

EXPLANATORY STATEMENT

Statutory Rules 1984 No. 21

Conciliation and Arbitration Regulations (Amendment)

(Issued by the Authority of the Minister for
Employment and Industrial Relations)

Regulation 31 of the Conciliation and Arbitration Regulations (the Principal Regulations) is amended by the Conciliation and Arbitration Regulations (Amendment). This amendment is necessary to avoid possible ambiguity with a regulation made under section 49A of the Conciliation and Arbitration Act.

Regulation 31 provides for applications for variation to or the setting aside of awards or agreements. Under regulation 31(3) when a time and place has been fixed for the hearing of such an application, the Registrar must complete the form of notice filed and furnish a copy of it to the applicant for the purpose of service.

Section 49A was inserted into the Principal Act by section 12 of the Conciliation and Arbitration Amendment Act (No 2) 1983. Section 49A provides for the making and enforceability of variations to a term of an award, being a term that is a common rule of an industry in a Territory.

Regulation 1 of the Conciliation and Arbitration Regulations (Amendment), which inserted new sub-regulation 31(4), provided that the Registrar need not comply with sub-regulation 31(3) when a notice is given pursuant to sub-section 49A(2) of the Principal Act. This sub-section requires the Registrar, pursuant to regulations, to give notice of the time and location of a hearing involving the variation of a term in an award which is a common rule. New regulation 36A provides for a process of notification under that sub-section and avoids the possibility of ambiguity with sub-regulation 31(3).

Regulation 2 provides that the new regulation shall take effect on 27 February 1984, the date on which section 49A came into operation.

S.R. No. 24/84