

INDUSTRIAL ARBITRATION (No. 2).

No. 92 of 1984.

AN ACT to amend the Industrial Arbitration Act
1979.

[Assented to 29 November 1984.]

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 Amendment Act (No. 2) 1984*.

Short title
and principal
Act.

(2) In this Act the Industrial Arbitration Act 1979 is referred to as the principal Act.

Reprinted
as approved
21 March
1983.

Commence-
ment.

2. (1) Subject to subsections (2) and (3), this Act shall come into operation on the day on which it is assented to by the Governor.

(2) Section 4 shall come into operation on the day on which section 8 of the Acts Amendment and Repeal (Industrial Relations) Act (No. 2) 1984 comes into operation.

(3) Section 5 shall come into operation on the day on which section 47 of the Acts Amendment and Repeal (Industrial Relations) Act 1984 (No. 2) comes into operation.

Section 20
amended.

3. Section 20 of the principal Act is amended—

(a) by repealing subsections (2) to (7) and substituting the following subsections—

“ (2) The Chief Industrial Commissioner shall receive salary and allowances or reimbursements at the same rate as a District Court Judge other than the Chairman of Judges.

(3) The Senior Commissioner shall receive—

(a) salary at a rate that is 95 per centum of the rate of salary received by the Chief Industrial Commissioner;

(b) an annual expense allowance at a rate that is 66.67 per centum of the rate of annual expense allowance received by the Chief Industrial Commissioner;

and

(c) other allowances or reimbursements as the Governor may from time to time approve.

(4) A Commissioner, other than the Chief Industrial Commissioner and the Senior Commissioner, shall receive—

- (a) salary at a rate that is 90 per centum of the rate of salary received by the Chief Industrial Commissioner;
- (b) an annual expense allowance at a rate that is 50 per centum of the rate of annual expense allowance received by the Chief Industrial Commissioner; and
- (c) other allowances or reimbursements as the Governor may from time to time approve.

(5) In subsection (6) “current rate” in relation to the salary of the holder of an office means the rate that was, immediately before the coming into operation of section 3 of the Industrial Arbitration Amendment Act (No. 2) 1984, the rate of salary determined under the Salaries and Allowances Act 1975 for that office.

(6) Notwithstanding subsection (2), (3) or (4), whichever is applicable, a person holding office as Chief Industrial Commissioner, Senior Commissioner or one of the other Commissioners shall receive salary at a rate not less than the current rate. ”;

- (b) in subsections (8), (9) and (10) by deleting “Commissioner” wherever it occurs and substituting, in each case, the following—

“ member of the Commission ”;

(c) by inserting after subsection (8) the following subsections—

“ (8a) For the purposes of any calculation or determination under the Superannuation and Family Benefits Act 1938 the duration of—

(a) any service by a person as a member of the Commission that occurs after the commencement day;

(b) any period for which a person is deemed to have continued in service under the State following his retirement as a member of the Commission on or after the commencement day; and

(c) any period for which a person might have remained in service under the State but for—

(i) his death after the commencement day while serving as a member of the Commission;

or

(ii) his retirement as a member of the Commission on or after the commencement day on the ground of invalidity or physical or mental incapacity to perform his duties,

shall be deemed to be increased by 100 per centum.

(8b) In subsection (8a) “commencement day” means the day of the coming into operation of section 3 of the Industrial Arbitration Amendment Act (No. 2) 1984. ”; and

(d) by inserting after subsection (10) the following subsections—

“ (11) In subsection (12) “continuing President” means the person holding office as President immediately before the coming into operation of section 3 of the Industrial Arbitration Amendment Act (No. 2) 1984 and continuing in office as President after the coming into operation of that section.

(12) Notwithstanding subsections (8) to (10)—

(a) the continuing President is entitled to the same conditions in respect of leave of absence as a Judge;

(b) the provisions of the Judges’ Salaries and Pensions Act 1950 that relate to pensions apply, with such modifications as are necessary, to and in relation to the continuing President, and to and in relation to his widow and children after his death, in the same manner as they apply to and in relation to a Judge appointed as such after the coming into operation of that Act, and to and in relation to his widow and children after his death, and for that purpose the term “Judge” in that Act includes the continuing President;

and

- (c) if the continuing President is appointed a Judge of another court created by the Parliament of the State his service as the President before and after the coming into operation of section 3 of the Industrial Arbitration Amendment Act (No. 2) 1984 shall be regarded for the purposes of the Judges' Salaries and Pensions Act 1950 as service as a Judge of that other court. ”.

Section 20
further
amended.

4. Section 20 of the principal Act as amended by section 3 is further amended—

- (a) in subsections (2), (3), (4) and (6) by deleting “Industrial” wherever it occurs;
- (b) in subsection (5) by deleting “that office” and substituting the following—
 - “ the equivalent office in The Western Australian Industrial Commission ”;and
- (c) by repealing subsection (11) and substituting the following subsection—
 - “ (11) In subsection (12) “continuing President” means the person who held office as President of The Western Australian Industrial Commission immediately before the coming into operation of section 3 of the Industrial Arbitration Amendment Act (No. 2) 1984 if he continued in that office until the coming into operation of section 4 of that Act and continues in office as President after the coming into operation of section 4 of that Act. ”.

5. Section 113 of the principal Act is amended in subsection (1) by inserting after paragraph (d) the following paragraphs—

Section 113
amended.

- “ (da) providing for the payment of remuneration, travelling and other allowances to members of constituent authorities and their deputies (other than Commissioners);
- (db) providing for the relevant constituent authority to approve of the payment of such amounts as it thinks fit in respect of allowances or reimbursements for travelling or other expenses incurred by appellants, respondents and witnesses in proceedings under section 78 (1) (b) (i) or Division 4 of Part IIA, and providing for the payment of amounts so approved; ”.
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