



INDUSTRIAL RELATIONS AMENDMENT

No. 46 of 1979

TABLE OF PROVISIONS

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Short title. 2. Principal Act. 3. Amendment of section 6 of Principal Act (Chairman and Deputy Chairman of Industrial Boards). 4. Amendment of section 6A of Principal Act (Assistant Deputy Chairman of Industrial Boards). 5. Insertion in Principal Act of new section 6B. | <ol style="list-style-type: none"> 6B — Supplementary provisions with respect to the Chairman, Deputy Chairman, and assistant deputy chairmen. 6. Previous service of persons holding office as Chairman, Deputy Chairman, or assistant deputy chairmen of Industrial Boards, &c. |
|--|---|

AN ACT to amend the Industrial Relations Act 1975 with respect to the terms and conditions of service of the Chairman, Deputy Chairman, and assistant deputy chairmen of Industrial Boards.

[Royal Assent 28 November 1979]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Industrial Relations Amendment Act 1979* Short title.

Principal Act.

2—In this Act, the *Industrial Relations Act 1975** is referred to as the Principal Act.

Amendment of section 6 of Principal Act (Chairman and Deputy Chairman of Industrial Boards).

3—(1) Section 6 of the Principal Act is amended by omitting subsection (6) and substituting the following subsection:—

(6) Subject to section 6B, the terms and conditions of service (including salaries, allowances, and leave) of the chairman and deputy chairman, and of any person appointed under section 21 of the *Acts Interpretation Act 1931* in place of, or to perform the duties of the office of, the chairman or deputy chairman, shall be such as the Governor from time to time determines in respect of them.

(2) Section 6 (7) of the Principal Act is amended by omitting “payable under this section” and substituting “referred to in subsection (6)”.

Amendment of section 6A of Principal Act (Assistant Deputy Chairman of Industrial Boards).

4—(1) Section 6A (2) of the Principal Act is amended by omitting “and on such terms and conditions”.

(2) Section 6A of the Principal Act is further amended by omitting subsection (3) and substituting the following subsection:—

(3) Subject to section 6B, the terms and conditions of service (including salaries, allowances, and leave) of an assistant deputy chairman, or of any person appointed under section 21 of the *Acts Interpretation Act 1931* in place of, or to perform the duties of the office of, an assistant deputy chairman, shall be such as the Governor from time to time determines in respect of him.

(3) Section 6A (4) of the Principal Act is amended by omitting “payable under this section” and substituting “referred to in subsection (3)”.

Insertion in Principal Act of new section 6B.

Supplementary provisions with respect to the Chairman, Deputy Chairman, and assistant deputy chairmen

5—After section 6A of the Principal Act, the following section is inserted:—

6B—(1) The *Public Service Act 1973* does not apply to or in respect of a person who holds the office of chairman, deputy chairman, or assistant deputy chairman, but a person who holds any of those offices shall be deemed to be an employee for the purposes of the *Superannuation Act 1938*, the *Retirement Benefits Act 1970*, and the *State Employees (Long-Service Leave) Act 1950*.

* No. 59 of 1975. Subsequently amended by No. 73 of 1976, No. 67 of 1977, and No. 101 of 1977.

(2) If an officer of the Public Service is appointed to be chairman or deputy chairman, or to be an assistant deputy chairman, he is entitled to retain all his existing and accruing rights as if his service as chairman, deputy chairman, or assistant deputy chairman were a continuation of his service as an officer of the Public Service.

(3) Where a person ceases to hold office as chairman, deputy chairman, or assistant deputy chairman and becomes an officer of the Public Service, his service as chairman, deputy chairman, or assistant deputy chairman shall be regarded as service in the Public Service for the purposes of determining his rights as an officer of the Public Service.

6—(1) Where, before the commencement of this Act, a person held office as the Chairman or Deputy Chairman, or as an assistant deputy chairman, of Industrial Boards or, before the commencement of the Principal Act, a person held office as the Chairman or Deputy Chairman of Wages Boards under the *Wages Boards Act 1920*, then, whether or not his service had terminated before that commencement, his service in that office—

Previous service of persons holding office as Chairman, Deputy Chairman, or assistant deputy chairmen of Industrial Boards, &c.

- (a) shall, for any period in respect of which he made contributions to the Superannuation Fund or the Retirement Benefits Fund, be deemed to have been service for the purposes of the *Superannuation Act 1938* or, as the case may be, the *Retirement Benefits Act 1970*; and
- (b) shall be deemed to have been service as an employee for the purposes of the *State Employees (Long-Service Leave) Act 1950*.

(2) Where, at any time, or in respect of any period, before the commencement of this Act, any payment by way of salary, allowances, or pension has been made to, or any other condition of service has been enjoyed by, a person referred to in subsection (1) and could, at any time, or in respect of any period, after that commencement, have been lawfully and properly made to, or enjoyed by, a person who holds or formerly held office as the Chairman or Deputy Chairman, or as an assistant deputy chairman, of Industrial Boards, that payment or condition of service shall be deemed to have been lawfully and properly made or enjoyed.

