



Industrial Relations Legislation Amendment Act (No. 2) 1991

No. 62 of 1991

**An Act to amend legislation relating to industrial relations
and practices, and for related purposes**

[Assented to 30 May 1991]

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Industrial Relations Legislation Amendment Act (No. 2) 1991*.

Commencement

2. (1) Sections 1 and 2 commence on the day on which this Act receives the Royal Assent.

(2) Subject to subsection (3), the remaining provisions of this Act commence on a day or days to be fixed by Proclamation.

(3) If a provision of this Act does not commence under subsection (2) within the period of 6 months beginning on the day on which it receives the Royal Assent, it commences on the first day after the end of that period.

*Industrial Relations Legislation Amendment
(No. 2) No. 62, 1991*

Amendments of Acts

3. The Acts specified in the Schedule are amended as set out in the Schedule.

SCHEDULE

Section 3

AMENDMENTS OF ACTS

PART 1

Defence Act 1903

Section 58F (definition of “presidential member of the Commission”):

Before “a Deputy” insert “the Vice President, a Senior Deputy President or”.

Section 58F:

Insert:

“‘single member’ means a member of the Tribunal specified in a direction made under subsection 58KA (1);”.

After subsection 58K (9):

Insert:

“(10) Where the Tribunal thinks that a person or body should be heard in relation to a matter that is being, or is to be, considered by the Tribunal, the Tribunal may permit the person or body to be present, and to make submissions to the Tribunal, during proceedings before the Tribunal in relation to that matter.”.

After section 58K:

Insert:

Single member may conduct Tribunal’s business

“58KA. (1) Subject to subsection (2), the Chairman may:

- (a) if a person referred to in subsection 58K (9) requests the Chairman to do so and the Chairman considers it appropriate;
or
- (b) in any case, on the Chairman’s initiative;

direct, in writing, that a member of the Tribunal specified in the direction is to conduct the Tribunal’s business in relation to any matter that is specified in the direction, being a matter that is being, or is to be, dealt with by the Tribunal.

“(2) The Chairman must not, in a direction made under subsection (1), direct that a single member is to deal with a request made under subsection 58KC (1).

“(3) The Chairman may, at any time, in writing, terminate a direction made under subsection (1).

*Industrial Relations Legislation Amendment
(No. 2) No. 62, 1991*

SCHEDULE—continued

“(4) Where a single member is conducting the Tribunal’s business in relation to a matter:

- (a) the single member may exercise any powers or perform any functions of the Tribunal in relation to that matter; and
- (b) any act of the single member in relation to that matter is taken to be an act of the Tribunal.

“(5) In this section, a reference to a matter that is being, or is to be, dealt with by the Tribunal includes a reference to any part of such a matter.

Procedure where single member is conducting Tribunal’s business

“58KB. (1) Where a single member is conducting the Tribunal’s business:

- (a) section 58K does not apply to the single member’s conduct of such business; and
- (b) the following provisions apply.

“(2) The single member may conduct such proceedings relating to the matter to which the direction relates as he or she considers necessary.

“(3) In the conduct of the Tribunal’s business:

- (a) the single member is not bound to act in a formal manner; and
- (b) the single member may inform himself or herself on any matter in such manner as he or she thinks fit and is not bound by the rules of evidence.

“(4) The single member must, in making a determination, have regard to any decision of, or principles established by, the Commission that is or are, in the opinion of the single member, relevant to the making of that determination.

“(5) The Defence Force Advocate and a person representing the Commonwealth are entitled to be present, and to make submissions to the single member, during any proceedings conducted by the single member.

“(6) Where the single member thinks that a person or body should be heard in relation to a matter that is being, or is to be, considered by him or her, the single member may permit the person or body to be present, and to make submissions to the single member, during proceedings conducted by the single member in relation to that matter.

Review of action etc. of single member

“58KC. (1) Where:

- (a) a single member is conducting the Tribunal’s business in relation to a matter; and

*Industrial Relations Legislation Amendment
(No. 2) No. 62, 1991*

SCHEDULE—continued

- (b) in dealing with the matter, the single member exercises a power or performs a function of the Tribunal;

the Minister, the Secretary or the Chief of the Defence Force may, by notice in writing given to the Chairman within 28 days after the single member has completed his or her conduct of that business, request the Tribunal to reconsider the exercise of the power or performance of the function.

“(2) The notice must specify the exercise of the power or the performance of the function requested to be reconsidered and the grounds for seeking the reconsideration.

“(3) As soon as practicable after the request is made, the Tribunal must:

- (a) reconsider the exercise of the power or performance of the function specified in the request; and
- (b) make a determination affirming, varying or replacing anything done by the single member in exercising that power or performing that function.

Determinations giving effect to agreement between the parties

“58KD. The Tribunal may, in making a determination, give effect to any agreement reached between the Minister, acting on behalf of the Commonwealth, and the Chief of the Defence Force, acting on behalf of the members of the Australian Defence Force, in relation to a matter to which the determination relates.”.

PART 2

Industrial Chemicals (Notification and Assessment) Act 1989

Subsection 7 (2) (paragraph (f) of the definition of “agricultural chemical”):

Omit “the regulations not to be an agricultural chemical product for the purposes of the *Agricultural and Veterinary Chemicals Act 1988*”, substitute “regulations made under the *Agricultural and Veterinary Chemicals Act 1988* not to be an agricultural chemical product for the purposes of that Act.”.

Subsection 7 (2) (definition of “veterinary chemical product”):

Omit “the regulations not to be a veterinary chemical product for the purposes of the *Agricultural and Veterinary Chemicals Act 1988*”, substitute “regulations made under the *Agricultural and Veterinary Chemicals Act 1988* not to be a veterinary chemical product for the purposes of that Act.”.

*Industrial Relations Legislation Amendment
(No. 2) No. 62, 1991*

SCHEDULE—continued

Subparagraph 111 (c) (ii):

- (a) Omit “or in paragraph (c) of the definition of ‘veterinary chemical product’ in subsection 7 (2)”.
- (b) Omit “and”, substitute “or”.

After subparagraph 111 (c) (ii):

Insert:

- “(iii) a substance or mixture of substances of a kind that is declared by regulations made under the *Agricultural and Veterinary Chemicals Act 1988* not to be a veterinary chemical product for the purposes of that Act; and”.

PART 3

Industrial Relations Act 1988

Subsection 4 (1) (definition of “Presidential Member”):

After “the President” insert “, the Vice President, a Senior Deputy President”.

Subsection 4 (1):

Insert:

“‘Senior Deputy President’ means a Senior Deputy President of the Commission;
‘Vice President’ means the Vice President of the Commission;”.

After paragraph 8 (2) (a):

Insert:

- “(ab) a Vice President;
- (ac) such number of Senior Deputy Presidents as, from time to time, hold office under this Act;”.

Subsection 9 (1):

Insert “, Vice President, Senior Deputy Presidents” after “President”.

Subsection 10 (2):

- (a) After “a person as” insert “the Vice President, a Senior Deputy President or”.
- (b) Omit “a Deputy President” (second occurring), substitute “the Vice President, a Senior Deputy President or a Deputy President”.
- (c) Omit “a Deputy President” (last occurring), substitute “the Vice President, a Senior Deputy President or a Deputy President (as the case may be)”.

*Industrial Relations Legislation Amendment
(No. 2) No. 62, 1991*

SCHEDULE—continued

After paragraph 11 (a):

Insert:

“(ab) the Vice President;

(ac) the Senior Deputy Presidents, according to the days on which their commissions took effect, or, where the commissions of 2 or more of them took effect on the same day, according to the precedence assigned to them by their commissions;”.

Subsection 17 (1):

Omit the subsection, substitute:

“17. (1) During any period when:

(a) the President is absent from duty or from Australia, or is for any other reason unable to perform the duties of the office of President; or

(b) there is a vacancy in the office of President (whether or not an appointment has previously been made to the office);

the Governor-General may appoint the Vice President, if available, to act in that office.

“(1A) If, during a period referred to in subsection (1), there is a vacancy in the office of Vice President or the Vice President is unavailable to act in the office of President, the Governor-General may appoint any Presidential Member qualified to be appointed as President to act in the office of President.”.

Subsection 17 (2):

After “subsection (1)” insert “or subsection (1A)”.

Subsection 17 (3):

Omit the subsection, substitute:

“(3) In this section:

‘**Presidential Member**’ does not include a person acting in a Presidential Member’s office;

‘**Vice President**’ does not include a person acting as Vice President.”.

After section 17:

Insert:

Acting Vice President

“17A. (1) The Governor-General may appoint a person who is qualified to be appointed as the Vice President to act in the office of Vice President:

(a) during a vacancy in the office (whether or not an appointment has previously been made to the office); or

*Industrial Relations Legislation Amendment
(No. 2) No. 62, 1991*

SCHEDULE—continued

- (b) during any period, or during all periods, when the Vice President is absent from duty or from Australia or is, for any other reason, unable to perform the duties of the office.

“(2) Anything done by or in relation to a person purporting to act under subsection (1) is not invalid merely because:

- (a) the occasion for the appointment had not arisen; or
(b) there was a defect or irregularity in connection with the appointment; or
(c) the appointment had ceased to have effect; or
(d) the occasion for the person to act had not arisen or had ceased.

Acting Senior Deputy President

“17B. (1) The Governor-General may appoint a person qualified to be appointed as a Senior Deputy President to act as Senior Deputy President for a specified period (including a period that exceeds 12 months) if the Governor-General is satisfied that the appointment is necessary to enable the Commission to perform its functions effectively.

“(2) Anything done by or in relation to a person purporting to act under subsection (1) is not invalid merely because:

- (a) the occasion for the appointment had not arisen; or
(b) there was a defect or irregularity in connection with the appointment; or
(c) the appointment had ceased to have effect; or
(d) the occasion for the person to act had not arisen or had ceased.

“(3) For the purpose of subsection (1) only, a person is not disqualified from appointment as a Senior Deputy President merely because the person has reached 65.”.

Paragraph 18 (2) (b):

Omit “or”.

Paragraph 18 (2) (c):

Add at the end:

“; or (d) the occasion for the person to act had not arisen or had ceased.”.

After section 19:

Insert:

Discharge of Commission’s business

“19A. The President is to be assisted by the Vice President in ensuring the orderly and quick discharge of the business of the Commission.”.

Industrial Relations Legislation Amendment
(No. 2) No. 62, 1991

SCHEDULE—continued

Subsection 21 (1):

After “The President,” insert “the Vice President, each Senior Deputy President”.

Subsection 21 (2A):

Omit “Each Deputy President is”, substitute “The Vice President, each Senior Deputy President and each Deputy President are”.

Paragraph 35 (a):

Add at the end “and”.

Paragraphs 35 (b), (c) and (d):

Omit the paragraphs, substitute:

- “(b) where the President is not a member and the Vice President is a member—the opinion of the Vice President; and
- (c) where neither the President nor the Vice President is a member and only one Senior Deputy President is a member—the opinion of the Senior Deputy President; and
- (d) where neither the President nor the Vice President is a member and 2 or more Senior Deputy Presidents are members—the opinion of the Senior Deputy President who has seniority under section 11; and
- (e) where the President, the Vice President and any Senior Deputy President are not members, and only one Deputy President is a member—the opinion of the Deputy President; and
- (f) where the President, Vice President and any Senior Deputy President are not members and 2 or more Deputy Presidents are members—the opinion of the Deputy President who has seniority under section 11; and
- (g) in any other case—the opinion of the Commissioner who is a member and who has seniority under section 11.”.

Section 40:

Repeal the section, substitute:

Delegation by President

“40. (1) The President may, by signed instrument, delegate to the Vice President all or any of the President’s powers under this Act.

“(2) If the President delegates a power to the Vice President under subsection (1), he or she may, in addition, delegate that power to a Senior Deputy President to be exercised when the Vice President is unable, for any reason, to exercise that power personally.”.

*Industrial Relations Legislation Amendment
(No. 2) No. 62, 1991*

SCHEDULE—continued

Subsection 176 (1):

Omit “a Deputy President”, substitute “another Presidential Member”.

Paragraph 202 (2) (a):

Add at the end “and”.

Paragraph 202 (2) (b):

Omit the paragraph, substitute:

“(b) as soon as possible after a designated Presidential Member is satisfied of the matters mentioned in paragraphs (2A) (a) and (b), the Industrial Registrar must enter particulars of the agreement in the register kept under paragraph 63 (1) (a); and”.

After subsection 202 (2):

Insert:

“(2A) An agreement entered into by an organisation under its rules made under subsection (1) comes into force only if a designated Presidential Member is satisfied that the agreement:

- (a) is not contrary to any objects of this Act; and
- (b) is entered into only for the purpose of overcoming any legal difficulty that may arise in connection with the participation or possible participation of ineligible State members in the administration of the organisation or in the conduct of its affairs.”.

PART 4

Industrial Relations (Consequential Provisions) Act 1988

Subsection 4 (2) (definition of “new Presidential Member”):

After “the President” insert “, the Vice President, a Senior Deputy President”.

Subsection 80 (1):

- (a) After “person appointed as” insert “the Vice President, a Senior Deputy President or”.
- (b) Omit “a Deputy President” (last occurring), substitute “the Vice President, a Senior Deputy President or a Deputy President (as the case may be)”.

*Industrial Relations Legislation Amendment
(No. 2) No. 62, 1991*

SCHEDULE—continued

PART 5

Trade Union Training Authority Act 1975

Section 3 (definitions of “Australian Council”, “council”, “Director”, “Executive Committee”, “National Director” and “Regional Council”):

Omit the definitions.

Section 3:

Insert:

“ ‘**Chairperson**’ means the Chairperson of the Executive Council;

‘**Executive Council**’ means the Executive Council of the Authority established by section 10;

‘**Executive Officer**’ means the Executive Officer of the Authority;

‘**member**’ means a member of the Executive Council;

‘**Regional Advisory Council**’ means a Regional Advisory Council established under section 29;”.

Section 7A:

Omit “Australian Council”, substitute “Executive Council”.

Subsections 8 (1) and (2):

Omit “Australian Council”, substitute “Executive Council”.

PARTS IIA, III, IV and IVA:

Omit the Parts, substitute:

“PART III—EXECUTIVE OFFICER

Executive Officer

“8A. (1) There is to be an Executive Officer of the Australian Trade Union Training Authority.

“(2) The Executive Officer is responsible for the conduct of the affairs of the Authority in accordance with the policy formulated by, and any directions given by, the Executive Council.

Acts done by Executive Officer taken to have been done by the Authority

“8B. All acts and things done in the name of, or on behalf of, the Authority by, or with the authority of, the Executive Officer are taken to have been done by the Authority.

*Industrial Relations Legislation Amendment
(No. 2) No. 62, 1991*

SCHEDULE—continued

Executive Officer may arrange for provision of training courses at other places

“8C. Without limiting the generality of section 7, the Executive Officer may, on behalf of the Authority, arrange for the provision of courses of, or related to, trade union training at places in Australia other than the College or Trade Union Training Centres.

Appointment etc. of Executive Officer

“8D. (1) The Executive Officer is to be appointed by the Minister.

“(2) Subject to subsection (3), the Executive Officer holds office for such period (not exceeding 7 years) as is specified in the instrument of appointment, but is eligible for re-appointment.

“(3) The Minister must not appoint or re-appoint a person as the Executive Officer:

(a) who has reached 65; or

(b) for a period that extends beyond the date on which the person will reach 65.

Executive Officer’s entitlement to salary if member of Commission

“8E. (1) If the person holding the office of Executive Officer is a member of the Australian Industrial Relations Commission, the person is not entitled to receive any remuneration or allowances in respect of the office of member of the Commission.

“(2) The person’s holding of the office of Executive Officer does not otherwise affect the person’s holding of the office of member of the Commission.

Remuneration of Executive Officer

“8F. (1) The Executive Officer is to be paid such remuneration as is determined by the Remuneration Tribunal but, if no determination of that remuneration by the Tribunal is in operation, is to be paid such remuneration as is prescribed.

“(2) The Executive Officer is to be paid such allowances as are prescribed.

“(3) Subsections (1) and (2) have effect subject to the *Remuneration Tribunal Act 1973*.

“(4) Payments under this section must be made out of the money of the Authority.

Leave of absence

“8G. (1) Subject to section 87E of the *Public Service Act 1922*, the Executive Officer has such recreation leave entitlements as are determined by the Remuneration Tribunal.

*Industrial Relations Legislation Amendment
(No. 2) No. 62, 1991*

SCHEDULE—continued

“(2) The Minister may grant the Executive Officer leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister determines.

Resignation

“8H. The Executive Officer may resign by written notice signed and delivered to the Minister.

Termination of appointment

“8J. (1) The Minister may terminate the appointment of the Executive Officer for misbehaviour or physical or mental incapacity.

“(2) The Minister must terminate the appointment of the Executive Officer if the Executive Officer:

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
- (b) is absent from duty for 14 consecutive days, or for 28 days in any 12 months, except on leave granted under section 8G; or
- (c) engages, except with the approval of the Minister, in paid employment outside the Executive Officer’s duties; or
- (d) without reasonable excuse, fails to comply with section 8K.

Disclosure of interest

“8K. The Executive Officer must give written notice to the Minister of all direct or indirect pecuniary interests that the Executive Officer has or acquires in any business or in any body corporate carrying on a business.

Acting Executive Officer

“8L. (1) The Minister may appoint a person to act as Executive Officer:

- (a) during a vacancy in the office of Executive Officer, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the Executive Officer is absent from duty or from Australia or is, for any reason, unable to perform the functions and duties of the office.

“(2) A person appointed under subsection (1) to act during a vacancy in the office of Executive Officer must not continue to act as Executive Officer for more than 12 months.

“(3) The Minister may determine the terms and conditions of appointment of a person appointed under subsection (1).

*Industrial Relations Legislation Amendment
(No. 2) No. 62, 1991*

SCHEDULE—continued

“(4) The Minister may terminate an appointment made under subsection (1) at any time.

“(5) If the office of Executive Officer becomes vacant while a person is acting as Executive Officer under paragraph (1) (b), the person may continue so to act until:

- (a) the Minister otherwise directs; or
- (b) the vacancy is filled; or
- (c) a period of 12 months from the date on which the vacancy occurred expires;

whichever occurs first.

“(6) Sections 8G, 8H and 8K apply in relation to a person appointed under subsection (1) in the same way as they apply in relation to the Executive Officer.

“(7) The person acting as the Executive Officer has all the powers, duties, rights and entitlements of the Executive Officer.

“(8) Anything done by or in relation to a person purporting to act as the Executive Officer under this section is not invalid merely because:

- (a) there was a defect or irregularity in connection with the appointment; or
- (b) the appointment had ceased to have effect; or
- (c) the occasion for the person to act or to be appointed had not arisen or had ceased.

“PART IV—EXECUTIVE COUNCIL

“Division 1—Establishment and function of Executive Council

Cessation of councils

“9. On the commencement of this section, the councils established by or under subsections 9 (2), (3) and (4) of this Act as in force immediately before that commencement cease to exist.

Establishment of Executive Council

“10. The Executive Council of the Australian Trade Union Training Authority is established.

Functions and powers of Executive Council

“11. (1) The Executive Council is responsible for the formulation of the policy of the Authority.

“(2) The Executive Council has such powers as are conferred by or under this Act.

*Industrial Relations Legislation Amendment
(No. 2) No. 62, 1991*

SCHEDULE—continued

“Division 2—Constitution and membership etc. of Executive Council

Constitution of Executive Council

“12. (1) The Executive Council consists of the following part-time members:

- (a) one person to represent the community, being a person who has knowledge or experience in relation to trade union training and is appointed by the Minister;
- (b) the Secretary or, if the Minister appoints another officer of the Department in the Secretary’s place, being an officer nominated by the Secretary, that officer;
- (c) 6 persons to represent the Australian Council of Trade Unions, being persons nominated by the Australian Council of Trade Unions and appointed by the Minister;
- (d) 2 persons to represent employers, being persons appointed by the Minister after consultation with organisations representing employers in Australia;
- (e) a person to represent the officers and employees of the Authority, being a person who is an officer or employee of the Authority selected in accordance with the regulations and is appointed by the Minister.

“(2) The Executive Council is taken to have been constituted when not less than 7 of its members have been appointed.

Chairperson of Executive Council

“13. (1) The Chairperson of the Executive Council is a member who is nominated by the Executive Council and appointed by the Minister to be the Chairperson of the Executive Council.

“(2) The Chairperson holds office for such period as is specified in the instrument of appointment.

Acting Chairperson of Executive Council

“14. (1) The Minister may appoint a member to act as Chairperson of the Executive Council for such period as is specified in the instrument of appointment.

“(2) If, during any period:

- (a) there is a vacancy in the office of Chairperson; or
- (b) the Chairperson is absent from duty or from Australia or is, for any reason, unable to perform the Chairperson’s functions;

the person referred to in whichever is applicable of the following paragraphs must act as the Chairperson during the period:

- (c) if a member appointed under subsection (1) is available to

Industrial Relations Legislation Amendment
(No. 2) No. 62, 1991

SCHEDULE—continued

perform the Chairperson's functions during the period—that member; or

(d) in any other case—the member referred to in paragraph 12 (1) (b).

“(3) The person acting as the Chairperson has all the powers, duties, rights and entitlements of the Chairperson.

Tenure of office

“15. (1) Subject to sections 20 and 21, a member referred to in paragraph 12 (1) (a), (c), (d) or (e) holds office for such period (not exceeding 3 years) as is specified in the instrument of appointment, but is eligible for re-appointment in accordance with this Act.

“(2) Subject to sections 20 and 21, if an officer of the Department has been appointed under paragraph 12 (1) (b) in the Secretary's place, the officer so appointed holds office as a member during the Minister's pleasure.

Remuneration and allowances of members

“16. (1) A member is to be paid such remuneration as is determined by the Remuneration Tribunal but, if no determination of that remuneration by the Tribunal is in operation, is to be paid such remuneration as is prescribed.

“(2) A member is to be paid such allowances as are prescribed.

“(3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

Validity of appointments

“17. The appointment of a member is not invalid merely because of a defect or irregularity in connection with the appointment.

Validity of proceedings

“18. The performance of the Executive Council's functions is not affected merely because of vacancies in its membership.

Leave of absence

“19. The Minister may grant leave of absence to a member on such terms and conditions as the Minister determines.

Resignation

“20. A member (other than the member referred to in paragraph 12 (1) (b)) may resign by written notice signed and delivered to the Minister.

SCHEDULE—continued

Termination of appointment

“21. (1) This section applies to a member referred to in paragraph 12 (1) (a), (c), (d) or (e).

“(2) The Minister may terminate the appointment of a member for misbehaviour or physical or mental incapacity.

“(3) If:

- (a) a member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
- (b) the member referred to in paragraph 12 (1) (e) ceases to be an officer or employee of the Authority; or
- (c) a member fails, without reasonable excuse, to comply with his or her obligation under section 22;

the Minister must terminate the appointment of that member.

“(4) The Minister may terminate the appointment of a member referred to in paragraph 12 (1) (c) if the Australian Council of Trade Unions notifies the Minister in writing that it no longer wishes to be represented by that member.

Disclosure of interests

“22. (1) A member who has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the Executive Council must, as soon as possible after the relevant facts have come to the member’s knowledge, disclose the nature of the interest at a meeting of the Executive Council.

“(2) The disclosure must be recorded in the minutes of the meeting and, unless the Minister or the Executive Council otherwise determines, the member must not:

- (a) be present during any deliberation of the Executive Council in relation to the matter; or
- (b) take part in any decision of the Executive Council in relation to the matter.

“(3) For the purpose of the making of a determination by the Executive Council under subsection (2) in relation to a member who has made a disclosure under subsection (1), the member must not:

- (a) be present during any deliberation of the Executive Council for the purpose of the making of the determination; or
- (b) take part in the making by the Executive Council of the determination.

*Industrial Relations Legislation Amendment
(No. 2) No. 62, 1991*

SCHEDULE—continued

“Division 3—Meetings of the Executive Council

Convening of meetings

“23. The Chairperson:

- (a) may convene meetings of the Executive Council; and
- (b) must comply with any resolution of the Executive Council with respect to the convening of meetings of the Executive Council; and
- (c) must, on receipt of a written request signed by not less than 3 members, convene a meeting of the Executive Council.

Presiding at meetings

“24. The Chairperson must preside at all meetings of the Executive Council.

Quorum

“25. At a meeting of the Executive Council, the Chairperson and 6 other members constitute a quorum.

Voting at meetings

“26. (1) All questions arising at a meeting of the Executive Council must be determined by a majority of the votes of the members present and voting.

“(2) The Chairperson has a deliberative vote but does not have a casting vote.

Conduct of meetings

“27. (1) The Executive Council may regulate the conduct of proceedings at its meetings as it thinks fit.

“(2) The Executive Council must keep minutes of those proceedings.

Reference to Chairperson includes reference to acting Chairperson

“28. A reference in this Division to the Chairperson of the Executive Council is, if a person is acting as Chairperson of the Executive Council, to be read as a reference to the person so acting.

“Division 4—Regional Advisory Councils

Establishment of Regional Advisory Councils

“29. The Executive Council may, in respect of any geographical division in Australia (in this Division called a ‘region’), by instrument in writing:

- (a) establish a Regional Advisory Council for that region; and
- (b) appoint persons to be part-time members of that Regional Advisory Council.

*Industrial Relations Legislation Amendment
(No. 2) No. 62, 1991*

SCHEDULE—continued

Constitution etc. of Regional Advisory Councils

“29A. (1) A Regional Advisory Council is to be constituted in such manner and for such period as is determined by the Executive Council in writing.

“(2) Without limiting subsection (1), the Executive Council may make determinations relating to the appointment of a Chairperson or members of a Regional Advisory Council.

Functions of Regional Advisory Councils

“29B. (1) Subject to subsection (2), the functions of a Regional Advisory Council are to advise, and to make recommendations to, the Executive Council in relation to matters referred to it by the Executive Council.

“(2) The Executive Council must not refer to a Regional Advisory Council a matter which is unrelated to the Executive Council’s functions.

Miscellaneous matters relating to Regional Advisory Councils

“29C. (1) A Regional Advisory Council must conduct its business in the manner determined by the Executive Council in writing.

“(2) Without limiting the generality of subsection (1), the Executive Council may make determinations relating to:

- (a) the rights, powers and duties of members of a Regional Advisory Council; and
- (b) the holding of meetings of a Regional Advisory Council; and
- (c) any other matters that are necessary or convenient to be determined for the carrying out of the functions of a Regional Advisory Council.

Allowances for members of Regional Advisory Councils

“29D. A member of a Regional Advisory Council is not entitled to be paid remuneration in respect of his or her membership of that Council, but is entitled to be paid such allowances as are prescribed.”.

Paragraphs 31 (1) (a), (aa) and (b):

Omit “National Director”, substitute “Executive Officer”.

Paragraphs 31 (2) (a) and (b):

Omit “National Director”, substitute “Executive Officer”.

Division 2 of Part V:

Repeal the Division.

Section 41:

Repeal the section, substitute:

Industrial Relations Legislation Amendment
(No. 2) No. 62, 1991

SCHEDULE—continued

Staff

“41. (1) The Executive Officer may, on behalf of the Authority, appoint such officers and engage such employees as the Executive Officer considers necessary for the purposes of this Act.

“(2) The Executive Officer is to determine:

- (a) the duration of any appointment or engagement made under subsection (1); and
- (b) the terms and conditions of service of persons so appointed or engaged, being terms and conditions approved by the Department.”.

Subsections 51 (1) and (2):

Omit “National Director”, substitute “Executive Officer”.

Section 52:

Repeal the section, substitute:

Delegation by Executive Officer

“52. The Executive Officer may, by signed instrument, delegate to a person appointed or employed under section 41 all or any of the Executive Officer’s powers and functions under this Act.”.

Sections 53 and 54:

- (a) Omit “A council” (wherever occurring), substitute “The Executive Council”.
- (b) Omit “the council” (wherever occurring), substitute “the Executive Council”.
- (c) Omit “a council” (wherever occurring), substitute “the Executive Council”.
- (d) Omit “Chairman” (wherever occurring), substitute “Chairperson”.

Section 55:

Omit “The authority”, substitute “The Authority”.

NOTE

1. On the day on which section 80 of the *Industrial Relations (Consequential Provisions) Act 1988* is amended by this Act, the heading to the section is altered by omitting “Deputy Presidents” and substituting “Presidential Members”.

[*Minister’s second reading speech made in—*
Senate on 18 April 1991
House of Representatives on 13 May 1991]