

SOUTH AUSTRALIA

INDUSTRIAL RELATIONS ADVISORY COUNCIL ACT, 1983

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 1 April 1993.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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INDUSTRIAL RELATIONS ADVISORY COUNCIL ACT, 1983

being

Industrial Relations Advisory Council Act, 1983, No. 22 of 1983
[Assented to 26 May 1983]¹

as amended by

Industrial Relations Advisory Council Act Amendment Act, 1986, No. 11 of 1986 [Assented to 13 March 1986]

Industrial Relations Advisory Council Act Amendment Act, 1990, No. 11 of 1990 [Assented to 12 April 1990]²

Industrial Relations Advisory Council (Removal of Sunset Clause) Amendment Act 1993 No. 15 of 1993 [Assented to 1 April 1993]

¹ Came into operation 28 July 1983: *Gaz.* 28 July 1983, p. 207.

² Came into operation (except ss. 3 and 4) on assent: s. 2(1); ss. 3 and 4 came into operation 30 June 1990: s. 2(2).

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

2.

An Act to establish a council to be known as the "Industrial Relations Advisory Council"; to define its functions; and for other purposes.

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

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Industrial Relations Advisory Council Act, 1983*.

Commencement

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

Arrangement of Act

3. This Act is arranged as follows:

PART I—PRELIMINARY

PART II—CONSTITUTION OF THE COUNCIL

PART III—FUNCTIONS OF THE COUNCIL

SCHEDULE

Interpretation

4. (1) In this Act—

"the Council" means the Industrial Relations Advisory Council constituted under this Act:

"the permanent head" means the person for the time being holding or acting in the office of permanent head of the Department of the Public Service that is, under the Minister, for the time being responsible for the administration of this Act:

"quarter" means a period of three months commencing on the first day of January, the first day of April, the first day of July, or the first day of October, in any year.

(2) For the purposes of this Act, a legislative proposal has industrial significance if it is a proposal to amend or repeal any of the Acts referred to in the schedule to this Act, or an Act passed in substitution for an Act so referred to.

PART II

CONSTITUTION OF THE COUNCIL

Establishment of the Council

5. There shall be a council entitled the "Industrial Relations Advisory Council".

Membership of the Council

6. (1) The Council shall be constituted of fourteen members of whom—

(a) one shall be the Minister;

(b) one shall be the permanent head;

(c) twelve shall be persons appointed by the Governor to membership of the Council, and of these—

(i) six shall be persons nominated by the Minister, after consultation with the United Trades and Labor Council of South Australia, to represent the interests of employees;

and

(ii) six shall be persons nominated by the Minister, after consultation with associations of employers, to represent the interests of employers.

(2) The Minister shall be the Chairman of the Council.

(3) A member of the Council may, with the approval of the Minister, appoint a suitable person to act as an alternate member of the Council and a person so appointed may, in the absence of the member by whom he was appointed, act as a member of the Council.

Terms of office, etc.

7. (1) A person nominated for appointment as a member of the Council shall be appointed for a term of office (not exceeding three years) specified in the instrument of his appointment and shall, upon the expiration of a term of appointment, be eligible for re-appointment.

(2) The Governor may remove a member of the council from office if—

(a) he becomes mentally or physically incapable of carrying out satisfactorily the duties of his office;

(b) he is guilty of neglect of duty or dishonourable conduct;

or

(c) having been appointed to represent the interests of employers or employees, he ceases, in the opinion of the Governor, to be a suitable person to act as such a representative.

4.

(3) The office of a member of the Council shall become vacant if—

- (a) he dies;
 - (b) his term of office expires;
 - (c) he resigns by written notice addressed to the Minister;
- or
- (d) he is removed from office under subsection (2).

(4) Upon the office of a member of the Council becoming vacant, a person shall be appointed, in accordance with this Act, to the vacant office.

Remuneration and expenses

8. A member of the Council (other than the Minister and the permanent head) shall be entitled to such allowances and expenses as may be determined by the Governor.

Proceedings of the Council

9. (1) The Council shall meet for the transaction of its business at such times as may be appointed by the Minister, but there must be at least one meeting of the council in each quarter.

(2) The Minister shall convene a meeting of the Council if requested to do so by four or more members of the Council.

(3) Eight members of the Council of whom—

- (a) one must be the Minister;
 - (b) at least three must be members appointed to represent the interests of employees;
- and
- (c) at least three must be members appointed to represent the interests of employers,

shall constitute a quorum of the Council and no business shall be transacted by the Council unless a quorum is present.

(4) The Chairman shall preside at all meetings of the Council.

(5) The Council shall seek to achieve, to the maximum possible extent, consensus on all questions arising before it.

(6) In the determination of any question arising before the Council the permanent head shall not be entitled to a vote.

(7) The proceedings of the Council shall be conducted with the following principles in view:

- (a) proceedings of the Council should be conducted on a non-political basis;

5.

- (b) the Council should not interfere with the proper performance of the functions of industrial tribunals;
- (c) subject to the rights of members appointed to represent the interests of employers or employees to report on the proceedings of the Council to organizations of employers or employees (as the case may require) and to the right of the Council to make announcements that it considers to be in the public interest, the views of members expressed at meetings of the Council (as distinct from the views or decisions of the Council as a whole) should be kept confidential.

(8) No public announcement of a decision or view reached by the Council shall be made by the Council, a member of the Council, or any other person, unless the members of the Council are unanimously of the opinion that the announcement should be made.

(9) The Council shall cause minutes to be kept of its proceedings.

(10) Subject to this Act, the proceedings of the Council shall be conducted in such manner as the Council may determine.

Committees

10. (1) The Council may, with the consent of the Minister, establish committees to inquire into and advise it upon any matters upon which the Council requires advice.

(2) A committee established under this section may consist of, or include, persons who are not members of the Council.

PART III

FUNCTIONS OF THE COUNCIL

Functions of the Council

11. (1) The functions of the Council are as follows:

(a) to assist the Minister in the formulation, and advise the Minister on the implementation, of policies affecting industrial relations, manpower and other related matters;

(b) to advise the Minister upon legislative proposals of industrial significance;

and

(c) to consider any matters referred to the Council by the Minister or any other member of the Council.

(2) Subject to subsection (3), any legislative proposal of industrial significance should be referred to the Council for its advice at least two months before a Bill to give effect to that proposal is introduced into Parliament.

(3) Subsection (2) is subject to the following qualifications:

(a) it does not apply to a legislative proposal embodied in a Bill introduced into Parliament by a member who is not a Minister of the Crown;

(b) it does not apply to legislative proposals introduced into a Bill, by amendment, during its passage through Parliament;

(c) the Council may waive compliance with that subsection or reduce the period of two months referred to in that subsection.

Annual report

12. (1) The Council shall, as soon as practicable after the end of each calendar year, submit a written report on its work during that year to the Speaker of the House of Assembly and the President of the Legislative Council.

(2) As soon as practicable after receipt of a report under this section, the Speaker shall cause the report to be laid before the House of Assembly and the President shall cause the report to be laid before the Legislative Council.

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THE SCHEDULE

BOILERS AND PRESSURE VESSELS ACT, 1968
DANGEROUS SUBSTANCES ACT, 1979
EMPLOYEES REGISTRY OFFICES ACT, 1915
EXPLOSIVES ACT, 1936
HOLIDAYS ACT, 1910
INDUSTRIAL CONCILIATION AND ARBITRATION ACT, 1972
INDUSTRIAL RELATIONS ADVISORY COUNCIL ACT, 1983
LIFTS AND CRANES ACT, 1985
LONG SERVICE LEAVE ACT, 1987
LONG SERVICE LEAVE (BUILDING INDUSTRY) ACT, 1987
MANUFACTURING INDUSTRIES PROTECTION ACT, 1937
MOTOR FUEL DISTRIBUTION ACT, 1973
OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT, 1986
SHEARERS ACCOMMODATION ACT, 1975
SHOP TRADING HOURS ACT, 1977
WORKERS REHABILITATION AND COMPENSATION ACT, 1986

APPENDIX

LEGISLATIVE HISTORY

(entries in bold type indicate amendments incorporated since the last reprint)

Section 6(1):	amended by 11, 1990, s. 3
Section 9(3):	amended by 11, 1990, s. 4
Section 13:	amended by 11, 1986, s. 2; 11, 1990, s. 5; repealed by 15, 1993, s. 2
Schedule:	substituted by 11, 1990, s. 6