

New South Wales.



ANNO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 12, 1952.

An Act to make further provisions with respect to long service leave to which employees are entitled under section 88c of the Industrial Arbitration Act, 1940-1951, and the jurisdiction of Industrial Tribunals in relation to long service leave; for these purposes to amend the said Act; and for purposes connected therewith. [Assented to, 17th April, 1952.]

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. (1) This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1952".

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, 1940-1952.

(3) This Act shall be deemed to have commenced upon the first day of July, one thousand nine hundred and fifty-one.

2. The Industrial Arbitration Act, 1940, as amended by subsequent Acts, is amended—

Amend-
ment of
Act No. 2,
1940.

Sec. 88c.
(Long
service
leave and
sick leave.)

(a) by inserting in subparagraph (ii) of paragraph (a) of subsection one of section 88c after the word "misconduct" the words "or by the employee on account of illness, incapacity or domestic or other necessitous circumstances where such illness or incapacity is, or domestic or other necessitous circumstances are of such a nature as to justify such termination";

(b) by inserting at the end of the same section the following new subsections:—

(7) For the purposes of paragraph (a) of subsection one of this section—

(a) "service" of an employee means the period during which such an employee has served his employer under an unbroken contract of employment: Provided that a contract of employment shall be deemed not to have been broken by reason only of any interruption or determination thereof, whether occurring before or after the commencement of the Industrial Arbitration (Amendment) Act, 1952, if such interruption or determination—

(i) has been made by the employer with the intention of avoiding any obligation imposed

Industrial Arbitration (Amendment).

imposed on him by an award made pursuant to this section; or

- (ii) has arisen directly or indirectly from an industrial dispute; or
- (iii) has been made by the employer by reason of slackness of trade:

Provided further that the period during which the contract has been so interrupted or determined shall not by reason only of this paragraph be taken into account in calculating the period of service;

- a) where a business, undertaking or establishment or any part thereof has, whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 1952, been transmitted from an employer (in this paragraph called the transmittor) to another employer (in this paragraph called the transmittee) and a person who at the time of such transmission was an employee of the transmittor in that business, undertaking, establishment or part thereof becomes an employee of the transmittee—

- (i) the continuity of the contract of employment of the employee shall be deemed not to have been broken by reason of such transmission; and
- (ii) the period of service which the employee has had with the transmittor or any prior

Industrial Arbitration (Amendment).

prior transmittor shall be deemed to be service of the employee with the transmittor.

In this paragraph "transmission", without limiting its ordinary meaning, includes transfer, conveyance, assignment, or succession, whether by agreement or operation of law, and "transmittor", "transmittor" and "transmitted" have corresponding meanings.

(8) (a) The terms of every award made pursuant to this section and in force at the date of the Royal assent to the Industrial Arbitration (Amendment) Act, 1952, shall be deemed to be varied, as from the commencement of such award, to the extent necessary to give effect to the provisions of paragraph (a) of subsection one of this section, as amended by the said Act, and of subsection seven of this section.

(b) As soon as practicable after the said date the registrar shall vary the terms of every award to which paragraph (a) of this subsection applies to give effect to the terms of that paragraph.

The Registrar may refer any matter arising out of this subsection to the commission for direction.

(9) Nothing contained in this section shall limit or in any way affect the powers, authorities, duties and functions conferred or imposed on the commission, or any member

Industrial Arbitration (Amendment).

member thereof, or on a committee, a conciliation commissioner or an apprenticeship council, by or under this Act in respect of long service leave or sick leave:

Provided that in the exercise or performance of such powers, authorities, duties or functions, the commission or any member thereof or a committee, conciliation commissioner or an apprenticeship council shall not in any award or industrial agreement whether made before or after the commencement of the Industrial Arbitration (Amendment) Act, 1952, insert any provisions relating to long service leave or sick leave less favourable to the employees than the provisions prescribed by the foregoing provisions of this section.

By Authority:

Reprinted by

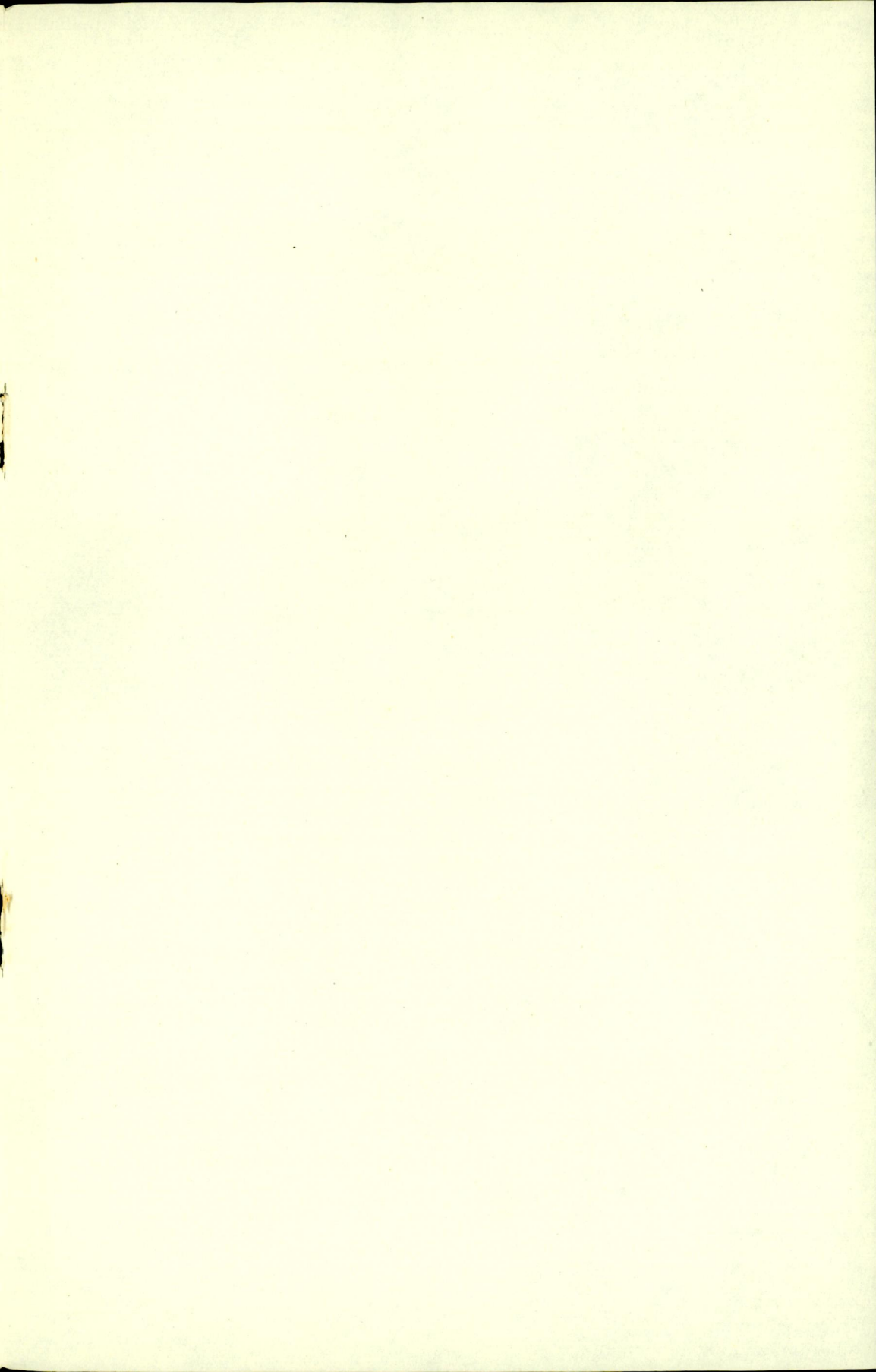
A. H. PETTIFER, Government Printer, Sydney, 1953.

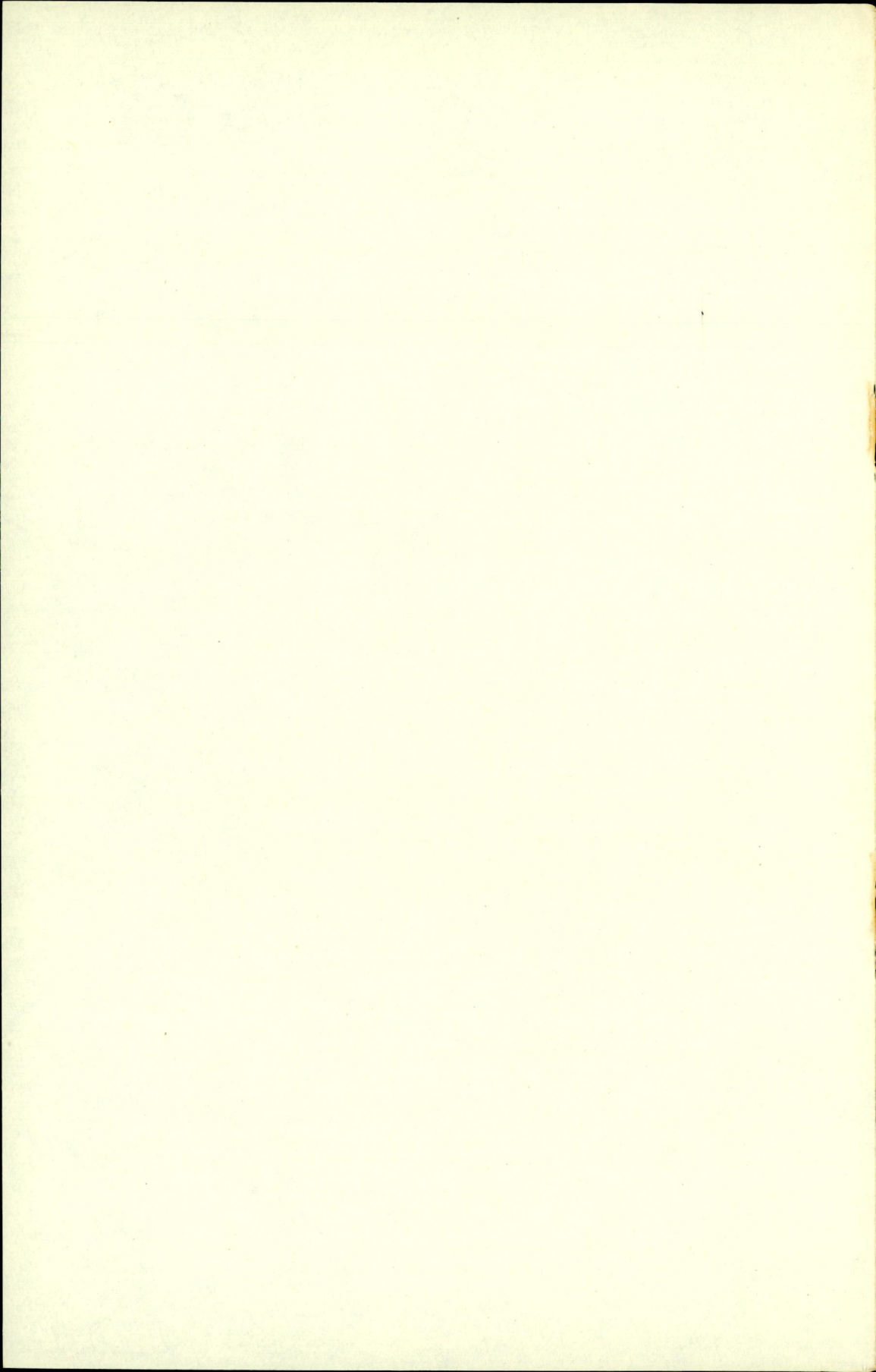
[4d.]

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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, 27 March, 1952, A.M.*

New South Wales.



ANNO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 12, 1952.

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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. (1) This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1952".

Short title,
citation
and com-
mencement.

(2)

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.

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, 1940-1952.

(3) This Act shall be deemed to have commenced upon the first day of July, one thousand nine hundred and fifty-one.

Amend-
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2. The Industrial Arbitration Act, 1940, as amended by subsequent Acts, is amended—

Sec. 88c.
(Long
service
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(a) by inserting in subparagraph (ii) of paragraph (a) of subsection one of section 88c after the word "misconduct" the words "or by the employee on account of illness, incapacity or domestic or other necessitous circumstances where such illness or incapacity is, or domestic or other necessitous circumstances are of such a nature as to justify such termination";

(b) by inserting at the end of the same section the following new subsections:—

(7) For the purposes of paragraph (a) of subsection one of this section—

(a) "service" of an employee means the period during which such an employee has served his employer under an unbroken contract of employment: Provided that a contract of employment shall be deemed not to have been broken by reason only of any interruption or determination thereof, whether occurring before or after the commencement of the Industrial Arbitration (Amendment) Act, 1952, if such interruption or determination—

(i) has been made by the employer with the intention of avoiding any obligation imposed

Industrial Arbitration (Amendment).

imposed on him by an award made pursuant to this section; or

(ii) has arisen directly or indirectly from an industrial dispute; or

(iii) has been made by the employer by reason of slackness of trade:

Provided further that the period during which the contract has been so interrupted or determined shall not by reason only of this paragraph be taken into account in calculating the period of service;

(b) where a business, undertaking or establishment or any part thereof has, whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 1952, been transmitted from an employer (in this paragraph called the transmitter) to another employer (in this paragraph called the transmittee) and a person who at the time of such transmission was an employee of the transmitter in that business, undertaking, establishment or part thereof becomes an employee of the transmittee—

(i) the continuity of the contract of employment of the employee shall be deemed not to have been broken by reason of such transmission; and

(ii) the period of service which the employee has had with the transmitter or any prior

Industrial Arbitration (Amendment).

prior transmitter shall be deemed to be service of the employee with the transmittee.

In this paragraph "transmission", without limiting its ordinary meaning, includes transfer, conveyance, assignment, or succession, whether by agreement or operation of law, and "transmitter", "transmittee" and "transmitted" have corresponding meanings.

(8) (a) The terms of every award made pursuant to this section and in force at the date of the Royal assent to the Industrial Arbitration (Amendment) Act, 1952, shall be deemed to be varied, as from the commencement of such award, to the extent necessary to give effect to the provisions of paragraph (a) of subsection one of this section, as amended by the said Act, and of subsection seven of this section.

(b) As soon as practicable after the said date the registrar shall vary the terms of every award to which paragraph (a) of this subsection applies to give effect to the terms of that paragraph.

The Registrar may refer any matter arising out of this subsection to the commission for direction.

(9) Nothing contained in this section shall limit or in any way affect the powers, authorities, duties and functions conferred or imposed on the commission, or any member

Industrial Arbitration (Amendment).

member thereof, or on a committee, a conciliation commissioner or an apprenticeship council, by or under this Act in respect of long service leave or sick leave:

Provided that in the exercise or performance of such powers, authorities, duties or functions, the commission or any member thereof or a committee, conciliation commissioner or an apprenticeship council shall not in any award or industrial agreement whether made before or after the commencement of the Industrial Arbitration (Amendment) Act, 1952, insert any provisions relating to long service leave or sick leave less favourable to the employees than the provisions prescribed by the foregoing provisions of this section.

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

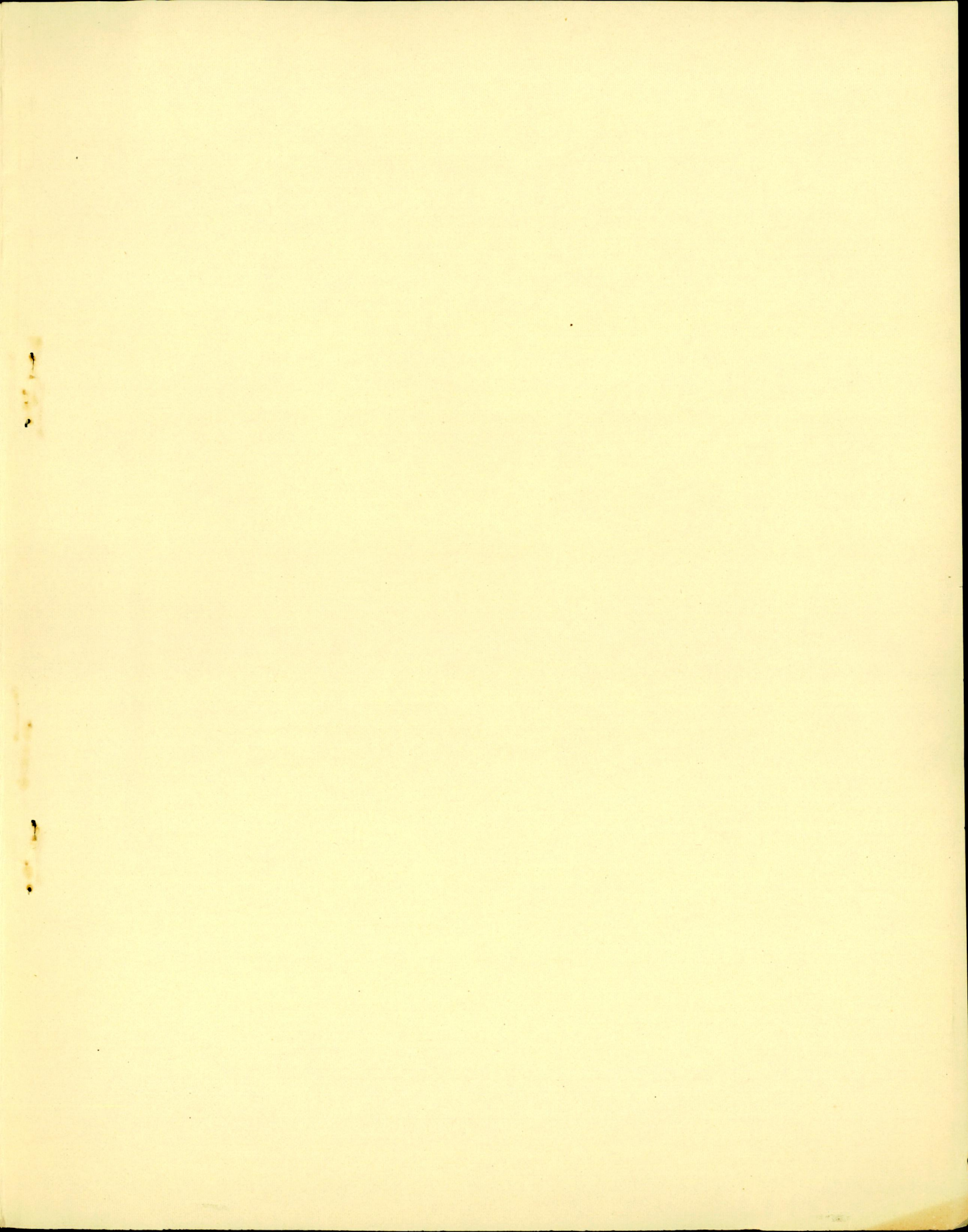
J. NORTHCOTT,
Governor.

*Government House,
Sydney, 17th April, 1952.*

Industrial Relations Act, 1927

member thereof or a committee
 constituted a commissioner or an arbitrator
 this contract is void under the Act in respect
 of those terms which are not covered by
 the Act. Provided that in the absence of provision
 made of such terms, and that after the
 termination of the contract of any member
 thereof or a committee, constituted as
 a commissioner or an arbitrator, the contract shall
 not be an award or industrial agreement
 which is made before or after the com-
 mencement of the Industrial Relations
 Act, 1927, but any pro-
 vision relating to long service leave or sick
 leave, not applicable to the employees, shall
 the provisions prescribed by the foregoing
 provisions of this section.

In the name and on behalf of His Majesty I certify
 this Act.
 J. NORTHOTT
 Secretary to the Government
 Wellington, New Zealand
 19th day of July 1932

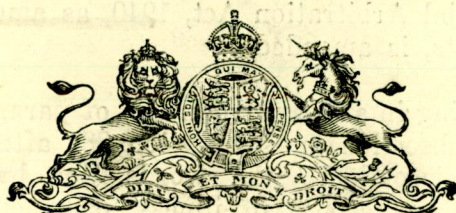


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 March, 1952.*

New South Wales.



ANNO PRIMO

ELIZABETHÆ II REGINÆ

Act No. , 1952.

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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
5 the same, as follows:—

1. (1) This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1952".

6361 270—

(2) Short title,
citation
and com-
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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, 1940-1952.

(3) This Act shall be deemed to have commenced upon the first day of July, one thousand nine hundred and fifty-one.

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Sec. 88c.
(Long
service
leave and
sick leave.)

15 (b) by inserting at the end of the same section the following new subsections:—

20 (7) For the purposes of paragraph (a) of subsection one of this section—

25 (a) "service" of an employee means the period during which such an employee has served his employer under an unbroken contract of employment: Provided that a contract of employment shall be deemed not to have been broken by reason only of any interruption or determination thereof, whether occurring before or after the commencement of the Industrial Arbitration (Amendment) Act, 1952, if such interruption or determination—

30 (i) has been made by the employer with the intention of avoiding any obligation imposed

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Industrial Arbitration (Amendment).

imposed on him by an award made pursuant to this section; or

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(ii) has arisen directly or indirectly from an industrial dispute; or

(iii) has been made by the employer by reason of slackness of trade:

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Provided further that the period during which the contract has been so interrupted or determined shall not by reason only of this paragraph be taken into account in calculating the period of service;

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(b) where a business, undertaking or establishment or any part thereof has, whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 1952, been transmitted from an employer (in this paragraph called the transmitter) to another employer (in this paragraph called the transmittee) and a person who at the time of such transmission was an employee of the transmitter in that business, undertaking, establishment or part thereof becomes an employee of the transmittee—

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(i) the continuity of the contract of employment of the employee shall be deemed not to have been broken by reason of such transmission; and

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(ii) the period of service which the employee has had with the transmitter or any prior

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Industrial Arbitration (Amendment).

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(8) (a) The terms of every award made pursuant to this section and in force at the date of the Royal assent to the Industrial Arbitration (Amendment) Act, 1952, shall be deemed to be varied, as from the commencement of such award, to the extent necessary to give effect to the provisions of paragraph (a) of subsection one of this section, as amended by the said Act, and of subsection seven of this section.

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(b) As soon as practicable after the said date the registrar shall vary the terms of every award to which paragraph (a) of this subsection applies to give effect to the terms of that paragraph.

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The Registrar may refer any matter arising out of this subsection to the commission for direction.

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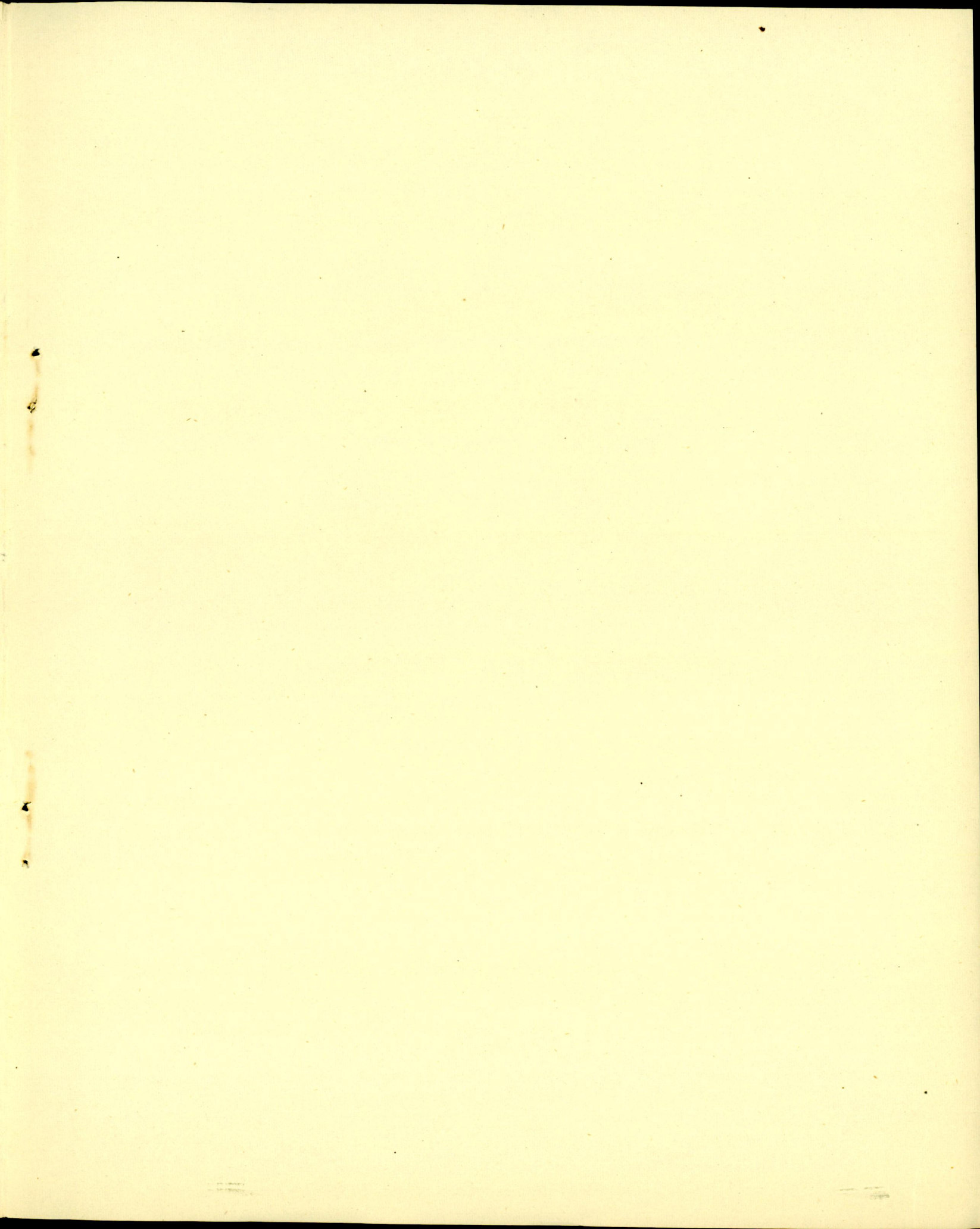
(9) Nothing contained in this section shall limit or in any way affect the powers, authorities, duties and functions conferred or imposed on the commission, or any member

Industrial Arbitration (Amendment).

member thereof, or on a committee, a conciliation commissioner or an apprenticeship council, by or under this Act in respect of long service leave or sick leave:

5 Provided that in the exercise or performance of such powers, authorities, duties or functions, the commission or any member thereof or a committee, conciliation commissioner or an apprenticeship council shall
10 not in any award or industrial agreement whether made before or after the commencement of the Industrial Arbitration (Amendment) Act, 1952, insert any provisions relating to long service leave or sick
15 leave less favourable to the employees than the provisions prescribed by the foregoing provisions of this section.

[9d.]



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No. , 1952.

A BILL

To make further provisions with respect to long service leave to which employees are entitled under section 88c of the Industrial Arbitration Act, 1940-1951, and the jurisdiction of Industrial Tribunals in relation to long service leave; for these purposes to amend the said Act; and for purposes connected therewith.

[MR. FINNAN;—25 March, 1952.]

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. (1) This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1952".

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(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, 1940-1952.

(3) This Act shall be deemed to have commenced upon the first day of July, one thousand nine hundred and fifty-one.

2. The Industrial Arbitration Act, 1940, as amended by subsequent Acts, is amended—

Amendment of Act No. 2, 1940.

- 10 (a) by inserting in subparagraph (ii) of paragraph (a) of subsection one of section 88c after the word "misconduct" the words "or by the employee on account of illness, incapacity or domestic or other necessitous circumstances where such illness or incapacity is, or domestic or other necessitous circumstances are of such a nature as to justify such termination";
- 15 (b) by inserting at the end of the same section the following new subsections:—
- 20 (7) For the purposes of paragraph (a) of subsection one of this section—
- 25 (a) "service" of an employee means the period during which such an employee has served his employer under an unbroken contract of employment: Provided that a contract of employment shall be deemed not to have been broken by reason only of any interruption or determination thereof, whether
- 30 occurring before or after the commencement of the Industrial Arbitration (Amendment) Act, 1952, if such interruption or determination—
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Sec. 88c.

(Long service leave and sick leave.)

Industrial Arbitration (Amendment).

imposed on him by an award made pursuant to this section; or

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(ii) has arisen directly or indirectly from an industrial dispute; or

(iii) has been made by the employer by reason of slackness of trade:

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Provided further that the period during which the contract has been so interrupted or determined shall not by reason only of this paragraph be taken into account in calculating the period of service;

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(b) where a business, undertaking or establishment or any part thereof has, whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 1952, been transmitted from an employer (in this paragraph called the transmittor) to another employer (in this paragraph called the transmittee) and a person who at the time of such transmission was an employee of the transmittor in that business, undertaking, establishment or part thereof becomes an employee of the transmittee—

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(ii) the period of service which the employee has had with the transmittor or any prior

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Industrial Arbitration (Amendment).

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In this paragraph "transmission", without limiting its ordinary meaning, includes transfer, conveyance, assignment, or succession, whether by agreement or operation of law, and "transmitter", "transmittee" and "transmitted" have corresponding meanings.

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(8) (a) The terms of every award made pursuant to this section and in force at the date of the Royal assent to the Industrial Arbitration (Amendment) Act, 1952, shall be deemed to be varied, as from the commencement of such award, to the extent necessary to give effect to the provisions of paragraph (a) of subsection one of this section, as amended by the said Act, and of subsection seven of this section.

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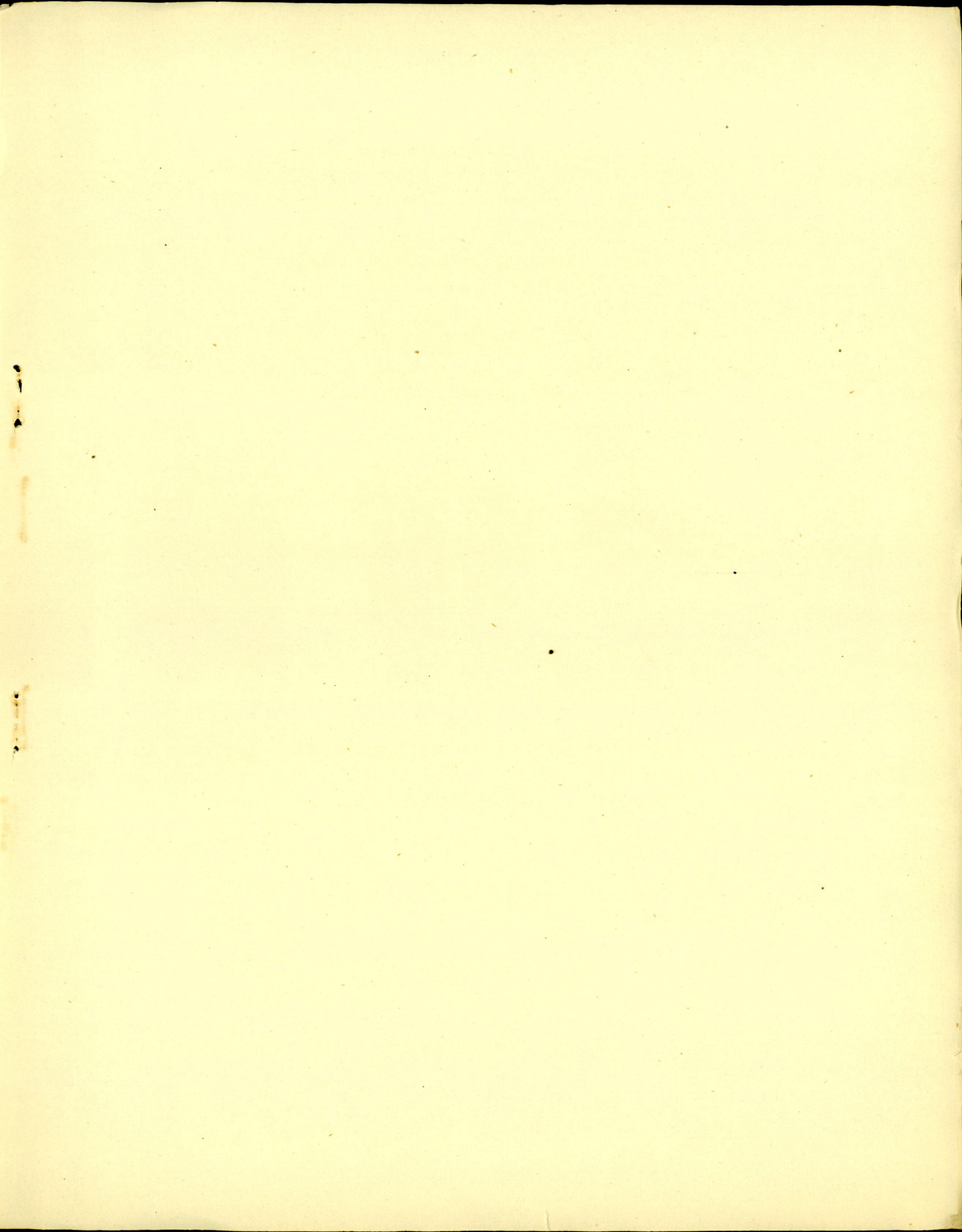
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Industrial Arbitration (Amendment).

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15 leave less favourable to the employees than the provisions prescribed by the foregoing provisions of this section.



INDUSTRIAL ARBITRATION (AMENDMENT) BILL, 1952.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to ensure that certain interruptions and determinations of a contract of employment shall be disregarded in calculating periods of service for purposes of long service leave;
- (b) to provide that service with an employer shall include service with any of his predecessors in business;
- (c) to ensure that the general powers of industrial tribunals in respect of long service leave and sick leave be preserved subject to the inclusion in awards and industrial agreements of provisions not less favourable than those prescribed by section 88c of the Industrial Arbitration Act;
- (d) to provide that where an employee is forced to leave his employment through circumstances beyond his control, e.g., ill health, domestic reasons, etc., he should be granted pro rata leave rights after the expiration of ten years' service.

The amendments are to take effect as from 1st July, 1951.

REVISIONS (AMENDMENT) BILL, 1952

EXPLANATORY NOTE

The Bill is intended to amend the provisions of the Act relating to the powers of the Government in relation to the... The Bill is intended to amend the provisions of the Act relating to the powers of the Government in relation to the... The Bill is intended to amend the provisions of the Act relating to the powers of the Government in relation to the...

Enacted in the 10th year of the Independence of India, on the 1st day of July, 1952.

No. , 1952.

A BILL

To make further provisions with respect to long service leave to which employees are entitled under section 88c of the Industrial Arbitration Act, 1940-1951, and the jurisdiction of Industrial Tribunals in relation to long service leave; for these purposes to amend the said Act; and for purposes connected therewith.

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Industrial Arbitration (Amendment).

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(8) (a) The terms of every award made pursuant to this section and in force at the date of the Royal assent to the Industrial Arbitration (Amendment) Act, 1952, shall be deemed to be varied, as from the commencement of such award, to the extent necessary to give effect to the provisions of paragraph (a) of subsection one of this section, as amended by the said Act, and of subsection seven of this section.

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Industrial Arbitration (Amendment).

member thereof, or on a committee, a conciliation commissioner or an apprenticeship council, by or under this Act in respect of long service leave or sick leave:

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