

**INDUSTRIAL ARBITRATION (AMENDMENT) ACT,
1979, No. 107**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 107, 1979.

An Act to amend the Industrial Arbitration Act, 1940, with respect to contracts of bailment of taxi-cabs and private hire cars and certain contracts of carriage by motor lorry. [Assented to, 17th May, 1979.]

Industrial Arbitration (Amendment).

BE it enacted by the Queen'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 Short title. (Amendment) Act, 1979".

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules :—

Schedules.

SCHEDULE 1.—AMENDMENTS TO PART I OF THE INDUSTRIAL ARBITRATION ACT, 1940.

SCHEDULE 2.—AMENDMENTS TO PART II OF THE INDUSTRIAL ARBITRATION ACT, 1940.

SCHEDULE 3.—AMENDMENTS TO PART III OF THE INDUSTRIAL ARBITRATION ACT, 1940.

SCHEDULE 4.—AMENDMENTS TO PART VII OF THE INDUSTRIAL ARBITRATION ACT, 1940.

SCHEDULE 5.—AMENDMENTS TO PART VIII OF THE INDUSTRIAL ARBITRATION ACT, 1940.

SCHEDULE 6.—AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940, WITH RESPECT TO THE REGULATION OF CERTAIN CONTRACTS.

SCHEDULE 7.—AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION ACT, 1940.

SCHEDULE 8.—AMENDMENTS TO PART XII OF THE INDUSTRIAL ARBITRATION ACT, 1940.

Industrial Arbitration (Amendment).

SCHEDULE 9.—AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940, BY WAY OF STATUTE LAW REVISION.

SCHEDULE 10.—REGISTRATION OF CERTAIN ASSOCIATIONS OF CONTRACT DRIVERS AND CONTRACT CARRIERS.

SCHEDULE 11.—TRANSITIONAL PROVISION.

Amendment
of Act No.
2, 1940.

4. The Industrial Arbitration Act, 1940, is amended in the manner set forth in Schedules 1–9.

Registra-
tion of
certain
associa-
tions.

5. Schedule 10 has effect.

Tran-
sitional
provision.

6. Schedule 11 has effect.

Sec. 4.

SCHEDULE 1.

AMENDMENTS TO PART I OF THE INDUSTRIAL ARBITRATION ACT,
1940.

(1) (a) Section 2, matter relating to Part II—

Omit “AND CONCILIATION COMMITTEES”, insert
instead “, CONCILIATION COMMITTEES AND CONTRACT
REGULATION TRIBUNALS”.

(b) Section 2, matter relating to Division 1 of Part VII—

After “Committees”, insert “and Contract Regulation
Tribunals”.

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(c) Section 2, matter relating to Part VIII—

After “AWARDS”, insert “AND CONTRACT DETERMINATIONS”.

(d) Section 2—

After the matter relating to Part VIII, insert :—

PART VIIIA.—REGULATED CONTRACTS—ss. 91A–91R.

DIVISION 1.—*Preliminary*—s. 91A.

DIVISION 2.—*Associations*—ss. 91B–91G.

DIVISION 3.—*Agreements*—ss. 91H, 91I.

DIVISION 4.—*Contract Regulation Tribunals*—ss. 91J–91M.

DIVISION 5.—*Contract Determinations*—ss. 91N–91R.

(e) Section 2, matter relating to Part IX—

After “AWARDS”, insert “AND CONTRACT DETERMINATIONS”.

(2) (a) Section 5 (1), definitions of “Association of contract carriers”, “Association of contract drivers”, “Association of employing contractors”—

Before the definition of “Award”, insert :—

“Association of contract carriers” means an association of contract carriers registered under Part VIIIA.

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO PART I OF THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

“Association of contract drivers” means an association of contract drivers registered under Part VIIIA.

“Association of employing contractors” means an association of employing contractors registered under Part VIIIA.

(b) Section 5 (1), definitions of “Bailee”, “Bailor”—

After the definition of “Award”, insert :—

“Bailee” in relation to a public vehicle means the person to whom the vehicle is bailed under a contract of bailment.

“Bailor” in relation to a public vehicle means the person by whom the vehicle is bailed under a contract of bailment.

(c) Section 5 (1), definition of “Carrier”—

After the definition of “Calling”, insert :—

“Carrier” means a person with whom a principal contractor has a contract of carriage.

(d) Section 5 (1), definitions of “Contract determination”, “Contract of bailment”, “Contract of carriage”—

After the definition of “Committee”, insert :—

“Contract determination” means a determination in a matter in which a tribunal has jurisdiction.

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

**AMENDMENTS TO PART I OF THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.***

“Contract of bailment” in relation to a public vehicle means a contract (not being a hire-purchase agreement within the meaning of the Hire-Purchase Act, 1960) under which a public vehicle is bailed to a person to enable him—

(a) where the public vehicle is a taxi-cab—to ply for hire; or

(b) where the public vehicle is a private hire car—to transport passengers,

in a transport district established under the Transport Act, 1930.

“Contract of carriage” has the meaning ascribed thereto in subsection (3A).

(e) Section 5 (1), definition of “Employee”—

Omit “In determining whether a person who, in performing work, drives a motor vehicle, is an employee, if the person would be held to be an employee if the motor vehicle which he was driving in the performance of such work was owned by the person alleged to be his employer then such person shall be held to be an employee of such alleged employer although he is owner or lessee of the vehicle or has the use of the vehicle under a hire purchase agreement or other arrangement whatsoever.”.

(f) Section 5 (1), definition of “Member of the family”—

After the definition of “Managerial position”, insert:—

“Member of the family” in relation to a person means his spouse, father, mother, grandfather, grandmother, step-father, step-mother, child,

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO PART I OF THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

step-child, brother, sister, half-brother, half-sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law and sister-in-law.

(g) Section 5 (1), definition of “Motor lorry”—

After the definition of “Minister”, insert :—

“Motor lorry” has the same meaning as it has in the regulations made under the Motor Traffic Act, 1909.

(h) Section 5 (1), definitions of “Primary producer”,
“Principal contractor”—

After the definition of “Prescribed”, insert :—

“Primary producer” means a person who cultivates or uses land—

- (a) for the production for sale of fruit, grain, flowers, vegetables, tobacco, honey, timber or any other farm or agricultural produce;
- (b) for the maintenance of animals or birds, for the purpose of selling them or their bodily produce; or
- (c) as a nurseryman.

“Principal contractor” means a person who enters into a contract (other than a contract of employment) with another person for the transportation by that other person of any load other than passengers.

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(i) Section 5 (1), definition of “Public vehicle”—

After the definition of “Public authority”, insert :—

“Public vehicle” means—

(a) a taxi-cab; or

(b) a private hire car,

within the meaning of the Transport Act,
1930.

(j) Section 5 (1), definition of “Tribunal”—

Before the definition of “Under Secretary”, insert :—

“Tribunal” means a contract regulation tribunal
established under Part VIIIA.

(k) Section 5 (3A)–(3C)—

After section 5 (3), insert :—

(3A) Subject to subsection (3B), a reference in this Act to a contract of carriage is a reference to a contract (whether written or oral or partly written and partly oral and whether entered into before or after the commencement of the Industrial Arbitration (Amendment) Act, 1979) that is not a contract of employment and is made between a principal contractor and a carrier who transports a load (other than passengers) the subject of the contract by means of a motor lorry in the course of a business of transporting loads of that kind by motor lorry but only if—

(a) where the carrier is not a partnership or corporation—no person except the carrier is, except in the prescribed circumstances,

Industrial Arbitration (Amendment).

SCHEDULE 1—continued.**AMENDMENTS TO PART I OF THE INDUSTRIAL ARBITRATION ACT,
1940—continued.**

employed (whether pursuant to a contract of employment or not and whether by the carrier or not) in driving or riding upon the motor lorry, or any other motor lorry, in the course of that business;

- (b) where the carrier is a partnership—no person other than a partner is, except in the prescribed circumstances, employed (whether pursuant to a contract of employment or not and whether by the partnership or not) in driving or riding upon the motor lorry, or any other motor lorry, in the course of that business; or
- (c) where the carrier is a corporation—no person is, except in the prescribed circumstances, employed (whether pursuant to a contract of employment or not and whether by the corporation or not) in driving or riding upon the motor lorry, or any other motor lorry, in the course of that business unless he is—
 - (i) a director of the corporation or a member of the family of a director of the corporation;
 - (ii) a person who, together with the members of his family, has a controlling interest in the corporation; or
 - (iii) a member of the family of a person who, together with the members of his family, has a controlling interest in the corporation.

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(3B) A reference in this Act to a contract of carriage does not include a reference to a contract of carriage—

- (a) where the carrier is a common carrier;
- (b) that is one of 2 or more contracts of carriage of packaged goods made with 2 or more different principal contractors and executed by the use of the same motor lorry;
- (c) for the carriage of mail;
- (d) for the carriage of bread, milk or cream for sale or delivery for sale;
- (e) for the carriage of goods that are to be sold pursuant to orders solicited during the carriage of the goods;
- (f) for the carriage of livestock;
- (g) where the principal contractor is a primary producer or a member of the family of a primary producer and the contract is for the transportation of primary produce; or
- (h) for the transportation of primary produce from or to land used for primary production.

(3C) Where a person—

- (a) is in possession of a private hire car otherwise than as a bailee or employee; and

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO PART I OF THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

- (b) is, in a transport district established under the Transport Act, 1930, engaged in transporting passengers in the private hire car pursuant to a licence under that Act of which he is not the holder,

the provisions of this Act apply to and in respect of that person in the same way as they would apply to him if he were in possession of the private hire car under a contract of bailment made with the holder of the licence.

Sec. 4.

SCHEDULE 2.

AMENDMENTS TO PART II OF THE INDUSTRIAL ARBITRATION
ACT, 1940.

- (1) Part II, heading—

Omit “AND CONCILIATION COMMITTEES”, insert instead
“, CONCILIATION COMMITTEES AND CONTRACT
REGULATION TRIBUNALS”.

- (2) (a) Section 14 (7)—

After “a committee,”, insert “a tribunal”.

- (b) Section 14 (7)—

After “committee” where secondly and thirdly occurring, insert “or tribunal”.

Industrial Arbitration (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(c) Section 14 (8) (b), (c), (d)—

Omit “or decision” wherever occurring, insert instead
“, decision or contract determination”.

(d) Section 14 (10)—

Omit “and the conciliation committees”, insert instead
“, the conciliation committees and the contract
regulation tribunals”.

(e) Section 14 (12)—

After “committee”, insert “or tribunal”.

(f) Section 14 (13)—

After “concerned”, insert “or, as the case may be, of
the contract regulation tribunal established for the
class of contracts concerned”.

(3) (a) Section 15 (1A) (c)—

After “committees”, insert “and tribunals”.

(b) Section 15 (1B)—

After “committee”, insert “and of each tribunal”.

(4) (a) Section 17A (1) (a)—

After “callings”, insert “and with matters arising under
contracts to which Part VIIIA applies”.

(b) Section 17A (1) (b)—

Omit “or callings”, insert instead “, callings or classes
of contracts”.

Industrial Arbitration (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(c) Section 17A (2)—

After “dispute”, insert “, or a dispute concerned with a contract to which Part VIIIA applies,”.

(d) Section 17A (4)—

After “dispute” where firstly occurring, insert “, or a dispute concerned with a contract to which Part VIIIA applies,”.

(e) Section 17A (4)—

Omit “industrial” where secondly occurring.

Sec. 4.

SCHEDULE 3.

AMENDMENTS TO PART III OF THE INDUSTRIAL ARBITRATION
ACT, 1940.

(1) (a) Section 24 (7)—

After “commissioner,”, insert “or a contract determination of a tribunal,”.

(b) Section 24 (7)—

After “award” where secondly occurring, insert “or determination”.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE INDUSTRIAL
ARBITRATION ACT, 1940—*continued.*

(c) Section 24 (8)—

After “commissioner”, insert “or any party to a contract, or any association registered under Part VIIIA, affected by a contract determination of a tribunal or of a conciliation commissioner”.

(d) Section 24 (8) (a)—

Omit “or decision”, insert instead “, decision or determination”.

(e) Section 24 (9)—

After “committee” where firstly occurring, insert “, tribunal”.

(f) Section 24 (9) (a)—

After “committee”, insert “or tribunal”.

(g) Section 24 (9) (c)—

After “committee”, insert “, tribunal”.

(h) Section 24 (9A)—

After “commissioner” where firstly occurring, insert “, or from a contract determination of a tribunal or a conciliation commissioner,”.

(i) Section 24 (9A)—

After “committee” where secondly occurring, insert “or tribunal,”.

(j) Section 24 (9A)—

Omit “or decision” where secondly occurring, insert instead “, decision or determination”.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE INDUSTRIAL
ARBITRATION ACT, 1940—*continued.*

(k) Section 24 (11)—

After “committee”, insert “or tribunal”.

(2) (a) Section 25 (1) (d), (e)—

After section 25 (1) (c), insert :—

- (d) where any question, dispute or difficulty has arisen which, in his opinion, might lead, or has led—
 - (i) to owners of public vehicles being in breach of contracts of bailment of those vehicles or refusing to enter into contracts of bailment of those vehicles;
 - (ii) to principal contractors under contracts of carriage being in breach of those contracts or persons refusing to enter into contracts of carriage as principal contractors;
 - (iii) to bailees of public vehicles or carriers under contracts of carriage being in breach of those contracts; or
 - (iv) to persons refusing to enter into contracts as bailees of public vehicles or as carriers under contracts of carriage;
- (e) where there is any question, dispute or difficulty arising from the reorganisation of the business of a principal contractor that affects, or is likely to affect, the number of carriers used by the principal contractor or their remuneration,

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE INDUSTRIAL
ARBITRATION ACT, 1940—*continued.*

(b) Section 25 (3) —

After “concerned”, insert “or, in the case referred to in subsection (1) (d) or (e), the members of the contracts regulation tribunal concerned”.

(c) Section 25 (3A)—

Omit “or the committee”, insert instead “, committee or tribunal”.

(d) Section 25 (3A)—

After “strike”, insert “, or the bailee or carriers concerned therein may be in breach of their contracts, or the persons concerned therein may be refusing to enter into contracts as bailees or carriers”.

(e) Section 25 (4) (a)—

After “may”, insert “, in the case of a conference summoned pursuant to subsection (1) (a), (b) or (c)”.

(f) Section 25 (4) (a1)—

After section 25 (4) (a), insert :—

(a1) where the conciliation commissioner is sitting alone he may, in the case of a conference summoned pursuant to subsection (1) (d) or (e)—

(i) make such order in relation to the question, dispute or difficulty as he thinks fit;

(ii) make such contract determination in relation to the question, dispute or difficulty as a tribunal could have

Industrial Arbitration (Amendment).

 SCHEDULE 3—*continued.*

 AMENDMENTS TO PART III OF THE INDUSTRIAL
 ARBITRATION ACT, 1940—*continued.*

made on an application under Part VIIIA, and his determination shall have the same effect as a determination of a tribunal on such an application; or

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

(g) Section 25 (4) (b) (ii)—

Omit “commission.”, insert instead “commission; or”.

(h) Section 25 (4) (c)—

After section 25 (4) (b), insert :—

- (c) where the members of the contract regulation tribunal are summoned to sit with the conciliation commissioner they, together with the conciliation commissioner as chairman, may—

- (i) sit as a tribunal and make an order or contract determination in relation to the question, dispute or difficulty; or
 (ii) refer the question, dispute or difficulty to the commission.

(i) Section 25 (5)—

Omit “paragraphs (a), (b) and (c) of subsection (1)”, insert instead “subsection (1) (a), (b) or (c), or a conciliation commissioner or a tribunal considers that the public interest is or could be adversely affected by any question, dispute or difficulty of the nature referred to in subsection (1) (d) or (e)”.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE INDUSTRIAL
ARBITRATION ACT, 1940—*continued.*

(j) Section 25 (5)—

After “award” where firstly occurring, insert “, or the conciliation commissioner or the tribunal may make an interim order or contract determination,”.

(k) Section 25 (5)—

Omit “or award” where secondly, thirdly, fourthly, fifthly and sixthly occurring, insert instead “, award or contract determination”.

(l) Section 25 (5A)—

Omit “or award” wherever occurring, insert instead “, award or contract determination”.

(m) Section 25 (5A)—

Omit “or committee”, insert instead “, committee or tribunal”.

(n) Section 25 (6)—

Omit “or a committee”, insert instead “, committee or tribunal”.

(3) Section 25A (2)—

At the end of section 25A, insert :—

(2) As soon as an association registered under Part VIIIA, or a bailor of a public vehicle, or a principal contractor under a contract of carriage, becomes aware of any question, dispute or difficulty of the nature referred to in section 25 (1) (d) or (e), the association, bailor or principal contractor shall forthwith notify the registrar accordingly.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE INDUSTRIAL
ARBITRATION ACT, 1940—*continued.*

(4) (a) Section 26—

After “calling”, insert “or, as the case may require, the members of the contract regulation tribunal for the class of contracts to which the matter relates”.

(b) Section 26—

After “committee” where secondly occurring, insert “or, as the case may be, a tribunal”.

(c) Section 26—

After “committee” where thirdly occurring, insert “, and against any contract determination of a tribunal,”.

(d) Section 26—

Omit “or award” where secondly occurring, insert instead “, award or contract determination”.

(5) (a) Section 27—

After “committee” where firstly occurring, insert “, and any contract determination of a tribunal,”.

(b) Section 27—

After “committee” where secondly and thirdly occurring, insert “, or contract determination of a tribunal,”.

(6) Section 30 (2)—

At the end of section 30, insert :—

(2) The commission, in addition to the jurisdiction and powers conferred on it by this Act, shall have the powers and may exercise the jurisdiction conferred by this Act on

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE INDUSTRIAL
ARBITRATION ACT, 1940—*continued.*

a contract regulation tribunal and the chairman of a contract regulation tribunal, and may exercise the powers, jurisdiction and functions of a contract regulation tribunal in respect of a class of contract to which Part VIIIA applies notwithstanding that a tribunal may not have been established for contracts of that class.

(7) (a) Section 30A (a)—

Omit “industrial matters by means of conciliation”, insert instead “by means of conciliation industrial matters and matters arising under contracts to which Part VIIIA applies”.

(b) Section 30A (b)—

After “matters” where firstly occurring, insert “and matters arising under contracts to which Part VIIIA applies”.

(c) Section 30A (b)—

Omit “industrial” where secondly occurring.

(8) (a) Section 30B (1) (a)—

Omit “or ruling”, insert instead “, ruling or contract determination”.

(b) Section 30B (1) (f)—

After “employees”, insert “or association of contract drivers or association of contract carriers”.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE INDUSTRIAL
ARBITRATION ACT, 1940—*continued.*

(c) Section 30B (1) (g)—

Omit “or decisions”, insert instead “, decisions or contract determinations”.

(d) Section 30B (1) (h)—

After “matter”, insert “or matter in respect of which a tribunal has jurisdiction,”.

(e) Section 30B (1)—

Omit “or decision”, insert instead “, decision or contract determination”.

(9) (a) Section 30c—

After “committee” where firstly occurring, insert “, a contract regulation tribunal”.

(b) Section 30c—

Omit “conciliation committee” where secondly occurring, insert instead “committee or tribunal”.

(10) (a) Section 31 (a)—

After “matter”, insert “or with any person or association of principal contractors, or association of contract drivers or contract carriers, as to anything affecting the settlement of a matter arising under a contract to which Part VIIIA applies”.

(b) Section 31 (b) (i)—

Omit “or” where fourthly occurring.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE INDUSTRIAL
ARBITRATION ACT, 1940—*continued.*

(c) Section 31 (b) (ii)—

After “committee”, insert “, tribunal”.

(d) Section 31 (b) (ii)—

After “commissioner;”, insert “or”.

(e) Section 31 (b) (iii)—

After section 31 (b) (ii), insert :—

- (iii) to make a contract determination or vary or
rescind any contract determination made by it,
a tribunal or a conciliation commissioner;

(11) (a) Section 33 (b)—

After “industry” wherever occurring, insert “or
business”.

(b) Section 33 (b)—

After “grant the”, insert “terms or”.

(c) Section 33 (b)—

After “employer” wherever occurring, insert “or
person carrying on business”.

Industrial Arbitration (Amendment).

SCHEDULE 3—continued.**AMENDMENTS TO PART III OF THE INDUSTRIAL
ARBITRATION ACT, 1940—continued.****(12) Section 36 (2)—**

At the end of section 36, insert :—

(2) The commission may, on the application of the Minister, a bailor of a public vehicle, a principal contractor or an association registered under Part VIIIA, determine any question as to the demarcation of the interests of associations so registered in the regulation of the conditions of contracts to which that Part applies.

Sec. 4.**SCHEDULE 4.****AMENDMENTS TO PART VII OF THE INDUSTRIAL ARBITRATION
ACT, 1940.****(1) Part VII, Division 1, heading—**

After “Committees”, insert “and Contract Regulation Tribunals”.

(2) (a) Section 74 (2)—

Omit “Any such application”, insert instead “An application under subsection (1) (b)”.

(b) Section 74 (3)–(5)—

After section 74 (2), insert :—

(3) Proceedings before a tribunal shall be commenced by—

(a) reference to the tribunal by the commission or the Minister; or

Industrial Arbitration (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART VII OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

- (b) an application made as provided by subsections (4) and (5).

(4) An application under subsection (3) (b) may be made by—

- (a) a bailor under a contract of bailment of a public vehicle, if the average number of different bailees with whom he entered into contracts of bailment on each working day during the period of 1 month that next preceded the making of the application was not less than 10;
- (b) a principal contractor under a contract of carriage, if the average number of different carriers with whom he entered into contracts of carriage on each working day during the period of 1 month that next preceded the making of the application was not less than 10;
- (c) an association of employing contractors, or any other association, which represents bailors or principal contractors who are, or some of whom are, parties to contracts of the class in respect of which the tribunal is established; or
- (d) an association of contract drivers or an association of contract carriers which represents bailees or carriers who are, or some of whom are, parties to contracts of the class for which the tribunal is established.

Industrial Arbitration (Amendment).

SCHEDULE 4—continued.**AMENDMENTS TO PART VII OF THE INDUSTRIAL ARBITRATION
ACT, 1940—continued.**

(5) An application under subsection (3) (b) shall—

- (a) be in or to the effect of the prescribed form;
- (b) contain the prescribed particulars; and
- (c) be signed by such persons of such classes or descriptions as may be prescribed.

(3) Section 75—

After “committee” wherever occurring, insert “or tribunal”.

(4) Section 76—

After “committee”, insert “or tribunal”.

(5) (a) Section 77 (1)—

Omit “conciliation”.

(b) Section 77 (1)—

After “committee” wherever occurring, insert “or tribunal”.

(6) (a) Section 77A—

After “committee” wherever occurring, insert “or tribunal”.

(b) Section 77A—

Omit “committee’s”.

Industrial Arbitration (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART VII OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(c) Section 77A—

After “determination”, insert “of the committee or tribunal”.

(7) Section 77B—

After “committee” wherever occurring; insert “or tribunal”.

(8) (a) Section 77C—

After “committee”, insert “or tribunal”.

(b) Section 77C—

After “matter”, insert “, or a matter arising under a contract to which Part VIIIA applies,”.

(9) (a) Section 77D—

After “committee” where firstly, thirdly, fourthly, fifthly, sixthly, seventhly and eighthly occurring, insert “or tribunal”.

(b) Section 77D—

After “industry” wherever occurring, insert “or business”.

(c) Section 77D—

After “grant the”, insert “terms or”.

(d) Section 77D—

After “employer” wherever occurring, insert “or person carrying on business”.

Industrial Arbitration (Amendment).

SCHEDULE 4—*continued.***AMENDMENTS TO PART VII OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*****(10) Section 77E—**

After “committee” wherever occurring, insert “or tribunal”.

(11) (a) Section 77G—

After “committee”, insert “or contract determination of a tribunal”.

(b) Section 77G—

Omit “or order” where secondly occurring, insert instead “, order or determination”.

(12) Section 78—

Omit “or a committee”, insert instead “, a committee or a tribunal”.

(13) (a) Section 80 (1)—

After “matter”, insert “or a matter arising under a contract to which Part VIIIA applies”.

(b) Section 80 (2)—

Omit “or a committee”, insert instead “, a committee or a tribunal”.

(c) Section 80 (2)—

Omit “or the committee”, insert instead “, the committee or the tribunal”.

Industrial Arbitration (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART VII OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(d) Section 80 (3)—

Omit “or a committee”, insert instead “a committee or a tribunal”.

(e) Section 80 (3)—

Omit “or committee”, insert instead “committee or tribunal”.

(14) Section 82—

Omit “or a committee”, insert instead “, a committee or a tribunal”.

(15) Section 83—

Omit “or a committee”, insert instead “, a committee or a tribunal”.

(16) Section 83A—

After “committee”, insert “, a tribunal”.

(17) (a) Section 84 (1) (a)—

Omit “or proceeding”, insert instead “, proceeding or contract determination”.

(b) Section 84 (1) (b)—

Omit “or direction”, insert instead “, direction or contract determination”.

Industrial Arbitration (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO PART VII OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(c) Section 84 (1) (b)—

After “industrial matter” wherever occurring, insert
“or matter in respect of which a tribunal has
jurisdiction”.

(d) Section 84 (2)—

Omit the subsection.

Sec. 4.

SCHEDULE 5.

AMENDMENTS TO PART VIII OF THE INDUSTRIAL ARBITRATION
ACT, 1940.

(1) Section 88E (1) (a), (c)—

Omit the paragraphs.

(2) (a) Section 88F (1) (e)—

Omit “or agreement”, insert instead “, industrial
agreement, agreement registered under Part VIIIA or
contract determination”.

(b) Section 88F (4)—

After section 88F (3), insert :—

(4) An application under this section in respect
of a contract of carriage to which Part VIIIA applies
may be made by a party to the contract or by an
association of contract carriers of which a party to
the contract is a member.

Industrial Arbitration (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO PART VIII OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(3) Section 90—

After “award,” insert “contract determination,”.

(4) Section 90A (2)—

At the end of section 90A, insert :—

(2) In subsection (1), a reference to an award includes
a reference to a contract determination.

(5) (a) Section 90B—

Omit “or order” wherever occurring, insert instead
“, order or contract determination”.

(b) Section 90B (2)—

After “union”, insert “or, in the case of a contract
determination, any person or any association
registered under Part VIIIA,”.

(6) Section 91—

After “awards,”, insert “contract determinations,”.

Industrial Arbitration (Amendment).

Sec. 4.

SCHEDULE 6.

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN CONTRACTS.

Part VIIIA—

After Part VIII, insert :—

PART VIIIA.

REGULATED CONTRACTS.

DIVISION 1.—*Preliminary.*

Interpreta-
tion:
Pt. VIIIA.

91A. (1) In this Part “registered agreement” means an agreement registered under Division 3.

(2) The contracts to which this Part applies are contracts of bailment of a public vehicle and contracts of carriage.

DIVISION 2.—*Associations.*

Associa-
tion of
principal
con-
tractors.

91B. (1) The registrar may, on application made in accordance with subsection (2), register any group or organisation as an association of employing contractors where, throughout the period of 6 months that last preceded the making of the application, members of the group or organisation have been—

- (a) bailors under contracts of bailment of a public vehicle made with not less than 25 different bailees; or
- (b) principal contractors under contracts of carriage with not less than 25 different carriers.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

(2) An application referred to in subsection (1) is made in accordance with this subsection if—

- (a) it is in or to the effect of the prescribed form; and
- (b) it is signed by a majority of the members of the governing body of the applicant group or organisation or, if there is no such governing body, by a majority of the members of the group or organisation.

(3) A group or organisation that has made an application under this section is registered when the registrar causes its name to be entered in the register of associations of employing contractors kept by him together with particulars of the class of contracts in relation to which it is registered and such other particulars as may be prescribed.

(4) The commission may order cancellation of the registration of an association of employing contractors—

- (a) if it is satisfied that, throughout the period of 6 months that last preceded the day of the making of the order, the members of the association had not been parties to contracts with at least 25 different carriers, being contracts of the class in relation to which it is registered;
- (b) if it is satisfied that the group or organisation comprising the association has ceased to exist; or
- (c) for any other reason that to it seems appropriate.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

(5) Where the commission makes an order referred to in subsection (4), the registrar shall cancel the registration of the association by removing from the register of associations of employing contractors the name of the association and all entries in the register that relate to it.

Associations
of contract
drivers and
contract
carriers.

91c. (1) After the expiration of the period of 12 months that next succeeds the commencement of the Industrial Arbitration (Amendment) Act, 1979, the registrar may, on application made in accordance with subsection (2)—

- (a) register as an association of contract drivers any group or organisation (including an industrial union of employees) claiming to represent not fewer than 50 bailees of public vehicles; or
- (b) register as an association of contract carriers any group or organisation (including an industrial union of employees) claiming to represent not fewer than 50 carriers each of whom is engaged in the transportation of any load, other than passengers, under contracts of carriage.

(2) An application referred to in subsection (1) is made in accordance with this subsection if—

- (a) it is in or to the effect of the prescribed form; and
- (b) it is signed by a majority of the members of the governing body of the applicant group or organisation or, if there is no such governing body, by a majority of the members of the group or organisation.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

(3) The registrar shall cause notice of an application referred to in subsection (1) to be published as prescribed.

(4) Any person may, by notice in writing served on the registrar within the prescribed period, object to the granting of an application referred to in subsection (1) on the ground—

- (a) that the applicant does not genuinely represent the interests under this Act of the bailees or carriers that it claims to represent; or
- (b) that the interests under this Act of bailees or carriers whom the applicant claims to represent are already represented by an association of contract drivers or an association of contract carriers.

(5) The registrar shall fix a time and place for the hearing by him of objections served on him under subsection (4) and shall notify the applicant and the objectors of that time and place.

(6) At the hearing of an objection served under subsection (4), the objector and the applicant are entitled to be heard and, after considering the evidence given and the submissions made at the hearing, the registrar shall, if he sustains the objection, refuse the application to which the objection relates.

(7) The registrar shall, in writing, notify all objectors to the granting of an application referred to in subsection (1), and the applicant, of his decision on the objections and of his reasons for that decision.

Industrial Arbitration (Amendment).

SCHEDULE 6—continued.**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—continued.**

(8) Whether or not an objection is made under this section, the registrar may refuse to register an application referred to in subsection (1) on any ground on which an objection may be made to the application and shall, where he so refuses to register an application, notify the applicant in writing of his refusal and of his reasons for that refusal.

(9) A group or organisation that has made an application under this section is registered when the registrar causes its name to be entered in the register of associations of contract drivers kept by him or the register of associations of contract carriers so kept, as the case may require, together with particulars of the class of contracts in relation to which it is registered and such other particulars as may be prescribed.

(10) A branch of a group or organisation shall not be registered separately as an association under this section unless, in the opinion of the registrar, it is of sufficient importance to be so registered.

(11) The registrar may issue a certificate of withdrawal with respect to an association of contract drivers or an association of contract carriers if he is satisfied that—

- (a) an application for such a certificate has been made in the prescribed manner;
- (b) written notice of the intention to apply for such a certificate has been given within the period and in the manner prescribed; and
- (c) such other conditions as may be prescribed have been complied with.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.***

(12) The commission may order cancellation of the registration of an association of contract drivers or an association of contract carriers or a particular group, class or section of such an association—

- (a) if it is satisfied that the group or organisation comprising the association has ceased to exist; or
- (b) for any other reason that to it seems appropriate.

(13) Where, in relation to an association of contract drivers or an association of contract carriers—

- (a) an order has been made under subsection (12);
or
- (b) a certificate of withdrawal has been issued under subsection (11) and the period of 28 days that next succeeds the issue of the certificate has expired,

the registrar shall cancel the registration of the association by removing from the relevant register the name of the association and all entries in the register that relate to it.

(14) Where the registration of an association is cancelled under this section, the commission may cancel—

- (a) any contract determination in force with respect to members of the association; or
- (b) any registered agreement so in force.

(15) The commission may, upon such grounds as it thinks fit, modify or revoke the right of an association to enrol and represent, for the purposes of this Act, bailees of public vehicles or carriers.

Industrial Arbitration (Amendment).

SCHEDULE 6—continued.

**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—continued.**

**Saving of
certain
obligations.**

91D. The cancellation of the registration of an association under section 91C, or the cancellation under section 91C (14) of a determination or agreement, does not operate to relieve the association or any of its members from any obligations incurred before the cancellation under the determination or agreement or under an order of the commission, a conciliation commissioner or a tribunal.

**Change of
name or
amalgama-
tion of
associations.**

91E. (1) Where—

(a) an association, whether of employing contractors, contract drivers or contract carriers, has changed its name; or

(b) two or more such associations have amalgamated, the registrar may, on application being made to him by that association, or, as the case may be, by those amalgamated associations, as provided in subsection (2), record any such change of name or amalgamation in the appropriate register or registers in such manner as he thinks fit.

(2) An application referred to in subsection (1) shall be made in the prescribed manner, shall be in or to the effect of the prescribed form and shall be signed by a majority of the members of the governing body or bodies or committee or committees of management of the association or associations concerned.

(3) A recording made under subsection (1) shall be deemed to be a re-registration of the applicant association or associations under such name as is specified in the application, but any such change of name or amalgamation

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

does not affect any rights, liabilities or obligations of the applicant association or associations which existed immediately before the recording was made.

(4) The registrar may, in respect of an application made under this section by an association or associations of contract drivers or contract carriers, or both, refuse the application and require the association or associations to make an application for registration under section 91C under the changed or amalgamated name.

91F. (1) On the registration of an association of employing contractors, contract drivers or contract carriers, the registrar shall issue to the association a certificate in or to the effect of the prescribed form that the association is registered as an association of employing contractors or, as the case may be, as an association of contract drivers or an association of contract carriers and the certificate shall be conclusive evidence that the requirements of this Act as to registration have been satisfied. Certificates of registration, etc.

(2) On application being made to the registrar by a person claiming to be the secretary of an association of employing contractors, contract drivers or contract carriers, the registrar may, if he is satisfied that that person has been duly elected or appointed as the secretary of the association and that the requirements of the constitution of the association relating to that election or appointment have been complied with, issue a certificate in or to the effect of the prescribed form that that person is the secretary of an association of employing contractors, contract drivers or contract carriers, as the case may be, and

Industrial Arbitration (Amendment).

SCHEDULE 6—continued.**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—continued.**

that certificate shall be admissible in evidence in any proceedings under this Act and shall be evidence that that person is the secretary of the association that is specified in the certificate.

(3) A person to whom a certificate has been issued under subsection (2) shall, on ceasing to hold office as secretary of the association specified in the certificate, or on being requested by the registrar to do so, forthwith return the certificate to the registrar for cancellation.

(4) A person who fails to comply with subsection (3) when it is within his power to do so is guilty of an offence and is liable on conviction to a penalty not exceeding \$200.

Registers
to be kept.

91G. (1) The registrar shall keep a register of associations of employing contractors, a register of associations of contract drivers and a register of associations of contract carriers which shall be open to inspection by any person at the office of the registrar at all times when that office is open for business.

(2) The registers referred to in subsection (1) shall be kept in such form and contain such particulars as may be prescribed.

(3) A certificate purporting to be under the hand of the registrar and purporting to contain a true and correct copy of a recording made in a register kept under this section is admissible in evidence in any proceedings under this Act, is evidence of the matters specified in the certificate and, until the contrary is proved, shall be deemed to be a true and correct copy of the recording.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

DIVISION 3.—*Agreements.*

91H. (1) An association of contract drivers may enter into an agreement in writing with a bailor of a public vehicle, or with an association of employing contractors representing bailors of public vehicles, with respect to the conditions of contracts of bailment made with that bailor or, as the case may be, bailors represented by the association. Certain agreements may be entered into.

(2) An association of contract carriers may enter into an agreement in writing with a principal contractor, or with an association of employing contractors, with respect to the conditions of contracts of a specified class made with carriers by that principal contractor or, as the case may be, with principal contractors represented by the association.

(3) Where an agreement entered into under subsection (1) or (2) is registered and is for a term, specified in the agreement, not exceeding 5 years from the date on which it is entered into, the agreement, or the agreement as varied in accordance with this section, is binding on the parties to the agreement and, in the case of a party that is an association, on all members of the association.

(4) An agreement under this section is registered when it is filed in the office of the registrar.

Industrial Arbitration (Amendment).

SCHEDULE 6—continued.**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—continued.**

(5) An agreement that, by the operation of subsection (3), is binding on a corporation as a member of an association of contract carriers is, except to the extent that the agreement otherwise provides, also binding on—

- (a) any director of the corporation, or any member of the family of any such director, who personally does work under a contract to which the agreement relates and to which the corporation is a party;
- (b) any holder of shares in the corporation who personally does work under any such contract where that holder, together with the members of his family, has a controlling interest in the corporation; and
- (c) any member of the family of the holder of shares in the corporation who personally does work under any such contract where that holder, together with the members of his family, has a controlling interest in the corporation.

(6) A registered agreement may be varied or rescinded by the parties thereto by filing in the office of the registrar written notice of the variation or rescission.

(7) Where a provision of a contract of a class to which a registered agreement relates is inconsistent with a provision of the agreement, the agreement prevails and the contract shall be deemed to have been varied to the extent necessary to remove the inconsistency.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

(8) The registrar shall cause to be published in the Gazette or in the New South Wales Industrial Gazette a copy of each registered agreement, and of each variation of such an agreement, as soon as practicable after the agreement or variation is filed in his office.

91I. A registered agreement continues in force after the expiration of the term specified in it until varied or rescinded by the parties or by the commission or until notice of termination is given by a party to the agreement to the other party or parties and to the registrar. Agreement continues in force after expiration.

DIVISION 4.—*Contract Regulation Tribunals.*

91J. (1) The commission may, of its own motion or on application by an association of employing contractors, contract drivers or contract carriers, establish a contract regulation tribunal in respect of any class of contracts that are contracts to which this Part applies. Establishment of tribunals.

(2) Each tribunal shall consist of the following members appointed by the commission :—

- (a) a conciliation commissioner who shall be chairman of the tribunal;
- (b) such number of members, nominated in the prescribed manner by the prescribed person, as the commission determines, being—
 - (i) where the class of contracts for which the tribunal is established is a class of contracts of bailment of a public vehicle—members representing bailors of public vehicles bailed under contracts of that class; or

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

- (ii) where the class of contracts for which the tribunal is established is a class of contracts of carriage—members representing principal contractors under contracts of that class; and
 - (c) an equal number of members, nominated in the prescribed manner by the prescribed person, being—
 - (i) where the class of contracts for which the tribunal is established is a class of contracts of bailment of a public vehicle—members representing bailees of public vehicles bailed under contracts of that class; or
 - (ii) where the class of contracts for which the tribunal is established is a class of contracts of carriage—members representing carriers under contracts of that class.
- (3) A person shall not be appointed as a member (including a deputy or alternate member) of a tribunal unless the commission is satisfied that he—
- (a) is or has been a party to contracts of the class with which the tribunal is concerned; or
 - (b) is acquainted with conditions prevailing in relation to contracts of that class.
- (4) The commission may appoint persons, nominated in the prescribed manner by the prescribed person, to be deputy or alternate members of a tribunal, and persons so appointed shall be competent to discharge the duties of regular members of the tribunal.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

(5) Where no nomination has been made of a person who is willing to be a member of a tribunal to represent bailors, principal contractors, bailees or carriers, as the case may be, the commission may, subject to subsection (3), appoint a person without his being nominated.

(6) A member of a tribunal other than the chairman is not entitled to be paid any remuneration by way of salary or fee but is entitled to be paid such travelling and subsistence allowances as the Minister may from time to time determine in respect of him.

(7) On appointment, a member of a tribunal shall take the prescribed oath, but where a person on appointment as a member of a tribunal has taken the prescribed oath, that person is not, on any subsequent appointment as a member of a tribunal, required to take a further oath if the oath originally taken by him was recorded by the registrar.

(8) The registrar shall keep a register in which he shall cause to be recorded oaths taken in accordance with subsection (7).

(9) The commission may at any time dissolve a tribunal.

(10) A member of a tribunal shall hold office until the tribunal is dissolved, the member dies or resigns or the person who nominated him notifies the registrar that the nomination is withdrawn, whichever first occurs.

Industrial Arbitration (Amendment).

SCHEDULE 6—continued.**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—continued.**

(11) A new tribunal may be appointed to replace a tribunal which has been dissolved or the members of which have resigned or otherwise ceased to hold office.

(12) On the occurrence of a vacancy in the membership of a tribunal, the commission may appoint a duly qualified person, nominated in the prescribed manner by the prescribed person, to fill the vacancy.

(13) A tribunal may, notwithstanding that any person has been appointed to fill a vacancy that has occurred on the tribunal, continue the hearing and determination of any matter which it was hearing when the vacancy occurred.

(14) On the appointment of a member to a tribunal under this section or on the cessation of office of a member of the tribunal, the commission shall cause a notice of that appointment or cessation of office to be published in the Gazette or in the New South Wales Industrial Gazette.

(15) A copy of a Gazette or of a New South Wales Industrial Gazette containing a notice of appointment purporting to have been published in accordance with subsection (14) is conclusive evidence that the person named in the notice has been properly appointed as a member of the tribunal specified in the notice and has, until a notice of cessation of office is published in respect of that person in accordance with that subsection, power and jurisdiction to act as a member of the tribunal and such an appointment shall not be challenged for any cause.

Industrial Arbitration (Amendment).

SCHEDULE 6—continued.

**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—continued.**

91K. (1) Subject to this Act, a tribunal established for a class of contracts of bailment of a public vehicle may inquire into any matter arising under contracts of that class and may make a contract determination with respect to—

Jurisdiction of tribunal with respect to contracts of bailment of public vehicle.

- (a) the minimum rate of commission, expressed as a percentage of the chargeable fares earned, which the bailor is to allow the bailee;
 - (b) the amounts, if any, to be paid by the bailor to the bailee—
 - (i) as attendance money when the bailee is required to attend at a place where the public vehicle is to be bailed to him but no such bailment takes place; and
 - (ii) for special duties such as preparing and driving a public vehicle to a registering or licensing authority for inspection;
 - (c) annual holidays, sick leave and long service leave for the bailee or payments to the bailee instead of any such leave;
 - (d) the minimum number of hours per day, per week or for any longer period during which the bailor is to bail the vehicle, if drivable, to the bailee;
 - (e) where it is satisfied that it is imperative to do so in the interests of bailors, bailees and the public—the maximum number of hours per day, per week or for any longer period that a bailee may drive a public vehicle; and
 - (f) other conditions,
- under contracts of that class.

Industrial Arbitration (Amendment).

SCHEDULE 6—continued.**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—continued.**

(2) Subsection (1) (a) does not authorise a tribunal to fix penalty rates of commission in relation to excess hours of work or work on specified days but, in fixing a rate of commission under subsection (1) (a), a tribunal may take into account all the circumstances in which a public vehicle is driven for reward.

(3) Subject to this Act, a tribunal established for a class of contracts of bailment of a public vehicle may, after inquiry, make a contract determination with respect to the reinstatement of a contract of bailment that has terminated.

Jurisdic-
tion of
tribunal
with
respect to
contracts
of carriage.

91L. (1) Subject to this Act, a tribunal established for a class of contracts of carriage may inquire into any matter arising under contracts of that class and may make a contract determination with respect to remuneration of the carrier, and any condition, under a contract of that class.

(2) In exercising its jurisdiction under subsection (1), a tribunal may—

- (a) include in the remuneration of persons affected by its determination such allowance instead of annual or other holidays, long service leave or sick leave as it thinks fit; or
- (b) otherwise make provision for all or any of those matters.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.***

91M. (1) Where application is made to a tribunal to exercise its jurisdiction under section 91K or 91L, the chairman of the tribunal shall, before the tribunal considers the application, summon to a conference with the tribunal the applicant and such other persons served with the application as he may direct.

Conference
to precede
contract de-
termination.

(2) Where a person is summoned under subsection (1) to a conference and he fails, without lawful excuse, to attend the conference in accordance with the summons, or if he leaves the conference without the consent of the chairman of the tribunal, he is guilty of an offence and liable to a penalty not exceeding \$100.

(3) A conference under subsection (1) shall be held in private unless the tribunal otherwise directs and, at the conference, the tribunal shall—

- (a) ascertain which of the matters with which the application is concerned are in dispute and which are not;
- (b) ascertain whether there are any special circumstances or problems existing with respect to contracts of the class with which the application is concerned; and
- (c) take all reasonable steps to effect an amicable settlement of any matters in dispute.

(4) After conferring on an application as provided by subsection (1), a tribunal may—

- (a) dismiss the application;
- (b) proceed to hear the application or specify a time and place at which it will be heard; or

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.***

- (c) adjourn the application for such period or periods as it thinks fit.

(5) Before hearing an application, a tribunal may require service of the application on such persons as it may direct.

(6) If, at a conference held under this section, agreement is reached on any matter, the tribunal may—

- (a) require that the agreement be reduced to writing; and
- (b) give effect to the agreement as a contract determination.

DIVISION 5.—*Contract Determinations.*

**Contract
determina-
tions.**

91N. (1) After hearing an application to exercise its jurisdiction under section 91K or 91L, a tribunal may—

- (a) dismiss the application; or
- (b) make a contract determination with respect to the application.

(2) Where a tribunal makes a contract determination—

- (a) it may defer the operation of the determination wholly or in part for such period or periods, and subject to such conditions, as it thinks fit;
- (b) it may specify a period at the end of which the determination ceases to have effect;

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.***

- (c) it shall specify the class or classes of contracts in respect of which the determination is to operate; and
- (d) in specifying the class or classes of contracts in respect of which the determination is to operate, it may limit its operation to contracts of that class, or those classes, made—
 - (i) in the case of contracts of bailment—
with one or more named bailors; or
 - (ii) in the case of contracts of carriage—with
one or more principal contractors.

91o. (1) In making a contract determination, a tribunal may defer operation of the determination, or any part of its operation, for such period, and subject to such conditions (if any), as it may specify. Contract determinations generally.

(2) A tribunal may vary or rescind a contract determination which has been made by it or its predecessor and, where it rescinds a determination, it may replace that determination with a new determination.

(3) When making a contract determination or at any time after making a contract determination, a tribunal may exempt from the determination or from any part of the determination—

- (a) a specified type of work done by carriers to whom the determination applies;
- (b) any group of bailees or carriers specified in the determination either by name or by reference to the type of work done by those bailees or carriers;
or

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

- (c) any one or more bailors or principal contractors.

Binding
force of
determin-
ation.

91P. (1) Subject to the right of appeal under this Act, and to such exemptions and conditions as the tribunal or the commission may determine and direct, a contract determination is binding on all bailors and bailees or, as the case may be, on all principal contractors and carriers, who are parties to contracts of the class to which the determination relates as the tribunal or the commission may direct and within the locality and for the period not exceeding 3 years specified therein and thereafter until varied or rescinded.

(2) A contract determination that is binding on a carrier which is a corporation is, except to the extent that the determination otherwise provides, also binding on—

- (a) any director of the corporation, or any member of the family of any such director, who personally does work under a contract to which the determination relates and to which the corporation is a party;
- (b) any holder of shares in the corporation who personally does work under any such contract where that holder, together with the members of his family, has a controlling interest in the corporation; and
- (c) any member of the family of the holder of shares in the corporation who personally does work under any such contract where that holder, together with the members of his family, has a controlling interest in the corporation.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

(3) Where a provision of a contract of a class to which a contract determination relates is inconsistent with a provision of the determination, the determination prevails and the contract shall be deemed to have been varied to the extent necessary to remove the inconsistency.

91Q. A tribunal may, in its discretion, direct that a contract determination made by it shall take effect on and from a specified day that is subsequent to the lodging with the registrar of the application for the determination, but the determination shall not become operative or enforceable as a contract determination until 14 days after publication in the Gazette.

Date of
determina-
tion.

91R. (1) A tribunal may inquire into any contract which could result in the transportation of any load, other than passengers, by motor lorry and may, after such an inquiry, declare that, in the opinion of the tribunal—

Evasion
of Act.

- (a) the contract was entered into for the purpose of defeating, evading or avoiding the provisions of this Act relating to contracts of carriage; and
- (b) but for being entered into for that purpose the contract would have been a contract of carriage.

(2) Where a declaration is made under subsection (1) or a like declaration is made by the commission, the contract to which the declaration relates is, for the purposes of this Act, a contract of carriage.

*Industrial Arbitration (Amendment).***Sec. 4.****SCHEDULE 7.****AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION ACT, 1940.****(1) Part IX, heading—**

After "AWARDS", insert "AND CONTRACT DETERMINATIONS".

(2) Sections 92B, 92C—

After section 92A, insert :—

Recovery of remuneration under contract of bailment or carriage.

92B. (1) Where a contract determination or agreement registered under Part VIIIA applies to a contract of bailment of a public vehicle, the bailor shall pay to the bailee in full in money, or permit the bailee to retain from money that would otherwise be payable to the bailor, without any deduction not authorised by the determination or agreement, all commission and other payments due to the bailee under the contract in accordance with the determination or agreement.

(2) Where a contract determination or agreement registered under Part VIIIA applies to a contract of carriage, the principal contractor under the contract shall pay to the carrier under the contract in full in money or, with the consent of the carrier, by cheque all remuneration due to the carrier under the contract in accordance with the determination or agreement.

(3) A bailee under a contract of bailment of a public vehicle to which a contract agreement or determination under Part VIIIA applies may apply in the prescribed manner to an industrial magistrate for an order directing the bailor to pay to the bailee the amount, or the balance of the amount, due to the bailee under subsection (1).

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(4) A carrier under a contract of carriage to which a contract determination or agreement registered under Part VIIIA applies may apply in the prescribed manner to an industrial magistrate for an order directing the principal contractor under the contract to pay to the carrier the amount, or the balance of the amount, due to the carrier under subsection (2).

(5) The bailor under a contract of bailment of a public vehicle to which a contract determination or agreement registered under Part VIIIA applies may apply in the prescribed manner to an industrial magistrate for an order directing the bailee under the contract to pay to the bailor any amount, or the balance of any amount, that, pursuant to the contract, was payable to the bailor.

(6) An application under this section may not be made in respect of any money payable, or failure to bail a public vehicle occurring, under a contract where the money was payable, or the failure occurred, earlier than 12 months after—

- (a) the date of the application; or
- (b) if the contract was terminated before that date—
—the date of termination of the contract.

(7) In proceedings under this section, an industrial magistrate may make any order he thinks just, may award costs to either party and may assess the amount of those costs and he may, if it appears to him that a breach of section 93 has been committed, impose any penalty that he might have imposed in proceedings under section 93.

Industrial Arbitration (Amendment).

SCHEDULE 7—continued.**AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION ACT, 1940—continued.**

(8) A person entitled to apply for an order for the payment of money under this section may, instead of applying for such an order, recover the money as a debt in a court of competent jurisdiction but any person aggrieved by any judgment or order of a court made pursuant to this subsection may appeal, as prescribed, to the commission which may on hearing the appeal, exercise the same powers as it has under section 92 (3) in relation to a judgment or order of a court.

(9) A person may take proceedings under this section and recover any money due, and costs, notwithstanding that, when the money became due he was, or when the proceedings are instituted he is, under the age of 18 years.

(10) Where money is due to a bailee or carrier in respect of a contract of bailment of a public vehicle, or a contract of carriage, that has been terminated and the bailor or principal contractor under the contract has been unable during the period of 30 days after termination of the contract to pay the money to the bailee or carrier because his whereabouts are unknown and he cannot with reasonable diligence be found, the bailor or principal contractor, as the case may be, shall forthwith pay the money to the Under Secretary, Department of Industrial Relations and Technology, to be held by him in trust for the bailee or carrier or, if he still holds the money after the expiration of 2 years after termination of the contract, to be paid by him to the Special Deposits Account referred to in section 5 of the Audit Act, 1902.

(11) Payment by a bailor or principal contractor of an amount in accordance with subsection (10) is a sufficient discharge to him for that amount.

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(12) An order may be made under this section notwithstanding a prior acceptance of an amount smaller than the amount for which an order could be made and notwithstanding any express or implied agreement to the contrary.

(13) A bailor or principal contractor who fails to make a payment that he is, by subsection (9), required to make is liable to a penalty not exceeding \$100.

92c. (1) Proceedings that may be taken by a bailee under section 92B may, instead of being taken by the bailee, be taken in the name of the bailee and on his behalf by the secretary or other officer of an association of contract drivers registered under Part VIIIA. Persons who may bring proceedings.

(2) Proceedings that may be taken by a carrier under section 92B may, instead of being taken by the carrier, be taken—

- (a) with the consent of the carrier—in the name of the carrier and on his behalf by the secretary or other officer of an association of contract carriers registered under Part VIIIA;
 - (b) where the carrier is a partnership—by any partner in his own name for the benefit of the partnership; and
 - (c) where the carrier is a corporation—
 - (i) in his own name by a director of the corporation; or
 - (ii) in his own name by a shareholder in the corporation referred to in section 5 (3A)
- (c) (ii),
for the benefit of the corporation.

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(3) Subsections (1) and (2) do not authorise the taking of proceedings by more than one person in respect of the same amount sought to be recovered and, where proceedings are so taken, the court may order that any of those proceedings be stayed, or dismissed, on such terms as the court thinks fit.

(4) Any amount ordered to be paid as a result of proceedings taken in accordance with this section shall, after deducting any costs properly incurred in connection with the proceedings and not paid by the bailor or principal contractor, be paid—

- (a) where the proceedings were taken in accordance with subsection (1)—to the secretary or other officer who took the proceedings; or
- (b) where the proceedings were taken in accordance with subsection (2)—to the person in whose name the proceedings were taken,

to be held by him on trust for the person by whom, but for this section, the proceedings would have been taken.

(5) Where money is paid to a person pursuant to subsection (4), his receipt is a sufficient discharge for the amount paid.

(3) (a) Section 93 (1)—

Omit “or a breach of an industrial agreement”, insert instead “industrial agreement, contract determination or agreement registered under Part VIIIa”.

(b) Section 93 (2)—

After “penalty”, insert “in relation to a breach of an award or industrial agreement”.

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(c) Section 93 (2A), (2B)—

After section 93 (2), insert :—

(2A) Where, in proceedings under subsection (1) for a breach of a contract determination or an agreement registered under Part VIIIA it appears that the breach complained of relates to the failure of the defendant to pay any money that may be recovered under section 92B, the industrial magistrate may also make such an order with respect to that money as he might have made in proceedings under section 92B.

(2B) An order under subsection (2A) for the payment of money may be made without motion and operates as a bar to recovery of the money under section 92B.

(d) Section 93 (3)—

Omit “or industrial agreement”, insert instead “, industrial agreement, contract determination or agreement registered under Part VIIIA, as the case may be”.

(e) Section 93 (4A)—

After section 93 (4), insert :—

(4A) Proceedings for a breach of a contract determination or agreement registered under Part VIIIA may be taken by the Minister, a bailor under a contract of bailment of a public vehicle, a principal contractor under a contract of carriage or the secretary of an association registered under Part VIIIA and an industrial magistrate may, in any such proceedings, award costs to either party and assess those costs according to a scale fixed by the commission.

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(f) Section 93 (5)—

After “92,” insert “92B.”

(4) (a) Section 93A (1)—

After “92”, insert “, section 92B”.

(b) Section 93A (1)—

After “employer”, insert “or principal contractor”.

(5) (a) Section 94—

After “employees”, insert “, association of employing contractors, association of contract drivers or association of contract carriers”.

(b) Section 94—

After “union” where secondly occurring, insert “or association”.

(c) Section 94—

After “agreement”, insert “, or a breach of a contract determination or an agreement registered under Part VIIIA.”

(6) (a) Section 96 (1A)—

After “(1)”, insert “or (2B).”

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(b) Section 96 (2A), (2B)—

After section 96 (2), insert :—

(2A) Such daily or other periodic records as may be prescribed shall be kept by—

(a) the bailor of a public vehicle under a contract of bailment to which a contract determination, or an agreement registered under Part VIIIA, applies; and

(b) the principal contractor under a contract of carriage to which such a determination or agreement applies,

in such manner as may be prescribed or approved by the commission.

(2B) A bailor or principal contractor who fails to comply with subsection (2A) is liable to a penalty not exceeding \$40 in the case of a first offence or \$100 in the case of a second or subsequent offence.

(7) (a) Section 96A (1)—

After “92,” insert “section 92B,”.

(b) Section 96A (1)—

Omit “or industrial agreement” wherever occurring, insert instead “, industrial agreement, contract determination or agreement registered under Part VIIIA”.

(c) Section 96A (1)—

After “award” where thirdly occurring, insert “, determination”.

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(d) Section 96A (1)—

After “employer” wherever occurring, insert “, bailor
or principal contractor, as the case may be,”.

Sec. 4.

SCHEDULE 8.

AMENDMENTS TO PART XII OF THE INDUSTRIAL ARBITRATION
ACT, 1940.

(1) Section 118, short heading—

After “unions”, insert “and associations”.

(2) (a) Section 118—

After “union” where firstly occurring, insert
“, association of employing contractors, association of
contract drivers or association of contract carriers”.

(b) Section 118—

After “union” where secondly occurring, insert “or
association”.

(3) (a) Section 119 (1)—

After “92,”, insert “92B,”.

(b) Section 119 (1)—

Omit “or union” wherever occurring, insert instead
“, union or association”.

Industrial Arbitration (Amendment).

SCHEDULE 8—*continued.*

AMENDMENTS TO PART XII OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(4) (a) Section 122—

After “union” where firstly occurring, insert “or an association registered under Part VIIIA”.

(b) Section 122—

After “union” where secondly occurring, insert “or association”.

(5) Section 124—

After “committee”, insert “, a tribunal”.

(6) (a) Section 127 (1A)—

After section 127 (1), insert :—

(1A) In addition to the powers and duties conferred or imposed by or under subsection (1), an inspector may—

- (a) at any reasonable time inspect the premises of a bailor under a contract of bailment of a public vehicle or of a principal contractor under a contract of carriage, being premises at which any obligation under the contract is incurred or performed;
- (b) at any reasonable time require such a bailor or principal contractor to produce for his examination the records of the bailor or principal contractor referred to in section 96 (2A);

Industrial Arbitration (Amendment).

SCHEDULE 8—*continued.*AMENDMENTS TO PART XII OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

- (c) at any reasonable time examine any bailee or carrier under such a contract with respect to payments made under the contract to him by, or by him to, the bailor or principal contractor and his hours of work as a bailee or carrier under the contract; or
 - (d) on obtaining the authority of the Minister, institute proceedings for a penalty under section 93.
- (b) Section 127 (2)—

After “employed”, insert “, or a business which involves entering into contracts of bailment of a public vehicle or contracts of carriage,”.
- (c) Section 127 (3)—

Omit “or pay-sheets”, insert instead “, pay-sheets or records”.
- (7) (a) Section 128—

After “committee” wherever occurring, insert “or tribunal”.
- (b) Section 128—

After “industry”, insert “, or any premises of a bailor or principal contractor,”.
- (8) (a) Section 129 (1)—

After “committee”, insert “or a tribunal”.

Industrial Arbitration (Amendment).

SCHEDULE 8—*continued.*

AMENDMENTS TO PART XII OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(b) Section 129 (1)—

After “award”, insert “or contract determination”.

(c) Section 129 (1)—

Omit “or document”, insert instead “, document or other record”.

(d) Section 129 (2)—

After “employed”, insert “, or a business which involves entering into contracts of bailment of a public vehicle or contracts of carriage,”.

(9) Section 129A (6)—

After section 129A (5), insert :—

(6) This section applies to and in respect of an officer of an association of contract drivers, and an officer of an association of contract carriers, in the same way as it applies to and in respect of an officer of an industrial union of employees, and it so applies as if in this section—

- (a) a reference to members of the industrial union or persons in the same calling were a reference to members of the association or persons who are bailees or carriers under contracts of the same class as those members;
- (b) a reference to employees were a reference to those members, bailees and carriers;

Industrial Arbitration (Amendment).

SCHEDULE 8—*continued.*AMENDMENTS TO PART XII OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

- (c) a reference to an award or industrial agreement in force in relation to an industry were a reference to a contract determination, or an agreement registered under Part VIIIA, in force in relation to a class of contracts;
 - (d) a reference to employees engaged in an industry were a reference to bailees of public vehicles and carriers;
 - (e) a reference to an employer engaged in an industry were a reference to a bailor of a public vehicle or a principal contractor under a contract of carriage, as the case may require;
 - (f) a reference to time and pay sheets were a reference to records referred to in section 127 (1A) (b); and
 - (g) a reference to some manufacture or trade in which labour is employed were a reference to a business which involves entering into contracts of bailment of a public vehicle or contracts of carriage.
- (10) (a) Section 130 (1)—
After “committee” wherever occurring, insert “or tribunal”.
- (b) Section 130 (1) (c)—
After “award”, insert “or by a principal contractor of a contract determination”.
- (c) Section 130 (1) (e)—
After “industry,”, insert “or for the purposes of a contract to which Part VIIIA applies,”.

Industrial Arbitration (Amendment).

SCHEDULE 8—continued.

**AMENDMENTS TO PART XII OF THE INDUSTRIAL ARBITRATION
ACT, 1940—continued.**

(d) Section 130 (1) (j)—

After “unions”, insert “, associations of employing contractors, associations of contract drivers and associations of contract carriers”.

SCHEDULE 9.

Sec. 4.

**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940, BY
WAY OF STATUTE LAW REVISION.**

(1) (a) Section 5 (1), definition of “Metropolitan district court”—

Omit the definition.

(b) Section 5 (1), definition of “Trade union”—

Omit “— 1936”.

(c) Section 5 (1), definition of “Under Secretary”—

Omit “Labour and Industry”, insert instead “Industrial Relations and Technology”.

(2) (a) Section 15 (5) (a)—

Omit the paragraph, insert instead :—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration, allowances or estate for their benefit;

Industrial Arbitration (Amendment).

SCHEDULE 9—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
BY WAY OF STATUTE LAW REVISION—*continued.*

(b) Section 15 (5) (c)—

Omit the paragraph, insert instead :—

- (c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(3) Section 20 (1A)—

Omit “paragraphs”, insert instead “subsection (1)”.

(4) Section 35 (3)—

Omit “sittings”, insert instead “sitting”.

(5) Section 38—

Omit “—1934”.

(6) Section 89 (1)—

Omit “Division 2A of Part II of the Factories and Shops Act, 1912–1957”, insert instead “Part VII of the Factories, Shops and Industries Act, 1962”.

(7) Section 92 (6A)—

Omit “, as amended by subsequent Acts”.

Industrial Arbitration (Amendment).

SCHEDULE 9—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
BY WAY OF STATUTE LAW REVISION—*continued.*

(8) Section 119 (1)—

Omit “in the district court or court of petty sessions named in such order, or if no such court is so named, in the metropolitan district court at the suit of the Crown or person or union respectively,”, insert instead “in a court competent to give judgment for a debt of an amount equal to that amount, being a judgment in favour of the person who obtained the order and”.

(9) (a) Section 120 (3)—

Omit “and any Act amending the same,”.

(b) Section 120 (3)—

Omit “a court of quarter sessions”, insert instead “the District Court”.

(10) (a) Section 121—

Omit “, police,”.

(b) Section 121—

Omit “— 1940”.

(11) (a) Section 123 (1A) (b)—

Omit “— 1947”.

(b) Section 123 (2)—

Omit “in the district court or court of petty sessions named in the order, or if no such court is so named, then in the metropolitan district court, at the suit of

Industrial Arbitration (Amendment).

SCHEDULE 9—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
BY WAY OF STATUTE LAW REVISION—*continued.*

the person in whose favour such order is made,”
insert instead “in a court competent to give judgment
for a debt of an amount equal to that amount, being
a judgment in favour of the person who obtained the
order and”.

(12) Section 126 (1)—

Omit “police”, insert instead “stipendiary”.

(13) (a) Section 130 (2)—

Omit the subsection, insert instead :—

(2) Section 41 of the Interpretation Act, 1897,
applies in respect of a regulation made under this
Act as if this Act had been passed after the commence-
ment of the Interpretation (Amendment) Act, 1969.

(b) Section 130 (3)—

Omit the subsection.

SCHEDULE 10.

Sec. 5.

REGISTRATION OF CERTAIN ASSOCIATIONS OF CONTRACT DRIVERS AND
CONTRACT CARRIERS.

PART 1.

Preliminary.

1. In this Schedule, “Principal Act” means the Industrial Arbitration Act,
1940, as amended by this Act.

Industrial Arbitration (Amendment).

SCHEDULE 10—*continued.*

REGISTRATION OF CERTAIN ASSOCIATIONS OF CONTRACT DRIVERS AND
CONTRACT CARRIERS—*continued.*

2. Expressions used in this Schedule have the same meanings as they have in the Principal Act.
3. This Schedule ceases to have effect on the expiration of the period of 12 months that commences on the commencement of this Act but—
 - (a) anything done pursuant to this Schedule has effect, and continues to have effect, as if it had been duly done under the Principal Act; **and**
 - (b) any membership continued under this Schedule shall be deemed to have been duly continued under the Principal Act.

PART 2.

Associations of Contract Drivers.

3. Upon application made to the registrar by the industrial union known as the Transport Workers' Union of Australia, New South Wales Branch, in the manner and form prescribed by or under the Principal Act in respect of an application for registration as an association of contract drivers, the registrar—
 - (a) shall approve such alteration of the rules of that industrial union as would enable it to be registered under the Principal Act as an association of contract drivers to represent bailees of public vehicles; and
 - (b) shall so register that industrial union by entering its name in the register of associations of contract drivers to be kept by him, together with such particulars as may be prescribed by or under the Principal Act.
4. Where, immediately before the adoption by the industrial union referred to in clause 3 of an alteration of rules referred to in clause 3 (a), a member of that industrial union was a bailee of a public vehicle, he continues after the adoption of the rule as a member of that industrial union until his membership is lawfully terminated notwithstanding that, by virtue of the amendments made by this Act, his membership would, but for this clause, have ceased.

Industrial Arbitration (Amendment).

SCHEDULE 10—*continued.*REGISTRATION OF CERTAIN ASSOCIATIONS OF CONTRACT DRIVERS AND
CONTRACT CARRIERS—*continued.*

PART 3.

Associations of Contract Carriers.

5. Upon application made to the registrar by an industrial union specified in abbreviated form in the first column of the Table to Part 4 of this Schedule in the manner and form prescribed by or under the Principal Act in respect of an application for registration as an association of contract carriers, the registrar—

- (a) shall approve such alteration of the rules of that industrial union as would enable it to be registered under the Principal Act as an association of contract carriers to represent carriers having with principal contractors contracts of the class specified opposite the abbreviated name of that industrial union in the second column of the Table to Part 4, subject to any qualification specified in the third column of the Table to Part 4; and
- (b) shall so register that industrial union by entering its name in the register of associations of contract carriers to be kept by him, together with such particulars as may be prescribed by or under the Principal Act.

6. Where, immediately before the adoption by an industrial union specified in abbreviated form in the first column of the Table to Part 4 of this Schedule of an alteration of its rules referred to in clause 5 (a), a member of that industrial union was a carrier, he continues after the adoption of the rule as a member of that industrial union until his membership is lawfully terminated notwithstanding that, by virtue of the amendments made by this Act, his membership would, but for this clause, have ceased.

PART 4.

Industrial Unions to be Registered as Associations of Contract Carriers.

7. In the Table to this Part of this Schedule—

“B.C.A.” means the Brick Carriers’ Association;

*Industrial Arbitration (Amendment).*SCHEDULE 10—*continued.*REGISTRATION OF CERTAIN ASSOCIATIONS OF CONTRACT DRIVERS AND
CONTRACT CARRIERS—*continued.*

“L.D.R.T.A.” means The Long Distance Road Transport Association of Australia;

“M.M.A.” means The Federated Mining Mechanics’ Association of Australasia, New South Wales Branch;

“R.T.A.” means the New South Wales Road Transport Association;

“T.W.U.” means the Transport Workers’ Union of Australia, New South Wales Branch.

TABLE

First Column	Second Column	Third Column
T.W.U. ..	Retail Deliveries
T.W.U. ..	Ready-Mixed Concrete Delivery
T.W.U. ..	Local General Cartage—Metropolitan and Country.
T.W.U. ..	Intrastate Haulage
T.W.U. ..	Interstate Haulage
T.W.U. ..	Blue Metal and Gravel Cartage
T.W.U. ..	Excavation, Earthmoving and Muck Cartage.
T.W.U. ..	Sand Cartage
T.W.U. ..	Liquor Cartage
T.W.U. ..	Wholesale Egg Deliveries
T.W.U. ..	Furniture Removal
T.W.U. ..	Coal Haulage	Subject to M.M.A. representing exclusively at Ravensworth and elsewhere in coal haulage where it is exclusively representing carriers at the commencement of this Act and subject to R.T.A. having equal rights with T.W.U. in Burragorang Valley.
T.W.U. ..	Newspaper Cartage	Except in the case of carriers used by John Fairfax and Sons Pty. Ltd. for the delivery of the Sydney Morning Herald and the Sun-Herald.
T.W.U. ..	Contracts with Government Authorities.
T.W.U. ..	Contracts with Local Government Authorities.

*Industrial Arbitration (Amendment).*SCHEDULE 10—*continued.*REGISTRATION OF CERTAIN ASSOCIATIONS OF CONTRACT DRIVERS AND
CONTRACT CARRIERS—*continued.*

First Column	Second Column	Third Column
T.W.U. ..	Any class of contracts not specified in this column.	Subject to the right of any other organisation to establish that, because of representation by it of carriers before the commencement of this Act, it should be given the exclusive right, or equal right with T.W.U., to represent carriers in the case of a particular class of contracts.
L.D.R.T.A.	Intrastate Haulage
L.D.R.T.A.	Interstate Haulage
R.T.A. ..	Newspaper Cartage	Only in the case of carriers used by John Fairfax and Sons Pty. Ltd. for the delivery of the Sydney Morning Herald and the Sun-Herald.
R.T.A. ..	Furniture Removal
B.C.A. ..	Brick Cartage

Sec. 6.

SCHEDULE 11.

TRANSITIONAL PROVISION.

1. In this Schedule "Principal Act" means the Industrial Arbitration Act, 1940, as amended by this Act.

2. Expressions used in this Schedule have the same meanings as they have in the Principal Act.

Industrial Arbitration (Amendment).

SCHEDULE 11—*continued.*

TRANSITIONAL PROVISION—*continued.*

3. Where a tribunal has not been established under the Principal Act in respect of—

(a) a particular class of contracts of bailment of a public vehicle;
or

(b) a particular class of contracts of carriage,

the powers and jurisdiction conferred on a tribunal by the Principal Act may, pending the establishment of a tribunal for that class of contracts, be exercised in relation to that class by a conciliation commissioner.
