local Court referred to in paragraph (c)), or	8
		9
		10
		11

Schedule 2	Amendment of Industrial Relations Amendment (Jurisdiction of Industrial Relations Commission) Act 2009 No 32	1
		2
		3
[1]	Schedules 1 and 2 (except Schedule 2.2 [1] and 2.14 [1])	4
	Omit “a Local Court” wherever occurring. Insert instead “the Local Court”.	5
[2]	Schedule 1 [12]	6
	Omit “dealing with those proceedings” from proposed section 371 (4).	7
[3]	Schedule 1 [14]	8
	Omit “court” wherever occurring in proposed section 380 (5A).	9
	Insert instead “Court”.	10
[4]	Schedule 2.2 [1] and 2.14 [1]	11
	Omit “a Local Court constituted by a Magistrate sitting alone” wherever occurring.	12
	Insert instead “the Local Court”.	13
[5]	Schedule 2.7 and 2.11 [3]	15
	Insert “a Local Court” before “constituted” wherever occurring.	16
[6]	Schedule 2.7 and 2.11 [3]	17
	Insert “the Local Court” before “sitting” wherever occurring.	18
[7]	Schedule 2.10	19
	Omit “a local court”. Insert instead “the Local Court”.	20
[8]	Schedule 2.14 [4]	21
	Omit “constituted by a Magistrate sitting alone”.	22
	Insert instead “the Local Court”.	23

Industrial Relations Further Amendment (Jurisdiction of Industrial Relations Commission) Bill 2009

Amendment of Industrial Relations Amendment (Jurisdiction of Industrial Relations Commission) Act 2009 No 32

Schedule 2

[9] Schedule 2.14 [4]

Insert “the Local Court” before “sitting at a designated place”.

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