Notes

[1] This is a compilation of the *Industrial Relations Act 1979* and includes the amendments made by the other written laws referred to in the following table [1a]. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
Industrial Arbitration Act 1979 [12]	114 of 1979	21 Dec 1979	1 Mar 1980 (see s. 2 and *Gazette* 8 Feb 1980 p. 383)
Industrial Arbitration Amendment Act 1980	82 of 1980	5 Dec 1980	5 Dec 1980
Industrial Arbitration Amendment Act 1981	11 of 1981	22 May 1981	22 May 1981
Companies (Consequential Amendments) Act 1982 s. 28	10 of 1982	14 May 1982	1 Jul 1982 (see s. 2(1) and *Gazette* 25 Jun 1982 p. 2079)
Industrial Arbitration Amendment Act (No. 2) 1982	121 of 1982	9 Dec 1982	9 Dec 1982
Reprint of the *Industrial Arbitration Act 1979* approved 21 Mar 1983 (includes amendments listed above)			
Industrial Arbitration Amendment Act (No. 2) 1984	92 of 1984	29 Nov 1984	Act other than s. 4 and 5: 29 Nov 1984 (see s. 2(1)); s. 4 and 5: 1 Mar 1985 (see s. 2(2) and (3) and *Gazette* 1 Mar 1985 p. 778)
Acts Amendment and Repeal (Industrial Relations) Act (No. 2) 1984 Pt. II	94 of 1984	11 Dec 1984	1 Mar 1985 (see s. 2(2) and *Gazette* 1 Mar 1985 p. 778)
Reprint of the *Industrial Relations Act 1979* as at 12 May 1985 (includes amendments listed above)			
Industrial Relations Amendment Act 1985	42 of 1985	13 May 1985	13 May 1985 (see s. 2)
Acts Amendment (Financial Administration and Audit) Act 1985 s. 3	98 of 1985	4 Dec 1985	1 Jul 1986 (see s. 2 and *Gazette* 30 Jun 1986 p. 2255)
Judges' Salaries and Pensions Amendment Act 1987 s. 8	82 of 1987	1 Dec 1987	1 Dec 1987 (see s. 2)
The Rural and Industries Bank of Western Australia Act 1987 s. 38	83 of 1987	1 Dec 1987	1 Apr 1988 (see s. 2)

Short title	Number and year	Assent	Commencement
Industrial Relations Amendment Act (No. 4) 1987	119 of 1987	31 Dec 1987	Act other than s. 7(1): 4 Mar 1988 (see s. 2 and *Gazette* 4 Mar 1988 p. 665); s. 7(1): 3 Nov 1992 (see s. 2 and *Gazette* 3 Nov 1992 p. 5389)
Acts Amendment (Education) Act 1988 Pt. 6	7 of 1988	30 Jun 1988	8 Jul 1988 (see s. 2 and *Gazette* 8 Jul 1988 p. 2371)
R & I Bank Act 1990 s. 45(1)	73 of 1990	20 Dec 1990	1 Jan 1991 (see s. 2(2) and *Gazette* 28 Dec 1990 p. 6369)
Industrial Relations Amendment Act 1990	99 of 1990 (as amended by No. 1 of 1995 s. 35) [13]	22 Dec 1990	Act other than s. 10 and 14: 19 Jan 1991 (see s. 2(1)); s. 10: 21 Jun 1991 (see s. 2(2) and *Gazette* 21 Jun 1991 p. 3005)
Reprint of the *Industrial Relations Act 1979* as at 12 Jun 1991 (includes amendments listed above except the *Industrial Relations Amendment Act 1990* s. 10 and 14 [13])			
Acts Amendment (Industrial Magistrate's Courts) Act 1991 Pt. 3 [11]	44 of 1991	17 Dec 1991	3 Jan 1992 (see s. 2 and *Gazette* 3 Jan 1992 p. 41)
Western Australian Land Authority Act 1992 s. 49	35 of 1992	23 Jun 1992	1 Jul 1992 (see s. 2(2) and *Gazette* 30 Jun 1992 p. 2869)
Acts Amendment (Parliamentary, Electorate and Gubernatorial Staff) Act 1992 Pt. 4 [10]	40 of 1992	2 Oct 1992	3 Nov 1992 (see s. 2 and *Gazette* 3 Nov 1992 p. 5389)
Financial Administration Legislation Amendment Act 1993 s. 11	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
Industrial Relations Amendment Act 1993 [9]	15 of 1993	29 Nov 1993	1 Dec 1993 (see s. 2 and *Gazette* 30 Nov 1993 p. 6439)
Reprint of the *Industrial Relations Act 1979* as at 11 May 1994 (includes amendments listed above except the *Industrial Relations Amendment Act 1990* s. 14 [13])			
Acts Amendment (Public Sector Management) Act 1994 s. 14	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and *Gazette* 30 Sep 1994 p. 4948)
Taxi Act 1994 s. 50	83 of 1994	20 Dec 12994	10 Jan 1995 (see s. 2 and *Gazette* 10 Jan 1995 p. 73)
Acts Amendment (Fines, Penalties and Infringement Notices) Act 1994 Pt. 7	92 of 1994	23 Dec 1994	1 Jan 1995 (see s. 2(1) and *Gazette* 30 Dec 1994 p. 7211)
Hospitals Amendment Act 1994 s. 18	103 of 1994 (as amended by No. 79 of 1995) [14]	11 Jan 1995	3 Feb 1995 (see s. 2 and *Gazette* 3 Feb 1995 p. 333)

Short title	Number and year	Assent	Commencement
Industrial Legislation Amendment Act 1995 [7]	1 of 1995	9 May 1995	Act other than Pt. 3: 9 May 1995 (see s. 2(1)); Pt. 3: 1 Jan 1996 (see s. 2(2) and *Gazette* 24 Nov 1995 p. 5389)
Marketing of Potatoes Amendment Act 1995 s. 58(5)	11 of 1995	30 Jun 1995	4 Sep 1995 (see s. 2 and *Gazette* 1 Sep 1995 p. 4063)
Occupational Safety and Health Legislation Amendment Act 1995 Pt. 4	30 of 1995	11 Sep 1995	20 Jan 1996 (see s. 2 and *Gazette* 19 Jan 1996 p. 201)
Sentencing (Consequential Provisions) Act 1995 Pt. 40	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and *Gazette* 25 Oct 1996 p. 5632)

Industrial Relations Legislation Amendment and Repeal Act 1995 [8]	79 of 1995	16 Jan 1996	Act other than Pt. 2 and 5 and s. 12(1), 13, 35, 36 and 66(2): 16 Jan 1996 (see s. 3(1));
			s. 66(2): 18 May 1996 (see s. 3(2) and *Gazette* 14 May 1996 p. 2019);
			s. 12(1): 16 Jul 1996 (see s. 3(2) and *Gazette* 15 Jul 1996 p. 3393);
			Pt. 2 and s. 35 and 36: 1 Nov 1996 (see s. 3(2) and *Gazette* 1 Nov 1996 p. 5765);
			Pt. 5: 5 Dec 1997 (see s. 3(2) and *Gazette* 4 Dec 1997 p. 7071);
			s. 13: 1 Jan 1998 (see s. 3(2) and *Gazette* 31 Dec 1997 p. 7609)

Reprint of the *Industrial Relations Act 1979* as at 27 May 1996 (includes amendments listed above except those in the *Sentencing (Consequential Provisions) Act 1995* and the *Industrial Relations Legislation Amendment and Repeal Act 1995* s. 12(1), 13, Pt. 2 and 5 and s. 35 and 36)			
Local Government (Consequential Amendments) Act 1996 s. 4	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
Vocational Education and Training Act 1996 s. 71(1) [15]	42 of 1996	16 Oct 1996	1 Jan 1997 (see s. 2 and *Gazette* 12 Nov 1996 p. 6301)

Labour Relations Legislation Amendment Act 1997 [3]	3 of 1997 (as amended by No. 20 of 2002 s. 191(3)) [4]	23 May 1997	s. 22-24, 29-33, 35(a) and 38: 23 May 1997 (see s. 2(1));
			Pt. 2 and 4: 20 Jun 1997 (see s. 2(2));
			s. 34: 17 Oct 1997 (see s. 2(3) and *Gazette* 30 Sep 1997 p. 5415);
			Pt. 3 and s. 35(b), 36 and 37: 1 Jan 1998 (see s. 2 and *Gazette* 31 Dec 1997 p. 7603);
			Pt. 5: 5 Jun 1998 (see s. 2(3) and *Gazette* 24 Apr 1998 p. 2171)

Short title	Number and year	Assent	Commencement
Reprint of the *Industrial Relations Act 1979* as at 20 Jun 1997 (includes amendments listed above except those in the *Industrial Relations Legislation Amendment and Repeal Act 1995* s. 13 and Pt. 5, and the *Labour Relations Legislation Amendment Act 1997* Pt. 3 and 5 and s. 34, 35(b), 36 and 37)			
School Education Act 1999 s. 247	36 of 1999	2 Nov 1999	1 Jan 2001 (see s. 2 and *Gazette* 29 Dec 2000 p. 7904)
Reprint of the *Industrial Relations Act 1979* as at 4 Feb 2000 (includes amendments listed above except those in the *School Education Act 1999*)			
Industrial Relations Amendment Act 2000	58 of 2000	4 Dec 2000	4 Dec 2000 (see s. 2)
Corporations (Consequential Amendments) Act 2001 Pt. 33	10 of 2001	28 Jun 2001	15 Jul 2001 (see s. 2 and *Gazette* 29 Jun 2001 p. 3257 and Cwlth *Gazette* 13 Jul 2001 No. S285)
Labour Relations Reform Act 2002 Pt. 2 Div. 1-2, Pt. 3 (s. 111-113, Pt. 4-9, Pt. 10 Div. 2, Pt. 11 and Sch. 1 [4]	20 of 2002	8 Jul 2002	s. 111(6): 8 Jul 2002 (see s. 2(3)); Pt. 4-9, Pt. 10 Div. 2, Pt. 11 and Sch. 1: 1 Aug 2002 (see s. 2 and *Gazette* 26 Jul 2002 p. 3459); Pt. 2 Div. 1-2, s. 111(1)-(5) and 112: 15 Sep 2002 (see s. 2 and *Gazette* 6 Sep 2002 p. 4487); s. 113: 15 Sep 2003 (see s. 2(4))
Reprint of the *Industrial Relations Act 1979* as at 8 Nov 2002 (includes amendments listed above expect the *Labour Relations Reform Act 2002* s. 113)			
Police Amendment Act 2003 s. 10	7 of 2003	27 Mar 2003	27 Aug 2003 (see s. 2 and *Gazette* 26 Aug 2003 p. 3753)
Corporations (Consequential Amendments) Act (No. 2) 2003 Pt. 12	20 of 2003	23 Apr 2003	15 Jul 2001 (see s. 2(1) and Cwlth *Gazette* 13 Jul 2001 No. S285)
Acts Amendment (Equality of Status) Act 2003 Pt. 31	28 of 2003	22 May 2003	1 Jul 2003 (see s. 2 and *Gazette* 30 Jun 2003 p. 2579)
Public Transport Authority Act 2003 s. 147	31 of 2003	26 May 2003	1 Jul 2003 (see s. 2(1) and *Gazette* 27 Jun 2003 p. 2384)
Labour Relations Reform (Consequential Amendments) Regulations 2003 r. 4 (see *Gazette* 15 Aug 2003 p. 3685-92)			15 Sep 2003 (see r. 2)
Acts Amendment and Repeal (Courts and Legal Practice) Act 2003 s. 41	65 of 2003	4 Dec 2003	1 Jan 2004 (see s. 2 and *Gazette* 30 Dec 2003 p. 5722)

Short title	Number and year	Assent	Commencement
Statutes (Repeals and Minor Amendments) Act 2003 s. 68	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)

Reprint 9: The *Industrial Relations Act 1979* as at 18 Jun 2004 (includes amendments listed above).

1a On the date as at which this reprint was prepared, provisions referred to in the following table had not come into operation and were therefore not included in compiling the reprint. For the text of the provisions see the endnote referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
Vocational Education and Training Act 1996 s. 62 [15]	42 of 1996	16 Oct 1996	To be proclaimed (see s. 2(2))
State Superannuation (Transitional and Consequential Provisions) Act 2000 s. 75 [6]	43 of 2000	2 Nov 2000	To be proclaimed (see s. 2(2))
Children and Community Services Act 2004 s. 251 [16]	34 of 2004	20 Oct 2004	To be proclaimed (see s. 2)
Occupational Safety and Health Legislation Amendment and Repeal Act 2004 s. 70 [17]	51 of 2004	12 Nov 2004	To be proclaimed (see s. 2)

2 See the Commonwealth *Fisheries Management Act 1991* s. 4(1).

3 The *Labour Relations Legislation Amendment Act 1997* (No. 3 of 1997) s. 22 contains a transitional provision relating to claims made before that section came into operation. Sections 29, 32 and 34 contain transitional provisions in relation to awards, orders and industrial agreements in force when those sections came into operation. Section 29 was amended by the *Labour Relations Reform Act 2002* s. 193(3).

4 The *Labour Relations Reform Act 2002* (No. 20 of 2002) s. 112, 113(6), 117(2) and (3), 138(2), 140(2), 141(2), 146(2), 152(2), 155(2) and (3), 186(2)-(4) and Sch. 1 read as follows:

“

112. Transitional provisions relating to section 111(4)

(1) A claim that —

(a) was referred to the Industrial Relations Commission under section 7G of the *Industrial Relations Act 1979* before the commencement of section 111(4); and

(b) immediately before that commencement had not been finally determined,

may be dealt with by the Commission as if section 7G had not been repealed.

(2) A provision of the kind described in subsection (1)(b) of section 7G of the *Industrial Relations Act 1979* that, immediately before the commencement of section 111(4), has effect in relation to a claim referred to in subsection (1)(a) of that section ceases to have effect after that commencement.

(3) If a person wishes to refer to the Commission a claim mentioned in subsection (2) he or she may do so under section 51 of the *Workplace Agreements Act 1993*.

113. Further amendments to the *Industrial Relations Act 1979* as from the expiry of the *Workplace Agreements Act 1993* and transitional provision

(6) A question or dispute that —

(a) was referred to the Industrial Relations Commission under section 7F of the *Industrial Relations Act 1979* before the commencement of subsection (1); and

(b) immediately before that commencement had not been finally determined,

may be dealt with by the Commission as if section 7F had not been repealed.

117. Section 38 amended and a savings provision

(2) If an employer was added as a named party to an award under former section 38(3) before the commencement day, the scope of that award is not varied by reason only of the coming into operation of subsection (1).

(3) In this section —

"**commencement day**" means the day on which subsection (1) comes into operation;

"former section 38(3)" means section 38(3) of the *Industrial Relations Act 1979* as it was in effect immediately before the commencement day.

138. Section 23A replaced by sections 23A and 23B and transitional provision

(2) Notwithstanding subsection (1), section 23A of the *Industrial Relations Act 1979* as in force immediately before the coming into operation of this section continues to operate in respect of any claim made under that section before the coming into operation of this section.

140. Section 29AA inserted and a transitional provision

(2) Section 29AA of the *Industrial Relations Act 1979* as inserted by this section does not apply to or in respect of a claim made before the coming into operation of this section.

141. Section 44 amended and a transitional provision

(2) Section 44(6)(bb) of the *Industrial Relations Act 1979* as inserted by this section does not apply to or in respect of a claim made before the coming into operation of this section.

146. Part II Divisions 2F and 2G inserted and a transitional provision

(2) A provision of an award, order or industrial agreement made or registered before the coming into operation of subsection (1) does not cease to have effect by reason of the operation of section 49N(3), as inserted by subsection (1), until 28 days after the coming into operation of subsection (1).

152. Section 70 amended and a transitional provision

(2) Despite subsection (1), section 70 of the *Industrial Relations Act 1979* as in force immediately before the coming into operation of this section continues to operate in respect of any proceedings commenced before the coming into operation of this section.

155. Section 83 repealed and sections 83, 83A, 83B and 83C inserted instead and transitional provisions

(2) Any proceedings begun before an industrial magistrate's court under section 83 of the *Industrial Relations Act 1979*, and not abandoned or finally determined, before the commencement of this section are to be dealt with after the coming into operation of this section as if section 83 had not been amended by this Act.

(3) Subject to subsection (2), sections 83, 83A and 83B of the *Industrial Relations Act 1979* as amended by this Act apply to and in relation to an award, industrial agreement or order made before the coming into operation of this section as if the award, industrial agreement or order were made after the coming into operation of this Act.

186. Section 20 amended and transitional and savings provisions

(2) Until remuneration becomes payable to a member of the Commission pursuant to the first determination, the member is to receive remuneration at the rate that would be applicable to that member if the former provisions were still in operation.

(3) Despite any determination under section 6 of the *Salaries and Allowances Act 1975*, while a person who was a member of the Commission at the time of the publication of the first determination in the *Government Gazette* remains a member he or she is to receive remuneration at a rate that is not less than the rate that was applicable to him or her immediately before that time.

(4) In this section —

"**first determination**" means the first determination made under section 6 of the *Salaries and Allowances Act 1975* that gives effect to the amendment made by subsection (1);

"**former provisions**" means section 20(1) to (6) of the *Industrial Relations Act 1979* as they were in effect immediately before the coming into operation of subsection (1);

"**member of the Commission**" has the meaning given by the *Industrial Relations Act 1979*;

"**remuneration**" has the meaning given by the *Salaries and Allowances Act 1975*.

Schedule 1 — Transitional minimum weekly rates of pay

[s. 168]

1. Interpretation

Unless the contrary intention appears, words and expressions used in this Schedule have the same respective meanings as they have in the *Minimum Conditions of Employment Act 1993*.

2. Minimum weekly rate of pay for employees 21 or more years of age

The minimum weekly rate of pay applicable at a particular time to employees who have reached 21 years of age but who are not apprentices or trainees is the rate for the minimum adult weekly award wage for employees who have reached 21 years of age and who are not apprentices or trainees, as provided for in the General Order made under section 51(2) of the *Industrial Relations Act 1979* that is in effect at that time.

3. Minimum weekly rate of pay for employees less than 21 years of age

(1) The minimum weekly rate of pay applicable at a particular time to employees who are of the age mentioned in the first column in the Table to this subclause but who are not apprentices or trainees is the percentage, set out opposite that age in the second column in the Table of the rate referred to in clause 2 in effect at that time, rounded up to the nearest 10 cents.

Table

Age	Percentage of 21 year old rate
20 years	90%
19 years	80%
18 years	70%
17 years	60%
16 years	50%
under 16 years	40%

(2) Subclause (1) is for information only and if there is any inconsistency between subclause (1) and section 13 of the

Minimum Conditions of Employment Act 1993, the section prevails.

4. Minimum weekly rate of pay for apprentices and trainees

(1) The minimum weekly rate of pay for an apprentice or trainee in relation to whom a workplace agreement or an employer-employee agreement is not in force is the rate of pay that is provided for under an award that applies to that apprentice or trainee.

(2) The minimum weekly rate of pay for an apprentice or trainee in relation to whom a workplace agreement or an employer-employee agreement is in force is the rate of pay that is provided for under an award that would, if the workplace agreement or employer-employee agreement were not in force, apply to that apprentice or trainee.

”.

5 The *Superannuation and Family Benefits Act 1938* was repealed by the *State Superannuation Act 2000* s. 39 but its provisions continue to apply to and in relation to certain schemes because of the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 26 and those provisions may be amended by regulations under subsection (3) of that section.

6 On the date as at which this reprint was prepared, the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 75 had not come into operation. It reads as follows:

“

75. Various provisions repealed

The provisions listed in the Table to this section are repealed.

Table of provisions repealed

Act	Provision
.....	.....
Industrial Relations Act 1979	s. 20(8), (8a), (8b), (8c), (8d)
.....	.....

”.

7 The *Industrial Legislation Amendment Act 1995* (No. 1 of 1995) contains transitional and other provisions —

(a) in Part 2 Div 3, relating to the Government School Teachers Tribunal;

(b) in s. 34, relating to the Promotions Appeal Board; and

(c) in s. 42, relating to dismissals occurring before the commencement of that section.

8 The *Industrial Relations Legislation Amendment and Repeal Act 1995* (No. 79 of 1995) s. 12 and 13 contain transitional provisions in relation to awards, orders and industrial agreements in force when those sections came into operation.

9 The *Industrial Relations Amendment Act 1993* (No. 15 of 1993) s. 15(2) is a transitional provision that is spent. Section 18 of that Act contains savings provisions relating to the Long Service Leave General Order.

10 The *Acts Amendment (Parliamentary, Electorate and Gubernatorial Staff) Act 1992* (No. 40 of 1992) s. 9(2) is a transitional provision that is spent.

11 The *Acts Amendment (Industrial Magistrate's Courts) Act 1991* (No. 44 of 1991) s. 6 contains transitional provisions relating to persons who were Industrial Magistrates when that section commenced and to proceedings begun and decisions made before that commencement.

12 Now known as the *Industrial Relations Act 1979*; short title changed (see note under s. 1).

13 The *Industrial Relations Amendment Act 1990* (No. 99 of 1990) s. 14 was repealed before it came into operation by the *Industrial Legislation Amendment Act 1995* s. 35.

14 The *Hospitals Amendment Act 1994* (No. 103 of 1994), the Table to s. 18 it. 11 fourth paragraph was repealed by the *Industrial Legislation Amendment and Repeal Act 1995* s. 36(4).

15 On the date as at which this reprint was prepared, the *Vocational Education and Training Act 1996* (No. 42 of 1996) s. 62, which gives effect to Sch. 2, had not come into operation. Section 62 and Sch. 2 read as follows:

"

62. Consequential amendments and transitional provisions relating to this Part

Schedule 2 has effect —

(a) to amend the *Industrial Relations Act 1979* as a consequence of the repeal of the *Industrial Training Act 1975*; and

(b) in relation to the transition from the operation of the *Industrial Training Act 1975* to the operation of this Part.

Schedule 2

[Section 62]

Amendments and transitional provisions relating to Part 7

1. *Industrial Relations Act 1979* amended

The *Industrial Relations Act 1979* is amended in section 7 —

(a) in the definition of "apprentice" by deleting "an apprentice under the *Industrial Training Act 1975*" and substituting the following —

"

a person who has entered an apprenticeship within the meaning of that term in section 58 of the *Vocational Education and Training Act 1996*

";

(b) in paragraph (a) of the definition of "employee" by deleting "industrial";

(c) by deleting the definition of "industrial trainee";

(d) in paragraph (f) of the definition of "industrial matter" —

(i) by deleting "industrial";

(ii) by deleting "*Industrial Training Act 1975*" and substituting the following —

"

relevant training scheme under the *Vocational Education and Training Act 1996*

";

and

(iii) by deleting "any agreement of apprenticeship or industrial training agreement" and substituting the following —

"

an apprenticeship contract or other agreement forming part of a training scheme under that Act

";

and

(e) by inserting after the definition of "teacher" the following definition —

"

"trainee" means a trainee under a training scheme established under the *Vocational Education and Training Act 1996*;

".

2. Transitional

(1) In this clause —

"repealed Act" means the *Industrial Training Act 1975* repealed by section 61.

(2) On the commencement of section 61 any apprenticeship agreement or industrial training agreement entered into and registered under the repealed Act and in force immediately before that commencement is to be taken to be an agreement entered into under a training scheme established or recognised under section 58 but with the same terms, conditions and provisions as were applicable before that commencement.

(3) Any regulations made under the repealed Act and in operation immediately before the commencement of section 61 which were applicable to, or in respect of, an apprenticeship or industrial training agreement referred to in subclause (2) are to continue to apply to such an agreement, until regulations are made under this Act in respect of the matters covered by those regulations.

(4) Regulations may be made, with effect from a time which is not earlier than the commencement of section 61, amending or supplementing the transitional provisions set out in subclauses (2) and (3) for the

purpose of providing an effective and efficient transition from the provisions of the repealed Act to the provisions of this Act.

”.

16 On the date as at which this compilation was prepared, the *Children and Community Services Act 2004* s. 251, which gives effect to Sch. 2 cl. 15, had not come into operation. It reads as follows:

“

251. Other Acts amended

Other Acts are amended as set out in Schedule 2.

”.

Schedule 2 cl. 15 reads as follows:

“

Schedule 2 — Amendments to other Acts

[s. 251]

15. *Industrial Relations Act 1979* amended

(1) The amendments in this clause are to the *Industrial Relations Act 1979*.

(2) Section 81AA(bc) is deleted and the following paragraph is inserted instead —

“

(bc) section 196(2) of the *Children and Community Services Act 2004*;

”.

(3) Section 81CA(1) is amended in the definition of “prosecution jurisdiction” by deleting paragraph (d) and “or” after it and inserting instead —

“

(d) section 196(2) of the *Children and Community Services Act 2004*; or

”.

”.

17 On the date as at which this compilation was prepared the *Occupational Safety and Health Legislation Amendment and Repeal Act 2004* s. 70 had not come into operation. It reads as follows:

“

70. The *Industrial Relations Act 1979* amended

(1) The amendments in this section are to the *Industrial Relations Act 1979*.

(2) Section 7(3) is repealed and the following subsection is inserted instead —

“

(3) A matter that has been referred under a provision of the *Occupational Safety and Health Act 1984* to the Tribunal provided for by section 51G of that Act is not an industrial matter.

”.

(3) After section 8(2) the following subsection is inserted —

“

(2a) For the purposes of section 51H of the *Occupational Safety and Health Act 1984*, one Commissioner appointed under subsection (2)(d) is to be a person who, in addition to the other attributes required for appointment, has —

(a) knowledge of or experience in the field of occupational safety and health; and

(b) knowledge of that Act,

but the function given by section 51H(1) of that Act to the Commissioner so appointed does not preclude that Commissioner from otherwise performing the functions of a Commissioner under this Act.

”.

(4) Section 113(1)(d) is deleted and the following paragraph is inserted instead —

“

(d) without limiting paragraph (c), regulating the practice and procedure to be followed in relation to —

(i) appeals under section 33P of the *Police Act 1892*; and

(ii) the referral, hearing and determination of matters under the *Occupational Safety and Health Act 1984*;

”.

”.