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New Commonwealth Industrial Relations Legislation

The new Commonwealth industrial relations legislation, the *Industrial Relations Reform Act 1993* (no.98 of 1993) came into force on 30 March 1994. The Act received the Royal Assent on 22 December 1993. Part One of the Act (preliminary only) came into force on the same day, the remainder on 30 March 1994. The Act seeks to achieve major labour market reforms (see the second reading speech House of Representatives, Debates, 28 October 1993) by amending the *Industrial Relations Act 1988* and incorporates in Schedule One, the following International Labor Organisation conventions and recommendations:

- Minimum Wage Fixing Convention, 1970;
- Equal Remuneration Convention, 1951;
- Equal Remuneration Recommendation, 1951;
- International Covenant on Economic, Social and Cultural Rights 1966 (preamble and parts II and III);
- Discrimination (employment and Occupation) Recommendation, 1958;
- Termination of Employment Convention, 1982;
- Termination of Employment Recommendation, 1982;
- Workers with Family Responsibilities Convention, 1981;
- Workers with Family Responsibilities Recommendation, 1981.

Malaysian Legislation

For one reason or another, possibly because of its frequent coverage in the media, researchers are often pursuing Malaysian legislation. Until recently this has been very difficult to find because of its publication in the official Malaysian Government Gazette and poor indexing. There is no official reprint programme. This situation has been remedied by the publication of *Golden's Federal Statutes (Laws of Malaysia)* by International Law Book Services (14, First Floor, Lorong Bonus Enam, Off Jalan Masjid India, 50100 Kuala Lumpur, Malaysia, Fax: 03-3938035). Price, approximately \$A1500 establishment and \$A300 per annum.

This commercial compilation of the federal laws of Malaysia currently consists of twenty five looseleaf volumes and is still growing. Reprinted Acts are included with details of all amending legislation and regular updates are received which include both replacement pages and annotation instructions.

A good index to Malaysian Federal and State laws is Sivaswamy, S & Ramaswamy, S *Federal statute law referencer and index to state laws*, Kuala Lumpur: International Law Book Services, 1991.

An extremely good source for further background, history and bibliographical information on the Malaysian legal system, its legislation and law reports is Reynolds, I and Flores, A *Foreign law current sources of codes and basic legislation in jurisdictions of the world*. Littleton, Colo: Rothman, 1993 [Volume 3: Africa, Asia and Australasia].

Mabo

As well as the Commonwealth legislation relating to native title a number of Australian states and territories have also passed legislation, or have it in the pipeline. The following is a listing which was obtained by me for the purposes of compiling the latest edition of *Mabo, A Source Book*

Commonwealth

Native Titles Act 1993

House of Representatives, Introduction, first and second readings - 16 November 1993
Debated, 23, 24, 25 November 1993.

Senate, Introduction, first and second readings - 25 November 1993. Referred to Senate Standing Committee on Constitutional and Legal Affairs which conducted an inquiry and reported on 9 December 1993. Debated, 14, 15, 16 December 1993. Considered in Committee, 17, 18, 20 and 21 December 1993.

Passed by the Senate, 21 December 1993.

Passed by the House of Representatives, 22 December 1993.

Royal Assent, 24 December 1993. All provisions commenced to operate, 1 January 1994 (except Part 10 which is to commence on 1 July 1994, Proclamation of the Governor General, 24 December 1993).

(NB An Explanatory Memorandum was also published)

National Native Title Tribunal Regulations (SR 1993, No 380). The Regulations cover the lodgment of claims and include the necessary forms in Schedule 1.

Determinations (made pursuant to the Native Title Act 1993)

Native Title (Notices) Determination No 1 of 1993 Gazette S402, 30.12.1993, to commence 1.1.1994.

Determination of Representative Aboriginal/Torres Strait Islander Bodies Gazette S402, 30.12.1993, to commence 1.1.1994 (see Appendix II).

Australian Capital Territory

No legislation drafted

New South Wales

Native Titles Bill 1993 (Draft legislation)

Northern Territory

Confirmation of Titles to Land (Request) Act 1993. (No 11 of 1993)

Introduction, first and second reading, 3rd March 1993. Assent 28th May 1993.

McArthur River Project Agreement Ratification Amendment Act 1993 (No 27 of 1993). Assent 30 June 1993.

Queensland

Native Title (Queensland) Act 1993. Assent, 17 December 1993 (Operation to be proclaimed)

South Australia

No legislation drafted

Tasmania

No legislation drafted

Victoria

Land Titles Validation Act 1993. Introduction and first reading, 21st July 1993. Second reading, 22nd July 1993. Assent, 17 August 1993. Operation, Part 1 upon assent, remainder to be proclaimed.

Western Australia

Land (Titles and Traditional Usage) Act 1993. Assent, 2 December 1993 (operation upon Assent)