

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time

*(Industrial Relations)*

## A BILL

FOR

### **An Act to amend the *Industrial Relations Act 1988***

The Parliament of Australia enacts:

#### **Short title etc.**

1.(1) This Act may be cited as the *Industrial Relations Amendment Act (No. 2) 1994*.

5 (2) In this Act, “**Principal Act**” means the *Industrial Relations Act 1988*<sup>1</sup>.

#### **Commencement**

2.(1) Subject to subsection (2), this Act commences on the day on which it receives the Royal Assent.

(2) Section 4 commences:

(a) if this Act receives the Royal Assent on or before 22 June 1994—on that day, immediately after the commencement of section 17 of the *Industrial Relations Reform Act 1993*; or

(b) otherwise—on the day on which this Act receives the Royal Assent.      5

**Insertion of new section**

3. After section 90AA of the Principal Act, the following section is inserted:

**Discrimination because of age**

“90AB. Nothing in section 90 or 90AA prevents the Commission from doing anything before 22 June 1997 that involves the prescription of rates of wages or minimum rates of wages for employees who have not reached a particular age.”.      10

**Commission to review awards**

4. Section 150A of the Principal Act is amended by adding at the end the following subsection:      15

“(4) For the purposes of a review of an award conducted by the Commission (including a review that began before the commencement of this subsection) that is completed before 22 June 1997, the reference in paragraph (2)(b) to a provision, contained in an award, which discriminates against an employee because of age does not include a reference to a provision relating to rates of wages that discriminates against an employee because the employee has not reached a particular age.”.      20

**When Commission to refuse to certify agreements**

5. Section 170MD of the Principal Act is amended by inserting after subsection (5) the following subsection:      25

“(5A) For the purpose of determining, at a time before 22 June 1997, whether the Commission is required by subsection (5) to refuse to certify an agreement, the Commission is to disregard any provision of the agreement relating to rates of wages that discriminates against an employee because the employee has not reached a particular age.”.      30

**When Commission to refuse to approve implementation of agreements**

6. Section 170ND of the Principal Act is amended by inserting after subsection (10) the following subsection:      35

5 “(10A) For the purpose of determining, at a time before 22 June 1997, whether the Commission is required by subsection (10) to refuse to approve implementation of an agreement, the Commission is to disregard any provision of the agreement relating to rates of wages that discriminates against an employee because the employee has not reached a particular age.”.

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**NOTE**

1. No. 86, 1988, as amended. For previous amendments, see No. 109, 1988; No. 153, 1989 (as amended by No. 28, 1991); Nos. 37, 71 and 108, 1990; Nos. 19, 62 and 122, 1991; Nos. 52, 92, 94, 109, 132, 179, 196, 212 and 215, 1992; Nos. 98, 104 and 109, 1993; and No. 46, 1994.



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