

95. Status of Part 6, etc. and references by aggrieved employees

- (1) Subject to subsection (2), to the extent that there is an inconsistency between —
- (a) this Part or regulations referred to in section 94 or both; and
 - (b) any other provision of this Act other than section 7, 8 or 9, or an award or order under the *Industrial Relations Act 1979* (including a General Order made under section 50 of that Act),

this Part or those regulations or both, as the case requires, prevails or prevail.

- (2) To the extent that there is an inconsistency between section 101 and this Part or regulations referred to in section 94 or both, section 101 prevails.
- (3) Despite section 29 of the *Industrial Relations Act 1979*, an employee who is aggrieved by a decision made under regulations referred to in section 94 (other than a decision which is a lawful order by virtue of section 94(4)) may refer that decision within such period after the making of that decision as is prescribed to the Industrial Commission as if that decision were an industrial matter mentioned in section 29(1)(b) of that Act, and, subject to subsection (4), that Act applies to and in relation to that decision accordingly.
- (4) In exercising its jurisdiction in relation to a decision referred to in subsection (3), the Industrial Commission shall confine itself to determining whether or not regulations referred to in section 94 have been fairly and properly applied to or in relation to the employee by whom that decision was referred.

[Section 95 amended by No. 74 of 2003 s. 97(3).]