

1981-1982

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Commonwealth Employees (Voluntary Membership of Unions)

Bill 1982

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Industrial
Relations the Hon R I Viner MP)

OUTLINE

Commonwealth Employees (Voluntary Membership of Unions) Bill 1982

This Bill seeks to make the following provision:

- (a) declare void any award determination or agreement which makes provision for or in relation to the giving of preference in or in relation to the employment of persons by reference to membership of an association.
 - (b) withdraw from a tribunal, authority, body or person having powers to:
 - (i) make or vary awards or certify or vary agreements, or
 - (ii) make or vary determinations or agreements -
- the power to make provision for preference as described in (a) above in an award, determination or agreement.

NOTES ON CLAUSES

Clause 2 provides that the proposed Act shall come into operation upon receiving Royal Assent.

Clause 3 provides interpretation of the terms employed in the Act. The definitions are drawn to ensure that the proposed Act will have application to all classes of Commonwealth employment.

Sub-clause 3(2) describes the nature of the preference provisions to which the Bill applies, confining them to those which make provision for or in relation to the giving of preference in employment by reference to membership of an association.

Clause 4, in sub-clause (1), provides that an award, determination or agreement, including one which is in force before the commencement of the provision is void to the extent that it makes provision for preference.

Sub-clause 4(2) provides that a tribunal or other authority, body or person is not empowered to make or vary an award or certify or approve an agreement to the extent that the award or agreement makes provision for preference.

Sub-clause 4(3) provides that an authority, body or person having the power to make determinations is not empowered to make or vary a determination or agreement to the extent that the determination or agreement makes provision for preference. By reason of the definition of "determination" in sub-clause 3(1), the operation of sub-clause 4(3) extends to the relevant industrial tribunals and includes Commonwealth employing authorities empowered to make determinations in respect of Commonwealth employees.

