



International Labour Organisation Act 1973

No. 62, 1973

**An Act relating to the Constitution of the
International Labour Organisation**

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International Labour Organisation Act 1973

No. 62, 1973

An Act relating to the Constitution of the International Labour Organisation

[Assented to 18 June 1973]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *International Labour Organisation Act 1973*.

2 Commencement

This Act shall come into operation on the day on which it receives the Royal Assent.

3 Approval of amendments of Constitution of International Labour Organisation

The amendments of the Constitution of the International Labour Organisation made by instruments of amendment adopted by the General Conference of the Organisation on 25th June, 1953, and 22nd June, 1962, being instruments copies of the English texts of which are set out in Schedules 1 and 2, are approved.

4 Approval of ratification of amendments of Constitution of International Labour Organisation

The ratification by Australia of the amendments of the Constitution of the International Labour Organisation made by instruments of amendment adopted by the General Conference of the Organisation on 6th July, 1964, 9th July, 1964, and 22nd June, 1972, being instruments copies of the English texts of which are set out in Schedules 3, 4, 5 and 6, is approved.

Schedule 1—Instrument for the Amendment of the Constitution of the International Labour Organisation

Section 3

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the
International Labour Office, and having met in its Thirty-sixth Session on
4 June 1953; and

Having decided to substitute, in the provisions of the Constitution of the
Organisation relating to membership of the Governing Body, the numbers
“forty”, “twenty”, “sixteen” and “ten” for the numbers “thirty-two”,
“sixteen”, “twelve” and “eight”, a question which is the eighth item on
the agenda of the session;

adopts this twenty-fifth day of June of the year one thousand nine hundred and
fifty-three the following Instrument for the amendment of the Constitution of
the International Labour Organisation, which may be cited as the Constitution
of the International Labour Organisation Instrument of Amendment, 1953.

Article 1

In the text of the Constitution of the International Labour Organisation as at
present in force the numbers “forty”, “twenty”, “sixteen” and “ten” respectively
shall be substituted for the numbers “thirty-two”, “sixteen”, “twelve” and
“eight” contained in paragraphs 1, 2 and 8 of Article 7 and in Article 36.

Article 2

In the text of the Constitution of the International Labour Organisation as at
present in force the last sentence of paragraph 2 of Article 7 shall be deleted.

Article 3

As from the date of the coming into force of this Instrument of Amendment,
the Constitution of the International Labour Organisation shall have effect as
amended in accordance with the preceding articles.

Article 4

On the coming into force of this Instrument of Amendment the Director-General of the International Labour Office shall cause an official text of the Constitution of the International Labour Organisation as modified by the provisions of this Instrument of Amendment to be prepared in two original copies, duly authenticated by his signature. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the text to each of the Members of the International Labour Organisation.

Article 5

Two copies of this Instrument of Amendment shall be authenticated by the signatures of the President of the Conference and of the Director-General of the International Labour Office. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the Instrument to each of the Members of the International Labour Organisation.

Article 6

1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.
2. This Instrument of Amendment will come into force in accordance with the provisions of Article 36 of the Constitution of the Organisation.
3. On the coming into force of this Instrument, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.

Schedule 2—Instrument for the Amendment of the Constitution of the International Labour Organisation

Section 3

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the
International Labour Office, and having met in its Forty-sixth Session on
6 June 1962; and

Having decided upon the adoption of proposals for the substitution, in the
provisions of the Constitution of the International Labour Organisation
relating to membership of the Governing Body, of the figures
“forty-eight” and “twenty-four” for the figures “forty” and “twenty”, and
of the figure “twelve” for the figure “ten” except in paragraph 2 of article
7 which shall provide for ten Members of chief industrial importance and
fourteen elected members, a question which is the eighth item on the
agenda of the session,

adopts this twenty-second day of June of the year one thousand nine hundred
and sixty-two the following instrument for the amendment of the Constitution
of the International Labour Organisation, which may be cited as the
Constitution of the International Labour Organisation Instrument of
Amendment, 1962:

Article 1

In the text of the Constitution of the International Labour Organisation as at
present in force:

- (a) the figures “forty-eight” and “twenty-four” shall be substituted for the
figures “forty” and “twenty” in paragraphs 1 and 2 of article 7;
- (b) the figure “twelve” shall be substituted for the figure “ten” in paragraph
1 of article 7;
- (c) the figure “fourteen” shall be substituted for the figure “ten” in the
reference contained in paragraph 2 of article 7 to the persons to be
appointed by Members selected for that purpose by Government
delegates to the Conference;

- (d) the sentence “Two Employers’ representatives and two Workers’ representatives shall belong to non-European States” shall be deleted from paragraph 4 of article 7.

Article 2

As from the date of the coming into force of this Instrument of Amendment the Constitution of the International Labour Organisation shall have effect as amended in accordance with the preceding Article.

Article 3

On the coming into force of this Instrument of Amendment the Director-General of the International Labour Office shall cause an official text of the Constitution of the International Labour Organisation as modified by the provisions of this instrument of Amendment to be prepared in two original copies, duly authenticated by his signature. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the text to each of the members of the International Labour Organisation.

Article 4

Two copies of this Instrument of Amendment shall be Authenticated by the signatures of the President of the Conference and of the Director-General of the International Labour Office. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the Instrument to each of the Members of the International Labour Organisation.

Article 5

1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.
 2. This Instrument of Amendment will come into force in accordance with the provisions of article 36 of the Constitution of the Organisation.
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3. On the coming into force of this Instrument the Director-General of the International Labour Office shall so notify all the members of the International Labour Organisation and the Secretary-General of the United Nations.

Schedule 3—Instrument for the Amendment of the Constitution of the International Labour Organisation

Section 4

The General Conference of the International Labour Organisation;

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-eighth Session on 17 June 1964; and

Having decided upon the substitution for article 35 of the Constitution of the International Labour Organisation of the proposals referred to the Conference by the Governing Body at its One hundred and fifty-seventh Session, a question which is the ninth item on the agenda of the session;

adopts this sixth day of July of the year one thousand nine hundred and sixty-four the following instrument for the amendment of the Constitution of the International Labour Organisation, which may be cited as the Constitution of the International Labour Organisation Instrument of Amendment (No. 1), 1964.

Article 1

As from the date of the coming into force of this Instrument of Amendment, article 19 of the Constitution of the International Labour Organisation shall be amended by the addition of the following paragraph:

“9. With a view to promoting the universal application of Conventions to all peoples, including those who have not yet attained a full measure of self-government, and without prejudice to the self-governing powers of any territory, Members ratifying Conventions shall accept their provisions so far as practicable in respect of all territories for whose international relations they are responsible.

- (a) Where the subject-matter of the Convention is within the self-governing powers of any territory, the obligation of the Member responsible for the international relations of that territory shall be to bring the Convention to the notice of the government of the territory as soon as possible with a view to the enactment of legislation or other action by such government; if the government of the territory so agrees, the Member shall communicate to the Director-General of the International

Labour Office a declaration accepting the obligations of the Convention on behalf of such territory.

- (b) A declaration accepting the obligations of any Convention may be communicated to the Director-General of the International Labour Office—
 - (i) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
 - (ii) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.
- (c) Acceptance of the obligations of a Convention in virtue of subparagraph (a) or subparagraph (b) of this paragraph shall involve the acceptance on behalf of the territory concerned of the obligations stipulated by the terms of the Convention and the obligations under the Constitution of the Organisation which apply to ratified Conventions.
- (d) Each Member or international authority which has communicated a declaration in virtue of this paragraph may, in accordance with the provisions of the Convention relating to the denunciation thereof, communicate a further declaration terminating the acceptance of the obligations of the Convention on behalf of any territory specified in the declaration.
- (e) With a view to encouraging the universality of application envisaged above, the Member or Members or international authority concerned shall, as requested by the Governing Body, report to the Director-General of the International Labour Office the position of the law and practice of territories for which the Convention is not in force in regard to the matters dealt with in the Convention and the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the acceptance of the Convention.
- (f) This transitory paragraph shall cease to be applicable to the peoples of dependent territories as they become independent.”

Article 2

As from the coming into force of the amendment to article 19 provided for in the preceding article, article 35 of the Constitution of the International Labour Organisation shall cease to have effect.

Article 3

On the coming into force of this Instrument of Amendment, the Director-General of the International Labour Office shall cause an official text of the Constitution of the International Labour Organisation as modified by the provisions of this Instrument to be prepared in two original copies, duly authenticated by his signature. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the text to each of the Members of the International Labour Organisation.

Article 4

Two copies of this Instrument of Amendment shall be authenticated by the signatures of the President of the Conference and of the Director-General of the International Labour Office. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the Instrument to each of the Members of the International Labour Organisation.

Article 5

1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.
2. This Instrument of Amendment will come into force in accordance with the provisions of article 36 of the Constitution of the Organisation.
3. On the coming into force of this Instrument, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.

Schedule 4—Instrument for the Amendment of the Constitution of the International Labour Organisation

Section 4

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the
International Labour Office, and having met in its Forty-eighth Session
on 17 June 1964, and

Having decided upon the inclusion in the Constitution of the International
Labour Organisation of a provision empowering the Conference to
suspend from participation in the International Labour Conference any
Member which has been found by the United Nations to be flagrantly and
persistently pursuing by its legislation a declared policy of racial
discrimination such as apartheid, a question which is the twelfth item on
the agenda of the session,

adopts this ninth day of July of the year one thousand nine hundred and
sixty-four the following instrument for the amendment of the Constitution of the
International Labour Organisation, which may be cited as the Constitution of
the International Labour Organisation Instrument of Amendment (No. 2), 1964.

Article 1

As from the date of the coming into force of this Instrument of Amendment,
the Constitution of the International Labour Organisation shall be amended by
the insertion at the end of the Constitution of a new article in the following
terms:

“The General Conference of the International Labour Organisation may, at
any session in the agenda of which the subject has been included and by a vote
concurring in by two-thirds of the delegates attending the session, including
two-thirds of the Government delegates present and voting, suspend from
participation in the International Labour Conference any Member of the
International Labour Organisation which has been found by the United Nations
to be flagrantly and persistently pursuing by its legislation a declared policy of
racial discrimination such as apartheid; such suspension shall not affect the
obligations of the Member under the Constitution and Conventions to which it
is a party; it shall continue until the Conference, on the proposal of the

Governing Body, finds by a vote concurred in by two-thirds of the delegates attending the session, including two-thirds of the Government delegates present and voting, that the Member has changed its policy.”

Article 2

On the coming into force of this Instrument of Amendment, the Director-General of the International Labour Office shall cause an official text of the Constitution of the International Labour Organisation as modified by the provisions of this Instrument to be prepared in two original copies, duly authenticated by his signature. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the text to each of the Members of the International Labour Organisation.

Article 3

Two copies of this Instrument of Amendment shall be authenticated by the signature of the President of the Conference and of the Director-General of the International Labour Office. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the Instrument to each of the Members of the International Labour Organisation.

Article 4

1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.

2. This Instrument of Amendment will come into force in accordance with the provision of article 36 of the Constitution of the Organisation.

3. On the coming into force of this Instrument, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.

Schedule 5—Instrument for the Amendment of the Constitution of the International Labour Organisation

Section 4

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the
International Labour Office, and having met in its Forty-eighth Session
on 17 June 1964, and

Having decided upon the inclusion in the Constitution of the International
Labour Organisation of a provision empowering the Conference to expel
or suspend from membership any Member which has been expelled or
suspended from membership of the United Nations, a question which is
the eleventh item on the agenda of the session,

adopts this ninth day of July of the year one thousand nine hundred and
sixty-four the following instrument for the amendment of the Constitution of the
International Labour Organisation, which may be cited as the Constitution of
the International Labour Organisation Instrument of Amendment (No. 3), 1964.

Article 1

As from the date of the coming into force of this Instrument of Amendment,
article 1 of the Constitution of the International Labour Organisation shall be
amended by the insertion after paragraph 5 of the following new paragraph, the
present paragraph 6 becoming paragraph 7:

“6. The General Conference of the International Labour Organisation may,
at any session in the agenda of which the subject has been included and by a
vote concurred in by two-thirds of the delegates attending the session, including
two-thirds of the Government delegates present and voting, expel from
membership of the International Labour Organisation any Member which the
United Nations has expelled therefrom or suspend from the exercise of the
rights and privileges of membership of the International Labour Organisation
any Member which the United Nations has suspended from the exercise of the
rights and privileges of membership; suspension shall not affect the continued
validity of the obligations of the Member under the Constitution and
Conventions to which it is a party.”

Article 2

On the coming into force of this Instrument of Amendment, the Director-General of the International Labour Office shall cause an official text of the Constitution of the International Labour Organisation as modified by the provisions of this Instrument to be prepared in two original copies, duly authenticated by his signature. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the text to each of the Members of the International Labour Organisation.

Article 3

Two copies of this Instrument of Amendment shall be authenticated by the signature of the President of the Conference and of the Director-General of the International Labour Office. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the Instrument to each of the Members of the International Labour Organisation.

Article 4

1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.
2. This Instrument of Amendment will come into force in accordance with the provisions of article 36 of the Constitution of the Organisation.
3. On the coming into force of this Instrument, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.

Schedule 6—Instrument for the Amendment of the Constitution of the International Labour Organisation

Section 4

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the
International Labour Office, and having met in its Fifty-seventh Session
on 7 June 1972; and

Having decided upon the adoption of proposals for the substitution, in the
provisions of the Constitution of the International Labour Organisation
relating to membership of the Governing Body, of the figures “fifty-six”,
“twenty-eight”, “eighteen” and “fourteen” for the figures “forty-eight”,
“twenty-four”, “fourteen” and “twelve”, a question which is the seventh
item on the agenda of the session,

adopts this twenty-second day of June of the year one thousand nine hundred
and seventy-two the following instrument for the amendment of the
Constitution of the International Labour Organisation, which may be cited as
the Constitution of the International Labour Organisation Instrument of
Amendment, 1972.

Article 1

In the text of the Constitution of the International Labour Organisation as at
present in force, the figures “fifty-six”, “twenty-eight”, “eighteen” and
“fourteen” shall be substituted for the figures “forty-eight”, “twenty-four”
“fourteen” and “twelve” in paragraphs 1 and 2 of article 7.

Article 2

As from the date of the coming into force of this Instrument of Amendment
the Constitution of the International Labour Organisation shall have effect as
amended in accordance with the preceding Article.

Article 3

On the coming into force of this Instrument of Amendment, the
Director-General of the International Labour Office shall cause an official text
of the Constitution of the International Labour Organisation as modified by the
provisions of this instrument to be prepared in two original copies, duly

authenticated by his signature. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the text to each of the Members of the International Labour Organisation.

Article 4

Two copies of this Instrument of Amendment shall be authenticated by the signatures of the President of the Conference and of the Director-General of the International Labour Office. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the Instrument to each of the Members of the International Labour Organisation.

Article 5

1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.
2. This Instrument of Amendment will come into force in accordance with the provisions of article 36 of the Constitution of the Organisation.
3. On the coming into force of this Instrument, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.