

INDUSTRIAL ARBITRATION.

No. 62 of 1979.

AN ACT to amend the Industrial Arbitration Act,
1912-1977.

[Assented to 12th November, 1979.]

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. (1) This Act may be cited as the *Industrial Arbitration Act Amendment Act, 1979*.

Short title
and
citation.

(2) In this Act the Industrial Arbitration Act, 1912-1977 is referred to as the principal Act.

As approved
for reprint
16th May,
1974 and
amended
by Acts Nos.
79, 81, 92 and
95 of 1975,
11, 114,
and 126 of
1976, and 23
of 1977.

(3) The principal Act as amended by this Act may be cited as the Industrial Arbitration Act, 1912-1979.

Section 5
amended.

2. Section 5 of the principal Act is amended—

(a) by inserting immediately after the section number "5." the subsection designation "(1)"; and

(b) by inserting subsections as follows—

(2) Any act, matter, or thing for or with respect to which provision is made in this Act, made, done, or executed before the coming into operation of the Industrial Arbitration Act Amendment Act, 1979, which would have been lawful if the amendments to this Act provided by that Act had been in force at the time such act, matter, or thing was made, done, or executed is hereby validated.

(3) The registrations, or purported registrations, under this Act, before the coming into operation of the Industrial Arbitration Act Amendment Act, 1979, of The Tertiary Education Academic Staffs Association Union of Workers Western Australian Division, the Murdoch University Academic Staff Association (Union of Workers), and the University of Western Australia Academic Staff Association (Union of Workers) are hereby cancelled.

Section 5A
added.

3. The principal Act is amended by inserting immediately after section 5 a section as follows—

5A. Except as provided by section one hundred and sixty-one of the Local Government Act, 1960, where by or pursuant to any other Act power is conferred on a person or body to appoint officers or employees for the purposes of that Act or to fix or determine the salaries, wages, or other remuneration, or other conditions of employment, of officers or employees appointed for those purposes, or to do both of those things—

(a) the jurisdiction that the Commission would have but for that other Act to hear and determine any matter or

Inconsis-
tency.

dispute relating to the salaries, wages, or other remuneration, or other conditions of employment, of those officers or employees is not affected by that power conferred by or pursuant to that other Act; and

- (b) where there is any inconsistency between an award, order, or decision of the Commission relating to any such matter or dispute and any decision in the exercise or purported exercise of that power conferred by or pursuant to that other Act, to the extent of the inconsistency the former prevails and the latter is of no force or effect. .

4. Section 6 of the principal Act is amended— Section 6
amended.

- (a) as to the interpretation “Employer”, by deleting the words “body corporate acting on behalf of the State” in lines five and six and inserting in lieu thereof the words “any public authority”;
- (b) by deleting the interpretation “Industry” and inserting in lieu thereof an interpretation as follows—

“Industry” includes each of the following—

- (a) Any business, trade, manufacture, handicraft, undertaking, or calling of employers on land or water;
- (b) The exercise and performance of the functions, powers, and duties of the Crown and any Minister of the Crown, or any public authority;
- (c) Any calling, service, employment, handicraft, or occupation or vocation of workers, on land or water,

whether or not, apart from this Act, it is, or is considered to be, industry or of an industrial nature, and also includes—

(d) A branch of an industry or a group of industries,

and expressions cognate with “industry” shall bear correlative meanings; ;

(c) by inserting immediately after the interpretation “order” an interpretation as follows—

“post-secondary education institution” has the same meaning as it has in and for the purposes of the Western Australian Post-Secondary Education Commission Act, 1970; ;

(d) by inserting immediately after the interpretation “President” an interpretation as follows—

“public authority” means any Government department, State Trading Concern, State instrumentality or State agency or any public statutory body established by or under a law of the State; ; and

(e) as to the interpretation “Worker”—

(i) by deleting the word “or” after paragraph (b); and

(ii) by deleting the full stop in the last line and inserting in lieu thereof a passage as follows—

; or

(d) any person who is a member of the academic staff of a post-secondary education institution. .

5. Subsection (1) of section 11A of the principal Act is amended by deleting the interpretation “public authority”.

Section 11A
amended.

6. Subsection (2) of section 61 of the principal Act is amended by deleting paragraph (f) and substituting a paragraph as follows—

Section 61
amended.

(f) regulate the rates of salary or wages, or the conditions of employment of—

(i) any worker who is a Government officer within the meaning of section eleven A of this Act;

(ii) any person who holds an office for which the remuneration payable is determined or recommended pursuant to the Salaries and Allowances Tribunal Act, 1975;

(iii) any person who is an officer or employee in either House of Parliament—

(I) under the separate control of the President or Speaker or under their joint control;

(II) employed by a Committee appointed pursuant to the Joint Standing Rules and Orders of the Legislative Council and the Legislative Assembly; or

(III) employed by the Crown;

or

(iv) any person who is an officer or employee on the Governor’s Establishment.