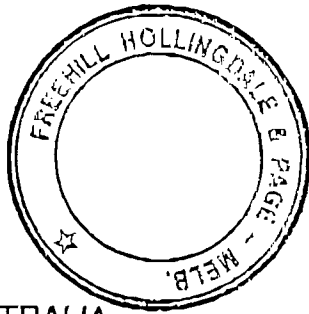


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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

INDUSTRIAL RELATIONS REFORM BILL 1993

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments and new clauses to be moved on behalf of the Government

(Circulated on the authority of the Minister for Industrial Relations,  
the Hon Laurie Brereton MP)



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**Amendment No. 160**

The amendment proposes to add two new subsections 412(1A) and 412(1B) to the bill. The proposed new subsections deal with writs of mandamus or prohibition or an injunction which may be sought against a person holding office under the IR Act or the Coal Industry Act (in particular, against a member of the AIRC or the Coal Industry Tribunal).

The proposed new subsections give the Industrial Relations Court this jurisdiction when the High Court chooses to remit a matter to the Industrial Relations Court. The Industrial Relations Court will not have jurisdiction in any particular such matter unless the High Court has remitted that matter to the Court.

The Constitution provides that the High Court has original jurisdiction to deal with an application for such a writ. A matter within this jurisdiction may be remitted to federal court, in accordance with section 44 of the *Judiciary Act 1903*, if that court has jurisdiction – the new subsection 412(1A) provides that for this purpose the Court is "taken" to have the jurisdiction, thus allowing the High Court to remit the matter.

***Proposed section 415: Exercise of Court's original jurisdiction*****Amendment No. 161**

A new provision is inserted at the end of proposed subsection 415(2) to require that a Full Court deal with matters where a writ of mandamus or prohibition or an injunction is sought against a Presidential member of the AIRC exercising jurisdiction by himself or herself or as part of a Full Bench of the AIRC.

***Subdivision B – Appellate and related jurisdiction******Proposed section 422: Appeals from State and Territory Courts*****Amendment No. 162**

This is a formal amendment. Proposed subsection 422(1) is deleted and a replacement provision inserted which states that an appeal lies to the Court from a judgement of a State or Territory court in a matter arising under the IR Act. The previous subsection made reference to appeals from "a State court (other than a Supreme Court)". As the IR Act does not confer jurisdiction on a Supreme Court of a State or Territory in relation to any matter, the replacement provision no longer refers to a Supreme Court.