

INDUSTRIAL ARBITRATION (AMENDMENT) ACT.

Act No. 13, 1948.

An Act to make further provisions in relation to the Industrial Commission, the conciliation commissioners and conciliation committees; for these and other purposes to amend the Industrial Arbitration Act, 1940-1947; and for purposes connected therewith. [Assented to, 17th May, 1948.]

George VI.
No. 13, 1948.

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. (1) This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1948."

Short title,
citation,
and
commence-
ment.

(2) The Industrial Arbitration Act, 1940, as amended by subsequent Acts and by this Act, may be cited as the Industrial Arbitration Act, 1940-1948.

(3)

Industrial Arbitration (Amendment) Act.**No. 13, 1948.**

(3) This Act shall, except where otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment
of Act No. 2,
1940.

2. (1) The Industrial Arbitration Act, 1940-1947, is amended—

Sec. 14.
(Industrial
Commission.)

(a) by inserting in paragraph (a) of subsection eight of section fourteen after the words “At sittings of the commission” the words “(two of which may be held at the same time)”;

Sec. 15.
(Conciliation
commis-
sioners.)

(b) by inserting at the end of section fifteen the following new subsection:—

cf. Act No.
13, 1904,
s. 81AB
(C'wealth).

(9) The commission shall summon, not less frequently than once in every four months, a conference of conciliation commissioners to discuss questions relating to the operation of this Act, and in particular means for ensuring expedition in the prevention and settlement of industrial disputes and for securing the adoption of uniform standards and conditions for industry or any group of industries.

New sec. 17A.

(c) by inserting next after section seventeen the following new section:—

Special
commis-
sioners.
cf. Act
No. 17,
1912, s. 43.

17A. (1) The Minister may from time to time appoint such persons as he deems fit to be special commissioners.

(2) Where a special commissioner is of the opinion that an industrial dispute has arisen or is threatened or impending he may require the attendance of any persons to meet in conference. At such conference the special commissioner shall preside and endeavour to induce the parties to come to an agreement.

(3) Any person so required to attend the conference shall attend and continue to attend as directed by the special commissioner, and in default shall be liable, on summary conviction, to a penalty not exceeding fifty pounds.

(d)

- (d) by omitting subsection four of section twenty-five and by inserting in lieu thereof the following subsection:—

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Sec. 25.

(Compulsory conferences.)

(4) If the parties are unable to come to an agreement the following provisions shall have effect:—

(a) where the conciliation commissioner is sitting alone he may—

(i) make an order or award in relation to the question, dispute or difficulty, which order or award shall have the like effect as an order or award made by a committee; or

(ii) refer the question, dispute or difficulty to the commission;

(b) where the members of the conciliation committee established for the particular industry concerned are summoned to sit with the conciliation commissioner they, together with the conciliation commissioner as chairman, may—

(i) sit as a committee and make an order or award in relation to the question, dispute or difficulty; or

(ii) refer the question, dispute or difficulty to the commission.

- (e) by inserting next after section twenty-five the following new section:—

New sec. 25A.

25A. As soon as an industrial union or an employer becomes aware of any question, dispute or difficulty of the nature referred to in paragraphs (a), (b) and (c) of subsection one of section twenty-five of this Act such industrial union or employer shall forthwith notify the registrar accordingly.

Notice of industrial disputes to be given to registrar.

- (f) by omitting from section twenty-six the words “at the request of any party he shall, or, of his own motion”;

Sec. 26.

(Powers of conciliation commissioners.)

(g)

No. 13, 1948.
Secs. 77E
and 77F.
Proceedings
at meetings.

(g) by omitting sections 77E and 77F and by inserting in lieu thereof the following section:—

77E. At any meeting of a committee—

- (a) the chairman shall preside;
- (b) each member, except the chairman, shall have one vote; and where the votes for and against any matter are equal, the chairman shall decide the question;
- (c) if any of the members, other than the chairman, are absent from a duly convened meeting of a committee, the chairman may, together with such members as may be present, proceed to hear and determine any matter before the committee. Such determination shall be deemed to be a decision of the committee;
- (d) the chairman may refer any matter or any question arising out of any matter to the commission for determination or directions.

(2) The amendment made by paragraph (a) of subsection one of this section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and forty-seven.

CAMPERDOWN