

STEVEDORING INDUSTRY ACTS (TERMINATION) ACT 1977

No. 119 of 1977

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STEVEDORING INDUSTRY ACTS (TERMINATION) ACT 1977

No. 119 of 1977

An Act to provide for the termination of the operation of the Stevedoring Industry Acts and for related purposes.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

PART I—PRELIMINARY

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| Short title | 1. This Act may be cited as the <i>Stevedoring Industry Acts (Termination) Act 1977</i> . ¹ |
| Commencement | 2. This Act shall come into operation on a date to be fixed by Proclamation. |
| Interpretation | 3. In this Act, unless the contrary intention appears—
“Authority” means the Australian Stevedoring Industry Authority established by the Stevedoring Industry Act and constituted in accordance with section 6A of the Stevedoring Industry (Temporary Provisions) Act;
“Commission” means the Australian Conciliation and Arbitration Commission;
“Committee” means the Stevedoring Industry Finance Committee established by the <i>Stevedoring Industry Finance Committee Act 1977</i> ;
“Stevedoring Industry Act” means the <i>Stevedoring Industry Act 1956</i> and includes regulations under that Act;
“Stevedoring Industry Acts” means—
(a) The Stevedoring Industry Act;
(b) the <i>Stevedoring Industry Act 1963</i> ;
(c) Part III of the <i>Stevedoring Industry Act 1965</i> ; and
(d) the Stevedoring Industry (Temporary Provisions) Act;
“Stevedoring Industry (Temporary Provisions) Act” means the <i>Stevedoring Industry (Temporary Provisions) Act 1967</i> and includes regulations under that Act;
“transitional period” means the period commencing immediately after the commencement of this Act and ending on such day as is fixed by the Minister, by notice in the <i>Gazette</i> , as the terminating day for the purposes of this definition. |

PART II—TERMINATION OF OPERATIONS OF AUTHORITY

4. (1) Subject to this Part, the Stevedoring Industry Acts cease to have effect at the commencement of this Act.

Stevedoring
Industry
Acts to cease
to have effect

(2) Where a provision of the Stevedoring Industry Acts ceases to have effect at any time by reason of the operation of this Part, that provision shall be deemed, for the purposes of section 8 of the *Acts Interpretation Act* 1901, to have been repealed at that time by this Act.

(3) The provisions of this Part other than this section cease to have effect at the end of the transitional period and shall be deemed, for the purposes of section 8 of the *Acts Interpretation Act* 1901, to have been repealed at the end of that period by an Act other than this Act.

5. (1) The Authority is continued in existence during the transitional period for the purpose of the performance of functions by the Authority under the succeeding provisions of this Part.

Continued
operation of
Stevedoring
Industry
Acts during
transitional
period

(2) Such of the provisions of the Stevedoring Industry Acts as are necessary for or in relation to—

- (a) the performance by the Authority of functions under the succeeding provisions of this Part; or
- (b) the operation of any of the succeeding provisions of this Part, continue to have effect during the transitional period.

(3) Without limiting by implication the generality of sub-section (2), sections 14 and 15 and Part IV of the Stevedoring Industry Act and sections 6A, 6B, 6D, 6E, 6F, 6G and 6H of the Stevedoring Industry (Temporary Provisions) Act continue to have effect during the transitional period for the purpose mentioned in that sub-section.

6. The Authority may, subject to any direction by the Minister, and shall, if directed to do so by the Minister, make payments to the Committee out of moneys of the Authority.

Payments to
Committee

7. Section 46 of the Stevedoring Industry Act continues to have effect for the purpose of the payment to the Authority of amounts referred to in that section.

Payments to
Authority

8. (1) Subject to sub-section (2), the Authority may dispose of any property vested in the Authority immediately before the commencement of this Act.

Disposal of
assets

(2) Any disposal of property by the Authority involving an amount exceeding \$20,000 is subject to the approval of the Minister.

(3) In this section, “property” includes a lease or sub-lease.

Payments to
waterside
workers

9. The Stevedoring Industry Acts continue to have effect for the purposes of the making by the Authority of—

- (a) payments under section 31A of the Stevedoring Industry Act or payments under an award or order of the Commission, being payments in satisfaction of rights accrued before the commencement of this Act; and
- (b) payments under section 52B of the Stevedoring Industry Act in respect of the deaths of persons occurring before the commencement of this Act.

Payments to
employers

10. Sections 7, 7B and 7C of the Stevedoring Industry (Temporary Provisions) Act continue to have effect for the purpose of the making by the Authority of payments of the kinds referred to in those sections.

Suspension
or
cancellation
of
registration

11. (1) Where, before the commencement of this Act, the registration of a person as a waterside worker was cancelled or suspended as mentioned in paragraph 37 (1) (a) of the Stevedoring Industry Act and, immediately before the commencement of this Act, an appeal under section 37 of the Stevedoring Industry Act was pending in relation to the cancellation or suspension, the Stevedoring Industry Acts continue to have effect for the purposes of—

- (a) the hearing and determination of the appeal; and
- (b) the payment of compensation by the Authority or by an employer in pursuance of an order of the Commission in connexion with the appeal.

(2) Where, within 14 days before the commencement of this Act, the registration of a person as a waterside worker was cancelled or suspended as mentioned in paragraph 37 (1) (a) of the Stevedoring Industry Act and an appeal in relation to the cancellation or suspension had not been made before the commencement of this Act, the Stevedoring Industry Acts continue to have effect for the purpose of—

- (a) the making, hearing and determination of an appeal in relation to the cancellation or suspension; and
- (b) the payment of compensation by the Authority or by an employer in pursuance of an order of the Commission in connexion with the appeal.

Attendance
money

12. (1) Where, before the commencement of this Act, the entitlement of a registered waterside worker to attendance money was suspended as mentioned in paragraph 37 (1) (b) of the Stevedoring Industry Act and, immediately before the commencement of this Act, an appeal under section 37 of the Stevedoring Industry Act was pending in relation to the suspension, the Stevedoring Industry Acts continue to have effect for the purposes of—

- (a) the hearing and determination of the appeal; and

- (b) any payment of compensation by the Authority or by an employer in pursuance of the decision of the Commission on the appeal.

(2) Where, within 14 days before the commencement of this Act, the entitlement of a registered waterside worker to attendance money was suspended as mentioned in paragraph 37 (1) (b) of the Stevedoring Industry Act and an appeal in relation to the suspension had not been made before the commencement of this Act, the Stevedoring Industry Act continues to have effect for the purpose of—

- (a) the lodging, hearing and determination of an appeal in relation to the suspension; and
- (b) any payment of compensation by the Authority or by an employer in pursuance of the decision of the Commission on the appeal.

13. (1) Where, before the commencement of this Act, a waterside worker, in pursuance of sub-section 37B (3) of the Stevedoring Industry Act, gave notice to the Authority that he objected to a suspension, transfer or refusal referred to in that sub-section and the objection had not finally been dealt with before the commencement of this Act, the Stevedoring Industry Act continues to have effect for the purposes of—

Appeals to
medical
boards

- (a) the hearing and determination of the objection; and
- (b) the payment of compensation by the Authority to the waterside worker in respect of the suspension, transfer or refusal.

(2) Where, within 14 days before the commencement of this Act, the Authority, in pursuance of sub-section 37B (3) of the Stevedoring Industry Act, served on a waterside worker notice of a suspension, transfer or refusal referred to in that sub-section and the waterside worker had not, before the commencement of this Act, given notice to the Authority that he objected to the suspension, transfer or refusal, the Stevedoring Industry Act continues to have effect for the purposes of—

- (a) the lodging, hearing and determination of an objection against the suspension, transfer or refusal; and
- (b) the payment of compensation by the Authority to the waterside worker in respect of the suspension, transfer or refusal.

PART III—MISCELLANEOUS

14. On the expiration of the transitional period—

- (a) all rights and property that, immediately before the expiration of the transitional period, were vested in the Authority are, by force of this section, vested in the Committee; and
- (b) the Committee is, by force of this section, liable to perform all the duties and to discharge all the liabilities and obligations of

Transfer of
rights and
liabilities

the Authority that existed immediately before the expiration of that period.

Contracts
and other
instruments

15. Any contract or other instrument subsisting immediately before the expiration of the transitional period to which the Authority was a party has effect after the expiration of that period as if—

- (a) the Committee were substituted for the Authority as a party to the contract or other instrument; and
- (b) any reference in the contract or other instrument to the Authority were (except in relation to matters that occurred before the expiration of that period) a reference to the Committee.

Final report
by Authority

16. (1) As soon as practicable after the expiration of the transitional period, the Authority shall prepare and furnish to the Minister a report on the operations of the Authority during the period (in this section referred to as the “relevant period”) that—

- (a) commenced at the expiration of the last period in respect of which the Authority prepared a report under section 58 of the Stevedoring Industry Act; and
- (b) ended immediately before the expiration of the transitional period,

together with financial statements in respect of the relevant period.

(2) Before furnishing the financial statements to the Minister, the Authority shall submit them to the Auditor-General, who shall report to the Minister—

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records;
- (c) whether the receipt and expenditure of moneys, and the acquisition and disposal of assets, by the Authority during the relevant period have been in accordance with this Act and the Stevedoring Industry Act; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

(3) The Minister shall cause the report and financial statements prepared in accordance with sub-section (1), together with the report of the Auditor-General, to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the Minister.

(4) The Authority, as constituted immediately before the expiration of the transitional period, shall, for the purpose of complying with its obligations under this section, continue in existence until it has complied with those obligations.

- (5) Section 59 of the Stevedoring Industry Act—
- (a) continues to apply in relation to reports made under section 57 or 58 of the Stevedoring Industry Act; and
 - (b) applies in relation to a report under sub-section (1) of this section in like manner as it applies in relation to reports under sections 57 and 58 of the Stevedoring Industry Act.

17. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations

NOTE

1. Act No. 119, 1977; asserted to 10 November 1977.