

Advanced Legislative History Research

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Academic Research Service
Melbourne Law School
University of Melbourne



Melbourne Law School

Session



- ▶ Request
- ▶ Resources
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Session



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Initial Request

From: John Howe
Sent: Wednesday, 30 November 2016 11:52 AM
To: Law Research Service
Cc: Robin Gardner
Subject: Post-War Labour Law Project

Dear Robin,

I am writing to request the assistance of the LRS with a research project that I am involved in. The project is looking at the historical evolution of labour law in Australia from 1945 to the present. We are aiming to write a book which traces changes in labour legislation and other regulation, and evaluating to what extent labour law was used as an instrument or lever of social and economic policy over this period. We are aiming to write a book.

all amendments to the federal labour relations legislation from 1945 until 2005,

when the Work Choices legislation was enacted. I don't need the LRS to catalogue work choices - I have all that in 2010 the legislation was known as the Conciliation and Arbitration Act, in 1988 it was renamed the Industrial Relations Act, and in 1996 it became the Workplace Relations Act. I would also like the LRS to find any relevant political or policy documents for this period - second reading speeches to legislative amendments, explanatory government inquiries and s

find any relevant political or policy documents for this period

The document attached is just some notes on the project – there are references to a couple of books by Davies and Freedland who did a similar thing in the UK. What is most relevant is there is a section summarizing the key periods in the history of the conciliation and arbitration legislation since 1945 which may be useful. It would also be helpful if the LRS could provide electronic copies of the secondary literature in the attached document, which is mostly historical labour law articles by Richard Mitchell.

Let me know if you have any queries or require clarification of what I need done.

Many thanks,

The Principle Act

- ▶ Conciliation and Arbitration Act 1945
- ▶ Industrial Relations Act 1988
- ▶ Workplace Relations Act 1996
- ▶ Fair Work Act (Registered Organisations) Act 2009



What do I need to find?

- ▶ Full text of the Act
- ▶ Assent date and commencement information
- ▶ Second reading speech of the bill
- ▶ Explanatory memorandum
- ▶ Short summary of the purpose of the amendment
- ▶ Bills that did not pass through Parliament

Session



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Endnotes

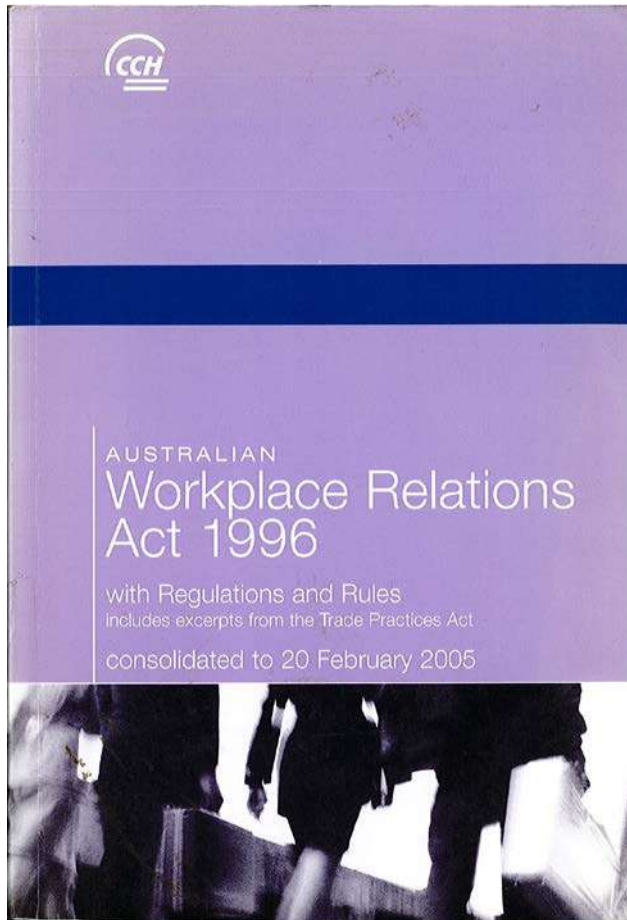


TABLE OF AMENDING ACTS

The *Workplace Relations Act 1996* is comprised of the original Act as amended by the Acts specified in the following table:

TABLE OF AMENDING ACTS

Act	Number	Date of Assent	Date of commencement
<i>ACT Self-Government (Consequential Provisions) Act 1988</i> , as amended by <i>Australian Capital Territory Government Service (Consequential Provisions) Act 1994</i> (No 92 of 1994)	109, 1988	6 December 1988	11 May 1989
<i>Australian Federal Police Legislation Amendment Act (No 2) 1989</i>	153, 1989	17 December 1989	1 January 1990
<i>Petroleum (Australia-Indonesia Zone of Cooperation) (Consequential Provisions) Act 1990</i>	37, 1990	7 June 1990	18 February 1991
<i>Remuneration and Allowances Act 1990</i>	71, 1990	20 June 1990	1 July 1990
<i>Industrial Relations Legislation Amendment Act (No 2) 1990</i>	108, 1990	18 December 1990	1 March 1989 (sec 22, 23, 24); 1 January 1990 (sec 26); 1 February 1991 (sec 8, 13, 21); 25 March 1991 (sec 33); Remainder of Act commenced on Assent
<i>Industrial Relations Legislation Amendment Act 1990</i>	19, 1991	23 January 1991	1 February 1991

Australian Employment Legislation

Subscription services

- ▶ LawLex
- ▶ TimeBase
- ▶ LawNow Legislation (LexisNexis AU)

Finding information online

- ▶ Federal Register of Legislation (www.legislation.gov.au)
 - ▶ Full text of all Acts as made (from 1901)



Home

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Information

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Title

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Enter text contained in the title

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Apply filter

Principal in force

Amending in force

All in force

A

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Ag Ai Al An Ap
Ar As At Au Av

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Finding information online

- ▶ Federal Register of Legislation (www.legislation.gov.au)
 - ▶ Full text of all Acts as made (from 1901)
- ▶ Parliament of Australia website (ParlInfo) (www.aph.gov.au)
 - ▶ Bills (from 2006)
 - ▶ Explanatory memoranda
 - ▶ Second reading speeches and other debates (from 1901)



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BILLS AND LEGISLATION

Bills title only

Fewer options

Period

Date range

Current Parliament

Parliament no

45

From

30/08/2016

To

27/07/2017

Status

Current Bills

- Before Senate
- Passed both houses
- Before House of Representatives

Previous Bills

- Royal Assent
- Not passed

Type

- Private Member's/Senator's
- Government

Search

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Records of the Parliamentary Commission of Inquiry

Bill summary page

- ▶ Available on Parliament of Australia website (www.aph.gov.au) from 1997

Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002

Progress

House of Representatives	
Introduced and read a first time	20 Feb 2002
Second reading moved	20 Feb 2002
Second reading agreed to	16 May 2002
Third reading agreed to	16 May 2002

Senate	
Introduced and read a first time	19 Jun 2002
Second reading moved	19 Jun 2002
Second reading debate	27 Jun 2002 <small>(After Midnight)</small>
Second reading debate	19 Aug 2002
Second reading debate	20 Aug 2002
Second reading agreed to	21 Aug 2002
Committee of the Whole debate	
<ul style="list-style-type: none">Amendment details: 2 Australian Democrats agreed to and 4 items negated	21 Aug 2002
Third reading agreed to	21 Aug 2002

Documents and transcripts

Text of bill

No documents at present

Explanatory memoranda

- Explanatory Memorandum   
- Supplementary Explanatory Memorandum   

Transcript of speeches

- All second reading speeches [↗](#)
- Minister's second reading speech [↗](#)

Proposed amendments

No proposed amendments have been circulated.

Schedules of amendments

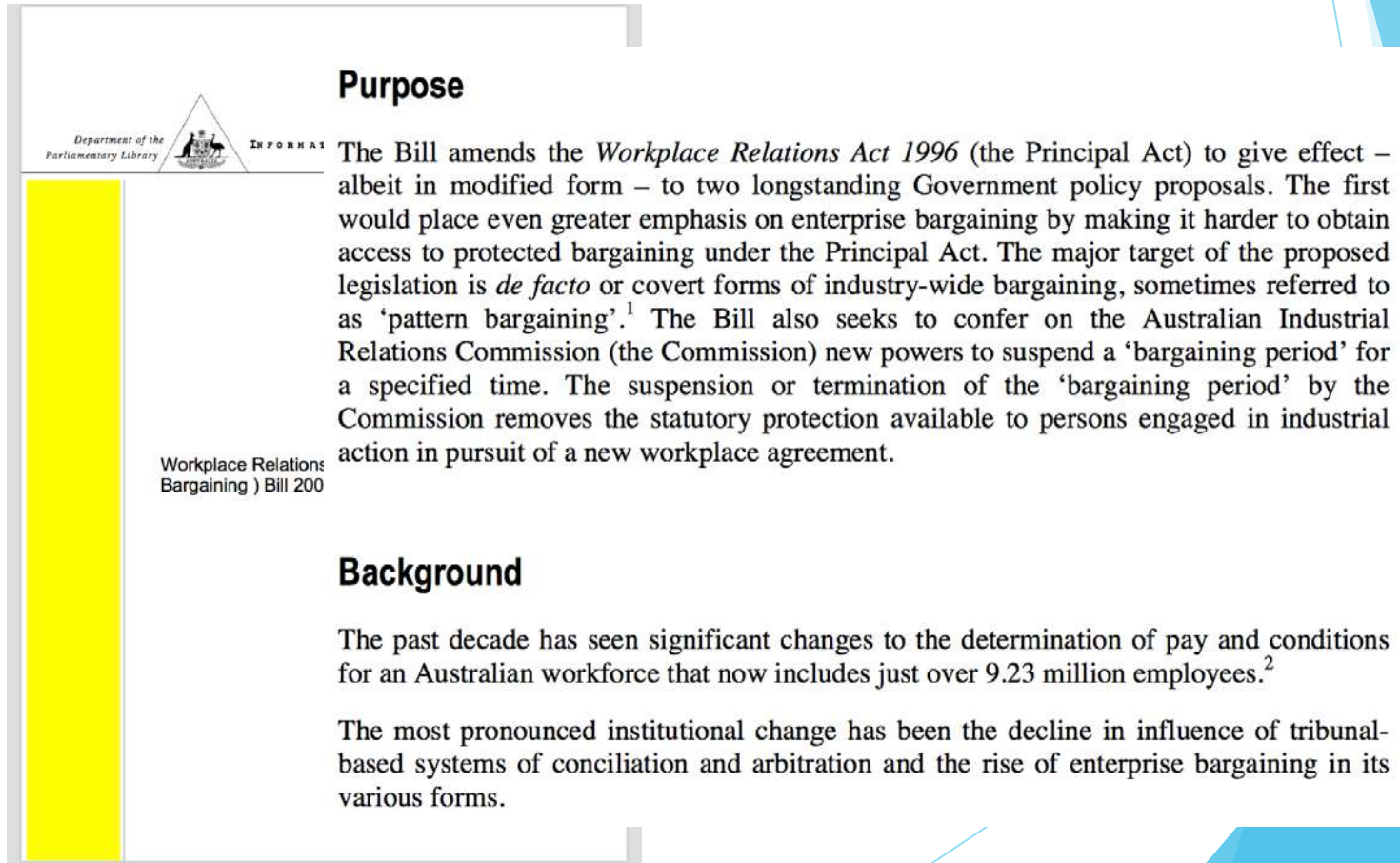
No documents at present

Bills digest

- Bills Digest  

Bills Digests

- ▶ Available on Parliament of Australia website (www.aph.gov.au) from 1976



Department of the Parliamentary Library

INFORMA

Purpose

The Bill amends the *Workplace Relations Act 1996* (the Principal Act) to give effect – albeit in modified form – to two longstanding Government policy proposals. The first would place even greater emphasis on enterprise bargaining by making it harder to obtain access to protected bargaining under the Principal Act. The major target of the proposed legislation is *de facto* or covert forms of industry-wide bargaining, sometimes referred to as ‘pattern bargaining’.¹ The Bill also seeks to confer on the Australian Industrial Relations Commission (the Commission) new powers to suspend a ‘bargaining period’ for a specified time. The suspension or termination of the ‘bargaining period’ by the Commission removes the statutory protection available to persons engaged in industrial action in pursuit of a new workplace agreement.

Workplace Relations (Bargaining) Bill 200

Background

The past decade has seen significant changes to the determination of pay and conditions for an Australian workforce that now includes just over 9.23 million employees.²

The most pronounced institutional change has been the decline in influence of tribunal-based systems of conciliation and arbitration and the rise of enterprise bargaining in its various forms.

Going back even further...

THE ACTS OF THE PARLIAMENT
of the
COMMONWEALTH OF AUSTRALIA
1901-1966

FIRST PERMANENT SUPPLEMENT

Being
AMENDMENTS AND ANNOTATIONS
1951-1966

Editor :

O. M. L. DAVIES, B.A. (OXON.), LL.B.
Barrister-at-Law

AUSTRALIA :

THE LAW BOOK COMPANY LIMITED

SYDNEY 301-305 Kent Street
MELBOURNE 456 Little Collins Street
BRISBANE 91 Elizabeth Street

1967

AMENDMENTS AND ANNOTATIONS

Conciliation and Arbitration Act 1904-1966. 1956 Vol., p. 773.

[The Conciliation and Arbitration Act 1904-1956 is printed in the 1956 Volume, p. 773, to which reference should be made. Only subsequent amendments are set out below. The Conciliation and Arbitration Act 1904-1961 has been reprinted in pamphlet form. It has been amended since the date of reprint.]

The Conciliation and Arbitration Act 1904-1950 is further amended by—
Conciliation and Arbitration Act (No. 2) 1951, No. 18. Assented to, 19 July, 1951. Date of commencement, 19 July, 1951: s. 2. **Conciliation and Arbitration Act (No. 3) 1951, No. 58.** Assented to, 11 Dec., 1951. Date of commencement, 11 Dec., 1951: s. 2. **Conciliation and Arbitration Act 1952, No. 34.** Assented to, 17 June, 1952. Date of commencement, 27 June, 1952: *Gaz.*, 1952, p. 2977. **Conciliation and Arbitration Act 1955, No. 54.** Assented to, 3 Nov., 1955. Date of commencement, 3 Nov., 1955: s. 2. **Judges' Remuneration Act 1955, No. 17.** Assented to, 9 June, 1955. Date of commencement, 1 Jan., 1955: s. 2. **Salaries Adjustment Act 1955, No. 18.** Assented to, 10 June, 1955. Date of commencement, 10 June, 1955: s. 2. **Conciliation and Arbitration Act 1956, No. 44.** Assented to, 30 June, 1956. Date of commencement of ss. 1, 2, 3, 4, 5, 12, 18, 20, 22, 23, 24, 31 and 44, 30 June, 1956: s. 2 (1.). Date of commencement of remainder of Act, 14 Aug., 1956: *Gaz.*, 1956, p. 2489. **Conciliation and Arbitration Act (No. 2) 1956, No. 103.** Assented to, 15 Nov., 1956. Date of commencement, except ss. 23 and 24, 15 Nov., 1956: s. 2 (1.). Date of commencement of ss. 23 and 24, 14 Aug., 1956: s. 2 (2.). **Conciliation and Arbitration Act 1958, No. 30.** Assented to, 21 May, 1958. Date of commencement, 21 May, 1958: s. 2. **Conciliation and Arbitration Act 1959, No. 40.** Assented to, 22 May, 1959. Date of commencement, except s. 3 and s. 4 (1.), 22 May, 1959: s. 2 (1.). Date of commencement of s. 3 and s. 4 (1.), 14 Aug., 1956: s. 2 (2.). **Conciliation and Arbitration Act 1960, No. 15.** Assented to, 14 May, 1960. Date of commencement, 14 May, 1960. **Salaries (Statutory Offices) Adjustment Act 1960, No. 17.** Assented to, 17 May, 1960. Date of commencement, 3 Dec., 1959: s. 2. **Judges' Remuneration Act 1960, No. 110.** Assented to, 16 Dec., 1960. Date of commencement, 1 Oct., 1960: s. 2. **Conciliation and Arbitration Act, 1961, No. 40.** Assented to, 6 June, 1961. Date of commencement, 6 June, 1961: s. 2. **Conciliation and Arbitration Act 1964, No. 99.** Assented to, 20 Nov., 1964. Date of commencement, 20 Nov., 1964: s. 2. **Salaries (Statutory Offices) Adjustment Act (No. 2) 1964, No. 115.** Assented to, 23 Nov., 1964. Date of commencement, 1 Nov., 1964: s. 2. **Conciliation and Arbitration Act 1965, No. 22.** Assented to, 28 May, 1965. Date of commencement, 28 May, 1965: s. 2. **Judges' Remuneration Act 1965, No. 92.** Assented to, 4 Dec., 1965. Date of commencement, 1 July, 1965: s. 2. **Conciliation and Arbitration Act 1966, No. 64.** Assented to, 29 Oct., 1966. Date of commencement, 29 Oct., 1966: s. 2. **Statute Law Revision (Decimal Currency) Act 1966, No. 93.** Assented to, 29 Oct., 1966. Date of commencement, 1 Dec., 1966: s. 2 (1.).

Historical data online

- ▶ All Commonwealth full text Acts available on FRL from 1901
- ▶ All Hansard available on Parliament of Australia site from 1901
- ▶ Explanatory Memoranda available on AustLII from 1974
- ▶ Explanatory Memoranda Index and 'Was there an EM?' document
- ▶ Bills digests available on Parliament of Australia site from 1976



Finding relevant political/policy documents

- ▶ Bills digests and second reading speeches
 - ▶ Cases
 - ▶ Royal Commission reports
 - ▶ Government inquiries
 - ▶ Newspaper and journal articles
 - ▶ Political party policy speeches
- ▶ Pandora, Internet Archive, newspaper reports, catalogue searching (UniM, Trove) and Google

Session



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The final memo

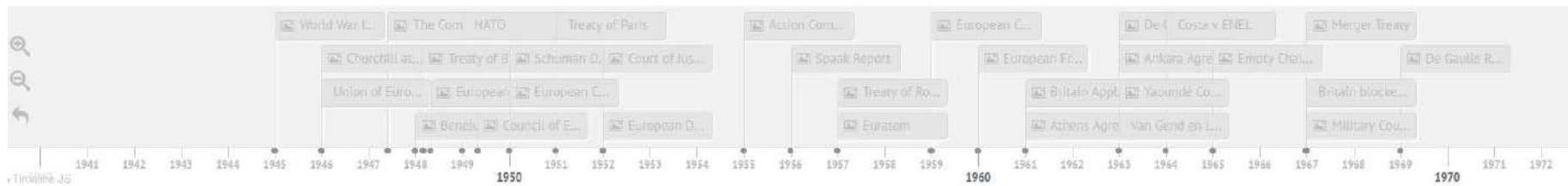
	Title	Assent Date/ Commencement Date	Explanatory Memorandum/ Second Reading Speech	Notes
50.	Conciliation and Arbitration Amendment Act (No.3) 1976 , No.160	9 December 1976 / to be confirmed	2nd RS 3 November 1976	Purpose: An Act to make Provision for the Transfer of Jurisdiction under the <i>Conciliation and Arbitration Act</i> 1904 from the Australian Industrial Court to the Federal Court of Australia and for the Abolition of the first-mentioned Court.
51.	Conciliation and Arbitration Amendment Act 1977 , No.64	16 June 1977 / ss 1, 2, 4, 11 and 12, 16 June 1977 ; remainder to be proclaimed	2nd RS 31 March 1977 Bills digest 31 March 1977	Purpose: The main purposes of this Bill are to: <ul style="list-style-type: none"> • Strengthen the protection of employees and persons against certain actions by employers and organisations; • Establish the Industrial Relations Bureau as an independent statutory body to secure observance of the Act, regulations and awards; and • Extend the range of consequences or penalties available to the court for breaches of the Act, regulations and awards.
52.	Conciliation and Arbitration Amendment Act (No.3) 1977 , No.108	21 October 1977 / ss 5, 11, 15, 17, 18, 19, 21, 23 (a) and (b), 24, 25, 28 and 31, fixed by proclamation ; remainder, 21 October 1977	2nd RS 19 October 1977 Bills digest 19 October 1977	Purpose: The main purposes of this Bill are to: <ul style="list-style-type: none"> • Strengthen the protection of employees and persons against various actions by employers and organisations; • Expand the role of the Industrial Relations Bureau; • To extend the range of penalties available to the Court for breaches of the Act, regulations and awards; and • Make provision concerning accounting practices and financial reporting in organisations registered under the Act.
53.	Remuneration and Allowances	28 October 1977	2nd RS 20 May	Purpose: An Act relating to the remuneration and

EU Timeline



A HISTORY OF THE EU

by Sally McLaren at the [Inner Temple Library](#)



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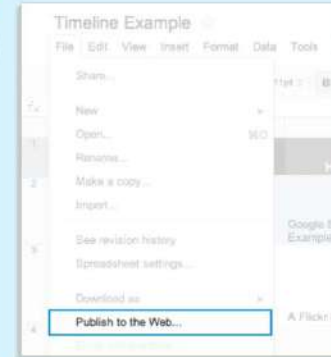
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2

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```
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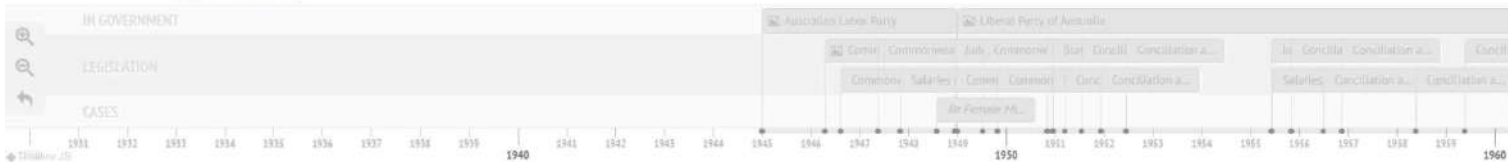
Labour Law Timeline



Construction crew in Brisbane, 1939

THE LEGISLATIVE HISTORY OF LABOUR LAW IN AUSTRALIA

Labour law in Australia has had many shifts over the years. This timeline shows the legislative amendments that have been made from 1945 until 2005.



Labour Law Timeline

JUNE 27, 1991

INDUSTRIAL RELATIONS LEGISLATION AMENDMENT ACT 1991, NO. 122

Act No. 122

An Act to amend the *Commonwealth Employees' Rehabilitation and Compensation Act 1988* and for the *Remuneration Tribunal Act 1973*, and for other purposes.

Assent date: 27 June 1991

Commencement date: Ss 4(1), 10(b) and 15-20, 1 December 1988; ss 28(b)-(e), 30 and 31, 10 December 1991 (Gazette 1991, No. S352); remainder, 27 June 1991

[Explanatory memorandum](#)

Second Reading Speech: [20 February 1991](#)

[Bills digest](#)



INDUSTRIAL
RELATIONS
LEGISLATION
AMENDMENT ACT
(NO.1) 1991, NO. 122



INDUSTRIAL
RELATIONS
LEGISLATION
AMENDMENT ACT
(NO.1) 1991, NO.122
(OF 1991)



Resources



- ▶ Federal Register of Legislation
www.legislation.gov.au
- ▶ Parliament of Australia
www.aph.gov.au
- ▶ Labour law timeline
<http://go.unimelb.edu.au/99x6>
- ▶ Timeline JS
<http://timeline.knightlab.com>

- ▶ Fiona MacDowall, Research Librarian, University of Melbourne
fiona.macdowall@unimelb.edu.au