

TRADE UNION TRAINING AUTHORITY AMENDMENT ACT 1978

No. 92 of 1978

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TRADE UNION TRAINING AUTHORITY AMENDMENT ACT 1978

No. 92 of 1978

An Act to amend the *Trade Union Training Authority Act 1975*.

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

1. (1) This Act may be cited as the *Trade Union Training Authority Amendment Act 1978*.¹ Short title,
&c.

(2) The *Trade Union Training Authority Act 1975*² is in this Act referred to as the Principal Act.

2. This Act shall come into operation on a date to be fixed by Proclamation. Commence-
ment

3. Section 3 of the Principal Act is amended—

(a) by omitting the definition of “Australian Council” and substituting the following definition:

“‘Australian Council’ means the Australian Council for Union Training established by sub-section 9 (2);”;

(b) by omitting the definitions of “Director” and “relevant council” and substituting the following definitions:

“‘Director’ means the Director of Studies;

‘Executive Board’ means the Executive Board of the Authority;

‘National Director’ means the National Director of the Authority;”;

(c) by omitting “(2)” from the definition of “State Council” and substituting “(3)”; and

(d) by omitting the definition of “trade union training” and substituting the following definition:

“‘trade union training’ means technical or practical training capable of advancing and developing knowledge and skills in fields connected with the powers and functions of trade unions or the powers, functions and duties of officers or officials of trade unions;”.

Interpret-
ation

4. Section 5 of the Principal Act is repealed and the following section substituted:

Functions of
the
Authority

“5. The functions of the Authority are—

- (a) to plan and develop, and to undertake, programs of trade union training in Australia;
- (b) to co-ordinate trade union training in Australia;
- (c) to promote the provision and undertaking of trade union training;
- (d) to keep the trade union training that is being provided in Australia under constant review and to re-assess and re-evaluate that training in the light of experience; and
- (e) to do anything incidental or conducive to the performance of any of the preceding functions.”.

5. After section 7 of the Principal Act the following section is inserted:

Authority
may make
grants of
financial
assistance

“7A. Without limiting the generality of section 7, the Authority may, with the approval of the Minister, make grants, on such conditions (if any) as the Executive Board determines, of financial assistance out of the moneys of the Authority to institutions and bodies providing, or proposing to provide, trade union training in Australia.”.

Authority to
be subject to
Minister

6. Section 8 of the Principal Act is amended by omitting “Australian Council” (wherever occurring) and substituting “Executive Board”.

7. Part III of the Principal Act is repealed and the following Parts are substituted:

“PART IIA—NATIONAL DIRECTOR

National
Director

“8A. (1) There shall be a National Director of the Australian Trade Union Training Authority.

“(2) The National Director shall be responsible for the conduct of the affairs of the Authority in accordance with the policy formulated by, and any directions given by, the Executive Board.

Acts done by
National
Director
deemed 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 National Director shall be deemed to have been done by the Authority.

National
Director may
arrange for
provision of
courses of
training

“8C. Without limiting the generality of section 7, the National Director 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.

“8D. (1) The National Director shall be appointed by the Minister. Appointment and term of office of National Director

“(2) Subject to sub-section (3), the National Director holds office for such period, not exceeding 7 years, as is specified in his instrument of appointment, but is eligible for re-appointment.

“(3) A person who has attained the age of 65 years shall not be appointed or re-appointed as the National Director and a person shall not be appointed or re-appointed as the National Director for a period that extends beyond the date on which he will attain the age of 65 years.

“8E. (1) The National Director shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed. Remuneration of National Director

“(2) The National Director shall be paid such allowances as are prescribed.

“(3) Sub-sections (1) and (2) have effect subject to the *Remuneration Tribunals Act 1973*.

“(4) Payments under this section shall be made out of the moneys of the Authority.

“8F. The Minister may grant leave of absence to the National Director upon such terms and conditions as to remuneration or otherwise as the Minister determines. Leave of absence

“8G. The National Director may resign his office by writing signed by him and delivered to the Minister. Resignation

“8H. (1) The Minister may terminate the appointment of the National Director for misbehaviour or physical or mental incapacity. Termination of appointment

“(2) If the National Director—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) absents himself from duty for 14 consecutive days, or for 28 days in any 12 months, except on leave granted by the Minister;
- (c) engages, except with the approval of the Minister, in paid employment outside the duties of his office; or
- (d) without reasonable excuse, fails to comply with his obligations under section 8J,

the Minister shall terminate his appointment.

“8J. If the National Director has a direct or indirect pecuniary interest in any contract made or proposed to be made by the Authority, otherwise than as a member of, and in common with the other members of, an incorporated company which consists of more than 25 persons and Disclosure of interests

of which he is not a director, he shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest to the Minister.

Acting
National
Director

“8K. (1) The Minister may appoint a person to act as National Director—

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

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

“(2) The Minister may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person appointed to act as National Director; and
- (b) at any time terminate such an appointment.

“(3) Where a person is acting as National Director in accordance with paragraph (1) (b) and the office of National Director becomes vacant while that person is so acting, that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

“(4) The appointment of an acting National Director ceases to have effect if he resigns his appointment by writing signed by him and delivered to the Minister.

“(5) Sections 8F, 8G and 8J apply in relation to a person appointed under this section in like manner as they apply in relation to the National Director.

“(6) While a person is acting as National Director, he has and may exercise all the powers, and shall perform all the functions and duties, of the National Director and—

- (a) for the purposes of sub-sections 8T(3) and (4) he shall be deemed to be a member of the Executive Board; and
- (b) for the purposes of sub-sections 19(3) and (4) he shall be deemed to be a member of the Australian Council.

“(7) The validity of anything done by an acting National Director shall not be called in question on the ground that the occasion for him to act or for his appointment had not arisen or that the occasion for him to act had passed or his appointment had ceased to have effect.

“PART IIB—EXECUTIVE BOARD

“8L. (1) There shall be an Executive Board of the Australian Trade Union Training Authority. Executive Board

“(2) The Executive Board shall be responsible for the formulation of the policy of the Authority.

“8M. (1) The Executive Board shall consist of the following part-time members: Constitution of Executive Board

- (a) the Chairman of the Australian Council;
- (b) the National Director;
- (c) the member of the Australian Council referred to in paragraph 14 (1) (c);
- (d) 4 persons appointed by the Minister from the members of the Australian Council referred to in paragraphs 14 (1) (d), (e) and (f); and
- (e) the member of the Australian Council referred to in paragraph 14 (1) (g).

“(2) A member of the Executive Board referred to in paragraph (1) (d) ceases to hold office if he ceases to be a member of the Australian Council referred to in paragraph 14 (1) (d), (e) or (f).

“(3) The Chairman of the Australian Council shall be the Chairman of the Executive Board.

“8N. (1) A member of the Executive Board shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, a member shall be paid such remuneration as is prescribed. Remuneration of members of Executive Board

“(2) A member of the Executive Board shall be paid such allowances as are prescribed.

“(3) Sub-sections (1) and (2) have effect subject to the *Remuneration Tribunals Act 1973*.

“8P. The Minister may grant leave of absence to a member of the Executive Board upon such terms and conditions as the Minister determines. Leave of absence

“8Q. A member of the Executive Board referred to in paragraph 8M (1) (d) may resign his office as such a member by writing signed by him and delivered to the Minister. Resignation of certain members

“8R. (1) A member of the Executive Board who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Executive Board, otherwise than as a member of, and in common with the other members of, an incorporated company which consists of more than 25 persons and of which he is not a director, shall, Disclosure of interests

as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Executive Board.

“(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Executive Board and the member who made the disclosure shall not be present during any deliberation of the Executive Board with respect to that matter.

Acting
Chairman of
Executive
Board

“8S. (1) Where the Chairman of the Executive Board is absent from duty or from Australia or is unable to perform the functions of his office, or there is a vacancy in the office of Chairman of the Executive Board, the person who, for the time being, is acting as Chairman of the Australian Council shall act as Chairman of the Executive Board during the absence or inability or until the filling of the vacancy, as the case may be, and while so acting has and may exercise all the powers, and shall perform all the functions and duties, of the Chairman of the Executive Board.

“(2) At any time when a person who is not a member of the Executive Board is acting as Chairman of the Executive Board, he shall be deemed to be a member of the Executive Board for the purposes of sub-section 8T (4).

Meetings of
the
Executive
Board

“8T. (1) The Chairman of the Executive Board—

- (a) may convene meetings of the Executive Board, and shall comply with any resolution of the Executive Board with respect to the convening of meetings; and
- (b) shall, on receipt of a written request signed by not less than 4 members of the Executive Board (not including the National Director), convene a meeting of the Executive Board.

“(2) The Chairman of the Executive Board shall preside at all meetings of the Executive Board.

“(3) At a meeting of the Executive Board, the Chairman and 4 other members of the Executive Board constitute a quorum.

“(4) All questions arising at a meeting of the Executive Board shall be determined by a majority of the votes of the members of the Executive Board present and voting, and for this purpose the person presiding at the meeting has a deliberative vote and, except where that person is the member of the Australian Council referred to in paragraph 14 (1) (c), also has a casting vote.

“(5) The Executive Board may regulate the conduct of proceedings at its meetings as it thinks fit and shall keep minutes of those proceedings.

“(6) A reference in this section to the Chairman of the Executive Board shall, if a person is acting as Chairman of the Executive Board, be read as a reference to the person so acting.

“8U. The appointment of a member of the Executive Board is not invalidated, and shall not be called in question, by reason of a defect or irregularity in connection with his appointment. Validity of appointments

“8V. The performance of the functions of the Executive Board is not affected by reason of there being a vacancy or vacancies in the membership of the Executive Board. Validity of proceedings

“PART III—ESTABLISHMENT AND FUNCTIONS OF COUNCILS

“9. (1) Upon the commencement of the *Trade Union Training Authority Amendment Act 1978* the councils established by sub-sections 9 (1) and (2) of the *Trade Union Training Authority Act 1975* as in force immediately before that commencement cease to exist. Establishment of Councils

“(2) There is established by this section a council by the name of the Australian Council for Union Training.

“(3) There is established by this section a council for each State by the name specified in the following table opposite to the name of that State:

State	Name of Council
New South Wales	New South Wales Council for Union Training
Victoria	Victorian Council for Union Training
Queensland	Queensland Council for Union Training
South Australia	South Australian Council for Union Training
Western Australia	Western Australian Council for Union Training
Tasmania	Tasmanian Council for Union Training

“(4) The regulations may establish a Council for Union Training for the Australian Capital Territory and a Council for Union Training for the Northern Territory.

“10. The functions of the Australian Council are to advise, and to make recommendations to, the Authority in relation to— Functions of Australian Council

- (a) the planning and development of programs of trade union training in Australia; and
- (b) the effectiveness of programs of trade union training undertaken in Australia.

“11. The functions of a State Council are to advise, and to make recommendations to, the Authority in relation to matters relating to trade union training in the State. Functions of State Councils

Functions of
other
Councils

“12. A council established by the regulations has such functions as are prescribed.”.

8. Divisions 1 and 2 of Part IV of the Principal Act are repealed and the following Divisions substituted:

“Division 1—Australian Council

Constitution
of the
Australian
Council

“14. (1) The Australian Council shall consist of the following part-time members:

- (a) one person appointed by the Minister;
- (b) the National Director;
- (c) the Secretary or, if the Minister appoints another officer of the Department to be a member in place of the Secretary, the officer so appointed;
- (d) 5 persons to represent the Australian Council of Trade Unions, appointed by the Minister after consultation with the Australian Council of Trade Unions;
- (e) one person to represent the Australian Council of Salaried and Professional Associations, appointed by the Minister after consultation with the Australian Council of Salaried and Professional Associations;
- (f) one person to represent the Council of Australian Government Employee Organizations, appointed by the Minister after consultation with the Council of Australian Government Employee Organizations;
- (g) one person to represent the Confederation of Australian Industry, appointed by the Minister after consultation with the Confederation of Australian Industry;
- (h) one person, being a Commissioner of the Tertiary Education Commission or a member of the staff of that Commission, appointed by the Minister;
- (j) one Member of the Parliament appointed by the Prime Minister; and
- (k) one Member of the Parliament appointed by the Leader of the Opposition.

“(2) The member of the Australian Council referred to in paragraph (1) (a) shall be the Chairman of that Council.

“(3) The Australian Council shall be deemed to have been constituted when not less than 8 of the members of that Council (excluding the National Director) have been appointed.

Method of
appointment
of certain
members

“15. (1) The appointment at any time of a member or members of the Australian Council to represent—

- (a) the Australian Council of Trade Unions;

- (b) the Australian Council of Salaried and Professional Associations;
- (c) the Council of Australian Government Employee Organizations; or
- (d) the Confederation of Australian Industry,

shall be made from amongst persons whose names are included in a list of names submitted to the Minister by the organization which that member is, or those members are, to represent.

“(2) A list referred to in sub-section (1) that is submitted by an organization shall consist of a number of names that is not less than twice the number of members of the Australian Council to be appointed to represent that organization, but the Minister may, if he thinks fit, request the organization to submit additional names for inclusion in the list.

“16. (1) The Minister may appoint a person to act as Chairman of the Australian Council.

Acting
Chairman of
Australian
Council

“(2) Where the Chairman of the Australian Council is absent from duty or from Australia or is unable to perform the functions of his office, or there is a vacancy in the office of Chairman—

- (a) if an appointment of a person to act as Chairman of the Australian Council is in force under sub-section (1) and the person so appointed is available to exercise the powers and perform the functions and duties of the Chairman of the Australian Council—the person so appointed; or
- (b) in any other case—the member of the Australian Council referred to in paragraph 14 (1) (c),

shall act as Chairman of the Australian Council during the absence or inability or until the filling of the vacancy, as the case may be, and while so acting has and may exercise all the powers, and shall perform all the functions and duties, of the Chairman of the Australian Council.

“(3) At any time when a person who is not a member of the Australian Council is acting as Chairman of the Australian Council, he shall be deemed to be a member of that Council for the purposes of sub-section 19 (4).

“17. (1) The Minister may appoint a person to be the deputy member of the Australian Council in relation to the member of the Australian Council referred to in paragraph 14 (1) (c).

Deputy
members of
the
Australian
Council

“(2) The Minister shall, upon being requested to do so by an organization referred to in paragraph 14 (1) (d), (e), (f) or (g), after consulting with that organization, appoint a person to be the deputy member of the Australian Council in relation to a specified member of the Australian Council appointed to represent that organization.

“(3) The appointment at any time of a deputy member of the Australian Council in relation to a member of that Council referred to in paragraph 14 (1) (d), (e), (f) or (g) shall be made from amongst persons whose names are included in a list of names submitted to the Minister by the organization that requested the appointment of that deputy member.

“(4) A list referred to in sub-section (3) that is submitted by an organization in relation to the appointment of a deputy member shall consist of the names of at least two persons, but the Minister may, if he thinks fit, request the organization to submit additional names for inclusion in the list.

“(5) The Minister may appoint a person, being a Commissioner of the Tertiary Education Commission or a member of the staff of that Commission, to be the deputy member of the Australian Council in relation to the member of the Australian Council referred to in paragraph 14 (1) (h).

“(6) Where a member of the Australian Council in relation to whom a deputy member is appointed is absent from a meeting of the Australian Council, the deputy member is entitled to attend that meeting and, when so attending, shall be deemed to be a member of the Australian Council.

Tenure of
office

“18. (1) Subject to this Act, the member of the Australian Council referred to in paragraph 14 (1) (a), and, if an officer of the Department has been appointed under paragraph 14 (1) (c) to be a member of the Australian Council in place of the Secretary, the officer so appointed, hold office during the pleasure of the Minister.

“(2) Subject to this Act, a member of the Australian Council referred to in paragraph 14 (1) (d), (e), (f), (g) or (h) holds office for such period, not exceeding 3 years, as is specified in his instrument of appointment, but is eligible for re-appointment.

“(3) Subject to this Act, a member of the Australian Council referred to in paragraph 14 (1) (j) or (k) holds office until the dissolution or expiration of the House of Representatives as elected at the time of his appointment.

“(4) The deputy member of the Australian Council in relation to a member referred to in paragraph 14 (1) (c) or (h) holds office during the pleasure of the Minister.

“(5) The deputy member of the Australian Council in relation to a member referred to in paragraph 14 (1) (d), (e), (f) or (g) holds office until he resigns his office or his appointment is terminated in accordance with section 28.

“19. (1) The Chairman of the Australian Council—

Meetings of
Australian
Council

- (a) may convene meetings of the Australian Council, and shall comply with any resolution of the Australian Council with respect to the convening of meetings; and
- (b) shall, on receipt of a written request signed by not less than 4 members of the Australian Council (not including the National Director), convene a meeting of the Australian Council.

“(2) The Chairman of the Australian Council shall preside at all meetings of the Australian Council.

“(3) At a meeting of the Australian Council, the Chairman and 6 other members of the Australian Council constitute a quorum.

“(4) All questions arising at a meeting of the Australian Council shall be determined by a majority of the votes of the members present and voting, and for this purpose the person presiding at the meeting has a deliberative vote but does not have a casting vote.

“(5) The Australian Council may regulate the conduct of proceedings at its meetings as it thinks fit and shall keep minutes of those proceedings.

“(6) A reference in this section to the Chairman of the Australian Council shall, if a person is acting as Chairman of that Council, be read as a reference to the person so acting.

Division 2—State Councils

“20. (1) The Council established by sub-section 9(3) for a State shall consist of the following part-time members—

Constitution
of State
Councils

- (a) one person appointed by the Minister;
- (b) one officer of the Department appointed by the Minister;
- (c) 3 persons to represent the relevant trade union organization, appointed by the Minister after consultation with the relevant trade union organization;
- (d) one person to represent the Division of the Australian Council of Salaried and Professional Associations for the State, appointed by the Minister after consultation with that Division;
- (e) one person to represent the Division of the Council of Australian Government Employee Organizations for the State, appointed by the Minister after consultation with that Division;
- (f) one person to represent the Branch of the Confederation of Australian Industry for the State, appointed by the Minister after consultation with that Branch; and

- (g) one person appointed by the Minister to promote the interests of technical and further education in the State.

“(2) The member of the Council established by sub-section 9 (3) for a State referred to in paragraph (1) (a) shall be the Chairman of the Council.

“(3) A State Council shall be deemed to have been constituted when not less than 6 of the members of the State Council have been appointed.

“(4) For the purposes of sub-section (1), the relevant trade union organization is—

- (a) in relation to New South Wales—The Labor Council of New South Wales;
- (b) in relation to Victoria—Victorian Trades Hall Council;
- (c) in relation to Queensland—The Trades and Labor Council of Queensland;
- (d) in relation to South Australia—The United Trades and Labor Council of South Australia;
- (e) in relation to Western Australia—The Trades and Labor Council of Western Australia; and
- (f) in relation to Tasmania—Tasmanian Trades and Labor Council.

Acting
Chairman of
State
Councils

“21. (1) The Minister may appoint a person to act as Chairman of a Council established by sub-section 9 (3) for a State.

“(2) Where the Chairman of a State Council is absent from duty or from Australia or is unable to perform the functions of his office, or there is a vacancy in the office of Chairman of a State Council—

- (a) if an appointment of a person to act as Chairman of the State Council is in force under sub-section (1) and the person so appointed is available to exercise the powers and perform the functions and duties of the Chairman of the State Council—the person so appointed; or
- (b) in any other case—the member of the State Council referred to in paragraph 20 (1) (b),

shall act as Chairman of the State Council during the absence or inability or until the filling of the vacancy, as the case may be, and while so acting has and may exercise all the powers, and shall perform all the functions and duties, of the Chairman of the State Council.

“(3) At any time when a person who is not a member of a State Council is acting as Chairman of the State Council, he shall be deemed to be a member of the State Council for the purposes of sub-section 23A (4).

“22. (1) The Minister may appoint a person to be the deputy member of a State Council in relation to a member of that State Council referred to in paragraph 20 (1) (b) or (g). Deputy members of State Councils

“(2) The Minister shall, upon being requested to do so by an organization or a Division or Branch of an organization referred to in paragraph 20 (1) (c), (d), (e) or (f) to do so, after consulting with that organization or with that Division or Branch, as the case may be, appoint a person to be the deputy member of a State Council in relation to a member of that State Council appointed to represent that organization or that Division or Branch.

“(3) Where a member of a State Council in relation to whom a deputy member is appointed is absent from a meeting of the State Council, that deputy member is entitled to attend that meeting and, when so attending, shall be deemed to be a member of the State Council.

“23. (1) Subject to this Act, a member of a State Council holds office for such period, not exceeding 3 years, as is specified in his instrument of appointment, but is eligible for re-appointment. Tenure of office of members of State Councils

“(2) The deputy member of a State Council in relation to the member referred to in paragraph 20 (1) (b) or (g) holds office during the pleasure of the Minister.

“(3) The deputy member of a State Council in relation to a member referred to in paragraph 20 (1) (c), (d), (e) or (f) holds office until he resigns his office or his appointment is terminated in accordance with section 28.

“23A. (1) The Chairman of a State Council—

- (a) may convene meetings of the State Council and shall comply with any resolution of the State Council with respect to the convening of meetings; and
- (b) shall, on receipt of a written request signed by not less than 4 members of the State Council, convene a meeting of the State Council.

Meetings of State Councils

“(2) The Chairman of a State Council shall preside at all meetings of the State Council.

“(3) At a meeting of a State Council, the Chairman of the State Council and 4 other members of the State Council constitute a quorum.

“(4) All questions arising at a meeting of a State Council shall be determined by a majority of the votes of the members of the State Council present and voting, and for this purpose the person presiding at the meeting has a deliberative vote but does not have a casting vote.

“(5) A State Council may regulate the conduct of proceedings at its meetings as it thinks fit and shall keep minutes of those proceedings.

“(6) A reference in this section to the Chairman of a State Council shall, if a person is acting as Chairman of the State Council, be read as a reference to the person so acting.”.

9. Section 25 of the Principal Act is repealed and the following sections are substituted:

Validity of appointments “24A. The appointment of a member or of a deputy member of a council is not invalidated, and shall not be called in question, by reason of a defect or irregularity in connexion with his appointment.

Validity of proceedings “24B. The performance of the functions of a council is not affected by reason of there being a vacancy or vacancies in the membership of the council.

Allowances of members and deputy members of councils “25. A member of a council and a deputy member of a council shall not be paid remuneration, but shall be paid such allowances for expenses as are prescribed.”.

Leave of absence **10.** Section 26 of the Principal Act is amended by omitting “as to remuneration or otherwise”.

11. Section 27 of the Principal Act is repealed and the following section substituted:

Resignation “27. A member of a council (other than the National Director or the Secretary), or a deputy member of a council, may resign his office by writing signed by him and delivered to the Minister.”.

Termination of appointment **12.** Section 28 of the Principal Act is amended by omitting sub-sections (1), (2) and (3) and substituting the following sub-sections:

“(1) This section applies to—

- (a) a member of the Australian Council referred to in paragraph 14 (1) (d), (e), (f), (g), (h), (j) or (k);
- (b) a deputy member of the Australian Council referred to in sub-section 17 (3);
- (c) any member of a State Council; or
- (d) a deputy member of a State Council referred to in sub-section 22 (2).

“(2) The Minister may terminate the appointment of a member or deputy member of a council to whom this section applies for misbehaviour (including, in the case of a member of the Australian Council who is a member of the Executive Board, misbehaviour in his capacity as a member of the Executive Board) or physical or mental incapacity.

“(3) If—

- (a) a member or deputy member of a council to whom this section applies becomes bankrupt, applies to take benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) a member of the Australian Council referred to in paragraph 14 (1) (j) or (k) ceases to be a member of a House of the Parliament; or
- (c) a member of the Australian Council to whom this section applies who is a member of the Executive Board fails to comply with his obligations under section 8R,

the Minister shall terminate the appointment of the member or deputy member, as the case may be.

“(3A) The Minister may terminate the appointment of a member of a council who is appointed to represent an organization or a Division or Branch of an organization, or the appointment of a deputy member appointed in relation to such a member of a council, if the organization, Division or Branch, as the case may be, notifies the Minister in writing that it no longer wishes to be represented by that member or that it wishes the appointment of that deputy member to be terminated, as the case may be.”.

13. Section 29 of the Principal Act is repealed.

Disclosure of
interests in
contracts

14. Section 31 of the Principal Act is amended—

Functions of
the College
and the
Training
Centres

- (a) by omitting from paragraph (a) of sub-section (1) “Australian Council” and substituting “National Director”;
- (b) by inserting after paragraph (a) of sub-section (1) the following paragraph:
“(aa) to provide such other training that is related to trade union training as the National Director determines;”;
- (c) by omitting from paragraph (b) of sub-section (1) “Australian Council” and substituting “National Director”;
- (d) by omitting paragraph (c) of sub-section (1); and
- (e) by omitting sub-section (2) and substituting the following sub-section:

“(2) The functions of a Trade Union Training Centre for a State are—

- (a) to provide such courses of trade union training as the National Director determines; and
- (b) to provide such other training that is related to trade union training as the National Director determines.”.

Government
of the college
and training
centres

15. Section 32 of the Principal Act is repealed.

16. (1) Division 2 of Part V of the Principal Act is repealed and the following Division substituted:

“Division 2—Director of Studies

Director of
studies

“33. (1) There shall be a Director of Studies.

“(2) The Director shall, under the National Director, be responsible for the management of, and the provision of training by, the College and each Trade Union Training Centre.

“(3) The Director shall comply with the directions (if any) given by the National Director in relation to the management of the College or of a Trade Union Training Centre.

Appointment
of Director

“34. (1) The Director shall be appointed by the National Director after consultation with the Executive Board and shall hold office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the National Director.

“(2) Subject to sub-section (3), the Director shall hold office for such period, not exceeding 7 years, as is specified in his instrument of appointment, but is eligible for re-appointment.

“(3) A person who has attained the age of 65 years shall not be appointed or re-appointed as the Director and a person shall not be appointed or re-appointed as the Director for a period that extends beyond the date on which he will attain the age of 65 years.

Remuneration
of Director

“35. (1) The Director shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.

“(2) The Director shall be paid such allowances as are prescribed.

“(3) Sub-sections (1) and (2) have effect subject to the *Remuneration Tribunals Act 1973*.

“(4) Payments under this section shall be made out of the moneys of the Authority.

Leave of
absence

“36. The National Director may grant leave of absence to the Director upon such terms and conditions as to remuneration or otherwise as the National Director determines.

Resignation
of Director

“37. The Director may resign his office by writing signed by him and delivered to the National Director.

“38. (1) The National Director may terminate the appointment of the Director for misbehaviour or physical or mental incapacity. Termination of appointment

“(2) If the Director—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) absents himself from duty for 14 consecutive days, or for 28 days in any 12 months, except on leave granted by the National Director; or
- (c) engages, except with the approval of the National Director, in paid employment outside the duties of his office,

the National Director shall terminate his appointment.

“39. (1) The National Director may appoint a person to act as Director— Acting Director

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

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

“(2) The National Director may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person appointed to act as Director; and
- (b) at any time terminate such an appointment.

“(3) Where a person is acting as Director in accordance with paragraph (1) (b) and the office of Director becomes vacant while that person is so acting, that person may continue so to act until the National Director otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

“(4) The appointment of an acting Director ceases to have effect if he resigns his appointment by writing signed by him and delivered to the National Director.

“(5) Sections 36 and 37 apply in relation to a person appointed under this section in like manner as they apply in relation to the Director.

“(6) While a person is acting as Director he has and may exercise all the powers, and shall perform all the functions and duties, of the Director.

“(7) The validity of anything done by an acting Director shall not be called in question on the ground that the occasion for him to act or for his appointment had not arisen or that the occasion for him to act had passed or his appointment had ceased to have effect.”.

(2) The person who, immediately before the commencement of this Act held office as the Director of the College under sub-section 34 (1) of the Principal Act, shall, subject to the Principal Act as amended by this Act, hold office as the Director of Studies—

- (a) for a period equal to the remainder of the term of office as Director of the College for which he was appointed under sub-section 34 (3) of the Principal Act; and
- (b) as if he had been appointed by the National Director in accordance with sub-section 34 (1) of the Principal Act as amended by this Act, and had been so appointed on terms and conditions determined by the National Director under that sub-section, being terms and conditions the same as the terms and conditions (if any) that were applicable to him immediately before the commencement of this Act under sub-section 34 (1) of the Principal Act.

(3) A person who, immediately before the date of commencement of this Act held office as the Director of a Trade Union Training Centre for a State under sub-section 34 (2) of the Principal Act, shall, upon that date, become an officer of the Authority as if—

- (a) he had been appointed by the National Director under sub-section 41 (1) of the Principal Act as amended by this Act; and
- (b) he had been so appointed for a period equal to the remainder of the term of office for which he was appointed as the Director of that Trade Union Training Centre.

(4) Subject to sub-section (5), the terms and conditions of service of a person referred to in sub-section (3) shall be as determined by the National Director with the approval of the Public Service Board.

(5) If the rate of remuneration (in this sub-section referred to as the “present rate”) that is for the time being payable to a person who becomes an officer of the Authority by virtue of sub-section (3) in respect of his service with the Authority is less than the rate of remuneration (in this sub-section referred to as the “previous rate”) that, immediately before the commencement of this Act, was payable to him as a Director of a Trade Union Training Centre for a State, the Authority shall pay to the person an allowance at a rate equal to the difference between the present rate and the previous rate.

(6) In sub-section (5), “remuneration” includes any annual allowance.

17. (1) Section 41 of the Principal Act is amended—

Staff

(a) by omitting “Australian Council” (wherever occurring) and substituting “National Director”; and

(b) by omitting “it” from sub-section (1) and substituting “he”.

(2) The persons who, immediately before the commencement of this Act, were officers or employees of the Authority continue in the service or employment of the Authority for the period for which they had been appointed or engaged as if—

(a) they had been appointed or engaged by the National Director under sub-section 41 (1) of the Principal Act as amended by this Act; and

(b) they had been so appointed or engaged for that period on terms and conditions determined by the National Director with the approval of the Public Service Board under sub-section 41 (2) of the Principal Act as so amended, being terms and conditions the same as the terms and conditions on which they were serving or employed immediately before the commencement of this Act.

18. Section 44 of the Principal Act is amended by omitting from paragraph (b) of sub-section (2) “Australia” and substituting “the Commonwealth”.

Application
of moneys of
Authority

19. Section 49 of the Principal Act is amended by omitting from sub-section (6) “officer” and substituting “person”.

Audit

20. Section 50 of the Principal Act is repealed and the following section substituted:

“50. The Authority is not subject to taxation under any law of the Commonwealth or of a State or Territory.”

Taxation

21. (1) Sections 51 and 52 of the Principal Act are repealed and the following sections substituted:

“51. (1) The National Director may arrange for persons with knowledge or experience in trade union matters or in matters relevant to the functions of the College or of a Trade Union Training Centre or to the instruction and training of persons in trade union matters, to assist, otherwise than on the basis of full-time employment, in the performance of the functions of the College or a Trade Union Training Centre, as the case may be.

Assistance
from experts,
&c.

“(2) Arrangements made with such a person under sub-section (1) may provide for the payment of such fees and allowances to the person as are determined by the National Director with the approval of the Public Service Board.

Delegation
by National
Director

“52. (1) The National Director may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to the Director, or to a person appointed or employed under section 41, any of his powers under this Act, other than this power of delegation.

“(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the National Director.

“(3) A delegation under this section does not prevent the exercise of a power by the National Director.”

(2) Any arrangements in force immediately before the commencement of this Act under section 51 of the Principal Act continue in force as if they had been made under section 51 of the Principal Act as amended by this Act.

Committees

22. Section 53 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:

“(1) A council may appoint 3 or more persons, being persons each of whom is either a member of the council or a deputy member of the council, to be a committee of the council, and may appoint a member of the council or a deputy member of the council to fill a vacancy among the members of the committee.”; and

(b) by omitting paragraph (b) of sub-section (2) and substituting the following paragraph:

“(b) ceases to hold office if he ceases to be a member or deputy member of the council; and”

References
of matters to
committees

23. Section 54 of the Principal Act is amended—

(a) by omitting sub-section (2) and substituting the following sub-section:

“(2) Where a council refers a matter to a committee of the council under sub-section (1), the committee shall make such inquiries, and furnish to the council such reports, in relation to the matter as the council directs.”; and

(b) by omitting sub-section (3).

24. Sections 55, 56 and 57 of the Principal Act are repealed and the following sections substituted:

“55. The Authority is a Commonwealth authority for the purposes of the *Air Accidents (Commonwealth Government Liability) Act 1963*. Application of Air Accidents (Commonwealth Government Liability) Act

“57. Where the National Director, the Director or a full-time officer or employee of the Authority was, immediately before his appointment or engagement, an officer of the Australian Public Service or a person to whom the *Officers' Rights Declaration Act 1928* applied— Preservation of rights

- (a) he retains his existing and accruing rights;
- (b) for the purposes of determining those rights, his service under this Act shall be taken into account as if it were service in the Australian Public Service; and
- (c) the *Officers' Rights Declaration Act 1928* applies as if this Act and this section had been specified in the Schedule to that Act.”

25. (1) Section 58 of the Principal Act is amended—

- (a) by omitting “Australian Council” (wherever occurring) and substituting “Executive Board”; and Annual report
- (b) by omitting sub-section (5).

(2) Notwithstanding the amendments made by paragraph (1) (a) and by section 7—

- (a) the Australian Council as constituted immediately before the commencement of this Act shall prepare and furnish to the Minister, in accordance with section 58 of the Principal Act, a report of the operations of the Authority, together with financial statements, in relation to the period that commenced at the expiration of the last period in respect of which the Australian Council as constituted under that Act furnished a report of the operations of the Authority and ended immediately before the commencement of this Act;
- (b) for the purposes of paragraph (a)—
 - (i) the Australian Council as constituted immediately before the commencement of this Act is continued in existence; and
 - (ii) the provisions of the Principal Act relating to the constitution and meetings of that Council continue to have effect;

- (c) section 58 of the Principal Act applies in relation to a report and financial statements prepared as mentioned in paragraph (a) and, if the period to which the report and financial statements relate is not a year, applies as if that period were a year; and
- (d) the National Director shall provide the Australian Council as so continued in existence with such clerical and other assistance as is reasonably required by that Council to enable it to prepare the report and financial statements mentioned in paragraph (a).

(3) If the date of commencement of this Act is earlier or later than 1 July 1978, the first report and financial statements prepared by the Executive Board under section 58 of the Principal Act as amended by this Act shall be submitted as soon as practicable after 30 June 1979 and shall relate to the operations of the Authority during the period that commenced at the commencement of this Act and ends on 30 June 1979.

Regulations

26. Section 59 of the Principal Act is amended by omitting subsection (2).

NOTES

1. Act No. 92, 1978; assented to 22 June 1978.
2. Act No. 50, 1975, as amended. For previous amendments *see* Act No. 91, 1976.