



ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

No. 60 of 1981

An Act to amend the Industrial Conciliation and Arbitration Act, 1972-1979, and to make consequential amendments to the Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1977.

[Assented to 31 August 1981]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Industrial Conciliation and Arbitration Act Amendment Act, 1981".

(2) The Industrial Conciliation and Arbitration Act, 1972-1979, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Industrial Conciliation and Arbitration Act, 1972-1981".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of s. 3—
Arrangement of Act.

3. Section 3 of the principal Act is amended by inserting after the item:

DIVISION I—GENERAL

the item:

DIVISION IA—INDUSTRIAL AUTHORITIES TO PAY DUE REGARD TO THE PUBLIC INTEREST.

Amendment of s. 101—
Reference of matters to the Full Commission.

4. Section 101 of the principal Act is amended by striking out from subsection (1) the passage "any party or a member of the committee" and substituting the passage "a party, a member of the Committee or the Minister".

Insertion of new Division.

5. The following Division is inserted after Division I of Part X of the principal Act:

DIVISION IA—INDUSTRIAL AUTHORITIES TO PAY DUE REGARD TO THE PUBLIC INTEREST

Interpretation.

146a. (1) In this Division—

"the Commonwealth Commission" means the Australian Conciliation and Arbitration Commission;

“determination” includes decision, award and order:

“determination affecting remuneration or working conditions” includes a declaration of the Commission under section 8 of the Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1981, that an industrial agreement is consistent with the public interest:

“industrial authority” means—

- (a) the Commission;
- (b) a Committee;
- or
- (c) the Teachers Salaries Board:

“remuneration” includes—

- (a) wages or salary;
- (b) amounts payable by way of piece-work or contract rates in respect of employment or service in an industry;
- (c) amounts payable by way of penalty rates, or shift premiums;
- (d) amounts payable as compensation for lost time;
- (e) amounts payable for overtime and special work;
- and
- (f) allowances:

“working conditions” means conditions of employment or service.

146b. (1) In arriving at a determination affecting remuneration or working conditions, an industrial authority shall have due regard to the public interest and shall not make a determination unless satisfied that it is consistent with the public interest.

Industrial
authorities
to pay due
regard to
the public
interest.

(2) In deciding whether a proposed determination would be consistent with the public interest an industrial authority—

- (a) shall consider the state of the economy of the State and the likely effects of the determination on that economy with particular reference to its likely effects on the level of employment and on inflation;
- (b) shall give effect to principles enunciated by the Commonwealth Commission (as they apply from time to time) that flow from consideration by that Commission of the state of the national economy and the likely effects of determinations of that Commission on the national economy;
- (c) where there is a nexus between the proposed determination and a determination of the Commonwealth Commission—shall consider the desirability of achieving or maintaining uniformity between rates of remuneration payable under the respective determinations;

and

(d) may consider any other matters relevant to the question.

Application
of this
Division.

146c. This Division applies in relation to all determinations made after the commencement of the Industrial Conciliation and Arbitration Act Amendment Act, 1981, whether made in proceedings that were commenced before or after the commencement of that amending Act.

Consequential
amendments to
Industrial
Commission
Jurisdiction
(Temporary
Provisions)
Act.

6. (1) The Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1977, is amended—

(a) by striking out subsection (1) of section 8 and substituting the following subsection:

(1) No industrial agreement affecting remuneration or working conditions has effect unless and until the Commission, by order, declares that the agreement is consistent with the public interest;

(b) by striking out from subsection (2) the passage “may apply” and substituting the passage “may, subject to the principal Act, apply”;

and

(c) by inserting after subsection (2) of section 8 the following subsections:

(3) This section does not apply to an agreement filed in the office of the Registrar before the commencement of the Industrial Conciliation and Arbitration Act Amendment Act, 1981, unless the agreement is one in respect of which—

(a) provision for certification was made under this Act, as in force before the commencement of that amending Act;

but

(b) that certification had not been granted as at the commencement of that amending Act,

in which case any uncompleted proceedings in which certification was sought may be continued and completed as if they were proceedings for a declaration under this section.

(4) In this section “remuneration” and “working conditions” have the meanings respectively assigned to those terms in Division IA of Part X of the principal Act.

(2) The Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1977, as amended by this section, may be cited as the “Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1981”.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor