

Industrial Relations (Secret Ballots) Bill 1981

NOTES ON CLAUSES

Clause 1 gives the short title and provides for the *Industrial Relations Act 1979* to be the principal Act and for sections to come into operation by proclamation.

Clause 2 amends section 1 by inserting a new part in the list of parts of the Act.

Clause 3 proposes the insertion of a new part in the Act which would deal with Secret Ballots—

New Section 98 gives the definitions of “industrial action” and “place of work”.

New Section 99—

- (i) enables the Industrial Relations Commission to order a secret ballot of members of an industrial association to ascertain their views or attitude where the Commission believes that could help to prevent or settle industrial action;
- (ii) provides a method whereby a prescribed number of members of an industrial association at a particular place of work can apply to the Industrial Relations Commission for a secret ballot of relevant members of the industrial association at that place of work in respect of a direction or request to engage in industrial action. The Commission will hear such an application and give appropriate directions, but where the Commission forms the view that the application should not be granted the application is referred to the President for determination.

New Section 100 permits entry of places of work; inspection or viewing of work, plant, records, etc; the interviewing of employes, to permit proper arrangements to be made for the conduct of a ballot; and makes it an offence to make false or misleading statements in interviews conducted pursuant to this Section.

New Section 101 deems a direction or request to engage in industrial action that is made by a committee of management or by an officer or officers, or by a member or a group of members acting pursuant to the rules of the industrial association or branch to be a direction or request of the industrial association or branch concerned.

New Section 102 contains the enabling provisions for the conduct of a secret ballot, for the notification of the result of a ballot and for the issue of a notice by the Commission if the majority vote in the ballot is not in favour of engaging in industrial action.

New Section 103 requires the Commission in conciliation or arbitration proceedings before it that are associated with a matter upon which a section 99 secret ballot has been conducted, to have regard to the result of the ballot.

New Section 104 provides that where a notice of the kind specified by sub-section 102 (5) is issued, a member of an organization or of a branch of an organization who was eligible to vote in the ballot is not required to obey a direction or request to engage in or support the industrial action concerned, notwithstanding any rule or practice of the organization or branch concerned.

New Section 105 provides for offences by persons in relation to ballots and provides for penalties of up to \$500.00 or imprisonment for six months.

New Section 106 provides for offences by industrial associations in relation to secret ballots and provides for penalties of up to \$400.00 for each day on which action constituting the offence has occurred.

New Section 107 requires an employer not to dismiss an employé or otherwise harm his employment because that employé had either made or proposed to make an application for a secret ballot under Section 99 or had participated in or proposes to do so in a secret ballot ordered by the Commission.

Clause 4 makes consequential changes of sections of Part XI of the Act.