



ANNO TRICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1983

No. 33 of 1983

An Act to amend the Industrial Conciliation and Arbitration Act, 1972-1982; and to repeal the Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1981.

[Assented to 16 June 1983]

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

1. (1) This Act may be cited as the "Industrial Conciliation and Arbitration Act Amendment Act, 1983". Short titles.

(2) The Industrial Conciliation and Arbitration Act, 1972-1982, 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, 1972-1983".

2. Section 3 of the principal Act is amended by striking out the passage "THE PUBLIC INTEREST" and substituting the passage "CERTAIN GENERAL PRINCIPLES, ETC.". Amendment of s. 3—
Arrangement of Act.

3. Section 133 of the principal Act is amended by striking out from subsection (2) the word "ninth" and substituting the word "twelfth". Amendment of s. 133—
Certain matters not to be challenged except in certain cases.

4. The heading to Division IA of Part X of the principal Act is amended by striking out the passage "THE PUBLIC INTEREST" and substituting the passage "CERTAIN GENERAL PRINCIPLES, ETC.". Amendment of heading to Division IA of Part X.

5. Section 146a of the principal Act is amended—

(a) by striking out the definition of "determination affecting remuneration or working conditions";

(b) by striking out from the definition of "industrial authority" the word "or" occurring between paragraphs (b) and (c);

(c) by inserting after paragraph (c) of the definition of "industrial authority" the following paragraphs:

Amendment of s. 146a—
Interpretation.

- (d) the Public Service Board;
 (e) the Public Service Arbitrator;
 (f) the Local Government Officers Classification Board;
 or
 (g) any person, or body of persons, declared by proclamation under subsection (2) to be an industrial authority for the purposes of this Division: ;

and

(d) by inserting after subsection (1) the following subsections:

(2) The Governor may, by proclamation, declare any person, or body of persons, that has, pursuant to an Act or law, power to determine remuneration or working conditions to be an industrial authority for the purposes of this Division.

(3) The Governor may, by proclamation, vary or revoke a declaration under subsection (2).

6. Section 146b of the principal Act is repealed and the following section is substituted:

Repeal of s.146b and substitution of new section.

146b. (1) Notwithstanding any other provisions of this Act, in arriving at a determination affecting remuneration or working conditions, the Full Commission shall have due 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 or declaration of the Commonwealth Commission.

Due regard to be had to certain general principles, etc.

(2) The Full Commission may, of its own motion, or upon the application of the Minister, make a declaration adopting in whole or in part and with or without modification any principles, guidelines or conditions referred to in subsection (1).

(3) Notwithstanding any Act or law, in arriving at a determination affecting remuneration or working conditions, each industrial authority shall have due 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 declaration of the Full Commission authorized in whole or in part by subsection (1) or (2).

(4) Notwithstanding any other provisions of this Act, no industrial agreement affecting remuneration or working conditions has effect unless and until the Commission, having had due regard to the matters referred to in subsection (3), by order, approves of the agreement.

7. Section 146c of the principal Act is amended by striking out the numerals "1981" and substituting the numerals "1983".

Amendment of s. 146c—
Application of this Division.

8. Section 171 of the principal Act is amended—

(a) by inserting in subsection (1) after the passage "against this Act may," the passage "upon application,";

and

(b) by inserting after subsection (1) the following subsection:

Amendment of s. 171—
Person convicted may be ordered to pay arrears of wages, etc.

(1a) In proceedings in respect of an application under subsection (1) for an order that the defendant pay to a person an amount alleged to be due in connection with the person's employment by the defendant, a certificate of an Inspector certifying as to any matter relating to such employment (including the amount alleged to be due) shall, in the absence of proof to the contrary, be accepted as proof of the matters stated in the certificate.

9. The Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1981, is repealed.

Repeal of
Industrial
Commission
Jurisdiction
(Temporary
Provisions) Act,
1975-1981.

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

D. B. DUNSTAN, Governor