

7C. Definition of “industrial matter” limited

- (1) Where any employer and any employee are parties to any workplace agreement, a matter that is part of the relationship between that employer and that employee —
 - (a) is not —
 - (i) an industrial matter; or
 - (ii) capable of being agreed to be an industrial matter, for the purpose of the definition of “industrial matter” in section 7(1);
 - (b) is not capable of being determined under section 24(1) to be an industrial matter; and
 - (c) cannot be referred to the Commission under section 80ZE.
- (2) Subsections (3) and (4) of section 34 do not apply to a determination that is made contrary to subsection (1)(b) or to any proceeding based on that determination, and in the determination of any application for a prerogative writ or declaratory judgment no regard shall be had to the existence of any right of appeal under this Act.
- (3) Subsection (1) also applies where —
 - (a) a workplace agreement has expired; and
 - (b) an arrangement is in force between the parties to that agreement of the kind referred to in section 19(4)(b) of the *Workplace Agreements Act 1993*,

except to the extent that the employer and any employee agree that any matter is to be treated as an industrial matter between them.

[Section 7C inserted by No. 15 of 1993 s. 5; amended by No. 1 of 1995 s. 5.]