

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 17 December, 1919.*

New South Wales.



ANNO DECIMO

GEORGII V REGIS.

Act No. 50, 1919.

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

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

P. B. COLQUHOUN,
Chairman of Committees of the Legislative Assembly.

Industrial Arbitration (Amendment).

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:—

Short title.

1. (1) This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1919."

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

Amendment of s. 5 of Principal Act.

2. Section five of the Principal Act is amended as follows:—

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

Amendment of s. 8 of Principal Act.

3. Section eight of the Principal Act is amended by adding after subsection three the following proviso:—

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

New sections 12B and 12C.

4. The following new sections are inserted next after section twelve of the Principal Act:—

Court may vary wage provisions of industrial agreement.

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

12C.

Industrial Arbitration (Amendment).

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

Continuance
in force of
industrial
agreement
after expiry.

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

Amendment
of s. 24 of
Principal
Act.

(i) By adding at the end of the proviso to paragraph (a) of subsection one the words "or (where salaries are paid on an annual basis) any salary in excess of five hundred and twenty-five pounds per annum."

(ii) By omitting the word "nineteen" in the proviso to paragraph (b) of subsection one and inserting in lieu thereof "twenty."

(iii) By adding to the end of subsection one the following provisos:—

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

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

(a) prescribing or authorising the Public Service Board to prescribe the passing of an examination or other test as a necessary condition for promotion of an officer or employee to a higher class, grade, or division; or

(b) providing that payment of increments of salary to an officer shall be subject to the giving of a certificate by the said board that the conduct of the officer and his discharge of his duties warrant an increase of his salary. In the event of the said board refusing to give

Industrial Arbitration (Amendment).

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

Amendment
of s. 25 of
Principal
Act.

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

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

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

Provided further—

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

Amendment
of s. 28 of
Principal
Act.

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

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

8.

Industrial Arbitration (Amendment).

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

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

In the name and on behalf of His Majesty I assent to this Act.

Government House,

Sydney, 23rd December, 1919.

W. E. DAVIDSON,

Governor.

Industrial Relations (Continued)

Section seven-nine of the Industrial Relations Act is further amended by adding at the end of section (1) the following words to stand as subsection (1a):—

(1a) In the course of the public inquiry required to be made by the Board of Inquiry into the operation of the living wage to be paid to adult employees in rural occupations, the Board shall take evidence upon the conditions of the rural occupations and of their ability to bear additional burdens in wages and the possible effect of the same upon production and shall report its conclusions upon such evidence and further shall take such evidence into consideration and give its findings as far as it regards this in relation to the living wage to be paid to such employees as far as it regards this in relation to the living wage, and any other matter which may be referred to the Board in connection with the inquiry.

To the Hon. the Minister of Labour, W. R. DUFFY, Esq., M.P., Secretary, Department of Labour, Dublin, Ireland.

INDUSTRIAL ARBITRATION (AMENDMENT) BILL.

SCHEDULE of the Amendments referred to in Message of 2nd December, 1919.

Page 2, clause 2, paragraph (i). *Omit* paragraph.

Page 2, clause 2, lines 26 and 27. *Omit* "an overseer" *insert* "a"

Page 2, clause 2, line 27. *After* "ganger" *insert* "or"

Page 2, clause 2. *Omit* line 28.

Page 3, clause 4, line 4. *After* "contained" *omit* to end of clause, *insert* "in such
"agreement"

Page 4, clause 5, paragraph (b), line 4. *After* "the" *omit* to end of clause and *insert*
"conduct of the officer and his discharge of his duties warrant an
"increase in his salary."

Page 4, clause 6, line 8. *After* "determine" *omit* to end of clause and *insert* paragraphs
"(a)" and "(b)" and further provisos "(a)" and "(b)"

Page 5, clause 7, line 15. *After* "award" *omit* to end of clause.

Page 5. *Add* new clause "8."

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 6 November, 1919.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. L. S. COOPER,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 2nd December, 1919.*

New South Wales.



ANNO DECIMO

GEORGI V REGIS.

Act No. , 1919.

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

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BE

NOTE.—The words to be omitted are ruled through ; those to be inserted are printed in black letter.

Industrial Arbitration (Amendment).

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
5 the same, as follows :—

1. (1) This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1919." Short title.

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

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

(i) By adding after the word "employed" in the definition of "employee" the words "in any capacity."

(ii) by adding between the words "on" and "wages" in the definition of "employee" the words "salary or"
20

(iii) by omitting in the definition of "employer" the words "the Public Service Act, 1902, and"

(iv) by adding at the end of the definition of "managerial position" the following words:
25 "but does not include the position of an overseer, a shopwalker, ganger, or foreman stevedore, or of any other employee in like capacity."

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

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

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

40 **12B.** Whenever a declaration as to the living wage shall be made under section seventy-nine of this Court may vary wage provisions of industrial agreement.
this

Industrial Arbitration (Amendment).

5 this Act during the currency of any industrial agreement, the court may, upon the application of any party to the industrial agreement, vary the wage provisions contained therein by adding to or deducting from the wages so fixed the difference between the living wage so declared and the living wage established at the date of the said industrial agreement. in such agreement.

10 12c. An industrial agreement shall continue in force after the expiration of the term specified therein until varied or rescinded by the parties or by the court or until notice of termination shall have been given in writing by a party thereto to the other party or parties and to the registrar.

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

Amendment
of s. 24 of
Principal
Act.

(i) By adding at the end of the proviso to paragraph (a) of subsection one the words "or (where salaries are paid on an annual basis) any salary in excess of five hundred and twenty-five pounds per annum."

20 (ii) By omitting the word "nineteen" in the proviso to paragraph (b) of subsection one and inserting in lieu thereof "twenty."

25 (iii) By adding to the end of subsection one the following provisos:—

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

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

40 (a) prescribing or authorising the Public Service Board to prescribe the passing of an examination or other test as a necessary condition for promotion of an officer or employee to a higher class, grade, or division; or

(b)

Industrial Arbitration (Amendment).

5 (b) providing that payment of increments
of salary to an officer shall be subject
to the giving of a certificate by the
said Board that the officer has not been
guilty of serious misconduct in the dis-
charge of his duties. In the event of
the said Board refusing to give such
certificate, the officer shall be supplied
with a written statement showing the
reason why such certificate was refused.
10 conduct of the officer and his discharge
of his duties warrant an increase of his
salary.

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

Amendment
of s. 25 of
Principal
Act.

20 Provided that the court may, in its discretion,
order and determine that any award shall take
effect as from a day other than fourteen days
after such publication, and may, if retrospective
effect is given to any award, attach such terms,
conditions, or restrictions thereto as may appear to
it to be just—

25 (a) that any award made in respect of persons
employed under the Public Service Acts
who have not prior to the making thereof
been bound by an award shall take effect
from such day whether before or after the
commencement of the Industrial Arbitra-
tion (Amendment) Act, 1919, as the Court
may direct; and

30 (b) that in all other cases an award shall
take effect from such day subsequent to
the lodging or filing of the application
therefor as the Court may direct.

35 Provided further—

40 (a) that the Court may in exercising its
powers under the last preceding proviso
attach such terms, conditions, or restric-
tions as may appear to it to be just; and

(b)

Industrial Arbitration (Amendment).

(b) that no employer shall be bound to pay any wages fixed by an award made by the Court in exercise of such powers until fourteen days after publication of the award as aforesaid, but the first payment of wages under any such award shall include all arrears which have accrued due from the date upon which the award is directed to take effect.

5
10 **7.** Section twenty-eight of the Principal Act is amended by adding the following new subsection:—

Amendment
of s. 28 of
Principal
Act.

(2) Whenever a declaration as to the living wage shall be made under section seventy-nine of this Act during the currency of any award, any party to the award ~~may apply to the court to vary the wage provisions contained in the award by adding to or deducting from the wages so fixed the difference between the living wage so declared and the living wage established at the date when the award was made.~~

15
20 **8.** Section seventy-nine of the Industrial Arbitration Act is further amended by adding at the end of subsection (1A) the following words to stand as subsection (1B):—

25 (1B) In the course of the public inquiry required to be made by the Board of Trade preceding its declaration of the living wages to be paid to adult employees in rural occupations, the Board shall take evidence upon the conditions of the rural
30 industries and of their ability to bear additional burdens in wages and the probable effect of the same upon production and shall report its conclusions upon such evidence: and further, shall take such conclusions into consideration and give
35 effect thereto as far as is reasonable in making its declaration as to the living wages to be paid to such employees.

(b) That no employer shall be bound to pay any wages to any employee who is absent from work on account of illness or injury, unless such employee has been certified by a physician to be unable to perform his or her duties.

10. The Board shall have the authority to enforce the provisions of this Act.

(c) The Board shall have the authority to enforce the provisions of this Act.

11. The Board shall have the authority to enforce the provisions of this Act.

12. The Board shall have the authority to enforce the provisions of this Act.

13. The Board shall have the authority to enforce the provisions of this Act.

14. The Board shall have the authority to enforce the provisions of this Act.

15. The Board shall have the authority to enforce the provisions of this Act.

16. The Board shall have the authority to enforce the provisions of this Act.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 6 November, 1919.*

New South Wales.



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GEORGII V REGIS.

Act No. , 1919.

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Industrial Arbitration (Amendment).

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- 1.** (1) This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1919." Short title.
- (2) In this Act the expression "the Principal Act" means the Industrial Arbitration Act, 1912, as amended by the Industrial Arbitration (Amendment) Act, 1916, the Industrial Arbitration (Amendment) Act, 1918, and the Industrial Arbitration (Further Amendment) Act, 1918.
- 2.** Section five of the Principal Act is amended as follows :— Amendment of s. 5 of Principal Act.
- (i) By adding after the word "employed" in the definition of "employee" the words "in any capacity"
- (ii) by adding between the words "on" and "wages" in the definition of "employee" the words "salary or"
- (iii) by omitting in the definition of "employer" the words "the Public Service Act, 1902, and"
- (iv) by adding at the end of the definition of "managerial position" the following words: "but does not include the position of an overseer, shopwalker, ganger, foreman stevedore, or of any other employee in like capacity."
- 3.** Section eight of the Principal Act is amended by adding after subsection three the following proviso :— Amendment of s. 8 of Principal Act.
- Provided that any application for registration as an industrial union, made by a trade union, all of whose members are employees of the Crown, shall not be refused upon the ground only that the interests of the employees represented by the applicant union may be protected by a previously registered industrial union.
- 4.** The following new sections are inserted next after section twelve of the Principal Act :— New sections 12B and 12C.
- 12B.** Whenever a declaration as to the living wage shall be made under section seventy-nine of this Court may vary wage provisions of industrial agreement.

Industrial Arbitration (Amendment).

5 this Act during the currency of any industrial agreement, the court may, upon the application of any party to the industrial agreement, vary the wage provisions contained therein by adding to or deducting from the wages so fixed the difference between the living wage so declared and the living wage established at the date of the said industrial agreement.

10 12c. An industrial agreement shall continue in force after the expiration of the term specified therein until varied or rescinded by the parties or by the court or until notice of termination shall have been given in writing by a party thereto to the other party or parties and to the registrar.

Continuance
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(i) By adding at the end of the proviso to paragraph (a) of subsection one the words "or (where salaries are paid on an annual basis) any salary in excess of five hundred and twenty-five pounds per annum."

(ii) By omitting the word "nineteen" in the proviso to paragraph (b) of subsection one and inserting in lieu thereof "twenty."

25 (iii) By adding to the end of subsection one the following provisos:—

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

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

(a) prescribing or authorising the Public Service Board to prescribe the passing of an examination or other test as a necessary condition for promotion of an officer or employee to a higher class, grade, or division; or (b)

40

Industrial Arbitration (Amendment).

5 (b) providing that payment of increments
of salary to an officer shall be subject
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said Board that the officer has not been
guilty of serious misconduct in the dis-
charge of his duties. In the event of
the said Board refusing to give such
certificate, the officer shall be supplied
with a written statement showing the
reason why such certificate was refused.

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

Amendment
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Principal
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15 Provided that the court may, in its discretion,
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effect is given to any award, attach such terms,
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20 **7.** Section twenty-eight of the Principal Act is
amended by adding the following new subsection:—

Amendment
of s. 28 of
Principal
Act.

25 (2) Whenever a declaration as to the living
wage shall be made under section-seventy-nine of
this Act during the currency of any award, any
party to the award may apply to the court to vary
the wage provisions contained in the award by
adding to or deducting from the wages so fixed the
difference between the living wage so declared and
30 the living wage established at the date when the
award was made.