

INDUSTRIAL ARBITRATION (AMENDMENT) ACT.

Act No. 81, 1916.

An Act to amend the law with regard to the conditions of industries and industrial arbitration ;
to amend the Industrial Arbitration Act, 1912 ;
and for purposes consequent thereon or incidental thereto. [Assented to, 20th December, 1916.]

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BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the “Industrial Arbitration (Amendment) Act, 1916,” and shall be construed with the Industrial Arbitration Act, 1912, hereinafter referred to as the Principal Act.

2.

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Amendment
of s. 5.

2. Section five of the Principal Act is amended as follows :—In the definition of “industry” after “means” insert the word “craft”, and at the end of such definition add the words “and unless otherwise indicated by the context or any provisions of this Act any division of an industry or combination, arrangement, or grouping of industries”.

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s. 13.

3. Section thirteen of the Principal Act is amended as follows :—

(a) Subsection three is repealed and the following is substituted for it :—

(3) The Governor may appoint persons qualified for appointment as judges of the court or as district court judges to be additional judges of the court: Provided that the additional judges of the court shall not at any time exceed three in number. Any additional judge so appointed shall except as hereinafter provided have the same rights, powers, jurisdiction, and privileges as the judge of the court.

(b) Subsection four is repealed and the following is substituted for it :—

(4) The Governor may, upon a report by the court that a judge is prevented by any cause from attending to his duties as judge, or that the judge or judges of the court is or are unable to cope promptly and expeditiously with the matters in the court's lists or with the demand for judicial services made upon the court, or is or are from considerations of natural justice averse to adjudicating upon any specific matter, appoint a deputy judge or deputy judges to act temporarily as a judge or judges of the court from amongst persons qualified to be judges of the court, and such person or persons shall while so acting have all the jurisdiction and powers of a judge of the court.

(c) Subsection five is repealed and the following is substituted for it :—

(5) The court shall be constituted by the judge or an additional or deputy judge, or where and as prescribed any two or more of them together. There may be two or more sittings of the court held at the same time. (d)

- (d) Subsection seven is repealed and the following is inserted in its place :— George V.
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(7) (a) The Governor may from time to time from among persons qualified to be judges appoint judges of the court in succession to the senior judge holding office at the commencement of the Industrial Arbitration (Amendment) Act, 1916.

(b) Any judge so appointed in succession to the said senior judge shall, if a Supreme Court judge, have the same rank, title, status, and precedence and the same salary and rights as judges of the Supreme Court, or if a district court judge or barrister-at-law the status, salary, and rights of such senior judge prior to the passing of the Industrial Arbitration (Amendment) Act, 1916. The additional judges other than the first additional judge holding office at the commencement of the Industrial Arbitration (Amendment) Act, 1916, shall, except as hereinafter provided, have the same rank, title, status, and precedence and the same salary and rights as judges of district courts. Such rights and precedence shall count from the date of appointment unless in the case of a senior judge he is already a Supreme Court judge, or in the case of an additional judge he is already a district court judge, when they shall count from the date of appointment as Supreme Court or district court judge as the case may be.

(c) The said senior judge and first additional judge holding office at the commencement of the Industrial Arbitration (Amendment) Act, 1916, shall have the same status, salary, and rights as if the said Act had not passed.

- 4.** Section fourteen of the Principal Act is amended by the addition to it of the following paragraphs :— Amendment
of s. 14.

(2) The court may exercise the powers, jurisdictions, and functions of an industrial board or of a special board for demarcation purposes in respect

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respect of any industry or industries, notwithstanding that a board or boards may not have been constituted for such industry or industries.

(3) Upon any reference or application to a board under the provisions of section thirty-one of this Act the jurisdiction and functions of such board thereupon may be exercised by the court, and shall not be exercised by the board until a direction to that effect shall be given by the Court.

(4) The judge may, if he thinks fit, assume the powers, functions, and jurisdiction of the chairman of any board which may be directed to operate.

(5) The court may on the application of the Minister, or an employer, or an industrial union, determine any question as to the demarcation of the industrial interests of trade unions and industrial unions, and may also codify into one award, subject to such amendments as it may deem expedient to make, all awards binding or affecting any employer or class or section of employers in any industry or group of industries or the members of an industrial union employed by the same employer or class or section of employers.

Amendment
of s. 16.

5. Section sixteen of the Principal Act is amended as follows :—

(a) Omit subsection one and substitute therefor the following :—

(1) Industrial boards shall, on the recommendation of the court, be constituted by the Minister for any industry or division of any industry, or any combination, arrangement, or grouping of industries, as the Minister on the recommendation of the court may direct.

(b) In subsection two omit “for all of the boards which may be constituted under each of the board designations mentioned in the first column of Schedule One” and insert the words “for any one or more of the boards which may be recommended for constitution”.

(c)

- (c) In subsection three insert at the end of the subsection the words “ from persons nominated as prescribed by the employers and by the industrial unions of employees concerned respectively, or where either employers or employees fail to so nominate from persons nominated by the Minister ”

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6. Section seventeen of the Principal Act and Schedules One and Two of such Act are repealed.

Repeal of
and Schedules
One and Two