

SOUTH AUSTRALIA

INDUSTRIAL CONCILIATION AND ARBITRATION REGULATIONS, 1990

REGULATIONS UNDER THE INDUSTRIAL RELATIONS ACT (S.A.) 1972

Industrial Conciliation and Arbitration Regulations, 1990

being

No. 258 of 1990: *Gaz.* 20 December 1990, p. 1892¹

as varied by

No. 93 of 1991: *Gaz.* 27 June 1991, p. 2102²

No. 135 of 1992: *Gaz.* 25 June 1991, p. 2006³

¹ Came into operation 1 January 1991: reg. 2.

² Came into operation 1 July 1991: reg. 2.

³ Came into operation 1 July 1992: reg. 2

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

Citation

1. These regulations may be cited as the *Industrial Conciliation and Arbitration Regulations, 1990*.

Commencement

2. These regulations will come into operation on 1 January, 1991.

Interpretation

3. In these regulations—

"the Act" means the *Industrial Relations Act (S.A.) 1972*.

Prescribed employers

3a. Pursuant to section 6 of the Act, the following bodies are declared to be prescribed employers for the purposes of the Act:

- (a) the Country Fire Service;
- (b) the Electricity Trust of South Australia;
- (c) the Lotteries Commission of South Australia;
- (d) the South Australian Housing Trust;
- (e) the South Australian Meat Corporation;
- (f) the South Australian Metropolitan Fire Service;
- (g) the South Australian Totalizator Agency Board;
- (h) the State Bank of South Australia;
- (i) the State Transport Authority.

Oath of President or Deputy President

4. For the purposes of section 9(3) of the Act, the oath to be taken by a person appointed as the President or as a Deputy President of the Court must be in the form of the judicial oath under the *Oaths Act, 1936*.

Oath of Commissioner

5. For the purposes of section 23(9) of the Act, the oath to be taken by a Commissioner must be in the form set out in the first schedule.

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Sick leave

7. (1) Pursuant to section 80 of the Act, the following terms and conditions are prescribed in relation to the provision of sick leave:

(a) where the illness occurs other than while the employee is on annual leave, the employee must—

(i) within such time as is specified in an award, but in any case within 24 hours after the commencement of the absence, either personally or through another person acting on his or her behalf, inform the employer of his or her inability to attend for duty and, so far as may be practicable, of the nature of the illness and the estimated duration of the absence;

and

(ii) if so requested by the employer, deliver to the employer a certificate furnished by a legally qualified medical practitioner, or other reasonable evidence, to establish the reason for his or her inability to attend at work on the day or days in respect of which sick leave is claimed;

(b) where the illness occurs while the employee is on annual leave and the employee claims an entitlement to paid sick leave under section 80(1)(b) of the Act, the employee must, within three days of resuming work after taking that annual leave, deliver to the employer a certificate furnished by a legally qualified medical practitioner certifying that for the period of not less than three consecutive days specified in the certificate the employee would have been unfit for employment by reason of illness had the employee been required to attend or remain at his or her place of employment.

(2) In this regulation—

"illness" includes any personal injury but does not include a disability that is compensable under the *Workers Rehabilitation and Compensation Act, 1986*.

Awards relating to disabled workers

8. (1) Pursuant to section 89(4) of the Act, an award under section 89(3) of the Act cannot regulate the wages or salary payable to a person to whom section 89 of the Act applies.

(2) For the purposes of subregulation (1), wages or salary do not include—

(a) amounts payable by way of penalty rates or shift premiums;

(b) amounts payable for overtime;

or

(c) allowances.

FIRST SCHEDULE

OATH TO BE TAKEN BY A COMMISSIONER

I do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law in the office of Commissioner of the Industrial Commission of South Australia and that I will not disclose, except so far as may be necessary in the execution of my duties as a Commissioner, any matter or evidence before the said Commission or before any Conciliation Committee of which I may be chairman, relating to trade secrets, the profits or losses or the receipts and outgoings of any employer, the books of any employer or witness produced before the said Commission or Committee, or the financial position of any employer or of any witness.

So help me God.

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APPENDIX

Legislative History

Regulation 3:	definition of "the Act" substituted by 135, 1992, reg. 3
Regulation 3a:	inserted by 93, 1991, reg. 3
Regulation 6:	revoked by 93, 1991, reg. 4
Regulation 8:	inserted by 135, 1992, reg. 4
Second schedule:	revoked by 93, 1991, reg. 5