

FIRE BRIGADES ARBITRAL TRIBUNAL ORDINANCE 1965

No. 15 of 1966

An Ordinance to provide for the Establishment of
an Arbitral Tribunal for the purpose of
determining the Remuneration and the
Terms or Conditions of Service of Officers of
Fire Brigades in the Northern Territory

[Reserved 24th September, 1965.]
[Assented to 5th May, 1966.]*

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1962*, as follows:—

Short title.

1. This Ordinance may be cited as the *Fire Brigades Arbitral Tribunal Ordinance 1965*.

Commence-
ment.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator in Council by notice in the *Gazette*.†

Fire Brigades
Arbitral
Tribunal.

3.—(1.) There shall be a Fire Brigades Arbitral Tribunal which shall have jurisdiction to hear and determine the conditions of service of officers of the fire brigades established under the *Fire Brigades Ordinance 1956-1963*, other than the Chief Fire Officer, with respect to—

- (a) salaries;
- (b) cost of living and district allowances;
- (c) hours of duty, including the provision of breaks for meals, and days off duty;
- (d) payment for overtime worked at the direction of the Chief Fire Officer or a person authorized by the Chief Fire Officer;
- (e) allowances to be paid to an officer—
 - (i) whilst travelling on duty;
 - (ii) whilst engaged on special duties;
 - (iii) for performing duties higher than those of the office which an officer holds;
 - (iv) in lieu of the provision of living quarters; and
 - (v) in lieu of the provision of uniforms;
- (f) recreation leave, travelling time and the payment of fares of an officer and of his dependants for the purpose of proceeding on and returning from recreation leave;

* Notified in *Northern Territory Government Gazette* dated 11 May 1966.

† The date fixed was 1 November 1966 (see *Northern Territory Government Gazette* No. 52 of 19 October 1966, page 210).

- (g) long service leave;
- (h) sick leave;
- (i) leave in special circumstances;
- (j) the notification of vacancies and the time within which vacancies shall be filled;
- (k) the payment of the reasonable expenses incurred by an officer in the course of his being transferred from one station to another;
- (l) the payment of fares of an officer and of his dependants from the Territory to a place within the Commonwealth upon retirement due to age, ill health or physical incapacity; and
- (m) such other matters as the Administrator in Council from time to time refers to the Tribunal.

(2.) The Tribunal shall be constituted by a Judge of the Supreme Court of the Northern Territory of Australia who shall be Chairman of the Tribunal and two other persons appointed by the Administrator.

(3.) The members of the Tribunal appointed in pursuance of sub-section (2.) of this section shall be—

- (a) a person nominated by the Administrator; and
- (b) a person elected by the members of the Northern Territory Firefighters Association and nominated in writing under the hand of the person for the time being performing the duties and functions of Secretary of that Association.

(4.) An appointed member of the Tribunal shall, subject to this Ordinance, hold office for such a term as is specified in the instrument of appointment, not being more than three years, and, on the expiration of his term of office, each person so appointed shall be eligible for re-appointment.

(5.) Upon the publication in the *Gazette* of a notice by—

- (a) the Administrator in the case of an appointed member of the Tribunal nominated by him; or
- (b) a person for the time being performing the duties and functions of the Secretary of the Northern Territory Firefighters Association, acting pursuant to a resolution passed at a general meeting of the Association, in the case of an appointed member of the Tribunal nominated on behalf of the Association,

that the office of an appointed member of the Tribunal is vacant, such office shall thereupon become vacant accordingly.

(6.) The office of an appointed member of the Tribunal shall also become vacant upon—

- (a) the death of the member;
- (b) the resignation of the member; or
- (c) the absence of the member without leave of the Tribunal from any meeting of the Tribunal.

(7.) Whenever the office of an appointed member of the Tribunal becomes vacant the vacancy shall be filled by the appointment by the Administrator of a person nominated in the same manner as the member whose office becomes vacant.

(8.) There shall be a Secretary to the Tribunal who shall be appointed by the Administrator.

Meetings of the
Tribunal.

4.—(1.) The Tribunal shall, at the request of an appointed member of the Tribunal or upon the motion of the Chairman, be summoned by the Chairman by notice sent by post to each appointed member of the Tribunal.

(2.) The notice shall specify the time and place of the meeting of the Tribunal and the matters to be dealt with by the Tribunal at the meeting.

(3.) At meetings of the Tribunal all questions shall be decided by a majority of votes.

Fees and
allowances.

5. The Chairman and other members of the Tribunal and the Secretary to the Tribunal shall receive such fees and allowances as are fixed by the Administrator.

Agreements.

6.—(1.) The Northern Territory Firefighters Association may make an agreement with the Administrator relating to the conditions of service of officers, other than the Chief Fire Officer, of fire brigades with respect to matters mentioned in sub-section (1.) of section three of this Ordinance.

(2.) Every agreement made in pursuance of this section shall be in writing and for a term to be specified therein and not exceeding five years from the date of the making thereof.

(3.) The Chairman of the Tribunal shall certify the agreement, unless he is of the opinion that it is not in the public interest that it should be certified.

(4.) The agreement when so certified shall be filed with the Secretary to the Tribunal and shall, thereupon, be of full force and effect according to its terms.

(5.) Every such agreement shall during its continuance be binding on—

- (a) the Administrator; and
- (b) all officers, other than the Chief Fire Officer, of fire brigades.

7 In default of any express provision to the contrary therein contained, an agreement shall, unless rescinded, and subject to any variation, continue in force after the expiration of the term specified therein, until the expiration of one month after either party thereto has given written notice to the Secretary to the Tribunal and the other party of his desire to terminate it.

Continuance
of agreement.

8—(1.) Any determination made by the Tribunal in pursuance of this Ordinance shall be notified in the *Gazette* by a notice that such determination has been made and specifying the place where copies of the determination can be purchased or obtained.

Notification of
determination
of Tribunal.

(2.) A determination shall, except to the extent to which it is expressed to come into operation on an earlier or later date, but subject to sub-section (5.) of this section, come into operation on the date of its notification in the *Gazette*.

(3.) When the Tribunal makes a determination under this Ordinance, the Chairman shall forthwith send a copy of the determination to the Administrator.

(4.) The Administrator shall, on the first sitting day of the Legislative Council after he receives a copy of the determination, cause that copy to be laid before the Council.

(5.) If the Legislative Council passes a resolution (of which notice has been given at the meeting of the Council, comprised of one sitting day or a series of sitting days, on one of the sitting days of which a copy of the determination was laid before the Council) disallowing the determination, that determination shall cease to have effect.

(6.) Where a determination is disallowed under this section, the disallowance of the determination shall have the same effect as does the repeal of a regulation.

9 Any determination made by the Tribunal in pursuance of this Ordinance shall be binding on the Administrator and the officers of the fire brigade to whom it is expressed to relate and the Administrator and such officers of the fire brigade shall comply with the provisions of any such determination.

On whom
determination
is binding.

10 Until other provision is made by way of agreement or determination under this Ordinance the remuneration or terms and conditions of service of officers of fire brigades prescribed from time to time under the provisions of the *Public Service Ordinance* 1928-1965 shall continue in force.

Interim
conditions.

Interpretation of determination.

11.—(1.) Notwithstanding anything contained in this Ordinance, the Tribunal may, on its own motion or on the submission of any person or organization interested in any determination, give an interpretation of any term of an existing determination, and the provisions of this Ordinance shall apply to any such interpretation in like manner as they apply to a determination.

(2.) Before giving any such interpretation on its own motion the Tribunal shall hear argument on behalf of any person or organization who or which is interested in the determination and is desirous of being heard.

Power to send for witnesses and documents.

12.—(1.) For the purpose of this Ordinance, the Tribunal may, by writing under the hand of the Chairman, summon any person to attend the Tribunal at a time and place named in the summons, and then and there to give evidence and to produce any books, documents or writings in his custody or control which the Chairman deems relevant to any proceedings before the Tribunal and which he is required by the summons to produce.

(2.) The Tribunal may, in its discretion, on the application of any party to any proceedings before it, by writing under the hand of the Chairman, summon any person to appear as witness before the Tribunal.

Power to examine upon oath.

13. Any member may administer an oath to any person appearing as a witness before the Tribunal, whether the witness has been summoned or appears without being summoned, and may examine the witness upon oath.

Affirmation in lieu of oath.

14.—(1.) Where any witness to be examined before the Tribunal conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath, and that he will state the truth, the whole truth, and nothing but the truth, to all questions that may be asked him.

(2.) An affirmation so made shall be of the same force and effect, and shall entail the same liabilities as an oath.

Penalty for refusing to be sworn or to give evidence.

15. If any person appearing as a witness before the Tribunal refuses to be sworn or to make an affirmation or to answer any question relevant to the proceedings before the Tribunal put to him by any member of the Tribunal, he shall be guilty of an offence.

Penalty: Fifty pounds.

16. Any witness before the Tribunal who knowingly gives false testimony touching any matter, material to any proceedings before the Tribunal, shall be guilty of an offence. Giving false testimony.

Penalty: Imprisonment for one year.

17 A member of the Tribunal shall not be personally liable for any act or default of the Tribunal done or omitted to be done in good faith in administering this Ordinance. Protection of members of the Tribunal.

18 The Administrator in Council may make regulations, not inconsistent with this Ordinance, prescribing all matters required or permitted by this Ordinance, or necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance. Regulations.

