

**INDUSTRIAL ARBITRATION (PUBLIC SERVICE)
AMENDMENT BILL, 1979**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Public Service Bill, 1979.

The object of this Bill is to effect amendments to the Industrial Arbitration Act, 1940, consequent on and in connection with the enactment of the proposed Public Service Act, 1979.

The Bill includes in section 20 (1B) of the Industrial Arbitration Act, 1940, a reference to any other person (apart from the Public Service Board) who may be authorised to give a certificate in relation to the payment of an increment of salary. The Bill also specifies the classes of termination of employment in respect of which an award under section 20A of the Industrial Arbitration Act, 1940, may be made in relation to public servants. Those classes are the termination of employment of temporary employees and the termination of employment of officers for disciplinary reasons and under the general power of the Crown to dispense with services.



**INDUSTRIAL ARBITRATION (PUBLIC SERVICE)
AMENDMENT BILL, 1979**

No. , 1979.

A BILL FOR

An Act to amend the Industrial Arbitration Act, 1940, consequent on and in connection with the enactment of the Public Service Act, 1979.

[MR WRAN—18 *April*, 1979.]

Industrial Arbitration (Public Service) Amendment.

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

5 1. This Act may be cited as the "Industrial Arbitration (Public Short title. Service) Amendment Act, 1979".

2. (1) This section and section 1 shall commence on the date Commence-
of assent to this Act. ment.

(2) Except as provided by subsection (1), this Act shall
10 commence on the day appointed and notified under section 2 (2)
of the Public Service Act, 1979.

3. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE INDUSTRIAL
ARBITRATION ACT, 1940.

15 SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.

4. The Industrial Arbitration Act, 1940, is amended in the Amendment
manner set forth in Schedule 1. of Act No.
2, 1940.

5. Schedule 2 has effect.

Savings and
transitional
provisions.

Industrial Arbitration (Public Service) Amendment.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940.

(1) (a) Section 20 (1B)—

Omit “Acts”, insert instead “Act, 1979.”.

5 (b) Section 20 (1B) (b)—

Omit “said Board” where firstly occurring, insert instead “Public Service Board or any other person”.

(c) Section 20 (1B) (b)—

10 Omit “said Board” where secondly occurring, insert instead “Public Service Board or other person”.

(d) Section 20 (1D) (b)—

Omit “Public Service Act, 1902”, insert instead “Public Service (Promotion Appeals) Act, 1902”.

(2) Section 20A (2)—

15 Omit the subsection, insert instead:—

(2) The references in subsection (1) to the dismissal or proposed dismissal of an employee are, in relation to a person employed under the Public Service Act, 1979, references to the termination or proposed termination of the employment of that person under section 80, 87, 88, 94 or 95 of that Act or as referred to in section 118 of that Act, including the termination or proposed termination of the employment of that person under section 87, 88, 94 or 95 of that Act pursuant to a direction that he resign or be allowed to resign.

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Industrial Arbitration (Public Service) Amendment.

SCHEDULE 2.

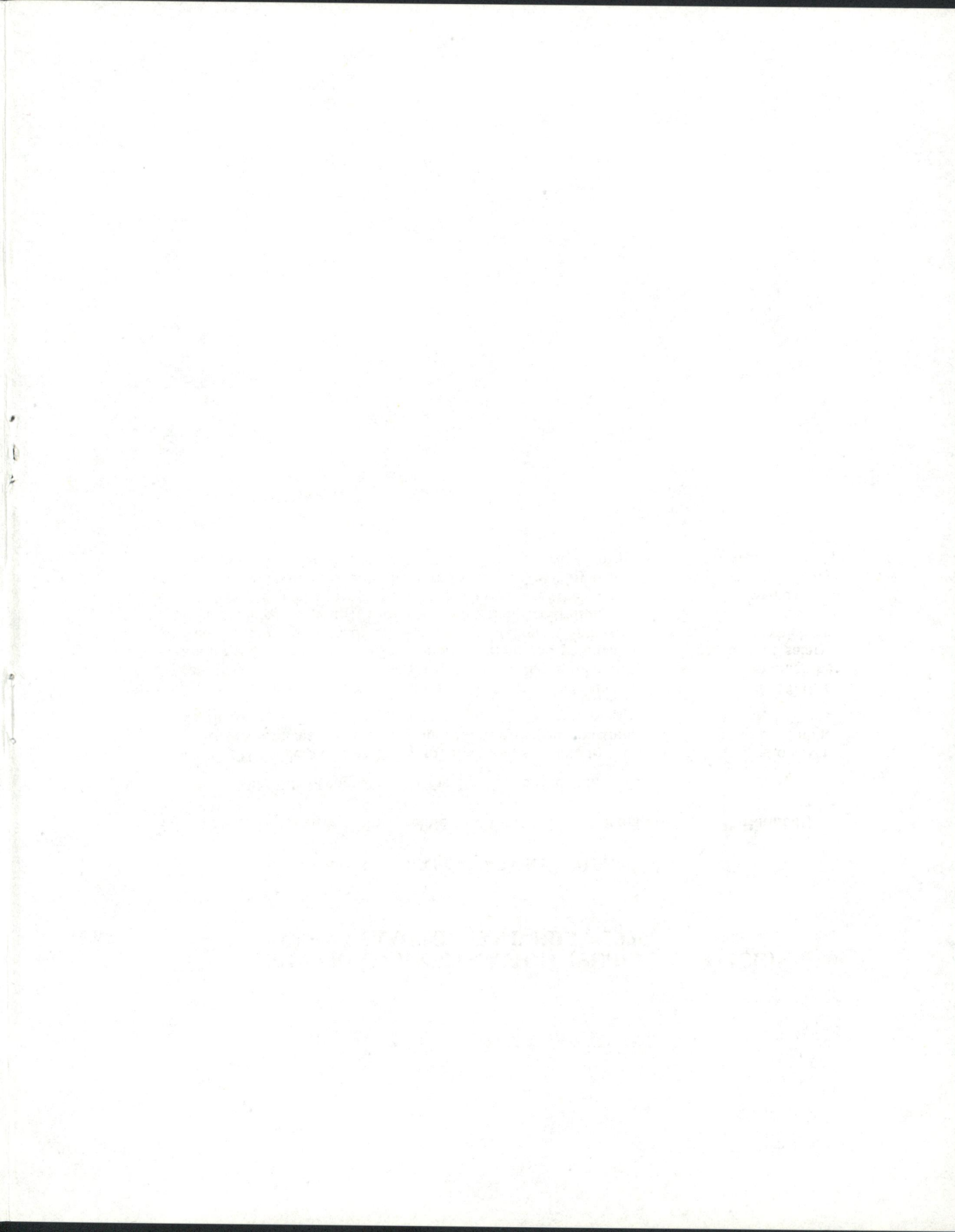
Sec. 5.

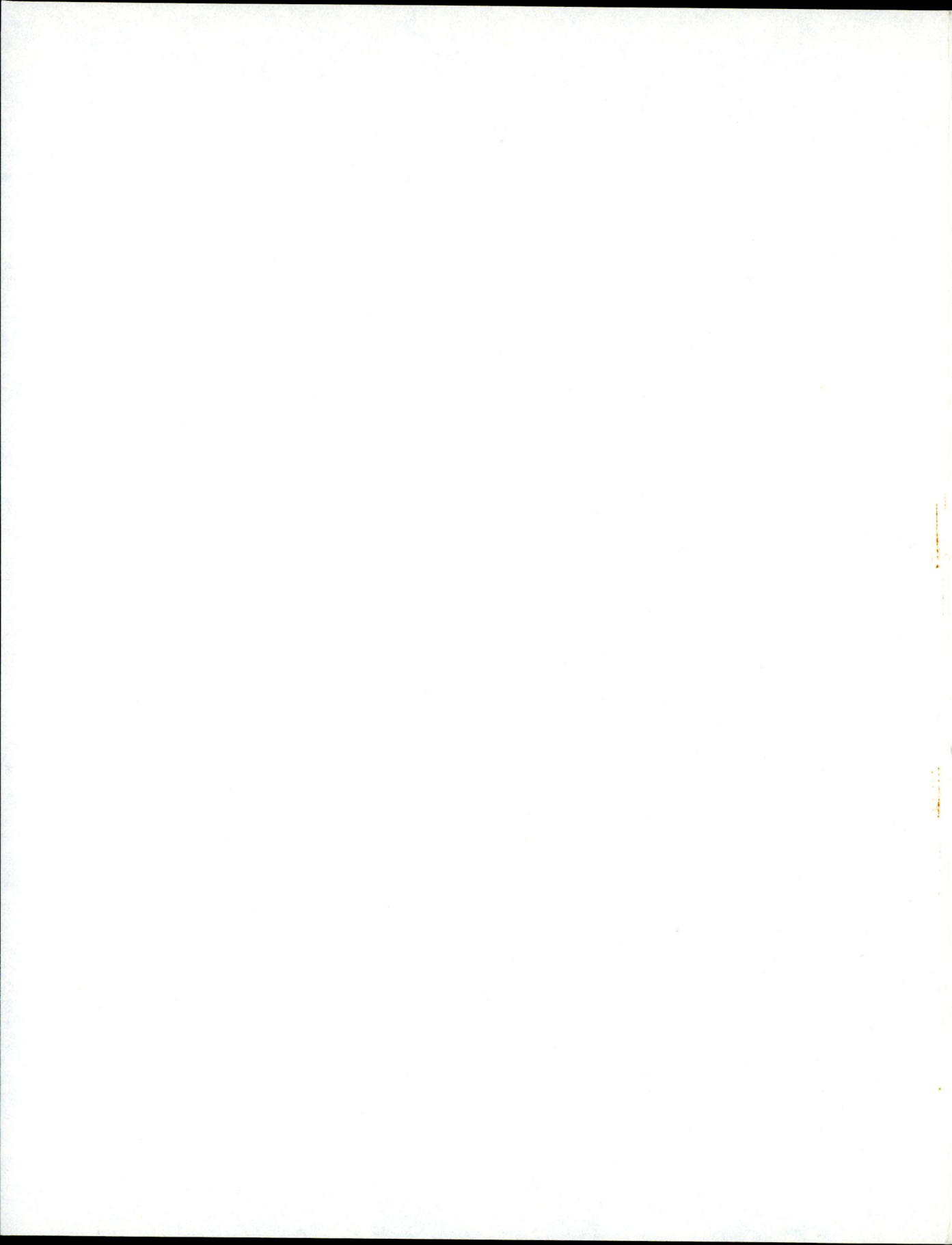
SAVINGS AND TRANSITIONAL PROVISIONS.

1. (1) Any proceedings pending for the purposes of section 20A of the Industrial Arbitration Act, 1940, immediately before the commencement of this Schedule, in relation to any matter referred to in subsection (2) of that section, shall be heard and disposed of as if this Act and the Public Service Act, 1979, had not been enacted. Pending proceedings.
- (2) Proceedings may be commenced for the purposes of section 20A of the Industrial Arbitration Act, 1940, in relation to any matter referred to in subsection (2) of that section, being proceedings that could have been commenced before the commencement of this Schedule, and may be heard and disposed of, as if this Act and the Public Service Act, 1979, had not been enacted.
- (3) The person or body making an award in proceedings referred to in subclause (1) and (2) of this clause may include in the award such provisions as appear to the person or body to be appropriate having regard to the enactment of this Act and the Public Service Act, 1979.
- (4) An award made in proceedings referred to in subclause (1) or (2) of this clause shall be given effect to, according to its spirit and intention, by all persons and authorities having authority under the Public Service Act, 1979, in relation to the subject-matter of the award.
2. (1) The Governor may make regulations containing other provisions of a savings and transitional nature consequent on the enactment of this Act. Regulations.
- (2) The provisions of clause 20 (2)–(4) of Schedule 6 to the Public Service Act, 1979, apply to and in respect of regulations made under this clause in the same way as they apply to and in respect of regulations made under clause 20 of that Schedule.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979





**INDUSTRIAL ARBITRATION (PUBLIC SERVICE)
AMENDMENT ACT, 1979, No. 92**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 92, 1979.

An Act to amend the Industrial Arbitration Act, 1940, consequent on and in connection with the enactment of the Public Service Act, 1979. [Assented to, 16th May, 1979.]

Industrial Arbitration (Public Service) Amendment.

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

Short title. **1.** This Act may be cited as the "Industrial Arbitration (Public Service) Amendment Act, 1979".

**Commence-
ment.** **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Public Service Act, 1979.

Schedules. **3.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE INDUSTRIAL
ARBITRATION ACT, 1940.

SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.

**Amendment
of Act No.
2, 1940.** **4.** The Industrial Arbitration Act, 1940, is amended in the manner set forth in Schedule 1.

**Savings and
transitional
provisions.** **5.** Schedule 2 has effect.

Industrial Arbitration (Public Service) Amendment.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940.

(1) (a) Section 20 (1B)—

Omit "Acts", insert instead "Act, 1979,".

(b) Section 20 (1B) (b)—

Omit "said Board" where firstly occurring, insert instead "Public Service Board or any other person".

(c) Section 20 (1B) (b)—

Omit "said Board" where secondly occurring, insert instead "Public Service Board or other person".

(d) Section 20 (1D) (b)—

Omit "Public Service Act, 1902", insert instead "Public Service (Promotion Appeals) Act, 1902".

(2) Section 20A (2)—

Omit the subsection, insert instead:—

(2) The references in subsection (1) to the dismissal or proposed dismissal of an employee are, in relation to a person employed under the Public Service Act, 1979, references to the termination or proposed termination of the employment of that person under section 80, 87, 88, 94 or 95 of that Act or as referred to in section 118 of that Act, including the termination or proposed termination of the employment of that person under section 87, 88, 94 or 95 of that Act pursuant to a direction that he resign or be allowed to resign.

Industrial Arbitration (Public Service) Amendment.

Sec. 5.

SCHEDULE 2.

SAVINGS AND TRANSITIONAL PROVISIONS.

Pending proceedings. 1. (1) Any proceedings pending for the purposes of section 20A of the Industrial Arbitration Act, 1940, immediately before the commencement of this Schedule, in relation to any matter referred to in subsection (2) of that section, shall be heard and disposed of as if this Act and the Public Service Act, 1979, had not been enacted.

(2) Proceedings may be commenced for the purposes of section 20A of the Industrial Arbitration Act, 1940, in relation to any matter referred to in subsection (2) of that section, being proceedings that could have been commenced before the commencement of this Schedule, and may be heard and disposed of, as if this Act and the Public Service Act, 1979, had not been enacted.

(3) The person or body making an award in proceedings referred to in subclause (1) and (2) of this clause may include in the award such provisions as appear to the person or body to be appropriate having regard to the enactment of this Act and the Public Service Act, 1979.

(4) An award made in proceedings referred to in subclause (1) or (2) of this clause shall be given effect to, according to its spirit and intention, by all persons and authorities having authority under the Public Service Act, 1979, in relation to the subject-matter of the award.

Regulations. 2. (1) The Governor may make regulations containing other provisions of a savings and transitional nature consequent on the enactment of this Act.

(2) The provisions of clause 20 (2)–(4) of Schedule 6 to the Public Service Act, 1979, apply to and in respect of regulations made under this clause in the same way as they apply to and in respect of regulations made under clause 20 of that Schedule.

In the name and on behalf of Her Majesty I assent to this Act.

L. W. STREET,
By Deputation from
His Excellency the Governor.

Government House,
Sydney, 16th May, 1979.

 BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979