

No. 7 of 1992.

Industrial Relations (Amendment) Act 1991.

Certified on : 15.4.92

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1992.

Industrial Relations (Amendment) Act 1991.

ARRANGEMENT OF SECTIONS.

1. New Division II.2A:

"Division 2A. - National Tripartite Consultative Council.

- "9A. INTERPRETATION.
- "9B. ESTABLISHMENT ETC., OF NATIONAL TRIPARTITE CONSULTATIVE COUNCIL."
- "9C. ALTERNATES."
- "9D. VACATION OF OFFICE OF MEMBERS REPRESENTING EMPLOYERS' AND EMPLOYEES'."
- "9E. FUNCTIONS OF THE COUNCIL."
- "9F. MEETINGS OF THE COUNCIL."
- "9G. QUORUM FOR MEETING."
- "9H. RECOMMENDATIONS OR MINUTES OF THE COUNCIL."
- "9I. OFFICE OF THE SECRETARIAT TO THE COUNCIL"
- "9J. OFFICE OF THE DIRECTOR OF THE SECRETARIAT."
- "9K. COMMITTEES."
- "9L. FUNCTIONS OF THE COMMITTEE."

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1992.

AN ACT

entitled

Industrial Relations (Amendment) Act 1991.

Being an Act to amend the *Industrial Relations Act* (Chapter 174),

MADE by the National Parliament.

1. NEW DIVISION II.2A.

The Principal Act is amended by inserting after Division II.2 the following new division:-

"Division 2A. - National Tripartite Consultative Council.

"9A. INTERPRETATION.

In this Division, 'the Council' means the National Tripartite Consultative Council established by Section 9B.

"9B. ESTABLISHMENT ETC., OF NATIONAL TRIPARTITE CONSULTATIVE COUNCIL.

(1) The National Tripartite Consultative Council is hereby established.

"(2) The Council shall consist of -

(a) the following Ministers representing the Government:-

(i) the Minister responsible for labour and employment matters, who shall be the Chairman of the Council; and

(ii) the Minister responsible for finance and planning matters; and

(iii) the Minister responsible for trade and industry matters; and

(iv) the Minister responsible for minerals and energy matters; and

(b) six members representing the following employer groups:-

(i) Employers' Federation of Papua New Guinea; and

(ii) Papua New Guinea Chamber of Commerce; and

(iii) Lae Chamber of Commerce; and

(iv) Papua New Guinea Chamber of Mines and Petroleum; and

(v) Rural Industries Council; and

(c) six members representing the following employee groups:-

(i) public sector unions; and

ii) private sector unions.

Industrial Relations (Amendment)

- "(3) The members of the Council referred to -
- (a) in Subsection (2)(b) shall be appointed by notice in the National Gazette by the Minister after consultation with the employer groups referred to; and
 - (b) in Subsection (2)(c) - shall be appointed by notice in the National Gazette by the Minister after consultation with the Trade Union Congress,
- for a term of two years and are eligible for re-appointment.

"(4) Each member referred to in Subsection (2)(b) and (c) shall be paid an attendance fee and allowances as are fixed by the Minister responsible for finance and planning matters.

"9C. ALTERNATES.

(1) For each of the members appointed under Section 9B(2)(b) and (c), an alternate member may be appointed in the same manner and subject to the same conditions as the member for whom he is the alternate.

"(2) In the event of the inability of a member to carry out his functions, his alternate member has and may exercise all the powers, functions, duties and responsibilities of the member and this Act applies accordingly.

"(3) The alternate member may attend all meetings of the Council but shall not, except where he is attending in the absence of the member, take part in the proceedings or be counted towards a quorum.

"9D. VACATION OF OFFICE OF MEMBERS REPRESENTING EMPLOYERS' AND EMPLOYEES'.

(1) Where a member referred to in Section 9B(2)(b) or (c) -

- (a) becomes permanently incapable of performing his duties; or
- (b) resigns his office by written notice to the Chairman; or
- (c) is absent from any three consecutive meetings of the Council; or
- (d) nominates for election to, or becomes a member of, the National Parliament or of a provincial legislature,

the Minister shall terminate his appointment.

"(2) Where -

- (a) in the case of a member referred to in Section 9B(2)(b) - the groups referred to in that Paragraph; or
- (b) in the case of a member referred to in Section 9B(2)(c) - the Trade Union Congress,

request the Minister to terminate the appointment of the member, the Minister shall comply with the request.

"(3) The Minister may, at any time, by written notice, advise a member referred to in Section 9B(2)(b) or (c) of his intention to terminate the appointment of the member for inability, inefficiency, incapacity or misbehaviour, as the case may be.

Industrial Relations (Amendment)

"(4) If the member referred to in Subsection (3) fails, within 14 days of receipt of the notice referred to in that subsection, to reply by written notice to the satisfaction of the Minister responsible for labour and employment matters, his appointment is terminated.

"(5) Where the appointment of a member is terminated under this section, the Minister responsible for labour and employment shall, by notice in the National Gazette, declare his office vacant.

"(6) Where an office is declared vacant under Subsection (5), the vacancy shall be filled in accordance with Section 9B(3).

"9E. FUNCTIONS OF THE COUNCIL.

The Council is established for the purposes of -

- (a) seeking ways and methods of improving the climate of industrial relations throughout the working environment; and
- (b) fostering a continual interchange of views between the Government and representatives of both employers and employees throughout all formal business sectors; and
- (c) giving practical reality to the views referred to in Paragraph (b) by encouraging representatives of employers and employees to take such action as to ensure that the views become working measures in the industrial and commercial environment; and
- (d) promoting the use of modern management techniques and the use of such industrial practices as will lead to a proper understanding between all parties concerned and encourage the taking of action which will increase harmony at the work place; and
- (e) promoting industrial harmony between citizens and non-citizens of the working community.

"9F. MEETINGS OF THE COUNCIL.

(1) Unless otherwise agreed in accordance with this section, the Council shall meet two times in any one year to conduct its business or affairs under this Division and such meetings shall be called by the Chairman, who shall give at least six weeks' notice of such meeting.

"(2) A third or any subsequent meeting of the Council may only be held in any one year where at least two of the following groups constituting the Council so request the Minister:-

- (a) the group of Ministers representing the Government referred to in Section 9B(2)(a); and
- (b) the group of members representing employer groups referred to in Section 9B(2)(b); and
- (c) the group of members representing employee groups referred to in Section 9B(2)(c).

"(3) At a meeting of the Council -

- (a) the Chairman shall preside; and
- (b) all matters before the Council shall be those on an agenda previously set by the members of the Council; and

Industrial Relations (Amendment)

- (c) all matters shall be agreed upon through consensus and not by the taking of a vote; and
- (d) where after discussion in relation to a matter no consensus is reached, the matter shall be closed and may then be referred to a subsequent meeting for further discussion.

"(4) The Council may make only recommendations to the National Executive Council in relation to a matter.

"9G. QUORUM FOR MEETING.

- (1) At any meeting of the Council the quorum shall be eight members consisting of -
- (a) at least two members of those members referred to in Section 9B(2)(a); and
 - (b) at least three members of those members referred to in Section 9B(2)(b); and
 - (c) at least three members of those members referred to in Section 9B(2)(c).

"9H. RECOMMENDATIONS OR MINUTES OF THE COUNCIL.

(1) For the purposes of this section, "public authority" means any -

- (a) government body; or
- (b) State Service; or
- (c) authority or instrumentality or other body (corporate or unincorporate),

established by or under Constitutional Law or an Act of the Parliament and declared by the Minister, by notice in the National Gazette, to be a public authority.

"(2) All recommendations or minutes of the Council in relation to any matter shall be submitted to the National Executive Council.

"(3) If the National Executive Council approves a recommendation or part of a recommendation of the Council, it shall direct -

- (a) the Chairman of the Council; or
- (b) a public authority to whom the recommendation relates, to take such appropriate legislative or other measures as are necessary to ensure that such recommendations are brought into effect.

"9I. OFFICE OF THE SECRETARIAT TO THE COUNCIL.

(1) The Office of Secretariat to the Council is hereby established.

"(2) The Departmental Head of the Department of Personnel Management shall, in relation to the Office of the Secretariat, create an office and provide adequate staff, for the purposes of the Secretariat.

"9J. OFFICE OF THE DIRECTOR OF THE SECRETARIAT.

(1) There shall be a Director of the Secretariat to the Council.

"(2) The tenure of office of the Director together with the terms and conditions of employment are as determined by the Head of State, acting on the advice of the Minister.

Industrial Relations (Amendment)

- "(3) The Director shall -
- (a) be responsible to the Minister for all policy matters relating to the deliberations of the Council; and
 - (b) be responsible to the Secretary of the Department responsible for labour and employment matters for all administrative matters relating to the office of the Secretariat.

"9K. COMMITTEES.

- (1) There shall be a Committee of the Council which shall consist of six committee members being -
- (a) two of the members referred to in Section 9B(2)(a) of whom one shall be the Chairman; and
 - (b) two of the members referred to in Section 9B(2)(b); and
 - (c) two of the members referred to in Section 9B(2)(c).

"(2) Meetings of the Committee shall be held at such times and places as the Chairman may determine.

"(3) At any meeting of the Committee the quorum shall be at least three members each member representing his respective group referred to in Subsection (1)(a), (b) and (c).

"9L. FUNCTIONS OF THE COMMITTEE.

The functions of the Committee are -

- (a) to monitor progress of activities and programmes of the Council; and
- (b) formulate agendas for the Council meeting; and
- (c) ensure that action plans based on Council resolutions are carried out by the Secretariat; and
- (c) formulate and approve press statements for the Chairman to release."

I hereby certify that the above is a fair print of the *Industrial Relations (Amendment) Act 1991* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Industrial Relations (Amendment) Act 1991* was made by the National Parliament on 14 May 1991.

Speaker of the National Parliament.

