

*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.*

H. ROBBINS,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 28 April, 1948.*

## New South Wales.



ANNO DUODECIMO

# GEORGII VI REGIS.

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Act No.     , 1948.

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

**B**E 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, 1948."

72819   216—

(2) Short title, citation, and commencement.

*Industrial Arbitration (Amendment).*

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

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

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

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

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

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

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

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

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

35 (3) Any person so required to attend the conference shall attend and continue to attend

Amendment of Act No. 2, 1940.

Sec. 14.

(Industrial Commission.)

Sec. 15.

(Conciliation commissioners.)

cf. Act No.

13, 1904,

s. 81AB

(C'wealth).

New sec. 17A.

Special commissioners.

cf. Act

No. 17,

1912, s. 43.

*Industrial Arbitration (Amendment).*

attend as directed by the special commissioner, and in default shall be liable, on summary conviction, to a penalty not exceeding fifty pounds.

5 (d) by omitting subsection four of section twenty-five and by inserting in lieu thereof the following subsection:— Sec. 25.  
(Compulsory conferences.)

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

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

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

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

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

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

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

(e) by inserting next after section twenty-five the following new section:— New sec. 25A.

35 25A. As soon as an industrial union or an employer becomes aware of any question, dispute or difficulty of the nature referred to in paragraphs (a), (b) and (c) of subsection one of Notice of industrial disputes to be given to registrar.

*Industrial Arbitration (Amendment).*

of section twenty-five of this Act such industrial union or employer shall forthwith notify the registrar accordingly.

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

Sec. 26.  
 (Powers of conciliation commissioners.)

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

Secs. 77E and 77F.

77E. At any meeting of a committee—

Proceedings at meetings.

- 10 (a) the chairman shall preside;
- (b) each member, except the chairman, shall have one vote; and where the votes for and against any matter are equal, the chairman shall decide the question;
- 15 (c) if any of the members, other than the chairman, are absent from a duly convened meeting of a committee, the chairman may, together with such members as may be present, proceed to hear and determine any matter before the committee. Such determination shall be deemed to be a decision of the committee;
- 20 (d) the chairman may refer any matter or any question arising out of any matter to the commission for determination or directions.
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30 (2) The amendment made by paragraph (a) of subsection one of this section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and forty-seven.

## Industrial Arbitration (Amendment) Bill, 1948.

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### **EXPLANATORY NOTE.**

THE objects of this Bill are—

- (a) to enable two sittings of the commission to be held simultaneously;
- (b) to provide for the holding of conferences of conciliation commissioners at least once every four months;
- (c) to provide for the appointment of special commissioners for the prompt settlement of industrial disputes;
- (d) to regulate proceedings at meetings of conciliation committees;
- (e) to make provision relating to matters incidental to the foregoing.

Industrial Arbitration (Amendment) Bill, 1918

EXPLANATORY NOTE

The objects of the Bill are—  
(a) to amend the definition of "industry" in section 2 of the Industrial Arbitration Act, 1918, so as to include the carrying on of any business, trade, or profession, or the performance of any service, in which the employees are engaged in a systematic and organized manner;  
(b) to amend the definition of "employee" in section 3 of the Industrial Arbitration Act, 1918, so as to include any person who is employed in any industry, whether or not he is employed in a systematic and organized manner;  
(c) to amend the definition of "employer" in section 4 of the Industrial Arbitration Act, 1918, so as to include any person who employs any employee in any industry, whether or not he employs him in a systematic and organized manner;  
(d) to amend the definition of "dispute" in section 5 of the Industrial Arbitration Act, 1918, so as to include any dispute between an employer and an employee in relation to any industry, whether or not the dispute is a dispute of a systematic and organized nature;  
(e) to amend the definition of "award" in section 6 of the Industrial Arbitration Act, 1918, so as to include any award made by an arbitrator in relation to any industry, whether or not the award is an award of a systematic and organized nature;  
(f) to amend the definition of "appeal" in section 7 of the Industrial Arbitration Act, 1918, so as to include any appeal made by an employer or an employee in relation to any industry, whether or not the appeal is an appeal of a systematic and organized nature;  
(g) to amend the definition of "reference" in section 8 of the Industrial Arbitration Act, 1918, so as to include any reference made by an arbitrator in relation to any industry, whether or not the reference is a reference of a systematic and organized nature;  
(h) to amend the definition of "decision" in section 9 of the Industrial Arbitration Act, 1918, so as to include any decision made by an arbitrator in relation to any industry, whether or not the decision is a decision of a systematic and organized nature;  
(i) to amend the definition of "order" in section 10 of the Industrial Arbitration Act, 1918, so as to include any order made by an arbitrator in relation to any industry, whether or not the order is an order of a systematic and organized nature;  
(j) to amend the definition of "appeal" in section 11 of the Industrial Arbitration Act, 1918, so as to include any appeal made by an employer or an employee in relation to any industry, whether or not the appeal is an appeal of a systematic and organized nature;  
(k) to amend the definition of "reference" in section 12 of the Industrial Arbitration Act, 1918, so as to include any reference made by an arbitrator in relation to any industry, whether or not the reference is a reference of a systematic and organized nature;  
(l) to amend the definition of "decision" in section 13 of the Industrial Arbitration Act, 1918, so as to include any decision made by an arbitrator in relation to any industry, whether or not the decision is a decision of a systematic and organized nature;  
(m) to amend the definition of "order" in section 14 of the Industrial Arbitration Act, 1918, so as to include any order made by an arbitrator in relation to any industry, whether or not the order is an order of a systematic and organized nature;

PROOF.

No. , 1948.

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## A BILL

To make further provisions in relation to the Industrial Commission, the conciliation commissioners and conciliation committees; for these and other purposes to amend the Industrial Arbitration Act, 1940-1947; and for purposes connected therewith.

[MR. FINNAN;—22 April, 1948.]

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

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

72819 216—

(2) Short title, citation, and commencement.

*Industrial Arbitration (Amendment).*

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

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

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

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

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

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

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

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

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

35 (3) Any person so required to attend the conference shall attend and continue to attend

Amendment of Act No. 2, 1940.

Sec. 14.

(Industrial Commission.)

Sec. 15.

(Conciliation commissioners.)

cf. Act No.

13, 1904,

s. 81AB

(C'wealth).

New sec. 17A.

Special commissioners.

cf. Act

No. 17,

1912, s. 43.



*Industrial Arbitration (Amendment).*

attend as directed by the special commissioner, and in default shall be liable, on summary conviction, to a penalty not exceeding fifty pounds.

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

Sec. 25.  
(Compulsory conferences.)

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

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

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

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

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

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

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

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

- 35 25A. As soon as an industrial union or an employer becomes aware of any question, dispute or difficulty of the nature referred to in paragraphs (a), (b) and (c) of subsection one of

Notice of industrial disputes to be given to registrar.

*Industrial Arbitration (Amendment).*

of section twenty-five of this Act such industrial union or employer shall forthwith notify the registrar accordingly.

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

Sec. 26.  
(Powers of  
conciliation  
comis-  
sioners.)

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

Secs. 77E  
and 77F.

77E. At any meeting of a committee—

Proceedings  
at meetings.

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

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

New South Wales.



ANNO DUODECIMO

GEORGII VI REGIS.

\*\*\*\*\*

Act No. 13, 1948.

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

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

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

Short title, citation, and commencement.

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*Industrial Arbitration (Amendment).*

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

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

Amendment  
of Act No. 2,  
1940.

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

Sec. 14.  
(Industrial  
Commission.)

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

Sec. 15.  
(Conciliation  
commissioners.)

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

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

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

New sec. 17A.

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

Special  
commissioners.

cf. Act  
No. 17,  
1912, s. 43.

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

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

(3) Any person so required to attend the conference shall attend and continue to  
**attend**

*Industrial Arbitration (Amendment).*

attend as directed by the special commissioner, and in default shall be liable, on summary conviction, to a penalty not exceeding fifty pounds.

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

Sec. 25.  
(Compulsory conferences.)

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

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

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

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

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

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

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

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

New sec. 25A.

25A. As soon as an industrial union or an employer becomes aware of any question, dispute or difficulty of the nature referred to in paragraphs (a), (b) and (c) of subsection one

Notice of industrial disputes to be given to registrar.

of

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*Industrial Arbitration (Amendment).*


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of section twenty-five of this Act such industrial union or employer shall forthwith notify the registrar accordingly.

Sec. 26.  
(Powers of conciliation commissioners.)

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

Secs. 77E and 77F.

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

Proceedings at meetings.

77E. At any meeting of a committee—

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

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

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By Authority:

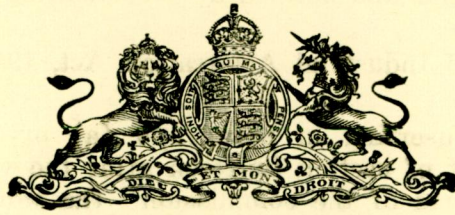
THOMAS HENRY TENNANT, Government Printer, Sydney, 1948.

[3d.]

*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.*

H. ROBBINS,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 13 May, 1948.*

## New South Wales.



ANNO DUODECIMO

GEORGII VI REGIS.

\*\*\*\*\*

Act No. 13, 1948.

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

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

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

(2) Short title, citation, and commencement.

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

G. BOOTH,  
*Chairman of Committees of the Legislative Assembly.*

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*Industrial Arbitration (Amendment).*

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

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

Amendment of Act No. 2, 1940.  
**2. (1) The Industrial Arbitration Act, 1940-1947, is amended—**

Sec. 14.  
 (Industrial Commission.)  
 (a) by inserting in paragraph (a) of subsection eight of section fourteen after the words "At sittings of the commission" the words "(two of which may be held at the same time)";

Sec. 15.  
 (Conciliation commissioners.)  
 (b) by inserting at the end of section fifteen the following new subsection:—

cf. Act No. 13, 1904, s. 81AB (C'wealth).  
 (9) The commission shall summon, not less frequently than once in every four months, a conference of conciliation commissioners to discuss questions relating to the operation of this Act, and in particular means for ensuring expedition in the prevention and settlement of industrial disputes and for securing the adoption of uniform standards and conditions for industry or any group of industries.

New sec. 17A.  
 (c) by inserting next after section seventeen the following new section:—

Special commissioners.  
 cf. Act No. 17, 1912, s. 43.  
 17A. (1) The Minister may from time to time appoint such persons as he deems fit to be special commissioners.

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

(3) Any person so required to attend the conference shall attend and continue to attend



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*Industrial Arbitration (Amendment).*

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attend as directed by the special commissioner, and in default shall be liable, on summary conviction, to a penalty not exceeding fifty pounds.

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

Sec. 25.  
(Compulsory conferences.)

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

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

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

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

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

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

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

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

New sec. 25A.

25A. As soon as an industrial union or an employer becomes aware of any question, dispute or difficulty of the nature referred to in paragraphs (a), (b) and (c) of subsection one of

Notice of industrial disputes to be given to registrar.

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*Industrial Arbitration (Amendment).*


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of section twenty-five of this Act such industrial union or employer shall forthwith notify the registrar accordingly.

Sec. 26.  
(Powers of conciliation commissioners.)

Secs. 77E and 77F.

Proceedings at meetings.

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

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

77E. At any meeting of a committee—

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

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

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

J. NORTHCOTT,  
Governor.

Government House,  
Sydney, 17th May, 1948.