

COMMONWEALTH EMPLOYMENT SERVICE ACT 1978

No. 102 of 1978

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COMMONWEALTH EMPLOYMENT SERVICE ACT 1978

No. 102 of 1978

An Act to establish a Commonwealth Employment Service, and for other purposes.

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

PART I—PRELIMINARY

1. This Act may be cited as the *Commonwealth Employment Service Act* 1978.¹ Short title
2. This Act shall come into operation on the day on which it receives the Royal Assent.¹ Commencement
3. In this Act, unless the contrary intention appears—Interpretation
 - “approved manpower program” means a manpower program approved by the Minister for the purposes of this Act;
 - “Department” means the Department of Employment and Industrial Relations;
 - “manpower program” means a program, scheme or arrangement designed to provide persons, or classes of persons, with employment, either generally or in a particular way, to enhance persons’ opportunities for obtaining employment, to facilitate the movement of labour between occupations, between industries or between places or otherwise to improve the functioning of the labour-market, including any program, scheme or arrangement for assisting employers to obtain or retain employees or for training persons, in the course of their employment or at institutions, or both, in skills relating to employment;
 - “National Director” means the National Director of the Commonwealth Employment Service;
 - “Service” means the Commonwealth Employment Service established by section 5.
4. This Act extends only to such external Territories as are prescribed. Extension to external Territories

PART II—ESTABLISHMENT, FUNCTIONS AND POWERS OF THE COMMONWEALTH EMPLOYMENT SERVICE

Establish-
ment of
Common-
wealth
Employment
Service

5. There shall be, within the Department, an organization by the name of the Commonwealth Employment Service.

Functions of
Service

6. The functions of the Commonwealth Employment Service are—

- (a) to assist persons seeking employment or a change of employment to obtain suitable positions having regard to any experience, abilities, training or qualifications they possess and to the economic and other needs of the Australian community and, in particular, without limiting the generality of the foregoing—
 - (i) to provide such persons with information relating to employment, including advice relating to the qualifications for, and other aspects of, particular occupations, and with vocational guidance; and
 - (ii) to make special arrangements and provide special facilities wherever necessary so to assist such persons who are immigrants or Aborigines, who are young or handicapped, who have recently completed their education, who have professional or technical qualifications or who otherwise have special requirements or disadvantages in relation to employment;
- (b) to assist employers and intended employers wishing to fill vacant positions of employment to fill them with available persons who are suitable for the performance of the duties of, and who meet the employer's or intended employer's requirements for, the positions;
- (c) to promote and implement approved manpower programs and other measures designed to ensure a high level of employment in the community;
- (d) to register persons who are unemployed and who wish to claim unemployment benefits under the *Social Services Act* 1947 and to provide assistance in seeking employment for persons claiming or receiving such benefits;
- (e) to publish information in respect of the labour-market or the services relating to employment provided by the Service, or otherwise by the Commonwealth, or, with the consent of the relevant State, by a State;
- (f) without derogating from the powers and functions of the Australian Bureau of Statistics, to collect statistics and other information relating to the labour-market; and
- (g) to do anything incidental or conducive to the performance of any of the foregoing functions.

7. The Service may do all things that are necessary or convenient to be done for or in connexion with the performance of its functions and, in particular, without limiting the generality of the foregoing, may train members of the staff of the Service in the performance of their duties.

Powers of
Service

8. The Service shall establish and maintain offices for the performance of its functions at such places as the Minister directs.

Offices of
Service

9. The Service shall perform its functions and exercise its powers in accordance with any directions, not inconsistent with this Act, given to it by the Minister.

Directions
by Minister

PART III—THE NATIONAL DIRECTOR AND STAFF OF THE SERVICE

10. (1) There shall be a National Director of the Commonwealth Employment Service.

National
Director

(2) The National Director shall be responsible for the administration of the Service and for the implementation of approved manpower programs and may, on behalf of the Service, exercise any powers and perform any duties which are by this Act expressed to be conferred or imposed on the Service.

(3) The National Director shall be an officer or employee of the Australian Public Service.

11. (1) The staff of the Service shall be persons appointed or employed under the *Public Service Act* 1922.

Staff

(2) The *Public Service Act* 1922 has effect as if the National Director were, and had the powers of, a Chief Officer of the Department in relation to the officers and employees constituting the staff of the Service.

PART IV—ADVISORY COMMITTEES

12. In this Part, unless the contrary intention appears—

“Consultative Council” means the National Labour Consultative Council;

Interpret-
ation

“employees’ council” means the Australian Council of Trade Unions or the Council of Australian Government Employee Organizations;

“employers’ organization” means the National Employers’ Policy Committee;

“local committee” means a committee established under sub-section 17 (2);

“National Committee” means the National Advisory Committee on the Commonwealth Employment Service;

“regional committee” means a committee established under sub-section 17 (1).

National
Advisory
Committee
on the
Common-
wealth
Employment
Service

13. (1) There is established by this Act a committee by the name of the National Advisory Committee on the Commonwealth Employment Service.

(2) The function of the National Committee is to furnish advice to the Minister and the National Director, either at the request of the Minister or the National Director, as the case may be, or on its own motion, on the operations of the Service.

Membership
of National
Committee

14. (1) The National Committee shall consist of 6 members, who may be members of the Consultative Council, namely—

- (a) 2 members nominated by the members of the Consultative Council who were nominated by the employers’ organization;
- (b) 2 members nominated by the members of the Consultative Council who were nominated by an employees’ council;
- (c) a member nominated by the Department; and
- (d) the National Director.

(2) The members of the National Committee shall be appointed by the Minister.

Chairman of
National
Committee

15. The Minister shall appoint one of the members of the National Committee, other than the National Director, to be Chairman of the National Committee.

Meetings of
National
Committee

16. (1) There shall be a meeting of the National Committee at least once in each quarter of the year.

(2) The Chairman may, at any time, convene a meeting of the National Committee and shall do so whenever the holding of a meeting is necessary to comply with sub-section (1).

(3) The Chairman shall convene a meeting of the National Committee whenever requested to do so by the Minister or by a majority of the members of the National Committee.

(4) The Chairman shall preside at all meetings of the National Committee at which he is present.

(5) In the event of the absence of the Chairman from a meeting of the National Committee, the members present shall appoint one of their number to preside at the meeting.

(6) Subject to this section, the procedure to be followed at a meeting of the National Committee shall be determined by the National Committee.

(7) In this section—

“Chairman” means the Chairman of the National Committee;

“quarter of the year” means a period of 3 months commencing on 1 January, 1 April, 1 July or 1 October.

17. (1) The Minister may, after obtaining the advice of the Consultative Council, establish a committee for a State, an internal Territory or an external Territory to which this Act extends, to be known as the regional committee for that State or Territory, to furnish advice to him and the National Director at the request of the Minister or the National Director, as the case may be, on the operations of the Service in that State or Territory.

Regional
and local
advisory
committees

(2) The Minister may, after obtaining the advice of the National Committee, establish a committee for a district, town or other place in a State or an internal Territory, to be known as the local committee for that place, to furnish advice to him and the National Director at the request of the Minister or the National Director, as the case may be, on the operations of the Service in that place.

18. (1) A regional or local committee shall consist of such number of members as the Minister from time to time determines.

Membership
of regional
and local
committees

(2) The members of a regional or local committee shall be appointed by the Minister.

(3) A regional or local committee shall include persons that the Minister, after obtaining the advice of the National Committee, considers appropriate to represent employers in, and organizations of employees employed in, the relevant State, Territory or place.

19. (1) The Minister may terminate the appointment of a member of the National Committee referred to in paragraph 14 (1) (c).

Termination
of appoint-
ment of
members of
committees

(2) If the members of the Consultative Council who were nominated by the employers' organization request the termination of the appointment of a member of the National Committee referred to in paragraph 14 (1) (a), the Minister shall terminate the appointment of that member.

(3) If the members of the Consultative Council who were nominated by an employees' council request the termination of the appointment of a member of the National Committee referred to in paragraph 14 (1) (b), the Minister shall terminate the appointment of that member.

(4) The Minister may terminate the appointment of a member of a regional or local committee.

20. A member of the National Committee or of a regional or local committee may resign his membership by writing signed by him and delivered to the Minister.

Resignation
of members
of commit-
tees

Allowances
of members
of commit-
tees

21. A member of the National Committee or of a regional or local committee is not entitled to remuneration but is entitled in the appropriate circumstances to payment of travelling allowances as if he were an officer of the Second Division of the Australian Public Service.

PART V—MISCELLANEOUS

Annual
Report

22. The National Director shall, as soon as practicable after 30 June in each year, prepare and furnish to the Minister, for presentation to the Parliament, a report of the operations of the Service during the 12 months ending on that date.

Regulations

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

NOTE

1. Act No. 102, 1978; assented to 29 August 1978.