

1990-91-92

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

INDUSTRIAL RELATIONS AMENDMENT BILL 1990-91-92

EXPLANATORY MEMORANDUM

(Circulated by authority of the Member for La Trobe, Mr R E Charles, MP)

33482 Cat. No. 92 45221

Outline

This Bill proposes to amend section 299 of the *Industrial Relations Act 1988*, which deals with offences in relation to the Australian Industrial Relations Commission. As currently framed, the section contains subparagraph (1)(d)(ii), which provides that a person shall not, by writing or speech, use words calculated to bring the Commission or a member of the Commission into disrepute. To contravene this subparagraph is an offence punishable upon conviction by a penalty of:

- (a) in the case of a natural person - \$500 or imprisonment for 6 months, or both; and
- (b) in the case of a body corporate - \$1,000.

It is contended that this provision is a clear denial of the inalienable right of free speech in a democratic society. This Bill aims to effect the removal of the provision from the *Industrial Relations Act*.

Notes on clauses

Clause 1: Short title etc.

The short title of the Bill is given, as is the short title of the Principal Act, which the Bill is seeking to amend.

Clause 2: Commencement

The Bill upon enactment will commence on the day on which it receives the Governor-General's assent.

Clause 3: Offences in relation to Commission

This clause proposes to omit paragraph 299(1)(d) of the Principal Act which lists among offences in relation to the Australian Industrial Relations Commission the following subparagraphs:

- (i) by writing or speech use words calculated to influence improperly a member of the Commission or a witness before the Commission; or
- (ii) by writing or speech use words calculated to bring the Commission or a member of the Commission into disrepute.

The proposed amendment would omit subparagraph (ii) and make consequential drafting amendments to the paragraph.

