



ANNO VICESIMO QUINTO

# ELIZABETHAE II REGINAE

A.D. 1976

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## No. 13 of 1976

An Act to provide for the granting of long service leave for certain casual workers; and for matters incidental thereto.

[Assented to 4th March, 1976]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

<u>PART I</u>	PART I PRELIMINARY
Short titles.	1. This Act may be cited as the "Long Service Leave (Building Industry) Act, 1975".
Commencement.	2. This Act shall come into operation on the first day of April, 1977.
Arrangement.	3. This Act is arranged as follows:— PART I—PRELIMINARY PART II—ADMINISTRATION PART III—THE FUND PART IV—CONTRIBUTIONS AND BENEFITS PART V—MISCELLANEOUS
Definitions.	4. In this Act, unless the contrary intention appears— "the Board" means the Long Service Leave (Casual Employment) Board established under section 8 of this Act: "the Commissioner" means the Commissioner as defined for the purposes of the Stamp Duties Act, 1923-1975: "employer" means a person who employs a worker in the industry:

“effective service” means service as a worker certificated by certificate under section 29 or section 32 of this Act, to be effective service:

“the Fund” means the Long Service Leave (Building Industry) Fund established under section 16 of this Act:

“the industry” means the activity of carrying out the construction, reconstruction, renovation, alteration, demolition, maintenance or repairs of or to—

- (a) buildings;
- (b) roadworks, railways, airfields or other works intended to facilitate the carriage or movement of persons, animals or goods;
- (c) breakwaters, docks, jetties, piers, wharves or works for the improvement or alteration of any harbour, river or watercourse for the purposes of navigation;
- (d) works for the storage or supply of water or for the irrigation of land;
- (e) works for the conveyance, treatment or disposal of sewage or of the effluent from any premises;
- (f) bridges, viaducts, aqueducts or tunnels;
- (g) chimney stacks, cooling towers, drilling rigs, gas holders or silos;
- (h) pipe lines;
- (i) structures, fixtures or works for use in any building or works referred to in paragraphs (a) to (h) of this definition;
- (j) navigational lights, beacons or markers;
- (k) works for the drainage of land;
- (l) works for the storage of liquids other than water, or for the storage of gases;
- (m) works for the transmission of electric power;
- (n) works for the transmission of wireless or telegraphic communications,

and includes pile driving and the preparation of the site for any building or other works referred to in paragraphs (a) to (n) of this definition, but does not include any such activity carried out by—

- (o) a council within the meaning of the Local Government Act, 1934-1975;
- (p) any body whether corporate or unincorporate, constituted under any Act, in relation to which the Governor or a Minister of the Crown has the right to appoint the person or any of the persons constituting that body or constituting the body responsible for the management of the affairs of that first mentioned body;
- (q) any prescribed body;
- (r) any person or body where that activity is subsidiary to the principal activity of that person or body.

“Inspector” means an Inspector as defined for the purposes of the Industrial Conciliation and Arbitration Act, 1972-1975:

“ordinary pay” in relation to a worker means the rate of weekly pay for the time being declared under section 39 of this Act to be the ordinary pay applicable to that worker.

“worker” means a person who is engaged under a contract of employment for hire or reward in the industry in the occupation or calling—

(a) of the kind usually performed by a builder’s labourer, as so classified, in any award, from time to time made or having been made under the Industrial Conciliation and Arbitration Act, 1972-1975, or any corresponding previous enactment;

(b) of the kind usually performed by an asbestos cement fixer, bricklayer, bridge and wharf carpenter, decorator, drainer, electrical mechanic, gas fitter, glazier, joiner, painter, plasterer, plumber, roof tiler, signwriter, slater, stone-mason, terrazzo worker, tile layer, tuck pointer or welder or by an apprentice, improver or assistant to any of the foregoing occupations or callings;

(c) of a kind usually performed by a person engaged in a prescribed occupation or calling;

or

(d) of a general foreman, supervisor, charge hand, sub-foreman or leading hand in the supervision of a person or any work performed by a person engaged in the occupation or calling referred to in paragraphs (a) to (c) of this definition,

but does not include a person who having been a worker has received a payment under section 35 of this Act.

Determination  
by Industrial  
Magistrate.

5. If a question arises as to whether or not—

(a) a particular activity is comprised in the industry;

(b) a particular person or person of a particular class is a worker;

or

(c) a particular person or a person of a particular class is an employer,

that question shall be determined by the Industrial Court of South Australia constituted of an Industrial Magistrate appointed under the Industrial Conciliation and Arbitration Act, 1972-1975.

Crown bound.

6. This Act binds the Crown.

Non-application  
of the Long  
Service Leave  
Act to  
worker.

7. Notwithstanding anything in the Long Service Leave Act, 1967-1972, except as is expressly provided in this Act, nothing in that Act shall apply to or in relation to a worker or employer in his capacity as such.

## PART II

## PART II

## ADMINISTRATION

8. (1) For the purposes of this Act, there shall be a board by the name of the "Long Service Leave (Casual Employment) Board". Constitution of Board.

(2) The Board shall be constituted of five members appointed by the Governor:—

- (a) of whom one who shall be chairman of the Board shall be appointed on the nomination of the Minister;
- (b) of whom one shall be appointed on the nomination of the Chamber of Commerce and Industry South Australia Incorporated (in this section referred to as "the Chamber");
- (c) of whom one shall be appointed on the nomination of the South Australian Employers' Federation Incorporated (in this section referred to as "the Federation");
- (d) of whom two shall be appointed on the nomination of the United Trades and Labour Council of South Australia (in this section referred to as "the Council").

(3) If the Minister has given the Chamber, the Federation or the Council notice in writing requiring the Chamber, the Federation or the Council, as the case may be, to submit a nomination for the purposes of subsection (2) of this section and within the time specified in the notice (being not less than six weeks) such nomination is not, within the time specified, so submitted to the Minister the Governor may on the recommendation of the Minister appoint a member or members of the Board as a member or members in place of the member or members in relation to which the failure to nominate occurred and for all purposes the member or members, as the case requires, shall be deemed to have been validly and effectually appointed to the Board.

(4) Every member appointed to the Board shall subject to this Act hold office as such until the day expressed in his instrument of appointment (not being more than five years from the day he was last appointed) as being the day on which he shall cease to hold office but a member appointed to fill a casual vacancy in the office of a member shall hold office only for the unexpired portion of the term of office of the member in whose place he was appointed.

(5) On the expiration of his term of office as a member, a former member is, subject to subsection (2) of this section, eligible for re-appointment.

(6) The Governor may having regard to subsection (2) of section 8 of this Act, appoint a deputy for any member of the Board referred to in paragraph (b), (c) or (d) of that subsection and the deputy may act in the place of the member in relation to whom he was appointed during any absence of that member from a meeting of the Board and while so acting the deputy shall have and may exercise all the powers and functions of a member of the Board.

9. (1) The Board—

- (a) shall be a body corporate with perpetual succession and a common seal;

Incorporation etc., of the Board.

(b) subject to this Act, shall be capable of acquiring, taking or letting out on lease, holding, selling and otherwise disposing of real and personal property;

(c) may in its corporate name sue and be sued;

and

(d) shall have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.

(2) Where an apparently genuine document purports to bear the common seal of the Board, it shall be presumed in the absence of proof to the contrary, that the common seal of the Board was duly affixed to that document.

Removal from  
office of a  
member.

10. (1) The Governor may by notice in writing served on a member of the Board remove that member from office on grounds of misconduct or incapacity to perform his duties or functions as such a member.

(2) At the request of a nominating authority, the Governor may by notice in writing served on its member of the Board remove that member from office.

(3) In this section—

“nominating authority” in relation to—

(a) the member of the Board referred to in paragraph (b) of subsection (2) of section 8 of this Act, means the Chamber of Commerce and Industry South Australia Incorporated;

(b) the member of the Board referred to in paragraph (c) of subsection (2) of section 8 of this Act, means the South Australian Employers' Federation Incorporated;

and

(c) the members of the Board referred to in paragraph (d) of that subsection, means the United Trades and Labour Council of South Australia.

Casual  
vacancies.

11. The office of a member of the Board shall become vacant if—

(a) he dies;

(b) he resigns by written notice delivered to the Minister;

(c) he is removed from office pursuant to section 10 of this Act;

(d) he is absent without leave of the Minister from three consecutive meetings of the Board;

(e) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors for less than one hundred cents in the dollar;

(f) he is convicted of any indictable offence;

or

(g) he is convicted of any other offence and receives notice in writing from the Minister removing him from office on the ground of that conviction.

PART II

12. (1) The common seal of the Board shall not be affixed to any instrument except in pursuance of a resolution of the Board.

Common seal,  
meetings  
and quorum.

(2) Any instrument executed in pursuance of such a resolution shall be attested by the signature of at least two members of the Board.

(3) The procedure for the calling of meetings of the Board and for the conduct of such meetings shall, subject to this Act, be as determined by the Board.

(4) At a meeting of the Board a decision concurred in by not less than three members of the Board shall be a decision of the Board.

(5) The chairman of the Board shall preside at all meetings of the Board at which he is present and in his absence the members present at a meeting shall from their own number appoint a member to preside at that meeting.

13. The members of the Board shall be paid out of the Fund such fees and allowances as are from time to time determined by the Governor.

Fees and  
allowances.

14. No act or proceeding of the Board shall be invalid only on the ground of any vacancy in the office of any member thereof or of any defect in the appointment of any such member.

Validity etc.,  
of act of  
Board.

15. The Board may, with the approval of the Minister and the consent of the Minister controlling any Department of the public service of the State and upon such terms, including, without limiting the generality thereof, terms as to payment, as may be mutually agreed upon, make use of the services of any officers or employees of that Department.

Board may  
make use of  
officers,  
etc.

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PART III

PART III

## THE FUND

16. (1) A fund under the name of the "Long Service Leave (Building Industry) Fund" is hereby established.

Establishment  
of Fund.

(2) The Board shall have the control, management and investment of the Fund.

(3) There shall be paid into the Fund the contributions of employers and there shall be paid out of the Fund the benefits to be provided for by this Act.

(4) Income derived from investments or activities by the Board in relation to the Fund shall form part thereof.

(5) The Fund and all transactions relating to the Fund shall be exempt from all taxation and imposts provided for by or under any Act of the State.

17. (1) Moneys forming part of the Fund may be invested or otherwise dealt with by the Board in any manner for the time being approved of by the Treasurer.

Investment  
of Fund.

(2) An approval of the Treasurer referred to in subsection (1) of this section may be expressed to relate to a particular investment or dealing or to investments or dealings of a class or kind.

Borrowing  
by the Board.

18. (1) For the purposes of the Fund, the Board may borrow money from the Treasurer and, with the consent of the Treasurer, from any person.

(2) Any liability incurred with the consent of the Treasurer referred to in subsection (1) of this section is hereby guaranteed by the Treasurer.

(3) Any liability incurred by the Treasurer under a guarantee arising by virtue of subsection (2) of this section shall be satisfied out of the General Revenue of the State which is hereby to the necessary extent appropriated accordingly.

Investigation  
of state and  
sufficiency  
of accounts  
in the Fund.

19. (1) An investigation into the state and sufficiency of the Fund shall be made at intervals of not less than three years as is determined by the Board.

(2) The investigation shall be made by the Public Actuary who shall be actuary to the Board.

(3) The Public Actuary shall report to the Board the result of his investigation and shall state whether any reduction or increase is necessary in the rates of contribution to the Fund.

(4) The Board shall forthwith transmit to the Minister a copy of every report made to it by the Public Actuary under subsection (3) of this section.

(5) The Minister shall cause every report of the Public Actuary transmitted to him under subsection (4) of this section to be laid before each House of Parliament within fourteen days of his receipt thereof if Parliament is then sitting or if Parliament is not sitting within fourteen days of the next sitting of Parliament.

Audit.

20. (1) The accounts relating to the Fund shall be audited by the Auditor-General.

(2) The provisions of section 41 of the Audit Act, 1921-1975, shall apply and have effect as if the Board were a public corporation referred to in that section.

Annual report.

21. (1) The Board shall, in each year, submit to the Minister a report dealing with the general administration and operation of this Act.

(2) The Minister shall cause every report of the Board submitted to him under subsection (1) of this section to be laid before each House of Parliament within fourteen days of his receipt thereof if Parliament is then sitting or if Parliament is not then sitting within fourteen days of the commencement of the next sitting of Parliament.

## PART IV

## PART IV

## CONTRIBUTIONS AND BENEFITS

22. (1) Within three months of a person becoming a worker, the employer of that worker shall lodge with the Commissioner a notice in the prescribed form in relation to that worker containing such particulars as are prescribed from time to time by the Board. Return of worker.

Penalty: Two hundred dollars.

(2) Within three months of a worker ceasing to be employed by an employer, that employer of that former worker shall lodge with the Commissioner a notice in the prescribed form in relation to that former worker containing such particulars as are prescribed.

Penalty: Two hundred dollars.

23. Where the Board is satisfied that a worker who has less than one hundred and twenty months effective service with a particular employer ceased to be a worker in relation to that employer in circumstances arising out of serious and wilful misconduct on the part of the worker, the Board may, after affording an opportunity for the worker and the employer to be heard, direct that that worker shall not for the purposes of this Act accumulate any effective service entitlement in respect of his service with that employer and upon such a direction being given this Act shall apply and have effect accordingly. Misconduct on part of worker.

24. (1) On or before the twenty-first day of each month each employer shall lodge with the Commissioner a return setting out the total of the wages paid by him to his workers in respect of the month immediately preceding that first mentioned month. Contributions by employers.

Penalty: Two hundred dollars.

(2) At the time an employer lodges with the Commissioner the return referred to in subsection (1) of this section the employer shall pay to the Commissioner a sum equal to the prescribed percentage of the total of the wages shown on that return.

Penalty: Two hundred dollars.

(3) The Commissioner shall forthwith cause all moneys paid to him pursuant to this section to be placed to the credit of the Fund.

(4) In this section the "prescribed percentage" in relation to wages paid in relation to the industry means the percentage for the time being prescribed in relation to the industry.

25. (1) An employer may enter into an arrangement with the Commissioner for lodgement of returns referred to in subsection (1) of section 24 of this Act and for the payment of the sum referred to in subsection (2) of section 24 of this Act and any such arrangement may provide for the payment by the employer in respect of wages paid to a worker over a period of greater than one month. Special arrangements.

(2) Section 24 of this Act shall *mutatis mutandis* apply and have effect in relation to such an arrangement as if that arrangement were enacted in this Act.

26. Where the Commissioner is satisfied that any contribution has been overpaid by any employer he may on application by that employer or on his own motion refund to that employer the amount of the overpaid contribution. Refund of overpayment.



**PART IV**

Application of  
money paid into  
funds of  
employers.

**27. Where an employer—**

(a) has, before the commencement of this Act, contributed money to a fund (to which no person other than an employer has contributed) for the purpose of providing long service leave benefits for any of his employees;

and

(b) becomes bound by this Act to contribute to the Fund, that employer shall, notwithstanding the provisions of any instrument, be entitled to use any of the money contributed by him into such Fund, for the purpose of paying or reimbursing himself for the cost of complying with the obligations imposed on him by this Act.

Entitlement  
to leave  
under other  
Acts, etc.

**28. Where a person who on the commencement of this Act became a worker in relation to an employer and that person had, in respect of his service before that commencement with that employer become entitled to a grant of long service leave or payment in lieu thereof pursuant to the Long Service Leave Act, 1967-1972, then in relation to that service that Act shall apply and have effect as if this Act had not been enacted.**

Service  
within the  
meaning of  
the Long  
Service Leave  
Act.

**29. (1) Where a worker of an employer satisfies the Board that on the commencement of this Act he became a worker of an employer and that immediately before that commencement he had had service with that employer not being service to which section 28 of this Act applies that, had that service continued and this Act had not been passed may have entitled that worker to a grant of long service leave or payment in lieu thereof pursuant to the Long Service Leave Act, 1967-1972, the Board shall issue to that worker a certificate in the prescribed form evidencing the amount of effective service determined to be effective service in accordance with subsection (2) of this section in relation to that service.**

**(2) In determining effective service for the purposes of subsection (1) of this section—**

(a) any service that occurred on or before the thirty-first day of December, 1965, shall be brought to account at the rate of half of one year's effective service for each year of that service;

(b) any service that occurred during the period commencing on and including the first day of January, 1966, and concluding on and including the thirty-first day of December, 1971, shall be brought to account at the rate of two-thirds of one year's effective service for each year of that service;

and

(c) any service that occurred on or after the first day of January, 1972, and before the commencement of this Act, shall be brought to account at the rate of one year's effective service for each year of that service.

Liability of  
employer in  
relation to  
effective  
service.

**30. (1) In respect of each certificate under section 29 of this Act evidencing effective service of a worker the employer of that worker shall be liable to pay to the Commissioner a sum equal to the percentage of the total wages paid to that worker ascertained by reference to the following table—**

	Prescribed percentage
Where the service, in relation to which effective service was determined commenced—	
Seven years or more before the commencement of this Act .....	2½%
Five years or more before the commencement of this Act, but later than seven years before that commencement	1½%
Three years or more before the commencement of this Act, but later than five years before that commencement .....	1%
Before the commencement of this Act, but later than three years before that commencement .....	¾%

(2) The liability of an employer referred to in subsection (1) of this section shall accrue due, as a debt due to the Board, on the issue of the certificate by the Board and shall subject to subsection (3) of this section be discharged forthwith.

(3) The Board may by agreement with an employer accept payments in accordance with any prescribed terms and conditions and in discharge of the liability imposed on an employer under this section by equal monthly instalments not exceeding sixty such instalments.

31. (1) Within one month after each thirtieth day of June, each employer shall lodge with the Board a return in the prescribed form showing the ordinary time worked, calculated in the prescribed manner, by each of his workers during the period of twelve months immediately preceding that thirtieth day of June together with such other particulars relating to that worker as are prescribed. Return of service.

(2) An employer shall not refuse or fail to lodge with the Board a return required to be lodged under subsection (1) of this section.

Penalty: Two hundred dollars.

32. (1) Subject to subsection (2) of this section, as soon as practicable after each thirty-first day of July, the Board shall cause to be served by post on each worker a certificate in the prescribed form setting out— Entitlement certificate.

(a) the total effective service entitlement of that worker accumulated at the thirtieth day of June next but one preceding that thirty-first day of July;

(b) the effective service entitlement of that worker accumulated in respect of the year ending on the thirtieth day of June immediately preceding that thirty-first day of July;

and

(c) the total effective service entitlement of that worker on the thirtieth day of June immediately preceding that thirty-first day of July,

in each case expressed in months and tenths of months to the nearest tenth of a month half or more of one-tenth of a month being reckoned as one-tenth of a month.

(2) Where the Board is satisfied that a worker, who has less than eighty-four months accumulated effective service, has not been employed in the industry for a continuous period of eighteen months or more otherwise than on account of illness or injury, the Board shall in its certificate referred to in subsection (1) of this section disregard any effective service entitlement accumulated by that worker prior to the commencement of that continuous period and this Act shall apply and have effect accordingly.

(3) A worker may within ninety days of the service of a certificate on him under subsection (1) of this section, in the prescribed manner and form, dispute the amount of accumulated effective service entitlement referred to in paragraph (b) of subsection (1) of this section evidenced by that certificate and upon hearing the worker the Board may—

(a) vary that effective service entitlement as evidenced by the certificate, in which case the certificate as varied shall have effect as if it were the original certificate;

or

(b) confirm the certificate.

(4) A certificate—

(a) that has not been the subject of a dispute under this section within the period provided for by this section;

(b) has been varied in accordance with this section;

or

(c) has been confirmed in accordance with this section,

shall be *prima facie* evidence of the accumulated effective service evidenced thereby.

Payment to  
worker.

33. (1) Where pursuant to section 32 of this Act the Board serves by post on a worker a certificate evidencing a total effective service entitlement of or exceeding one hundred and twenty months the Board shall pay to that worker an amount equal to thirteen times the amount of the ordinary pay of that worker.

(2) Upon payment of the amount referred to in subsection (1) of this section in relation to the first certificate subsequently issued under section 32 of this Act to a worker there shall be deducted from the accumulated effective service entitlement of that worker an amount of one hundred and twenty months effective service.

Permitted  
absence.

34. (1) As soon as practicable after the making of a payment to a worker under section 33 of this Act, the employer of that worker shall by arrangement with the worker permit that worker to be absent from his employment for a period of a number of weeks equal to the number of weeks in respect of which that payment was made.

(2) No person shall during any period during which he is, pursuant to subsection (1) of this section permitted to be absent from his employment, engage in any employment for hire or reward.

Penalty: One hundred dollars.

(3) No person shall employ a person for hire or reward during any period that such person is known by him to be permitted to be absent from his employment pursuant to subsection (1) of this section.

Penalty: One hundred dollars.

35. On the Board being satisfied that a worker who has accrued eighty-four or more months effective service has—

Entitlement to payment from the Board.

- (a) died;
- (b) attained the retiring age prescribed in relation to the industry;
- (c) ceases to be a worker in circumstances that suggest that he will not again become a worker,

the Board shall forthwith pay to the personal representative of that former worker or to that former worker a sum ascertained in accordance with the following formula:—

$$S = \frac{(P \times 13) X}{120}$$

where—

S = the sum payable

P = the ordinary pay of the worker for one calendar week

X = the number of calendar months' effective service in respect of which the worker has not received payment under this Act.

36. (1) Where a worker ceases to be a worker but remains in employment with the employer in relation to whom he was such a worker the Long Service Leave Act, 1967-1972, shall apply to and in relation to the accumulated effective service entitlement under this Act and that worker as if it were service of the worker with that employer.

Promotion of a worker.

(2) Where, pursuant to the Long Service Leave Act, 1967-1972, the former worker or any person claiming through that worker, becomes entitled to long service leave or payment in lieu thereof in respect of service represented by that effective service entitlement the Board shall pay to the employer required by that Act to grant the leave or make the payment an amount calculated by reference to the following formula:—

$$A = \frac{(OP \times N) AES}{SE}$$

where—

A = the amount expressed in dollars and cents

OP = the ordinary pay as defined in the Long Service Leave Act, 1967-1972, of the former worker having effect on the day on which the entitlement to the grant or payment first vests under the Long Service Leave Act, 1967-1972

N = the number of weeks in relation to which the entitlement first vests

AES = the accumulated effective service entitlement expressed in months of that former worker

SE = the service of that former worker expressed in months in respect of which his entitlement first vested.

PART V

## PART V

## MISCELLANEOUS

Powers of  
Inspectors.

37. (1) For the purpose of ascertaining whether this Act has been complied with or for any other purpose relating to the administration or enforcement of this Act, any Inspector may—

- (a) enter any premises where he has reasonable cause to believe that any worker is employed;
- (b) inspect any records relating to long service leave kept at such premises;
- and
- (c) interview any person in such premises with respect to matters under this Act.

(2) An employer shall, when requested by an Inspector, forthwith produce to the Inspector any records kept by or on behalf of the employer relating to matters under this Act.

(3) A person having any such records in his custody or control shall, when requested by an Inspector, forthwith produce them to the Inspector.

(4) A person shall not hinder or obstruct an Inspector or interpreter in the exercise of any powers or functions under this section.

(5) No person shall omit truly to answer or reply to any question which an Inspector is authorized to ask under this Act.

(6) An Inspector may in the exercise of any of his powers under this Act take with him an interpreter and any question or requisition put or made on behalf of the Inspector by the interpreter shall be deemed to have been put or made by the Inspector and any answer thereto made to the interpreter shall be deemed to have been made to the Inspector.

## Records.

38. Every employer shall in relation to each of his workers keep such records in such form and manner as may be prescribed.

Declaration  
of ordinary  
pay.

39. The Board may, by notice published in the *Gazette*, from time to time declare in relation to a worker or a worker of a class, a rate of weekly pay to be the ordinary pay applicable to that worker and may by notice published in a like manner amend or vary any such declaration.

Employers  
not to  
dismiss or  
injure  
employees.

40. (1) No employer shall dismiss any employee with intent to avoid any obligation to make a contribution in respect of that employee to the Fund under this Act.

Penalty: Five hundred dollars.

(2) Where on or after the first day of February, 1976, and before the commencement of this Act, an employer dismisses an employee and had that employee not been so dismissed he would have, on that commencement of this Act, become a worker as defined in this Act it shall lie upon that employer to prove that the dismissal was not a contravention of subsection (1) of this section.

(3) Where an employer is convicted of an offence that is a contravention of subsection (1) of this section and that offence is constituted by the dismissal of an employee then for the purposes of section 15 of the Industrial Conciliation and Arbitration Act, 1972-1975, that dismissal shall be deemed to be unjust and that Act shall apply and have effect accordingly.

**41.** The reasonable costs of the administration of this Act as certified by the Auditor-General shall be payable out of the Fund. Costs of administration of Act.

**42.** Proceedings for offences against this Act shall be heard and determined summarily. Summary proceedings.

**43.** The Governor may make any regulations which are necessary or convenient for carrying this Act into effect or for facilitating the operation or administration of this Act. Regulations.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor