

INDUSTRIAL ARBITRATION (AMENDMENT) ACT.

Act No. 50, 1919.

George V. An Act to amend the law relating to Industrial Arbitration in connection with certain public servants ; to amend the Industrial Arbitration Act, 1912, the Industrial Arbitration (Amendment) Act, 1916, the Industrial Arbitration (Amendment) Act, 1918, the Industrial Arbitration (Further Amendment) Act, 1918, the Public Service Act, 1902, and certain other Acts ; and for purposes consequent thereon or incidental thereto. [Assented to, 23rd December, 1919.]

BE

BE it enacted by the King's Most Excellent Majesty, ^{George V,} 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. (1) This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1919." ^{Short title.}

(2) In this Act the expression "the Principal Act" means the Industrial Arbitration Act, 1912, as amended by the Industrial Arbitration (Amendment) Act, 1916, the Industrial Arbitration (Amendment) Act, 1918, and the Industrial Arbitration (Further Amendment) Act, 1918.

2. Section five of the Principal Act is amended as follows:— ^{Amendment of s. 5 of Principal Act.}

- (i) by adding between the words "on" and "wages" in the definition of "employee" the words "salary or"
- (ii) by omitting in the definition of "employer" the words "the Public Service Act, 1902, and"
- (iii) by adding at the end of the definition of "managerial position" the following words: "but does not include the position of a shop-walker, ganger, or foreman stevedore."

3. Section eight of the Principal Act is amended by adding after subsection three the following proviso:— ^{Amendment of s. 8 of Principal Act.}

Provided that any application for registration as an industrial union, made by a trade union, all of whose members are employees of the Crown, shall not be refused upon the ground only that the interests of the employees represented by the applicant union may be protected by a previously registered industrial union.

4. The following new sections are inserted next after section twelve of the Principal Act:— ^{New sections 12B and 12C.}

12B. Whenever a declaration as to the living wage shall be made under section seventy-nine of this Act during the currency of any industrial agreement, the court may, upon the application of any party to the industrial agreement, vary the wage provisions contained in such agreement. ^{Court may vary wage provisions of industrial agreement.}

George V,
No. 50.
 Continuance
 in force of
 industrial
 agreement
 after expiry]

Amendment
 of s. 24 of
 Principal
 Act.

12c. An industrial agreement shall continue in force after the expiration of the term specified therein until varied or rescinded by the parties or by the court or until notice of termination shall have been given in writing by a party thereto to the other party or parties and to the registrar.

5. Section twenty-four of the Principal Act is amended as follows:—

- (i) By adding at the end of the proviso to paragraph (a) of subsection one the words “or (where salaries are paid on an annual basis) any salary in excess of five hundred and twenty-five pounds per annum.”
- (ii) By omitting the word “nineteen” in the proviso to paragraph (b) of subsection one and inserting in lieu thereof “twenty.”
- (iii) By adding to the end of subsection one the following provisos:—

Provided that an award affecting employees employed under the Public Service Act, 1902, or any Act amending the same shall, so far as such employees are concerned, be made only for the purposes specified in paragraphs (a), (c), (f), and (h):

Provided also that nothing contained in this Act shall in any way alter any provisions of the Public Service Acts or of any regulations thereunder—

- (a) prescribing or authorising the Public Service Board to prescribe the passing of an examination or other test as a necessary condition for promotion of an officer or employee to a higher class, grade, or division; or
- (b) providing that payment of increments of salary to an officer shall be subject to the giving of a certificate by the said board that the conduct of the officer and his discharge of his duties warrant an increase of his salary. In the event of the said board refusing to give

give such certificate, the officer shall be George V, supplied with a written statement showing the reason why such certificate was refused.

6. Section twenty-five of the Principal Act is Amendment of s. 25 of Principal Act. amended by adding at the end of subsection one the following proviso:—

Provided that the court may, in its discretion, order and determine—

- (a) that any award made in respect of persons employed under the Public Service Acts who have not prior to the making thereof been bound by an award shall take effect from such day whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 1919, as the court may direct; and
- (b) that in all other cases an award shall take effect from such day subsequent to the lodging or filing of the application therefor as the court may direct.

Provided further—

- (a) that the court may in exercising its powers under the last preceding proviso attach such terms, conditions, or restrictions as may appear to it to be just; and
- (b) that no employer shall be bound to pay any wages fixed by an award made by the court in exercise of such powers until fourteen days after publication of the award as aforesaid, but the first payment of wages under any such award shall include all arrears which have accrued due from the date upon which the award is directed to take effect.

7. Section twenty-eight of the Principal Act is Amendment of s. 28 of Principal Act. amended by adding the following new subsection:—

(2) Whenever a declaration as to the living wage shall be made under section seventy-nine of this Act during the currency of any award, any party to the award may apply to the court to vary the wage provisions contained in the award.

George V,

No. 50.

Amendment
of s. 79 of
Principal
Act.

Inquiry by
Board of
Trade into
conditions of
rural
industries.

8. Section seventy-nine of the Industrial Arbitration Act is further amended by adding at the end of subsection (1A) the following words to stand as subsection (1B):—

(1B) In the course of the public inquiry required to be made by the Board of Trade preceding its declaration of the living wages to be paid to adult employees in rural occupations, the board shall take evidence upon the conditions of the rural industries and of their ability to bear additional burdens in wages and the probable effect of the same upon production and shall report its conclusions upon such evidence: and further, shall take such conclusions into consideration and give effect thereto as far as is reasonable in making its declaration as to the living wages to be paid to such employees, and may also, should it think fit, refrain from making such declaration in such occupation.

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