

House of Representatives  
Supplementary Order Paper

Wednesday, 7 November 2007

Employment Relations (Flexible Working  
Arrangements) Amendment Bill

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*Proposed amendment to SOP No 153*

Hon Trevor Mallard, in Committee, to move the following amendment:

*New clause 8: new section 179B*

To omit *new section 179B* and substitute the following section:

**“179B Limitations on consideration by Employment Court of matters arising under Part 6AA**

- “(1) This section applies to an investigation by, or determination of, the Authority under **Part 6AA**.
- “(2) The Authority may not refer a question of law to the Court under section 177 if the question of law arises during an investigation of the Authority under **Part 6AA**.
- “(3) No matter, or part of a matter, may be removed to the Court under section 178 if the matter, or the part of the matter, arises under **Part 6AA**.
- “(4) No party who is dissatisfied with a determination, or any part of a determination, of the Authority under **Part 6AA** may elect, under section 179, to have the matter heard by the Court.”

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**Explanatory note**

This Supplementary Order Paper amends SOP No 153, which amends the Employment Relations (Flexible Working Arrangements) Amendment Bill. This Supplementary Order Paper omits and substitutes *new section 179B* as inserted by *new clause 8* in SOP No 153.

*New section 179B* applies to an investigation by, or determination of, the Authority under *new Part 6AA* and provides that—

- the Authority may not refer a question of law to the Court under section 177 of the principal Act if the question of law arises during an investigation of the Authority under *new Part 6AA (new section 179B(2))*;
- no matter, or part of a matter, may be removed to the Court under section 178 of the principal Act if the matter, or the part of the matter, arises under *new Part 6AA (new section 179B(3))*;
- no party who is dissatisfied with a determination, or part of a determination, of the Authority under *new Part 6AA* may elect, under section 179 of the principal Act, to have the matter heard by the Court (*new section 179B(4)*).

*New section 179B* does not preclude a decision of the Authority under *new Part 6AA* from being subject to judicial review.

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