



# **Builders Labourers' Federation Legislation Amendment Act 1990**

**No. 132 of 1990**

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**An Act to amend the *Builders Labourers' Federation  
(Cancellation of Registration—Consequential Provisions)  
Act 1986*, and for related purposes**

*[Assented to 28 December 1990]*

The Parliament of Australia enacts:

**Short title etc.**

1. (1) This Act may be cited as the *Builders Labourers' Federation Legislation Amendment Act 1990*.

(2) In this Act, “**Principal Act**” means the *Builders Labourers' Federation (Cancellation of Registration—Consequential Provisions) Act 1986*<sup>1</sup>.

**Commencement**

2. (1) Sections 1, 2 and 5 commence on the day on which this Act receives the Royal Assent.

(2) Subject to subsections (3) and (4), the remaining provisions of this Act commence on a day or days to be fixed by Proclamation.

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(3) If the commencement of a provision referred to in subsection (2) is not fixed by a Proclamation published in the *Gazette* within the period of 6 months beginning on the day on which this Act receives the Royal Assent, the provision is repealed on the first day after the end of that period.

(4) If paragraph 4 (1) (b) commences under subsection (2) and subsection 4 (2) does not commence at the same time as paragraph 4 (1) (b), subsection 4 (2) is repealed on the day on which paragraph 4 (1) (b) commences.

### **Interpretation**

3. Section 3 of the Principal Act is amended:

(a) by inserting in the definition of “non-registered association” after paragraph (a) the following paragraph:

“(ab) a State association; or”;

(b) by omitting “another” from paragraph (b) of the definition of “non-registered association” and substituting “any other”;

(c) by omitting subparagraph (b) (iii) from the definition of “non-registered association” and substituting the following subparagraph:

“(iii) a substantial number of the members of which are persons who are within one or more of the following categories:

(A) persons who are or have been members of the Federation;

(B) persons who perform work that renders them eligible, or that would, if performed in another part of Australia, render them eligible, to be members of the Federation;

(C) persons who perform work that, if they had been performing it immediately before the commencement of the *Builders Labourers' Federation (Cancellation of Registration) Act 1986*, would have rendered them eligible or would, if performed in another part of Australia, have rendered them eligible, to be members of the Federation;”;

(d) by inserting the following definition:

“‘State association’ means:

(a) each of the following associations:

(i) the association that was registered under the Trade Union Act 1881 of New South Wales by the name ‘Building Construction Employees and Builders Labourers’ Federation of New South Wales’;

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- (ii) the association that was registered under the *Industrial Relations Act 1990* of Queensland by the name 'Australian Building Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees';
  - (iii) the association that was registered under the *Industrial Arbitration Act, 1979* of Western Australia by the name 'The Australian Builders' Labourers' Federated Union of Workers—Western Australian Branch';
  - (iv) the association that was registered under the *Industrial Conciliation and Arbitration Act, 1972* of South Australia by the name 'Australian Building and Construction Workers' Federation';
  - (v) the association that was registered under the *Industrial Relations Act 1984* of Tasmania by the name 'The Australian Building Construction Employees' and Builders Labourers' Federation, Tasmanian Branch'; or
- (b) if the name of an association referred to in paragraph (a) has been or is changed—that association under the new name.”.

**Effect on Federation of cancellation of registration**

**4. (1)** Section 4 of the Principal Act is amended:

(a) by omitting from subsection (3) “A non-registered” and substituting “Subject to subsection (3A), a non-registered”;

(b) by inserting after subsection (3) the following subsection:

“(3A) A State association, other than the Building Construction Employees and Builders Labourers' Federation of New South Wales, may do any of the following:

(a) by leave of the Commission, granted under section 43 of the *Industrial Relations Act*, intervene in a proceeding before the Commission under the *Industrial Relations Act* in relation to the possible exercise by the Commission of its powers under subparagraphs 111 (1) (g) (i), (ii) and (iii) of the *Industrial Relations Act*;

(b) make an objection under section 253 of the *Industrial Relations Act*, or under regulations made under that Act in relation to a proceeding under Part IX of that Act, and be heard in relation to that objection.”;

(c) by omitting subsection (6) and substituting the following subsection:

“(6) Where a State association is a party to, or intervenes in, a proceeding before a State industrial authority, a member of

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the Commission is not prevented by this section from exercising the powers of the Commission under section 175 of the Industrial Relations Act in the presence of that State industrial authority.”.

(2) Subsection 4 (3A) of the Principal Act, as amended by this Act, does not apply in relation to a proceeding before the Commission that was instituted before the commencement of paragraph (1) (b).

**Registration**

5. Section 5 of the Principal Act is amended by omitting from paragraph 5 (1) (a) “5 years” and substituting “10 years”.

**Application**

6. Subject to this Act, an amendment of the Principal Act made by this Act has effect in relation to any application or proceeding under the Industrial Relations Act made or instituted before the commencement of that amendment.

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**NOTE**

1. No. 7, 1986, as amended. For previous amendments, see No. 87, 1988.

*[Minister's second reading speech made in—  
House of Representatives on 8 November 1990  
Senate on 15 November 1990]*