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**ELIZABETHAE II REGINAE**

A.D. 1975

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**No. 107 of 1975**

An Act to make certain temporary provisions with respect to the jurisdiction of the Full Commission of the Industrial Commission of South Australia and for other purposes.

*[Assented to 20th November, 1975]*

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

**Short title.**

1. This Act may be cited as the "Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975".

**Incorporation.**

2. This Act is incorporated with the Industrial Conciliation and Arbitration Act, 1972-1975 (in this Act referred to as "the principal Act") and that Act and this Act shall be read as one Act.

**Interpretation.**

3. In this Act—

"Proclaimed Wage Fixing Authority" means—

- (a) the Commission;
- (b) any Conciliation Committee;
- (c) the Public Service Board constituted by the Public Service Act, 1967-1975;
- (d) the Public Service Arbitrator appointed under the Public Service Arbitration Act, 1965-1975;
- (e) the Teachers Salaries Board established under the Education Act, 1972-1974;

or

- (f) the Local Government Officers Classification Board established under the Local Government Act, 1934-1975,

and includes any other Wage Fixing Authority that is for the time being declared pursuant to section 4 of this Act to be a Proclaimed Wage Fixing Authority for the purposes of this Act:

“remuneration” includes wages or salary and payments in the nature of wages or salary, including penalty and overtime rates, shift premiums, industry allowances and like or other additions to ordinary time rates and commissions, but does not include fees or charges for specific services:

“Wage Fixing Authority” means any person or body of persons having, pursuant to any Act or law, a power or function to determine the level of remuneration payable to any employee.

4. (1) Subject to this section, the Governor may from time to time, by proclamation, declare any Wage Fixing Authority to be a Proclaimed Wage Fixing Authority for the purposes of this Act and may by a subsequent proclamation, amend, vary or revoke any such declaration.

Proclaimed  
Wage Fixing  
Authority.

(2) A proclamation under subsection (1) of this section may be expressed to apply and have effect on a day that occurs before the day on which it is made and that proclamation shall apply and have effect according to its tenor.

5. Notwithstanding anything in the principal Act or any other Act or law contained, the Full Commission shall, in making an order under section 36 of the principal Act, have regard to and may apply and give effect to in whole or in part and with or without modification any principles, guidelines or conditions enunciated or laid down in or attached to any relevant decision of the Australian Conciliation and Arbitration Commission constituted under the *Conciliation and Arbitration Act 1904-1974* of the Commonwealth.

Powers of Full  
Commission  
under s. 36 of  
principal Act.

6. (1) Without limiting the generality of section 5 of this Act, this Act shall apply and have effect to and in relation to an application to the Full Commission by the Minister of Labour and Industry for an order varying the wages or other remuneration payable generally to employees under awards in accordance with the decision of the Australian Conciliation and Arbitration Commission made on the eighteenth day of September, 1975, as if this Act had been enacted and in force on the day on which that application was made.

Application of  
this Act to  
Matter No. 164  
of 1975.

(2) The Full Commission is, by force of this subsection and notwithstanding anything in the principal Act or any other Act or law contained, authorized and required of its own motion to re-open and further consider its decision published and dated the second day of October, 1975, on the application referred to in subsection (1) of this section.

7. Notwithstanding any other Act or law, each Proclaimed Wage Fixing Authority is, by force of this section, empowered of its own motion to have regard to and may apply and give effect to any principles, guidelines or conditions enunciated or laid down in or attached to any relevant decision of the Full Commission authorized in whole or in part by section 5 of this Act.

Duty of  
Proclaimed  
Wage Fixing  
Authorities.

**Agreements.**

8. (1) Notwithstanding anything in the principal Act contained, no agreement providing for an increase in remuneration payable to employees and entered into on or after the commencement of this Act shall be registered as an industrial agreement pursuant to that Act until the Commission upon application made to it by any person in that regard certifies that the agreement is not against the public interest.

(2) In determining whether an agreement is or is not against the public interest the Commission may have regard to and may apply and give effect to any principles, guidelines or conditions enunciated or laid down in or attached to any relevant decision or order of the Full Commission authorized in whole or in part by section 5 of this Act.

**Expiry of Act.**

9. This Act shall expire on the thirty-first day of December, 1976.

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

M. L. OLIPHANT, Governor