

WESTERN AUSTRALIAN
TRIPARTITE LABOUR
CONSULTATIVE COUNCIL.

No. 58 of 1983.

AN ACT to make provision for the establishment of a council to be known as the Western Australian Tripartite Labour Consultative Council and for related purposes.

[Assented to 13 December 1983.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Western Australian Tripartite Labour Consultative Council Act 1983*. Short title.

Commence-
ment.

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

Definitions.

3. (1) In this Act unless the context otherwise requires—

“chairman” means chairman of the Council;

“Council” means the Western Australian Tripartite Labour Consultative Council established under section 4;

“member” means a member of the Council and includes the chairman;

“Schedule” means the Schedule to this Act;

“section” means section of this Act;

“subsection” means subsection of the section in which the term appears.

Establish-
ment of
Council.

4. There shall be a council to be known as the “Western Australian Tripartite Labour Consultative Council”.

Functions of
Council.

5. (1) The functions of the Council are—

(a) to consider and report to the Minister generally on industrial relations and other related matters and in particular to investigate and report to the Minister on the need for, or desirability of, legislative or administrative action in relation to industrial relations and other related matters;

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

- (c) to advise the Minister upon legislative proposals of industrial significance which have been referred by the Minister to the Council; and
- (d) to consider any matters referred to the Council by the Minister or any other member of the Council.

(2) Notwithstanding subsection (1), the Council shall not involve itself in current industrial disputes or in matters that are before an industrial tribunal or interfere with the proper performance of an industrial tribunal.

(3) Subject to subsection (4), any legislative proposal of industrial significance should be referred by the Minister to the Council for its advice at least 2 months before a Bill to give effect to that proposal is introduced into Parliament.

(4) Subsection (3) does not apply to legislative proposals of industrial significance—

- (a) embodied in a Bill introduced into Parliament by a member who is not a Minister of the Crown;
- (b) introduced into a Bill, by amendment, during its passage through Parliament; or
- (c) with respect to which the Council has waived compliance with that section or has reduced the period of 2 months referred to in that subsection.

(5) For the purposes of this section a legislative proposal of industrial significance includes a proposal to amend or repeal any Act referred to in the Schedule or an Act passed in substitution for an Act so referred to.

(6) The Governor may, by regulation, vary or add to the Schedule.

Powers of
Council.

6. The Council may—

- (a) from time to time appoint committees of which a member is chairman;
- (b) empower a committee to investigate and report on any aspect of its functions;
- (c) obtain the advice of persons having special knowledge, experience or responsibility in regard to industrial relations;
- (d) invite, and enter into arrangements with, any body, person, university or other tertiary institution on such terms and conditions as it may determine to act in an advisory capacity or to make submissions to the Council in relation to all or any aspects of its functions; and
- (e) conduct and promote relevant research into industrial relations.

Report to
Parliament.

7. (1) Where the Minister is of the opinion that the special attention of Parliament should be drawn to any matter the Council has considered, he shall cause a report of the Council on the matter to be laid before each House of Parliament.

(2) Where a member of the Council appointed under section 8 (1) (c) dissents from a recommendation of the Council, on which a report is made under this section, the dissent and reasons, if any, shall be included in the report.

Constitution
of Council.

8. (1) The Council shall consist of—

- (a) the Minister who shall be the chairman of the Council;
 - (b) the Director of the Western Australian Government Industrial Relations Service;
- and

(c) 8 persons appointed by the Minister of whom—

(i) 2 shall be nominated by the body known as The Confederation of Western Australian Industry (Incorporated);

(ii) one shall be nominated by the body known as the Australian Mines and Metals Association (Incorporated);

(iii) one shall be nominated by the body known as the Perth Chamber of Commerce;

and

(iv) 4 shall be nominated by the body known as the Trades and Labor Council of Western Australia.

(2) If a body referred to in subsection (1) (c) fails to submit to the Minister a nomination of a person or persons for the purposes of this section within 30 days after the receipt of a written request to do so, the Minister may appoint such person or persons as he thinks fit and, subject to section 9 (2), the person or persons so appointed shall be deemed to have been nominated by the body requested to make the nomination and appointed by the Minister under subsection (1) (c).

9. (1) Subject to this Act, a member appointed under section 8 (1) (c) shall be appointed for a period not exceeding 3 years as is specified in his instrument of appointment and a member so appointed is eligible for re-appointment. ^{Term of office.}

(2) The Minister—

(a) shall terminate the appointment of a member appointed under section 8 (1) (c) if requested to do so by the body which nominated that member; and

(b) may terminate the appointment of a member appointed under section 8 (2) if requested to do so by the body which failed to nominate a member within 30 days of a request to do so.

(3) The Minister may grant leave of absence to a member on such terms and conditions as the Minister determines.

(4) The office of a member appointed under section 8 (1) (c) becomes vacant if—

- (a) his term of office expires by effluxion of time;
- (b) he resigns his office by writing under his hand addressed to the Minister;
- (c) he is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy;
- (d) he absents himself, except on leave duly granted by the Minister, from 3 consecutive meetings of the Council;
- (e) he becomes permanently incapable of performing his duties as a member; or
- (f) his appointment is terminated under subsection (2).

(5) Where the office of a member becomes vacant otherwise than by effluxion of time, the Minister may appoint to the vacant office for the unexpired part of the term of the office which so became vacant a person nominated by the body which nominated the member whose office is vacant.

Meetings of
the Council.

10. (1) The Council shall hold meetings at such times and places as are fixed by the Minister.

(2) The chairman shall preside at all meetings of the Council.

(3) Six members of the Council of whom—

- (a) one must be the Minister;
- (b) at least 2 must be members appointed under section 8 (1) (c) (i), (ii) or (iii); and
- (c) at least 2 must be members appointed under section 8 (1) (c) (iv),

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

(4) Each member of the Council at a meeting, including the chairman, has a deliberative vote.

(5) Any question arising at a meeting of the Council shall be decided by a majority of the votes of the members present, but if the votes are equal the question shall be taken to have been decided in the negative.

(6) A member appointed to the Council under section 8 (1) (c) may record a dissenting vote and his reasons for such vote.

(7) The Council shall cause accurate minutes to be kept of its proceedings at its meetings.

(8) Subject to this Act, the Council may regulate its own procedure in such manner as it thinks fit.

11. No proceeding or act of the Council shall be invalidated or illegal in consequence only of there being any vacancy in the office of any member or of any defect in the appointment of any member. Defects not to affect proceedings.

12. This Act shall expire 6 years after the day on which it comes into operation. Expiry.

SCHEDULE. (Section 5)

Construction Safety Act 1972.
Employers' Indemnity Supplementation Fund Act 1980.
Employment Agents Act 1976.
Factories and Shops Act 1963.
Government Employees (Promotions Appeal Board) Act 1945.
Industrial Arbitration Act 1979.
Long Service Leave Act 1958.
Machinery Safety Act 1974.
Public and Bank Holidays Act 1972.
Public Service Arbitration Act 1966.
Salaries and Wages Freeze Act 1982.
Shearers Accommodation Act 1912.
Trade Unions Act 1902.
Truck Act 1899.
Workers' Compensation and Assistance Act 1981.
