

**7D. Powers in section 44 excluded**

- (1) Where any employer and any employee are parties to —
- (a) an agreement that has been lodged for registration as a collective workplace agreement under Division 4 of Part 2 of the *Workplace Agreements Act 1993*; or
  - (b) a workplace agreement that is in force under that Act,
- the powers in section 44 shall not be exercised by the Commission —
- (c) to summon that employer or employee under that agreement to attend at a conference in relation to any matter (including industrial action) affecting, relating to or arising out of —
    - (i) that agreement; or
    - (ii) if that agreement has expired or is about to expire, the making of a new workplace agreement in its place;
- or
- (d) to deal with any matter affecting, relating to or arising out of —
    - (i) the relationship of that employer and that employee while that agreement is in force; or
    - (ii) that agreement after it has expired, unless the agreement provides for the Commission to do so.
- (2) Without limiting paragraph (b) of subsection (1), that subsection ceases to apply to an agreement that has been lodged as mentioned in paragraph (a) of that subsection —
- (a) on the refusal of registration and the expiration of the time for appeal against that refusal; or
  - (b) if such an appeal is commenced, on the disposition of the appeal that does not result in registration of the agreement or on the appeal being discontinued or dismissed for want of prosecution.

*[Section 7D inserted by No. 15 of 1993 s.5.]*