

New South Wales.



ANNO SECUNDO

ELIZABETHÆ II REGINÆ

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Act No. 42, 1953.

An Act to make certain provisions relating to membership of industrial unions of employees and long service leave of employees; for these and other purposes to amend the Industrial Arbitration Act, 1940-1952; and for purposes connected therewith. [Assented to, 17th December, 1953.]

**B**E 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, 1953."

Short  
title and  
citation.

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*Industrial Arbitration (Amendment).*

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(2) The Industrial Arbitration Act, 1940, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Industrial Arbitration Act, 1940-1953.

Amend-  
ment of  
Act No. 2,  
1940.  
Sec. 20.  
(Original  
jurisdic-  
tion.)

2. The Principal Act is amended—

- (a) by omitting from paragraph (a) of subsection one of section twenty the words “thirty-five pounds” and by inserting in lieu thereof the words “forty pounds”;
- (b) by omitting from the same paragraph the words “one thousand seven hundred and fifty pounds” and by inserting in lieu thereof the words “two thousand pounds”;
- (c) by omitting from the same paragraph the words “Provided further that no award shall be made for the payment of wages or remuneration of persons occupying managerial positions unless such persons are exclusively employed by the Commissioner for Railways, the Commissioner for Road Transport and Tramways, the Metropolitan Meat Industry Commissioner, The Maritime Services Board of New South Wales, the Metropolitan Water, Sewerage and Drainage Board, the Water Conservation and Irrigation Commission, the Board of Fire Commissioners of New South Wales, or The Hunter District Water Board, or are employees of any city, shire, or municipal council, or are employees employed under the Police Regulation Act, 1899, or any statute passed in substitution for or amendment of the same”;
- (d) by inserting in the same subsection after the words “Provided that an award affecting” the words “officers of either House of Parliament or persons employed in either of the Departments of the Legislature under the separate



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separate control of the President or Speaker or under their joint control or affecting”;

- (e) by omitting from the same subsection the words “such employees” and by inserting in lieu thereof the words “such officers and employees”.

**3.** The Principal Act is further amended—

- (a) by omitting paragraph (a) of subsection one of section 88c and by inserting in lieu thereof the following paragraph:—

Further amendment of Act No. 2, 1940.

Sec. 88c.

(Long service leave and sick leave.)

“(a) (i) in the case of employees who have whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 1953, completed at least twenty years’ service with an employer be—

(a) in respect of twenty years’ service so completed, three months, and

(b) in respect of each ten years’ service completed after such twenty years, six and one-half weeks, and

(c) on the termination of the employee’s services, in respect of the number of years’ service completed since he last became entitled to an amount of long service leave, a proportionate amount on the basis of six and one-half weeks for ten years’ service; and

(ii) in the case of employees who have whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 1953, completed at least ten years’ service but less than twenty years’ service

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*Industrial Arbitration (Amendment).*

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service with an employer and whose services with such employer are terminated by the employer for any cause other than serious misconduct or by the employee for any reason or by reason of the death of the employee after such commencement, be a proportionate amount on the basis of three months for twenty years' service, or";

- (b) by inserting at the end of the same subsection the following proviso and new subsection:—

Provided that an employee entitled to long service leave in pursuance of the provisions of subparagraph (i) of paragraph (a) of this subsection shall not be entitled to long service leave in pursuance of the provisions of the said subparagraph as enacted immediately before the commencement of the Industrial Arbitration (Amendment) Act, 1953, and any long service leave taken by an employee before such commencement in pursuance of the provisions of subparagraph (i) of paragraph (a) of this subsection as enacted immediately before such commencement shall be deducted from the long service leave to which such employee is entitled under subparagraph (i) of paragraph (a) of this subsection.

(1A) Where an employee dies and any long service leave—

(a) to which such employee was entitled has not been taken, or

(b) accrues upon termination of the services of such employee by reason of his death;

the employer shall thereupon pay to such employee's personal representative the wages that would have been payable to such employee in respect of such long service leave less any amount already paid to the employee in respect of any such long service leave. Any



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*Industrial Arbitration (Amendment).*

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Any amount payable by the employer under this subsection and not paid may, without prejudice to any other mode of recovery thereof, be recovered by the personal representative as unpaid wages due and payable to him under an award or industrial agreement by the employer concerned.

- (c) by inserting next after subsection four of the same section the following new subsection:—

(4A) Any exemption granted pursuant to subsection four of this section shall not apply to an employer in respect of any employee who, within a period of three months after the date of commencement of the Industrial Arbitration (Amendment) Act, 1953, or the date from which such exemption takes effect, or the date of commencement of his employment, as the case may require, has by notice in writing to the employer elected to be subject to the provisions of the award or industrial agreement relating to long service leave or sick leave, as the case may be, in lieu of those provided for in such scheme.

Notwithstanding any provision of any such scheme where an employee has given notice in writing as aforesaid, such employee shall be entitled to such benefits under such scheme, other than long service leave or sick leave, as he would have been entitled to receive had he voluntarily left the service of the employer upon the date upon which such notice was given: Except as aforesaid upon such notice being given the rights of the employee to any benefits under such scheme and the obligations under such scheme of the employer and any persons charged with the administration of such scheme in respect of that employee and any person claiming under the employee or in respect of his employment shall cease and determine.

- (d) by inserting next after subsection eight of the same section the following new subsection:—

(8A) (a) The terms of every award made pursuant to this section and in force at the commencement

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*Industrial Arbitration (Amendment).*

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commencement of the Industrial Arbitration (Amendment) Act, 1953, shall be deemed to be varied, as from such commencement, to the extent necessary to give effect to the provisions of subsection one of this section as amended by the said Act.

(b) As soon as practicable after such commencement 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.

4. The Principal Act is further amended by inserting in subsection two of section ninety-six after the word "business" the words "or the premises in or upon which persons are employed by him in such industry."

5. (1) The Principal Act is further amended—

(a) by omitting from subsection three of section one hundred and twenty-seven the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

(b) by omitting section 129A and by inserting in lieu thereof the following section:—

129A. (1) The registrar may, on application being made by any person and on proof to his satisfaction that such person is the secretary or a duly accredited representative of an industrial union of employees whose members are engaged in an industry in respect of which an award or industrial agreement is in force, issue to that person in writing an entry and inspection permit.

Further amendment of Act No. 2, 1940. Sec. 96 (2). (Exhibition of award.)

Further amendment of Act No. 2, 1940. Sec. 127. (Appointment and powers of inspectors.)

Subst. sec. 129A.

Entry and inspection by accredited union representatives.



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*Industrial Arbitration (Amendment).*

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(2) The person to whom any such entry and inspection permit has been issued may, if such permit is for the time being in force—

(a) enter the premises of any employer engaged in any such industry—

(i) during any lunch hour or non-working time for the purpose of interviewing employees on legitimate union business;

(ii) during working hours for the purpose of investigating any suspected breach of this Act or of any award or industrial agreement in force in relation to such industry;

(b) for the purpose of investigating any suspected breach of this Act or of any award or industrial agreement in force in relation to such industry, require any employer engaged in such industry to produce for his inspection during the usual office hours at the employer's office or other convenient place any time and pay sheets kept by him in regard to employees in such industry, and may make copies of the entries in such time and pay sheets relating to any such suspected breach.

In this subsection "premises" includes any building, mine, mine working, ship, vessel, or place of any kind wherein or in respect of which any industry is carried on or any work is being or has been done or commenced.

(3) An entry and inspection permit—

(a) shall remain in force until it expires in accordance with paragraph (b) of this subsection or is revoked in pursuance of the provisions of this section;

(b)

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*Industrial Arbitration (Amendment).*

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- (b) shall expire when the person to whom it was issued ceases to be the secretary or a duly accredited representative of the industrial union and notification of such cessation has been given to the registrar;
- (c) may be revoked by the registrar if he is satisfied that the person to whom it was issued has wilfully hampered or hindered employees during their working time or has otherwise acted in an improper manner in the exercise or purported exercise of any power conferred on him by this section.

Any decision of the registrar revoking any entry and inspection permit shall be subject to appeal to the commission as prescribed.

(4) Nothing in this section shall authorise a secretary or duly accredited representative of an industrial union of employees to enter a private dwelling house, or the land used in connection therewith, unless some manufacture or trade in which labour is employed is carried on therein.

(5) Any person who hinders or obstructs the holder of an entry and inspection permit for the time being in force in the exercise of any power conferred on him by this section shall be liable to a penalty not exceeding fifty pounds.

(6) A person to whom an entry and inspection permit has been issued pursuant to this section shall upon the expiry or revocation of such permit return such permit to the registrar for cancellation. Any person failing to comply with the provisions of this subsection shall be liable to a penalty not exceeding fifty pounds.



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*Industrial Arbitration (Amendment).*


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(2) The terms of every award or industrial agreement which is in force at the commencement of this Act and in which provisions have been inserted pursuant to subsection one of section 129A of the Principal Act shall as from such commencement be deemed to be varied by omitting such provisions therefrom. As soon as practicable after such commencement the registrar shall vary the terms of every such award or industrial agreement to give effect to the provisions of this subsection.

**6.** The Principal Act is further amended by inserting next after section 129A the following new section:—

Further  
amend-  
ment of  
Act No. 2,  
1940.

129B. (1) An employer engaged in any industry or calling to which an award or industrial agreement relates or applies shall give absolute preference of employment to members of the industrial union or unions engaged in such industry or calling.

New sec.  
129B,  
Employ-  
ment of  
unionists.

(2) Where an adult person is, at the date of commencement of the Industrial Arbitration (Amendment) Act, 1953, employed by an employer in any industry or calling to which an award or industrial agreement relates or applies, or after such commencement enters into employment with an employer in any such industry or calling, or is employed by an employer in an industry or calling to which no award or industrial agreement relates or applies and an award or industrial agreement is made in respect of such industry or calling, such adult person shall not continue in such employment after the expiration of a period of twenty-eight days from the date of commencement of the Industrial Arbitration (Amendment) Act, 1953, or such entry into employment or the date on which the award or industrial agreement so made becomes

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*Industrial Arbitration (Amendment).*

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becomes operative, as the case may require, unless—

- (a) he is a financial member of an industrial union of employees whose members are engaged in such industry or calling; or
- (b) he has applied to be admitted as a member of such industrial union.

(3) An employer bound by an award or industrial agreement shall not knowingly continue in employment in any position or employment subject to the award or industrial agreement any adult person who contravenes or fails to observe the provisions of subsection two of this section.

(4) Every person who is obliged to become a member of an industrial union of employees in accordance with the foregoing provisions of this section shall be entitled to become a member of such union on application made in accordance with its rules and in so far as the rules of any such union are inconsistent with the provisions of this subsection they shall be null and void.

(5) (a) No member of an industrial union shall be expelled from such union except in accordance with the provisions of this subsection.

(b) Twenty-eight days' notice of the proposed expulsion shall be given to such member.

(c) Within the said period of twenty-eight days such member may apply to the commission for an order restraining the union from continuing with the expulsion and pending the decision of the commission no further steps shall be taken by the union in connection with the expulsion.

(d)



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(d) Upon any such application the commission shall, as soon as practicable, proceed to enquire into the reasons for the expulsion.

(e) (i) If the commission is satisfied that the circumstances are such as to justify the expulsion it may grant leave to the union to proceed accordingly.

(ii) If the commission is not so satisfied it may make an order restraining the union from taking any further steps in connection with the expulsion.

(6) For the purpose of this section—

- (a) “adult person” means a person of eighteen years of age or upwards and every other person who is for the time being in receipt of not less than the minimum rate of wages provided for adult employees by the award or industrial agreement which relates or applies to the industry or calling in which he is engaged;
- (b) “industrial agreement” includes any agreement affecting rates of pay or conditions of employment made under any Act other than this Act;
- (c) a person shall not be deemed to have applied for membership of an industrial union unless he has applied for such membership in the manner prescribed by the rules of the union and tendered any fee or subscription required by such rules to be paid or tendered by persons applying for such membership.

(7) Notwithstanding anything contained in this Act or the rules of an industrial union an employee shall not be compelled to pay in advance more than one-fourth of the amount

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*Industrial Arbitration (Amendment).*

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amount prescribed by such rules as the annual fee or subscription payable for membership of such union.

(8) Any person who commits a breach of any of the provisions of subsection one, two or three of this section shall be liable to a penalty not exceeding one hundred pounds. Proceedings for the recovery of such penalty may be taken by the secretary of an industrial union concerned in the industry or calling in which the person alleged to have committed the breach is engaged.

(9) (a) In the event of a trade union which is registered as an industrial union—

(i) refusing or failing to admit to membership of such union any person entitled to be admitted thereto in pursuance of the provisions of subsection four of this section within a period of one month after application by such person for membership, or

(ii) expelling any person from membership of such union otherwise than in accordance with the provisions of subsection five of this section,

the commission may order such trade union to pay a penalty not exceeding one hundred pounds.

(b) The provisions of sections one hundred and twelve, one hundred and thirteen and one hundred and fourteen of this Act shall apply, *mutatis mutandis*, to and in respect of the jurisdiction and powers conferred upon the commission by this section and any penalties imposed by the commission under this section.

(10) The foregoing provisions of this section shall not apply to or in respect of—

(a) the employment in any industry or calling of a person who has been issued  
by



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*Industrial Arbitration (Amendment).*

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by the registrar pursuant to subsection eleven of this section with a certificate of exemption from membership of an industrial union of employees covering that industry or calling, if such certificate or any renewal thereof is for the time being in force; or

- (b) the employment of any person to whom a certificate of exemption from union membership has been issued pursuant to paragraph (b) of subsection two of section twenty of this Act if the period specified in such certificate or any renewal thereof has not expired; or
- (c) the employment during a period of vacation of a bona fide student of a school, college or university; or
- (d) the employment of persons occupying managerial positions; or
- (e) the employment of any person who has applied for a certificate of exemption pursuant to subsection eleven of this section and whose application has not been finally determined.

(11) (a) For the purposes of this subsection "conscientious belief" includes any conscientious belief whether the grounds thereof are or are not of a religious character and whether the belief is or is not part of the doctrine of any religion.

(b) Any person who—

- (i) objects on the grounds of conscientious belief to being a member of an industrial union of employees; and
- (ii) applies in the manner prescribed to the registrar for a certificate of exemption from membership of any such union; and

(iii)

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*Industrial Arbitration (Amendment).*

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(iii) satisfies the registrar that his objections on the grounds of conscientious belief are genuine; and

(iv) pays to the registrar an amount equivalent to the subscription prescribed by the rules of the industrial union for membership of such union;

shall be issued by the registrar with a certificate of exemption from membership of the industrial union.

(c) Any such certificate shall remain in force for the period specified therein and may be renewed from time to time by the registrar upon payment of such amount, not exceeding the amount referred to in subparagraph (iv) of paragraph (b) of this subsection, as the registrar may require.

(d) Any amount received by the registrar pursuant to this subsection shall be paid by him to the credit of the Consolidated Revenue Fund.

(e) Any person whose application for a certificate of exemption from membership of an industrial union, or for any renewal thereof, under this subsection is refused, may within twenty-one days of the decision of the registrar refusing the application appeal in the manner prescribed to the commission from such decision. The commission may on such appeal make such order as it thinks fit.

(12) Nothing in this section shall limit or in any way affect—

(a) the powers, authorities, duties or functions conferred or imposed upon the commission or a committee by any other provisions of this Act except to the extent to which the exercise or performance of any such power, authority, duty

or



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*Industrial Arbitration (Amendment).*

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or function would be contrary to or inconsistent with the provisions of subsections one, two or three of this section.

- (b) the rights or obligations conferred or imposed on an employer or employee by any other provisions of this Act or by an award or industrial agreement;
- (c) any law relating to preference in employment to persons who have served as members of the naval, military or air forces of the Commonwealth.

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By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1954.

General Agreement (Continued)

of the same shall be contrary to or inconsistent with the provisions of sub-sections one, two or three of this section.

- (a) The right of the employer or employee to join or not to join a union or other organization of the kind mentioned in sub-section one of this section shall be determined by the law relating to labor in the country in which the employer or employee is engaged in his occupation.

Dr. J. P. ...  
A. H. ...



*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, 4 December, 1953.*

## New South Wales.



ANNO SECUNDO

## ELIZABETHÆ II REGINÆ

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### Act No. 42, 1953.

An Act to make certain provisions relating to membership of industrial unions of employees and long service leave of employees; for these and other purposes to amend the Industrial Arbitration Act, 1940-1952; and for purposes connected therewith. [Assented to, 17th December, 1953.]

**B**E 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, 1953."

Short  
title and  
citation.

(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.*



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*Industrial Arbitration (Amendment).*

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(2) The Industrial Arbitration Act, 1940, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Industrial Arbitration Act, 1940-1953.

Amend-  
ment of  
Act No. 2,  
1940.  
Sec. 20.  
(Original  
jurisdic-  
tion.)

**2. The Principal Act is amended—**

- (a) by omitting from paragraph (a) of subsection one of section twenty the words "thirty-five pounds" and by inserting in lieu thereof the words "forty pounds";
- (b) by omitting from the same paragraph the words "one thousand seven hundred and fifty pounds" and by inserting in lieu thereof the words "two thousand pounds";
- (c) by omitting from the same paragraph the words "Provided further that no award shall be made for the payment of wages or remuneration of persons occupying managerial positions unless such persons are exclusively employed by the Commissioner for Railways, the Commissioner for Road Transport and Tramways, the Metropolitan Meat Industry Commissioner, The Maritime Services Board of New South Wales, the Metropolitan Water, Sewerage and Drainage Board, the Water Conservation and Irrigation Commission, the Board of Fire Commissioners of New South Wales, or The Hunter District Water Board, or are employees of any city, shire, or municipal council, or are employees employed under the Police Regulation Act, 1899, or any statute passed in substitution for or amendment of the same";
- (d) by inserting in the same subsection after the words "Provided that an award affecting" the words "officers of either House of Parliament or persons employed in either of the Departments of the Legislature under the separate



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separate control of the President or Speaker or under their joint control or affecting”;

- (e) by omitting from the same subsection the words “such employees” and by inserting in lieu thereof the words “such officers and employees”.

3. The Principal Act is further amended—

Further amendment of Act No. 2, 1940.

- (a) by omitting paragraph (a) of subsection one of section 88c and by inserting in lieu thereof the following paragraph:—

Sec. 88c.

(Long service leave and sick leave.)

“(a) (i) in the case of employees who have whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 1953, completed at least twenty years’ service with an employer be—

(a) in respect of twenty years’ service so completed, three months, and

(b) in respect of each ten years’ service completed after such twenty years, six and one-half weeks, and

(c) on the termination of the employee’s services, in respect of the number of years’ service completed since he last became entitled to an amount of long service leave, a proportionate amount on the basis of six and one-half weeks for ten years’ service; and

(ii) in the case of employees who have whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 1953, completed at least ten years’ service but less than twenty years’ service



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*Industrial Arbitration (Amendment).*

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service with an employer and whose services with such employer are terminated by the employer for any cause other than serious misconduct or by the employee for any reason or by reason of the death of the employee after such commencement, be a proportionate amount on the basis of three months for twenty years' service, or'';

- (b) by inserting at the end of the same subsection the following proviso and new subsection:—

Provided that an employee entitled to long service leave in pursuance of the provisions of subparagraph (i) of paragraph (a) of this subsection shall not be entitled to long service leave in pursuance of the provisions of the said subparagraph as enacted immediately before the commencement of the Industrial Arbitration (Amendment) Act, 1953, and any long service leave taken by an employee before such commencement in pursuance of the provisions of subparagraph (i) of paragraph (a) of this subsection as enacted immediately before such commencement shall be deducted from the long service leave to which such employee is entitled under subparagraph (i) of paragraph (a) of this subsection.

(1A) Where an employee dies and any long service leave—

- (a) to which such employee was entitled has not been taken, or
- (b) accrues upon termination of the services of such employee by reason of his death;

the employer shall thereupon pay to such employee's personal representative the wages that would have been payable to such employee in respect of such long service leave less any amount already paid to the employee in respect of any such long service leave. Any



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*Industrial Arbitration (Amendment).*

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Any amount payable by the employer under this subsection and not paid may, without prejudice to any other mode of recovery thereof, be recovered by the personal representative as unpaid wages due and payable to him under an award or industrial agreement by the employer concerned.

- (c) by inserting next after subsection four of the same section the following new subsection:—

(4A) Any exemption granted pursuant to subsection four of this section shall not apply to an employer in respect of any employee who, within a period of three months after the date of commencement of the Industrial Arbitration (Amendment) Act, 1953, or the date from which such exemption takes effect, or the date of commencement of his employment, as the case may require, has by notice in writing to the employer elected to be subject to the provisions of the award or industrial agreement relating to long service leave or sick leave, as the case may be, in lieu of those provided for in such scheme.

Notwithstanding any provision of any such scheme where an employee has given notice in writing as aforesaid, such employee shall be entitled to such benefits under such scheme, other than long service leave or sick leave, as he would have been entitled to receive had he voluntarily left the service of the employer upon the date upon which such notice was given: Except as aforesaid upon such notice being given the rights of the employee to any benefits under such scheme and the obligations under such scheme of the employer and any persons charged with the administration of such scheme in respect of that employee and any person claiming under the employee or in respect of his employment shall cease and determine.

- (d) by inserting next after subsection eight of the same section the following new subsection:—

(8A) (a) The terms of every award made pursuant to this section and in force at the commencement



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commencement of the Industrial Arbitration (Amendment) Act, 1953, shall be deemed to be varied, as from such commencement, to the extent necessary to give effect to the provisions of subsection one of this section as amended by the said Act.

(b) As soon as practicable after such commencement 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.

Further amendment of Act No. 2, 1940. Sec. 96 (2). (Exhibition of award.)

4. The Principal Act is further amended by inserting in subsection two of section ninety-six after the word "business" the words "or the premises in or upon which persons are employed by him in such industry."

Further amendment of Act No. 2, 1940. Sec. 127. (Appointment and powers of inspectors.)

5. (1) The Principal Act is further amended—

(a) by omitting from subsection three of section one hundred and twenty-seven the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

(b) by omitting section 129A and by inserting in lieu thereof the following section:—

Subst. sec. 129A.

Entry and inspection by accredited union representatives.

129A. (1) The registrar may, on application being made by any person and on proof to his satisfaction that such person is the secretary or a duly accredited representative of an industrial union of employees whose members are engaged in an industry in respect of which an award or industrial agreement is in force, issue to that person in writing an entry and inspection permit.



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*Industrial Arbitration (Amendment).*

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(2) The person to whom any such entry and inspection permit has been issued may, if such permit is for the time being in force—

(a) enter the premises of any employer engaged in any such industry—

(i) during any lunch hour or non-working time for the purpose of interviewing employees on legitimate union business;

(ii) during working hours for the purpose of investigating any suspected breach of this Act or of any award or industrial agreement in force in relation to such industry;

(b) for the purpose of investigating any suspected breach of this Act or of any award or industrial agreement in force in relation to such industry, require any employer engaged in such industry to produce for his inspection during the usual office hours at the employer's office or other convenient place any time and pay sheets kept by him in regard to employees in such industry, and may make copies of the entries in such time and pay sheets relating to any such suspected breach.

In this subsection "premises" includes any building, mine, mine working, ship, vessel, or place of any kind wherein or in respect of which any industry is carried on or any work is being or has been done or commenced.

(3) An entry and inspection permit—

(a) shall remain in force until it expires in accordance with paragraph (b) of this subsection or is revoked in pursuance of the provisions of this section;

(b)



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*Industrial Arbitration (Amendment).*

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- (b) shall expire when the person to whom it was issued ceases to be the secretary or a duly accredited representative of the industrial union and notification of such cessation has been given to the registrar;
- (c) may be revoked by the registrar if he is satisfied that the person to whom it was issued has wilfully hampered or hindered employees during their working time or has otherwise acted in an improper manner in the exercise or purported exercise of any power conferred on him by this section.

Any decision of the registrar revoking any entry and inspection permit shall be subject to appeal to the commission as prescribed.

(4) Nothing in this section shall authorise a secretary or duly accredited representative of an industrial union of employees to enter a private dwelling house, or the land used in connection therewith, unless some manufacture or trade in which labour is employed is carried on therein.

(5) Any person who hinders or obstructs the holder of an entry and inspection permit for the time being in force in the exercise of any power conferred on him by this section shall be liable to a penalty not exceeding fifty pounds.

(6) A person to whom an entry and inspection permit has been issued pursuant to this section shall upon the expiry or revocation of such permit return such permit to the registrar for cancellation. Any person failing to comply with the provisions of this subsection shall be liable to a penalty not exceeding fifty pounds.



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*Industrial Arbitration (Amendment).*

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(2) The terms of every award or industrial agreement which is in force at the commencement of this Act and in which provisions have been inserted pursuant to subsection one of section 129A of the Principal Act shall as from such commencement be deemed to be varied by omitting such provisions therefrom. As soon as practicable after such commencement the registrar shall vary the terms of every such award or industrial agreement to give effect to the provisions of this subsection.

**6.** The Principal Act is further amended by inserting next after section 129A the following new section:—

Further amendment of Act No. 2, 1940.

129B. (1) An employer engaged in any industry or calling to which an award or industrial agreement relates or applies shall give absolute preference of employment to members of the industrial union or unions engaged in such industry or calling.

New sec. 129B. Employment of unionists.

(2) Where an adult person is, at the date of commencement of the Industrial Arbitration (Amendment) Act, 1953, employed by an employer in any industry or calling to which an award or industrial agreement relates or applies, or after such commencement enters into employment with an employer in any such industry or calling, or is employed by an employer in an industry or calling to which no award or industrial agreement relates or applies and an award or industrial agreement is made in respect of such industry or calling, such adult person shall not continue in such employment after the expiration of a period of twenty-eight days from the date of commencement of the Industrial Arbitration (Amendment) Act, 1953, or such entry into employment or the date on which the award or industrial agreement so made

becomes



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*Industrial Arbitration (Amendment).*

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becomes operative, as the case may require, unless—

- (a) he is a financial member of an industrial union of employees whose members are engaged in such industry or calling; or
- (b) he has applied to be admitted as a member of such industrial union.

(3) An employer bound by an award or industrial agreement shall not knowingly continue in employment in any position or employment subject to the award or industrial agreement any adult person who contravenes or fails to observe the provisions of subsection two of this section.

(4) Every person who is obliged to become a member of an industrial union of employees in accordance with the foregoing provisions of this section shall be entitled to become a member of such union on application made in accordance with its rules and in so far as the rules of any such union are inconsistent with the provisions of this subsection they shall be null and void.

(5) (a) No member of an industrial union shall be expelled from such union except in accordance with the provisions of this subsection.

(b) Twenty-eight days' notice of the proposed expulsion shall be given to such member.

(c) Within the said period of twenty-eight days such member may apply to the commission for an order restraining the union from continuing with the expulsion and pending the decision of the commission no further steps shall be taken by the union in connection with the expulsion.

(d)



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*Industrial Arbitration (Amendment).*

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(d) Upon any such application the commission shall, as soon as practicable, proceed to enquire into the reasons for the expulsion.

(e) (i) If the commission is satisfied that the circumstances are such as to justify the expulsion it may grant leave to the union to proceed accordingly.

(ii) If the commission is not so satisfied it may make an order restraining the union from taking any further steps in connection with the expulsion.

(6) For the purpose of this section—

- (a) “adult person” means a person of eighteen years of age or upwards and every other person who is for the time being in receipt of not less than the minimum rate of wages provided for adult employees by the award or industrial agreement which relates or applies to the industry or calling in which he is engaged;
- (b) “industrial agreement” includes any agreement affecting rates of pay or conditions of employment made under any Act other than this Act;
- (c) a person shall not be deemed to have applied for membership of an industrial union unless he has applied for such membership in the manner prescribed by the rules of the union and tendered any fee or subscription required by such rules to be paid or tendered by persons applying for such membership.

(7) Notwithstanding anything contained in this Act or the rules of an industrial union an employee shall not be compelled to pay in advance more than one-fourth of the  
**amount**



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*Industrial Arbitration (Amendment).*

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amount prescribed by such rules as the annual fee or subscription payable for membership of such union.

(8) Any person who commits a breach of any of the provisions of subsection one, two or three of this section shall be liable to a penalty not exceeding one hundred pounds. Proceedings for the recovery of such penalty may be taken by the secretary of an industrial union concerned in the industry or calling in which the person alleged to have committed the breach is engaged.

(9) (a) In the event of a trade union which is registered as an industrial union—

- (i) refusing or failing to admit to membership of such union any person entitled to be admitted thereto in pursuance of the provisions of subsection four of this section within a period of one month after application by such person for membership, or
- (ii) expelling any person from membership of such union otherwise than in accordance with the provisions of subsection five of this section,

the commission may order such trade union to pay a penalty not exceeding one hundred pounds.

(b) The provisions of sections one hundred and twelve, one hundred and thirteen and one hundred and fourteen of this Act shall apply, *mutatis mutandis*, to and in respect of the jurisdiction and powers conferred upon the commission by this section and any penalties imposed by the commission under this section.

(10) The foregoing provisions of this section shall not apply to or in respect of—

- (a) the employment in any industry or calling of a person who has been issued  
by



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*Industrial Arbitration (Amendment).*

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by the registrar pursuant to subsection eleven of this section with a certificate of exemption from membership of an industrial union of employees covering that industry or calling, if such certificate or any renewal thereof is for the time being in force; or

- (b) the employment of any person to whom a certificate of exemption from union membership has been issued pursuant to paragraph (b) of subsection two of section twenty of this Act if the period specified in such certificate or any renewal thereof has not expired; or
- (c) the employment during a period of vacation of a bona fide student of a school, college or university; or
- (d) the employment of persons occupying managerial positions; or
- (e) the employment of any person who has applied for a certificate of exemption pursuant to subsection eleven of this section and whose application has not been finally determined.

(11) (a) For the purposes of this subsection "conscientious belief" includes any conscientious belief whether the grounds thereof are or are not of a religious character and whether the belief is or is not part of the doctrine of any religion.

(b) Any person who—

- (i) objects on the grounds of conscientious belief to being a member of an industrial union of employees; and
- (ii) applies in the manner prescribed to the registrar for a certificate of exemption from membership of any such union; and

(iii)



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*Industrial Arbitration (Amendment).*

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(iii) satisfies the registrar that his objections on the grounds of conscientious belief are genuine; and

(iv) pays to the registrar an amount equivalent to the subscription prescribed by the rules of the industrial union for membership of such union;

shall be issued by the registrar with a certificate of exemption from membership of the industrial union.

(c) Any such certificate shall remain in force for the period specified therein and may be renewed from time to time by the registrar upon payment of such amount, not exceeding the amount referred to in subparagraph (iv) of paragraph (b) of this subsection, as the registrar may require.

(d) Any amount received by the registrar pursuant to this subsection shall be paid by him to the credit of the Consolidated Revenue Fund.

(e) Any person whose application for a certificate of exemption from membership of an industrial union, or for any renewal thereof, under this subsection is refused, may within twenty-one days of the decision of the registrar refusing the application appeal in the manner prescribed to the commission from such decision. The commission may on such appeal make such order as it thinks fit.

(12) Nothing in this section shall limit or in any way affect—

(a) the powers, authorities, duties or functions conferred or imposed upon the commission or a committee by any other provisions of this Act except to the extent to which the exercise or performance of any such power, authority, duty

or



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*Industrial Arbitration (Amendment).*

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or function would be contrary to or inconsistent with the provisions of sub sections one, two or three of this section.

- (b) the rights or obligations conferred or imposed on an employer or employee by any other provisions of this Act or by an award or industrial agreement;
- (c) any law relating to preference in employment to persons who have served as members of the naval, military or air forces of the Commonwealth.

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

J. NORTHCOTT,  
*Governor.*

*Government House,  
Sydney, 17th December, 1953.*

Industrial Relations (Amendment)

or function shall be contrary to or  
frustrated by the provisions of any  
section of this Act or any other  
law.

It shall be an offence for any  
person to contravene any provision  
of this Act or any other provision  
of any other law relating to  
employment in any industry or  
business or to the health, safety  
or welfare of the employees in  
any industry or business.

In the event of a default by any person in  
the performance of any duty imposed on  
him by this Act, he shall be liable to  
prosecution.

J. K. SINGH

Secretary

Government of India  
Ministry of Labour, Delhi



INDUSTRIAL ARBITRATION (AMENDMENT) BILL.

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*Schedule of Amendments referred to in Message of 3rd December, 1953.*

No. 1.—Page 5, clause 3, line 23. *After “scheme” insert—*

**“Notwithstanding any provision of any such scheme where an employee has given notice in writing as aforesaid, such employee shall be entitled to such benefits under such scheme, other than long service leave or sick leave, as he would have been entitled to receive had he voluntarily left the service of the employer upon the date upon which such notice was given: Except as aforesaid upon such notice being given the rights of the employee to any benefits under such scheme and the obligations under such scheme of the employer and any persons charged with the administration of such scheme in respect of that employee and any person claiming under the employee or in respect of his employment shall cease and determine.”**

No. 2.—Page 14, clause 6, line 36. *After “commission” insert “or a committee”*

No. 3.—Page 14, clause 6, line 37. *After “Act” insert “except to the extent to which the exercise or performance of any such power, authority, duty or function would be contrary to or inconsistent with the provisions of subsections one, two or three of this section”.*

INDUSTRIAL RELATIONS ACT, 1947

Section 10 - Dismissal of workmen on the ground of redundancy

Notwithstanding anything contained in any contract of service or in any award or in any agreement or in any rule or regulation made under the provisions of this Act, any workman employed in any industry shall be entitled to be dismissed on the ground of redundancy if the employer has given notice in writing to the workman of his intention to do so, and the dismissal is not based on any ground which would entitle the workman to be dismissed on any other ground.

Notwithstanding anything contained in any contract of service or in any award or in any agreement or in any rule or regulation made under the provisions of this Act, any workman employed in any industry shall be entitled to be dismissed on the ground of redundancy if the employer has given notice in writing to the workman of his intention to do so, and the dismissal is not based on any ground which would entitle the workman to be dismissed on any other ground.



*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 November, 1953, A.M.*

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

W. K. CHARLTON,  
*Clerk of the Parliaments.*  
*Legislative Council Chamber,*  
*Sydney, 3rd December, 1953.*

## New South Wales.



ANNO SECUNDO

ELIZABETHÆ II REGINÆ

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Act No. , 1953.

An Act to make certain provisions relating to membership of industrial unions of employees and long service leave of employees; for these and other purposes to amend the Industrial Arbitration Act, 1940-1952; and for purposes connected therewith.

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, 1953." Short title and citation.

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(2)

NOTE.—The words to be inserted are printed in black letter.



*Industrial Arbitration (Amendment).*

(2) The Industrial Arbitration Act, 1940, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Industrial Arbitration Act, 1940-1953.

2. The Principal Act is amended—

Amend-  
ment of  
Act No. 2,  
1940.

- 10 (a) by omitting from paragraph (a) of subsection one of section twenty the words "thirty-five pounds" and by inserting in lieu thereof the words "forty pounds";
- 15 (b) by omitting from the same paragraph the words "one thousand seven hundred and fifty pounds" and by inserting in lieu thereof the words "two thousand pounds";
- 20 (c) by omitting from the same paragraph the words "Provided further that no award shall be made for the payment of wages or remuneration of persons occupying managerial positions unless such persons are exclusively employed by the Commissioner for Railways, the Commissioner for Road Transport and Tramways, the Metropolitan Meat Industry Commissioner, The Maritime Services Board of New South Wales, the Metropolitan Water, Sewerage and Drainage Board, the Water Conservation and Irrigation Commission, the Board of Fire Commissioners of New South Wales, or The Hunter District Water Board, or are employees of any city, shire, or municipal council, or are employees employed under the Police Regulation Act, 1899, or any statute passed in substitution for or amendment of the same";
- 25 30 (d) by inserting in the same subsection after the words "Provided that an award affecting" the words "officers of either House of Parliament or persons employed in either of the Departments of the Legislature under the separate



*Industrial Arbitration (Amendment).*

separate control of the President or Speaker or under their joint control or affecting”;

(e) by omitting from the same subsection the words “such employees” and by inserting in lieu thereof the words “such officers and employees”.

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**3.** The Principal Act is further amended—

(a) by omitting paragraph (a) of subsection one of section 88c and by inserting in lieu thereof the following paragraph:—

Further amendment of Act No. 2, 1940.

Sec. 88c.

(Long service leave and sick leave.)

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“(a) (i) in the case of employees who have whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 1953, completed at least twenty years’ service with an employer be—

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(a) in respect of twenty years’ service so completed, three months, and

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(b) in respect of each ten years’ service completed after such twenty years, six and one-half weeks, and

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(c) on the termination of the employee’s services, in respect of the number of years’ service completed since he last became entitled to an amount of long service leave, a proportionate amount on the basis of six and one-half weeks for ten years’ service; and

30

(ii) in the case of employees who have whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 1953, completed at least ten years’ service but less than twenty years’ service

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*Industrial Arbitration (Amendment).*


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- 5 service with an employer and  
 whose services with such employer  
 are terminated by the employer for  
 any cause other than serious  
 10 misconduct or by the employee for  
 any reason or by reason of the  
 death of the employee after such  
 commencement, be a proportionate  
 amount on the basis of three  
 months for twenty years' service,  
 or”;
- (b) by inserting at the end of the same subsection  
 the following proviso and new subsection:—
- 15 Provided that an employee entitled to long  
 service leave in pursuance of the provisions of  
 subparagraph (i) of paragraph (a) of this  
 subsection shall not be entitled to long service  
 leave in pursuance of the provisions of the said  
 20 subparagraph as enacted immediately before  
 the commencement of the Industrial Arbitration  
 (Amendment) Act, 1953, and any long service  
 leave taken by an employee before such  
 commencement in pursuance of the provisions  
 of subparagraph (i) of paragraph (a) of this  
 25 subsection as enacted immediately before such  
 commencement shall be deducted from the long  
 service leave to which such employee is entitled  
 under subparagraph (i) of paragraph (a) of  
 this subsection.
- 30 (1A) Where an employee dies and any long  
 service leave—
- (a) to which such employee was entitled  
 has not been taken, or
- 35 (b) accrues upon termination of the  
 services of such employee by reason of  
 his death;
- 40 the employer shall thereupon pay to such  
 employee's personal representative the wages  
 that would have been payable to such employee  
 in respect of such long service leave less any  
 amount already paid to the employee in respect  
 of any such long service leave. Any



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*Industrial Arbitration (Amendment).*

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5 Any amount payable by the employer under this subsection and not paid may, without prejudice to any other mode of recovery thereof, be recovered by the personal representative as unpaid wages due and payable to him under an award or industrial agreement by the employer concerned.

(c) by inserting next after subsection four of the same section the following new subsection:—

10 (4A) Any exemption granted pursuant to subsection four of this section shall not apply to an employer in respect of any employee who, within a period of three months after the date of commencement of the Industrial Arbitration (Amendment) Act, 1953, or the date from  
15 which such exemption takes effect, or the date of commencement of his employment, as the case may require, has by notice in writing to the employer elected to be subject to the provisions of the award or industrial agreement relating to long service leave or sick leave, as the case may  
20 be, in lieu of those provided for in such scheme.

25 **Notwithstanding any provision of any such scheme where an employee has given notice in writing as aforesaid, such employee shall be entitled to such benefits under such scheme, other than long service leave or sick leave, as he would have been entitled to receive had he voluntarily left the service of the employer upon the date upon which such notice was given: Except as aforesaid upon such notice being given the rights of the employee to any benefits under such scheme and the obligations under such scheme of the employer and any persons charged with the administration of such scheme in respect of that employee and any person claiming under the employee or in respect of his employment shall cease and determine.**

30 (d) by inserting next after subsection eight of the same section the following new subsection:—

35 (8A) (a) The terms of every award made pursuant to this section and in force at the commencement  
40



*Industrial Arbitration (Amendment).*

5 commencement of the Industrial Arbitration (Amendment) Act, 1953, shall be deemed to be varied, as from such commencement, to the extent necessary to give effect to the provisions of subsection one of this section as amended by the said Act.

10 (b) As soon as practicable after such commencement 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.

15 4. The Principal Act is further amended by inserting in subsection two of section ninety-six after the word "business" the words "or the premises in or upon which persons are employed by him in such industry." Further amendment of Act No. 2, 1940. Sec. 96 (2). (Exhibition of award.)

5. (1) The Principal Act is further amended— Further amendment of Act No. 2, 1940.

20 (a) by omitting from subsection three of section one hundred and twenty-seven the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds"; Sec. 127. (Appointment and powers of inspectors.)

25 (b) by omitting section 129A and by inserting in lieu thereof the following section:— Subst. sec. 129A.

30 129A. (1) The registrar may, on application being made by any person and on proof to his satisfaction that such person is the secretary or a duly accredited representative of an industrial union of employees whose members are engaged in an industry in respect of which an award or industrial agreement is in force, issue to that person in writing an entry and inspection permit. Entry and inspection by accredited union representatives.



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*Industrial Arbitration (Amendment).*

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(2) The person to whom any such entry and inspection permit has been issued may, if such permit is for the time being in force—

5 (a) enter the premises of any employer engaged in any such industry—

(i) during any lunch hour or non-working time for the purpose of interviewing employees on legitimate union business;

10 (ii) during working hours for the purpose of investigating any suspected breach of this Act or of any award or industrial agreement in force in relation to such industry;

15 (b) for the purpose of investigating any suspected breach of this Act or of any award or industrial agreement in force in relation to such industry, require any employer engaged in such industry to produce for his inspection during the usual office hours at the employer's office or other convenient place any time and pay sheets kept by him in regard to employees in such industry, and may make copies of the entries in such time and pay sheets relating to any such suspected breach.

20 In this subsection "premises" includes any building, mine, mine working, ship, vessel, or place of any kind wherein or in respect of which any industry is carried on or any work is being or has been done or commenced.

25 (3) An entry and inspection permit—

(a) shall remain in force until it expires in accordance with paragraph (b) of this subsection or is revoked in pursuance of the provisions of this section;

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(b).



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*Industrial Arbitration (Amendment).*

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5 (b) shall expire when the person to whom it was issued ceases to be the secretary or a duly accredited representative of the industrial union and notification of such cessation has been given to the registrar;

10 (c) may be revoked by the registrar if he is satisfied that the person to whom it was issued has wilfully hampered or hindered employees during their working time or has otherwise acted in an improper manner in the exercise or purported exercise of any power conferred on him by this section.

15 Any decision of the registrar revoking any entry and inspection permit shall be subject to appeal to the commission as prescribed.

20 (4) Nothing in this section shall authorise a secretary or duly accredited representative of an industrial union of employees to enter a private dwelling house, or the land used in connection therewith, unless some manufacture or trade in which labour is employed is carried on therein.

25 (5) Any person who hinders or obstructs the holder of an entry and inspection permit for the time being in force in the exercise of any power conferred on him by this section shall be liable to a penalty not exceeding 30 fifty pounds.

35 (6) A person to whom an entry and inspection permit has been issued pursuant to this section shall upon the expiry or revocation of such permit return such permit to the registrar for cancellation. Any person failing to comply with the provisions of this subsection shall be liable to a penalty not exceeding fifty pounds.

(2).



*Industrial Arbitration (Amendment).*

(2) The terms of every award or industrial agreement which is in force at the commencement of this Act and in which provisions have been inserted pursuant to subsection one of section 129A of the Principal Act shall as from such commencement be deemed to be varied by omitting such provisions therefrom. As soon as practicable after such commencement the registrar shall vary the terms of every such award or industrial agreement to give effect to the provisions of this subsection.

6. The Principal Act is further amended by inserting next after section 129A the following new section:—

Further amendment of Act No. 2, 1940.

129B. (1) An employer engaged in any industry or calling to which an award or industrial agreement relates or applies shall give absolute preference of employment to members of the industrial union or unions engaged in such industry or calling.

New sec. 129B.

Employment of unionists.

(2) Where an adult person is, at the date of commencement of the Industrial Arbitration (Amendment) Act, 1953, employed by an employer in any industry or calling to which an award or industrial agreement relates or applies, or after such commencement enters into employment with an employer in any such industry or calling, or is employed by an employer in an industry or calling to which no award or industrial agreement relates or applies and an award or industrial agreement is made in respect of such industry or calling, such adult person shall not continue in such employment after the expiration of a period of twenty-eight days from the date of commencement of the Industrial Arbitration (Amendment) Act, 1953, or such entry into employment or the date on which the award or industrial agreement so made becomes



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*Industrial Arbitration (Amendment).*

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becomes operative, as the case may require, unless—

- 5 (a) he is a financial member of an industrial union of employees whose members are engaged in such industry or calling; or
- (b) he has applied to be admitted as a member of such industrial union.

10 (3) An employer bound by an award or industrial agreement shall not knowingly continue in employment in any position or employment subject to the award or industrial agreement any adult person who contravenes or fails to observe the provisions of subsection

15 two of this section.

(4) Every person who is obliged to become a member of an industrial union of employees in accordance with the foregoing provisions of this section shall be entitled to become a member of such union on application made in accordance with its rules and in so far as the rules of any such union are inconsistent with the provisions of this subsection they shall be null and void.

20

25 (5) (a) No member of an industrial union shall be expelled from such union except in accordance with the provisions of this subsection.

30 (b) Twenty-eight days' notice of the proposed expulsion shall be given to such member.

35 (c) Within the said period of twenty-eight days such member may apply to the commission for an order restraining the union from continuing with the expulsion and pending the decision of the commission no further steps shall be taken by the union in connection with the expulsion.

(d).



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*Industrial Arbitration (Amendment).*

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(d) Upon any such application the commission shall, as soon as practicable, proceed to enquire into the reasons for the expulsion.

5 (e) (i) If the commission is satisfied that the circumstances are such as to justify the expulsion it may grant leave to the union to proceed accordingly.

10 (ii) If the commission is not so satisfied it may make an order restraining the union from taking any further steps in connection with the expulsion.

(6) For the purpose of this section—

15 (a) “adult person” means a person of eighteen years of age or upwards and every other person who is for the time being in receipt of not less than the minimum rate of wages provided for adult employees by the award or  
20 industrial agreement which relates or applies to the industry or calling in which he is engaged;

25 (b) “industrial agreement” includes any agreement affecting rates of pay or conditions of employment made under any Act other than this Act;

30 (c) a person shall not be deemed to have applied for membership of an industrial union unless he has applied for such membership in the manner prescribed by the rules of the union and tendered any fee or subscription required by such rules to be paid or  
35 tendered by persons applying for such membership.

(7) Notwithstanding anything contained in this Act or the rules of an industrial union an employee shall not be compelled to pay in advance more than one-fourth of the  
amount



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*Industrial Arbitration (Amendment).*

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amount prescribed by such rules as the annual fee or subscription payable for membership of such union.

5 (8) Any person who commits a breach of any of the provisions of subsection one, two or three of this section shall be liable to a penalty not exceeding one hundred pounds. Proceedings for the recovery of such penalty may be taken by the secretary of an industrial 10 union concerned in the industry or calling in which the person alleged to have committed the breach is engaged.

(9) (a) In the event of a trade union which is registered as an industrial union—

15 (i) refusing or failing to admit to membership of such union any person entitled to be admitted thereto in pursuance of the provisions of subsection four of this section within a period of 20 one month after application by such person for membership, or

(ii) expelling any person from membership of such union otherwise than in accordance with the provisions of 25 subsection five of this section,

the commission may order such trade union to pay a penalty not exceeding one hundred pounds.

30 (b) The provisions of sections one hundred and twelve, one hundred and thirteen and one hundred and fourteen of this Act shall apply, mutatis mutandis, to and in respect of the jurisdiction and powers conferred upon the commission by this section and any penalties 35 imposed by the commission under this section.

(10) The foregoing provisions of this section shall not apply to or in respect of—

(a) the employment in any industry or calling of a person who has been issued by



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*Industrial Arbitration (Amendment).*

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- 5 by the registrar pursuant to subsection eleven of this section with a certificate of exemption from membership of an industrial union of employees covering that industry or calling, if such certificate or any renewal thereof is for the time being in force; or
- 10 (b) the employment of any person to whom a certificate of exemption from union membership has been issued pursuant to paragraph (b) of subsection two of section twenty of this Act if the period specified in such certificate or any renewal thereof has not expired; or
- 15 (c) the employment during a period of vacation of a bona fide student of a school, college or university; or
- (d) the employment of persons occupying managerial positions; or
- 20 (e) the employment of any person who has applied for a certificate of exemption pursuant to subsection eleven of this section and whose application has not been finally determined.
- 25 (11) (a) For the purposes of this subsection "conscientious belief" includes any conscientious belief whether the grounds thereof are or are not of a religious character and whether the belief is or is not part of the
- 30 doctrine of any religion.
- (b) Any person who—
- (i) objects on the grounds of conscientious belief to being a member of an industrial union of employees; and
- 35 (ii) applies in the manner prescribed to the registrar for a certificate of exemption from membership of any such union; and
- (iii)



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*Industrial Arbitration (Amendment).*

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(iii) satisfies the registrar that his objections on the grounds of conscientious belief are genuine; and

5 (iv) pays to the registrar an amount equivalent to the subscription prescribed by the rules of the industrial union for membership of such union;

10 shall be issued by the registrar with a certificate of exemption from membership of the industrial union.

15 (c) Any such certificate shall remain in force for the period specified therein and may be renewed from time to time by the registrar upon payment of such amount, not exceeding the amount referred to in subparagraph (iv) of paragraph (b) of this subsection, as the registrar may require.

20 (d) Any amount received by the registrar pursuant to this subsection shall be paid by him to the credit of the Consolidated Revenue Fund.

25 (e) Any person whose application for a certificate of exemption from membership of an industrial union, or for any renewal thereof, under this subsection is refused, may within twenty-one days of the decision of the registrar refusing the application appeal in the manner prescribed to the commission from such decision. The commission may on such appeal make such order as it  
30 thinks fit.

(12) Nothing in this section shall limit or in any way affect—

35 (a) the powers, authorities, duties or functions conferred or imposed upon the commission or a committee by any other provisions of this Act **except to the extent to which the exercise or performance of any such power, authority, duty**

or



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*Industrial Arbitration (Amendment).*

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or function would be contrary to or inconsistent with the provisions of subsections one, two or three of this section.

- 5 (b) the rights or obligations conferred or imposed on an employer or employee by any other provisions of this Act or by an award or industrial agreement;
- 10 (c) any law relating to preference in employment to persons who have served as members of the naval, military or air forces of the Commonwealth.



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*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 November, 1953, A.M.*

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

*Clerk of the Parliaments.*  
*Legislative Council Chamber,*  
*Sydney, December, 1953.*

## New South Wales.



ANNO SECUNDO

## ELIZABETHÆ II REGINÆ

\*\*\*\*\*

Act No. , 1953.

An Act to make certain provisions relating to membership of industrial unions of employees and long service leave of employees; for these and other purposes to amend the Industrial Arbitration Act, 1940-1952; and for purposes connected therewith.

**B**E 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, 1953." Short title and citation.

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(2)

NOTE.—The words to be inserted are printed in black letter.



*Industrial Arbitration (Amendment).*

(2) The Industrial Arbitration Act, 1940, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Industrial Arbitration Act, 1940-1953.

2. The Principal Act is amended—

Amendment of Act No. 2, 1940.

Sec. 20. (Original jurisdiction.)

- 10 (a) by omitting from paragraph (a) of subsection one of section twenty the words "thirty-five pounds" and by inserting in lieu thereof the words "forty pounds";
- 15 (b) by omitting from the same paragraph the words "one thousand seven hundred and fifty pounds" and by inserting in lieu thereof the words "two thousand pounds";
- 20 (c) by omitting from the same paragraph the words "Provided further that no award shall be made for the payment of wages or remuneration of persons occupying managerial positions unless such persons are exclusively employed by the Commissioner for Railways, the Commissioner for Road Transport and Tramways, the Metropolitan Meat Industry Commissioner, The Maritime Services Board of New South Wales, the Metropolitan Water, Sewerage and Drainage Board, the Water Conservation and Irrigation Commission, the Board of Fire Commissioners of New South Wales, or The Hunter District Water Board, or are employees of any city, shire, or municipal council, or are employees employed under the Police Regulation Act, 1899, or any statute passed in substitution for or amendment of the same";
- 30
- 35 (d) by inserting in the same subsection after the words "Provided that an award affecting" the words "officers of either House of Parliament or persons employed in either of the Departments of the Legislature under the separate



*Industrial Arbitration (Amendment).*

separate control of the President or Speaker or under their joint control or affecting”;

- (e) by omitting from the same subsection the words “such employees” and by inserting in lieu thereof the words “such officers and employees”.

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**3.** The Principal Act is further amended—

- (a) by omitting paragraph (a) of subsection one of section 88c and by inserting in lieu thereof the following paragraph:—

Further amendment of Act No. 2, 1940. Sec. 88c. (Long service leave and sick leave.)

10

“(a) (i) in the case of employees who have whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 1953, completed at least twenty years’ service with an employer be—

15

(a) in respect of twenty years’ service so completed, three months, and

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(b) in respect of each ten years’ service completed after such twenty years, six and one-half weeks, and

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(c) on the termination of the employee’s services, in respect of the number of years’ service completed since he last became entitled to an amount of long service leave, a proportionate amount on the basis of six and one-half weeks for ten years’ service; and

30

(ii) in the case of employees who have whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 1953, completed at least ten years’ service but less than twenty years’ service

35



*Industrial Arbitration (Amendment).*

5 service with an employer and  
whose services with such employer  
are terminated by the employer for  
any cause other than serious  
misconduct or by the employee for  
any reason or by reason of the  
death of the employee after such  
commencement, be a proportionate  
10 amount on the basis of three  
months for twenty years' service,  
or'';

(b) by inserting at the end of the same subsection  
the following proviso and new subsection:—

15 Provided that an employee entitled to long  
service leave in pursuance of the provisions of  
subparagraph (i) of paragraph (a) of this  
subsection shall not be entitled to long service  
leave in pursuance of the provisions of the said  
20 subparagraph as enacted immediately before  
the commencement of the Industrial Arbitration  
(Amendment) Act, 1953, and any long service  
leave taken by an employee before such  
commencement in pursuance of the provisions  
of subparagraph (i) of paragraph (a) of this  
25 subsection as enacted immediately before such  
commencement shall be deducted from the long  
service leave to which such employee is entitled  
under subparagraph (i) of paragraph (a) of  
this subsection.

30 (1A) Where an employee dies and any long  
service leave—

- (a) to which such employee was entitled  
has not been taken, or  
35 (b) accrues upon termination of the  
services of such employee by reason of  
his death;

40 the employer shall thereupon pay to such  
employee's personal representative the wages  
that would have been payable to such employee  
in respect of such long service leave less any  
amount already paid to the employee in respect  
of any such long service leave. Any



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*Industrial Arbitration (Amendment).*

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5 Any amount payable by the employer under this subsection and not paid may, without prejudice to any other mode of recovery thereof, be recovered by the personal representative as unpaid wages due and payable to him under an award or industrial agreement by the employer concerned.

(c) by inserting next after subsection four of the same section the following new subsection:—

10 (4A) Any exemption granted pursuant to subsection four of this section shall not apply to an employer in respect of any employee who, within a period of three months after the date of commencement of the Industrial Arbitration  
15 (Amendment) Act, 1953, or the date from which such exemption takes effect, or the date of commencement of his employment, as the case may require, has by notice in writing to the employer elected to be subject to the provisions  
20 of the award or industrial agreement relating to long service leave or sick leave, as the case may be, in lieu of those provided for in such scheme.

25 **Notwithstanding any provision of any such scheme where an employee has given notice in writing as aforesaid, such employee shall be entitled to such benefits under such scheme, other than long service leave or sick leave, as he would have been entitled to receive had he voluntarily left the service of the employer upon  
30 the date upon which such notice was given: Except as aforesaid upon such notice being given the rights of the employee to any benefits under such scheme and the obligations under such scheme of the employer and any persons charged with the administration of such scheme in respect  
35 of that employee and any person claiming under the employee or in respect of his employment shall cease and determine.**

(d) by inserting next after subsection eight of the same section the following new subsection:—

40 (8A) (a) The terms of every award made pursuant to this section and in force at the commencement



*Industrial Arbitration (Amendment).*

5 commencement of the Industrial Arbitration (Amendment) Act, 1953, shall be deemed to be varied, as from such commencement, to the extent necessary to give effect to the provisions of subsection one of this section as amended by the said Act.

10 (b) As soon as practicable after such commencement 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.

15 **4.** The Principal Act is further amended by inserting in subsection two of section ninety-six after the word "business" the words "or the premises in or upon which persons are employed by him in such industry." Further amendment of Act No. 2, 1940. Sec. 96 (2). (Exhibition of award.)

**5.** (1) The Principal Act is further amended—

20 (a) by omitting from subsection three of section one hundred and twenty-seven the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds"; Further amendment of Act No. 2, 1940. Sec. 127. (Appointment and powers of inspectors.)

25 (b) by omitting section 129A and by inserting in lieu thereof the following section:— Subst. sec. 129A.

30 129A. (1) The registrar may, on application being made by any person and on proof to his satisfaction that such person is the secretary or a duly accredited representative of an industrial union of employees whose members are engaged in an industry in respect of which an award or industrial agreement is in force, issue to that person in writing an entry and inspection permit. Entry and inspection by accredited union representatives.



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*Industrial Arbitration (Amendment).*

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(2) The person to whom any such entry and inspection permit has been issued may, if such permit is for the time being in force—

5 (a) enter the premises of any employer engaged in any such industry—

(i) during any lunch hour or non-working time for the purpose of interviewing employees on legitimate union business;

10 (ii) during working hours for the purpose of investigating any suspected breach of this Act or of any award or industrial agreement in force in relation to such industry;

15 (b) for the purpose of investigating any suspected breach of this Act or of any award or industrial agreement in force in relation to such industry, require any employer engaged in such industry to produce for his inspection during the usual office hours at the employer's office or other convenient place any time and pay sheets kept by him in regard to employees in such industry, and may make copies of the entries in such time and pay sheets relating to any such suspected breach.

20  
25  
30 In this subsection "premises" includes any building, mine, mine working, ship, vessel, or place of any kind wherein or in respect of which any industry is carried on or any work is being or has been done or commenced.

35 (3) An entry and inspection permit—

(a) shall remain in force until it expires in accordance with paragraph (b) of this subsection or is revoked in pursuance of the provisions of this section;

40 (b)



*Industrial Arbitration (Amendment).*

5 (b) shall expire when the person to whom it was issued ceases to be the secretary or a duly accredited representative of the industrial union and notification of such cessation has been given to the registrar;

10 (c) may be revoked by the registrar if he is satisfied that the person to whom it was issued has wilfully hampered or hindered employees during their working time or has otherwise acted in an improper manner in the exercise or purported exercise of any power conferred on him by this section.

15 Any decision of the registrar revoking any entry and inspection permit shall be subject to appeal to the commission as prescribed.

20 (4) Nothing in this section shall authorise a secretary or duly accredited representative of an industrial union of employees to enter a private dwelling house, or the land used in connection therewith, unless some manufacture or trade in which labour is employed is carried on therein.

25 (5) Any person who hinders or obstructs the holder of an entry and inspection permit for the time being in force in the exercise of any power conferred on him by this section shall be liable to a penalty not exceeding fifty pounds.

30 (6) A person to whom an entry and inspection permit has been issued pursuant to this section shall upon the expiry or revocation of such permit return such permit to the registrar for cancellation. Any person failing to comply with the provisions of this subsection shall be liable to a penalty not exceeding fifty pounds.



*Industrial Arbitration (Amendment).*

(2) The terms of every award or industrial agreement which is in force at the commencement of this Act and in which provisions have been inserted pursuant to subsection one of section 129A of the Principal Act shall as from such commencement be deemed to be varied by omitting such provisions therefrom. As soon as practicable after such commencement the registrar shall vary the terms of every such award or industrial agreement to give effect to the provisions of this subsection.

6. The Principal Act is further amended by inserting next after section 129A the following new section:—

Further amendment of Act No. 2, 1940.

129B. (1) An employer engaged in any industry or calling to which an award or industrial agreement relates or applies shall give absolute preference of employment to members of the industrial union or unions engaged in such industry or calling.

New sec. 129B. Employment of unionists.

(2) Where an adult person is, at the date of commencement of the Industrial Arbitration (Amendment) Act, 1953, employed by an employer in any industry or calling to which an award or industrial agreement relates or applies, or after such commencement enters into employment with an employer in any such industry or calling, or is employed by an employer in an industry or calling to which no award or industrial agreement relates or applies and an award or industrial agreement is made in respect of such industry or calling, such adult person shall not continue in such employment after the expiration of a period of twenty-eight days from the date of commencement of the Industrial Arbitration (Amendment) Act, 1953, or such entry into employment or the date on which the award or industrial agreement so made becomes



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*Industrial Arbitration (Amendment).*

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becomes operative, as the case may require, unless—

- 5 (a) he is a financial member of an industrial union of employees whose members are engaged in such industry or calling; or
- (b) he has applied to be admitted as a member of such industrial union.

10 (3) An employer bound by an award or industrial agreement shall not knowingly continue in employment in any position or employment subject to the award or industrial agreement any adult person who contravenes or fails to observe the provisions of subsection

15 two of this section.

(4) Every person who is obliged to become a member of an industrial union of employees in accordance with the foregoing provisions of this section shall be entitled to

20 become a member of such union on application made in accordance with its rules and in so far as the rules of any such union are inconsistent with the provisions of this subsection they shall be null and void.

25 (5) (a) No member of an industrial union shall be expelled from such union except in accordance with the provisions of this subsection.

30 (b) Twenty-eight days' notice of the proposed expulsion shall be given to such member.

35 (c) Within the said period of twenty-eight days such member may apply to the commission for an order restraining the union from continuing with the expulsion and pending the decision of the commission no further steps shall be taken by the union in connection with the expulsion.

(d)



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*Industrial Arbitration (Amendment).*

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(d) Upon any such application the commission shall, as soon as practicable, proceed to enquire into the reasons for the expulsion.

5 (e) (i) If the commission is satisfied that the circumstances are such as to justify the expulsion it may grant leave to the union to proceed accordingly.

10 (ii) If the commission is not so satisfied it may make an order restraining the union from taking any further steps in connection with the expulsion.

(6) For the purpose of this section—

15 (a) “adult person” means a person of eighteen years of age or upwards and every other person who is for the time being in receipt of not less than the minimum rate of wages provided for adult employees by the award or industrial agreement which relates or applies to the industry or calling in which he is engaged;

20 (b) “industrial agreement” includes any agreement affecting rates of pay or conditions of employment made under any Act other than this Act;

25 (c) a person shall not be deemed to have applied for membership of an industrial union unless he has applied for such membership in the manner prescribed by the rules of the union and tendered any fee or subscription required by such rules to be paid or tendered by persons applying for such membership.

30 (7) Notwithstanding anything contained in this Act or the rules of an industrial union an employee shall not be compelled to pay in advance more than one-fourth of the amount



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*Industrial Arbitration (Amendment).*

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amount prescribed by such rules as the annual fee or subscription payable for membership of such union.

5 (8) Any person who commits a breach of any of the provisions of subsection one, two or three of this section shall be liable to a penalty not exceeding one hundred pounds. Proceedings for the recovery of such penalty may be taken by the secretary of an industrial union concerned in the industry or calling in which the person alleged to have committed the breach is engaged.

10 (9) (a) In the event of a trade union which is registered as an industrial union—

15 (i) refusing or failing to admit to membership of such union any person entitled to be admitted thereto in pursuance of the provisions of subsection four of this section within a period of one month after application by such person for membership, or

20 (ii) expelling any person from membership of such union otherwise than in accordance with the provisions of subsection five of this section,

25 the commission may order such trade union to pay a penalty not exceeding one hundred pounds.

30 (b) The provisions of sections one hundred and twelve, one hundred and thirteen and one hundred and fourteen of this Act shall apply, mutatis mutandis, to and in respect of the jurisdiction and powers conferred upon the commission by this section and any penalties imposed by the commission under this section.

35 (10) The foregoing provisions of this section shall not apply to or in respect of—

(a) the employment in any industry or calling of a person who has been issued by



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*Industrial Arbitration (Amendment).*

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- 5 by the registrar pursuant to subsection eleven of this section with a certificate of exemption from membership of an industrial union of employees covering that industry or calling, if such certificate or any renewal thereof is for the time being in force; or
- 10 (b) the employment of any person to whom a certificate of exemption from union membership has been issued pursuant to paragraph (b) of subsection two of section twenty of this Act if the period specified in such certificate or any renewal thereof has not expired; or
- 15 (c) the employment during a period of vacation of a bona fide student of a school, college or university; or
- (d) the employment of persons occupying managerial positions; or
- 20 (e) the employment of any person who has applied for a certificate of exemption pursuant to subsection eleven of this section and whose application has not been finally determined.
- 25 (11) (a) For the purposes of this subsection "conscientious belief" includes any conscientious belief whether the grounds thereof are or are not of a religious character and whether the belief is or is not part of the
- 30 doctrine of any religion.
- (b) Any person who—
- (i) objects on the grounds of conscientious belief to being a member of an industrial union of employees; and
- 35 (ii) applies in the manner prescribed to the registrar for a certificate of exemption from membership of any such union; and
- (iii)



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*Industrial Arbitration (Amendment).*

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(iii) satisfies the registrar that his objections on the grounds of conscientious belief are genuine; and

5 (iv) pays to the registrar an amount equivalent to the subscription prescribed by the rules of the industrial union for membership of such union;

10 shall be issued by the registrar with a certificate of exemption from membership of the industrial union.

(c) Any such certificate shall remain in force for the period specified therein and may be renewed from time to time by the registrar upon payment of such amount, not exceeding the amount referred to in subparagraph (iv) of paragraph (b) of this subsection, as the registrar may require.

20 (d) Any amount received by the registrar pursuant to this subsection shall be paid by him to the credit of the Consolidated Revenue Fund.

25 (e) Any person whose application for a certificate of exemption from membership of an industrial union, or for any renewal thereof, under this subsection is refused, may within twenty-one days of the decision of the registrar refusing the application appeal in the manner prescribed to the commission from such decision. The commission may on such appeal make such order as it thinks fit.

(12) Nothing in this section shall limit or in any way affect—

35 (a) the powers, authorities, duties or functions conferred or imposed upon the commission or a committee by any other provisions of this Act **except to the extent to which the exercise or performance of any such power, authority, duty**

or



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*Industrial Arbitration (Amendment).*

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or function would be contrary to or inconsistent with the provisions of subsections one, two or three of this section.

- 5 (b) the rights or obligations conferred or imposed on an employer or employee by any other provisions of this Act or by an award or industrial agreement;
- 10 (c) any law relating to preference in employment to persons who have served as members of the naval, military or air forces of the Commonwealth.



This Bill was originally introduced in the Legislative Assembly, and having been passed, is now ready for presentation to the Legislative Council for its consideration.

12  
Vol. 28, 1951  
The Legislative Assembly  
H. ROBBINS

Legislative Assembly (Lancashire)

or function would be contrary to or inconsistent with the provisions of any Act of Parliament or of any Order in Council or of any Statutory Instrument made thereunder.

(b) The Bill does not contain any provision which would be likely to result in the expenditure of any public money or the raising of any loan or the incurring of any liability for the payment of any debt or the doing of any other thing which would require the sanction of the House of Commons.

(c) The Bill does not contain any provision which would be likely to result in the expenditure of any public money or the raising of any loan or the incurring of any liability for the payment of any debt or the doing of any other thing which would require the sanction of the House of Commons.

(d) The Bill does not contain any provision which would be likely to result in the expenditure of any public money or the raising of any loan or the incurring of any liability for the payment of any debt or the doing of any other thing which would require the sanction of the House of Commons.

THE

OF

BY

1951



*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 November, 1953, A.M.*

## New South Wales.



ANNO SECUNDO

## ELIZABETHÆ II REGINÆ

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Act No. , 1953.

An Act to make certain provisions relating to membership of industrial unions of employees and long service leave of employees; for these and other purposes to amend the Industrial Arbitration Act, 1940-1952; and for purposes connected therewith.

**B**E 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, 1953." Short title and citation.

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(2)



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*Industrial Arbitration (Amendment).*

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(2) The Industrial Arbitration Act, 1940, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Industrial Arbitration Act, 1940-1953.

**2.** The Principal Act is amended—

- Amend-  
ment of  
Act No. 2.  
1940.  
Sec. 20.  
(Original  
jurisdic-  
tion.)
- 10 (a) by omitting from paragraph (a) of subsection one of section twenty the words “thirty-five pounds” and by inserting in lieu thereof the words “forty pounds”;
- 15 (b) by omitting from the same paragraph the words “one thousand seven hundred and fifty pounds” and by inserting in lieu thereof the words “two thousand pounds”;
- 20 (c) by omitting from the same paragraph the words “Provided further that no award shall be made for the payment of wages or remuneration of persons occupying managerial positions unless such persons are exclusively employed by the Commissioner for Railways, the Commissioner for Road Transport and Tramways, the Metropolitan Meat Industry Commissioner, The Maritime Services Board of New South Wales, the Metropolitan Water, Sewerage and Drainage Board, the Water Conservation and Irrigation Commission, the Board of Fire Commissioners of New South Wales, or The Hunter District Water Board, or are employees of any city, shire, or municipal council, or are employees employed under the Police Regulation Act, 1899, or any statute passed in substitution for or amendment of the same”;
- 25 30 (d) by inserting in the same subsection after the words “Provided that an award affecting” the words “officers of either House of Parliament or persons employed in either of the Departments of the Legislature under the separate



*Industrial Arbitration (Amendment).*

separate control of the President or Speaker or under their joint control or affecting”;

- (e) by omitting from the same subsection the words “such employees” and by inserting in lieu thereof the words “such officers and employees”.

5

**3.** The Principal Act is further amended—

- (a) by omitting paragraph (a) of subsection one of section 88c and by inserting in lieu thereof the following paragraph:—

Further amendment of Act No. 2, 1940.

Sec. 88c.

(Long service leave and sick leave.)

10

“(a) (i) in the case of employees who have whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 1953, completed at least twenty years’ service with an employer be—

15

(a) in respect of twenty years’ service so completed, three months, and

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(b) in respect of each ten years’ service completed after such twenty years, six and one-half weeks, and

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(c) on the termination of the employee’s services, in respect of the number of years’ service completed since he last became entitled to an amount of long service leave, a proportionate amount on the basis of six and one-half weeks for ten years’ service; and

30

- (ii) in the case of employees who have whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 1953, completed at least ten years’ service but less than twenty years’ service

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*Industrial Arbitration (Amendment).*

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5 service with an employer and  
whose services with such employer  
are terminated by the employer for  
any cause other than serious  
10 misconduct or by the employee for  
any reason or by reason of the  
death of the employee after such  
commencement, be a proportionate  
amount on the basis of three  
15 months for twenty years' service,  
or'';

(b) by inserting at the end of the same subsection  
the following proviso and new subsection:—

15 Provided that an employee entitled to long  
service leave in pursuance of the provisions of  
subparagraph (i) of paragraph (a) of this  
subsection shall not be entitled to long service  
leave in pursuance of the provisions of the said  
20 subparagraph as enacted immediately before  
the commencement of the Industrial Arbitration  
(Amendment) Act, 1953, and any long service  
leave taken by an employee before such  
commencement in pursuance of the provisions  
of subparagraph (i) of paragraph (a) of this  
25 subsection as enacted immediately before such  
commencement shall be deducted from the long  
service leave to which such employee is entitled  
under subparagraph (i) of paragraph (a) of  
this subsection.

30 (1A) Where an employee dies and any long  
service leave—

(a) to which such employee was entitled  
has not been taken, or

35 (b) accrues upon termination of the  
services of such employee by reason of  
his death;

40 the employer shall thereupon pay to such  
employee's personal representative the wages  
that would have been payable to such employee  
in respect of such long service leave less any  
amount already paid to the employee in respect  
of any such long service leave. Any



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*Industrial Arbitration (Amendment).*

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5 Any amount payable by the employer under this subsection and not paid may, without prejudice to any other mode of recovery thereof, be recovered by the personal representative as unpaid wages due and payable to him under an award or industrial agreement by the employer concerned.

(c) by inserting next after subsection four of the same section the following new subsection:—

10 (4A) Any exemption granted pursuant to subsection four of this section shall not apply to an employer in respect of any employee who, within a period of three months after the date of commencement of the Industrial Arbitration  
15 (Amendment) Act, 1953, or the date from which such exemption takes effect, or the date of commencement of his employment, as the case may require, has by notice in writing to the employer elected to be subject to the provisions  
20 of the award or industrial agreement relating to long service leave or sick leave, as the case may be, in lieu of those provided for in such scheme.

(d) by inserting next after subsection eight of the same section the following new subsection:—

25 (8A) (a) The terms of every award made pursuant to this section and in force at the commencement of the Industrial Arbitration  
30 (Amendment) Act, 1953, shall be deemed to be varied, as from such commencement, to the extent necessary to give effect to the provisions of subsection one of this section as amended by the said Act.

35 (b) As soon as practicable after such commencement 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.

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



*Industrial Arbitration (Amendment).*

4. The Principal Act is further amended by inserting in subsection two of section ninety-six after the word "business" the words "or the premises in or upon which persons are employed by him in such industry."

Further amendment of Act No. 2, 1940. Sec. 96 (2). (Exhibition of award.)

5 5. (1) The Principal Act is further amended—

Further amendment of Act No. 2, 1940.

(a) by omitting from subsection three of section one hundred and twenty-seven the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

Sec. 127. (Appointment and powers of inspectors.)

10 (b) by omitting section 129A and by inserting in lieu thereof the following section:—

Subst. sec. 129A.

15 129A. (1) The registrar may, on application being made by any person and on proof to his satisfaction that such person is the secretary or a duly accredited representative of an industrial union of employees whose members are engaged in an industry in respect of which an award or industrial agreement is in force, issue to that person in writing an entry and inspection permit.

Entry and inspection by accredited union representatives.

20 (2) The person to whom any such entry and inspection permit has been issued may, if such permit is for the time being in force—

25 (a) enter the premises of any employer engaged in any such industry—

30 (i) during any lunch hour or non-working time for the purpose of interviewing employees on legitimate union business;

35 (ii) during working hours for the purpose of investigating any suspected breach of this Act or of any award or industrial agreement in force in relation to such industry;

(b)



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*Industrial Arbitration (Amendment).*

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5 (b) for the purpose of investigating any  
suspected breach of this Act or of any  
award or industrial agreement in force  
in relation to such industry, require  
any employer engaged in such industry  
to produce for his inspection during  
the usual office hours at the employer's  
office or other convenient place any  
time and pay sheets kept by him in  
10 regard to employees in such industry,  
and may make copies of the entries in  
such time and pay sheets relating to  
any such suspected breach.

15 In this subsection "premises" includes any  
building, mine, mine working, ship, vessel, or  
place of any kind wherein or in respect of which  
any industry is carried on or any work is being  
or has been done or commenced.

(3) An entry and inspection permit—

20 (a) shall remain in force until it expires  
in accordance with paragraph (b) of  
this subsection or is revoked in pur-  
sueance of the provisions of this  
section;

25 (b) shall expire when the person to whom  
it was issued ceases to be the secretary  
or a duly accredited representative of  
the industrial union and notification of  
such cessation has been given to the  
30 registrar;

(c) may be revoked by the registrar if he  
is satisfied that the person to whom it  
was issued has wilfully hampered or  
hindered employees during their  
working time or has otherwise acted in  
an improper manner in the exercise or  
35 purported



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*Industrial Arbitration (Amendment).*

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purported exercise of any power conferred on him by this section.

5 Any decision of the registrar revoking any entry and inspection permit shall be subject to appeal to the commission as prescribed.

10 (4) Nothing in this section shall authorise a secretary or duly accredited representative of an industrial union of employees to enter a private dwelling house, or the land used in connection therewith, unless some manufacture or trade in which labour is employed is carried on therein.

15 (5) Any person who hinders or obstructs the holder of an entry and inspection permit for the time being in force in the exercise of any power conferred on him by this section shall be liable to a penalty not exceeding fifty pounds.

20 (6) A person to whom an entry and inspection permit has been issued pursuant to this section shall upon the expiry or revocation of such permit return such permit to the registrar for cancellation. Any person failing to comply with the provisions of this subsection shall be liable to a penalty not exceeding fifty pounds.

30 (2) The terms of every award or industrial agreement which is in force at the commencement of this Act and in which provisions have been inserted pursuant to subsection one of section 129A of the Principal Act shall as from such commencement be deemed to be varied by omitting such provisions therefrom. As soon as practicable after such commencement  
35 the registrar shall vary the terms of every such award or industrial agreement to give effect to the provisions of this subsection.



*Industrial Arbitration (Amendment).*

6. The Principal Act is further amended by inserting next after section 129A the following new section:—

Further amend-  
ment of  
Act No. 2,  
1940.

New sec.  
129B.

Employ-  
ment of  
unionists.

5 129B. (1) An employer engaged in any industry or calling to which an award or industrial agreement relates or applies shall give absolute preference of employment to members of the industrial union or unions engaged in such industry or calling.

10 (2) Where an adult person is, at the date of commencement of the Industrial Arbitration (Amendment) Act, 1953, employed by an employer in any industry or calling to which an award or industrial agreement relates or applies, or after such commencement enters into employment with an employer in any such industry or calling, or is employed by an employer in an industry or calling to which no award or industrial agreement relates or applies and an award or industrial agree-  
15 ment is made in respect of such industry or calling, such adult person shall not continue in such employment after the expira-  
20 tion of a period of twenty-eight days from the date of commencement of the Industrial Arbitration (Amendment) Act, 1953, or such entry into employment or the date on which the award or industrial agreement so made becomes operative, as the case may require, unless—

30 (a) he is a financial member of an industrial union of employees whose members are engaged in such industry or calling; or

35 (b) he has applied to be admitted as a member of such industrial union.

(3) An employer bound by an award or industrial agreement shall not knowingly continue in employment in any position or employment subject to the award or industrial agreement



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*Industrial Arbitration (Amendment).*

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agreement any adult person who contravenes or fails to observe the provisions of subsection two of this section.

5 (4) Every person who is obliged to become a member of an industrial union of employees in accordance with the foregoing provisions of this section shall be entitled to become a member of such union on application made in accordance with its rules and in so far as the rules of any such union are inconsistent with the provisions of this subsection they shall be null and void.

10 (5) (a) No member of an industrial union shall be expelled from such union except in accordance with the provisions of this subsection.

15 (b) Twenty-eight days' notice of the proposed expulsion shall be given to such member.

20 (c) Within the said period of twenty-eight days such member may apply to the commission for an order restraining the union from continuing with the expulsion and pending the decision of the commission no further steps shall be taken by the union in connection with the expulsion.

25 (d) Upon any such application the commission shall, as soon as practicable, proceed to enquire into the reasons for the expulsion.

30 (e) (i) If the commission is satisfied that the circumstances are such as to justify the expulsion it may grant leave to the union to proceed accordingly.

35 (ii) If the commission is not so satisfied it may make an order restraining the union from taking any further steps in connection with the expulsion.

(6)



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*Industrial Arbitration (Amendment).*

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(6) For the purpose of this section—

5 (a) “adult person” means a person of  
eighteen years of age or upwards and  
every other person who is for the time  
being in receipt of not less than the  
minimum rate of wages provided for  
adult employees by the award or  
industrial agreement which relates or  
applies to the industry or calling in  
10 which he is engaged;

(b) “industrial agreement” includes any  
agreement affecting rates of pay or  
conditions of employment made under  
any Act other than this Act;

15 (c) a person shall not be deemed to have  
applied for membership of an indus-  
trial union unless he has applied for  
such membership in the manner pre-  
scribed by the rules of the union and  
20 tendered any fee or subscription  
required by such rules to be paid or  
tendered by persons applying for such  
membership.

25 (7) Notwithstanding anything con-  
tained in this Act or the rules of an industrial  
union an employee shall not be compelled to  
pay in advance more than one-fourth of the  
amount prescribed by such rules as the annual  
fee or subscription payable for membership of  
30 such union.

(8) Any person who commits a breach  
of any of the provisions of subsection one, two  
or three of this section shall be liable to a  
penalty not exceeding one hundred pounds.  
35 Proceedings for the recovery of such penalty  
may be taken by the secretary of an industrial  
union concerned in the industry or calling in  
which the person alleged to have committed the  
breach is engaged.

(9)



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*Industrial Arbitration (Amendment).*

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(9) (a) In the event of a trade union which is registered as an industrial union—

- 5 (i) refusing or failing to admit to membership of such union any person entitled to be admitted thereto in pursuance of the provisions of subsection four of this section within a period of one month after application by such person for membership, or
- 10 (ii) expelling any person from membership of such union otherwise than in accordance with the provisions of subsection five of this section,

15 the commission may order such trade union to pay a penalty not exceeding one hundred pounds.

20 (b) The provisions of sections one hundred and twelve, one hundred and thirteen and one hundred and fourteen of this Act shall apply, mutatis mutandis, to and in respect of the jurisdiction and powers conferred upon the commission by this section and any penalties imposed by the commission under this section.

25 (10) The foregoing provisions of this section shall not apply to or in respect of—

- 30 (a) the employment in any industry or calling of a person who has been issued by the registrar pursuant to subsection eleven of this section with a certificate of exemption from membership of an industrial union of employees covering that industry or calling, if such certificate or any renewal thereof is for the time being in force; or
- 35 (b) the employment of any person to whom a certificate of exemption from union membership has been issued pursuant to paragraph (b) of subsection two of section



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*Industrial Arbitration (Amendment).*

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section twenty of this Act if the period specified in such certificate or any renewal thereof has not expired; or

- 5 (c) the employment during a period of vacation of a bona fide student of a school, college or university; or
- (d) the employment of persons occupying managerial positions; or
- 10 (e) the employment of any person who has applied for a certificate of exemption pursuant to subsection eleven of this section and whose application has not been finally determined.

15 (11) (a) For the purposes of this subsection "conscientious belief" includes any conscientious belief whether the grounds thereof are or are not of a religious character and whether the belief is or is not part of the doctrine of any religion.

20 (b) Any person who—

- (i) objects on the grounds of conscientious belief to being a member of an industrial union of employees; and
- 25 (ii) applies in the manner prescribed to the registrar for a certificate of exemption from membership of any such union; and
- (iii) satisfies the registrar that his objections on the grounds of conscientious belief are genuine; and
- 30 (iv) pays to the registrar an amount equivalent to the subscription prescribed by the rules of the industrial union for membership of such union;

35 shall be issued by the registrar with a certificate of exemption from membership of the industrial union.

(c)



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*Industrial Arbitration (Amendment).*

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5 (c) Any such certificate shall remain in force for the period specified therein and may be renewed from time to time by the registrar upon payment of such amount, not exceeding the amount referred to in subparagraph (iv) of paragraph (b) of this subsection, as the registrar may require.

10 (d) Any amount received by the registrar pursuant to this subsection shall be paid by him to the credit of the Consolidated Revenue Fund.

15 (e) Any person whose application for a certificate of exemption from membership of an industrial union, or for any renewal thereof, under this subsection is refused, may within twenty-one days of the decision of the registrar refusing the application appeal in the manner prescribed to the commission from such decision. The commission may on such appeal make such order as it  
20 thinks fit.

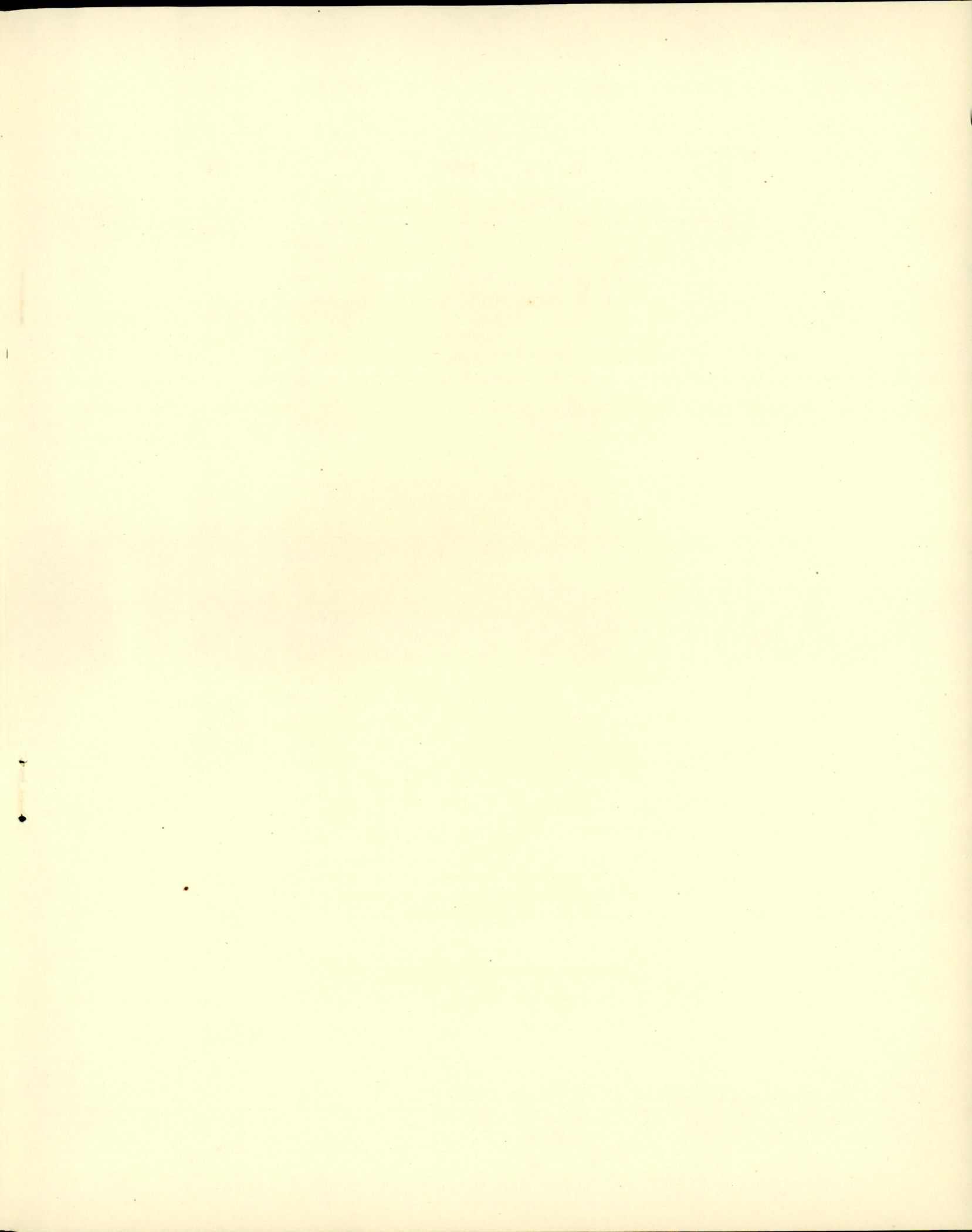
(12) Nothing in this section shall limit or in any way affect—

25 (a) the powers, authorities, duties or functions conferred or imposed upon the commission by any other provisions of this Act;

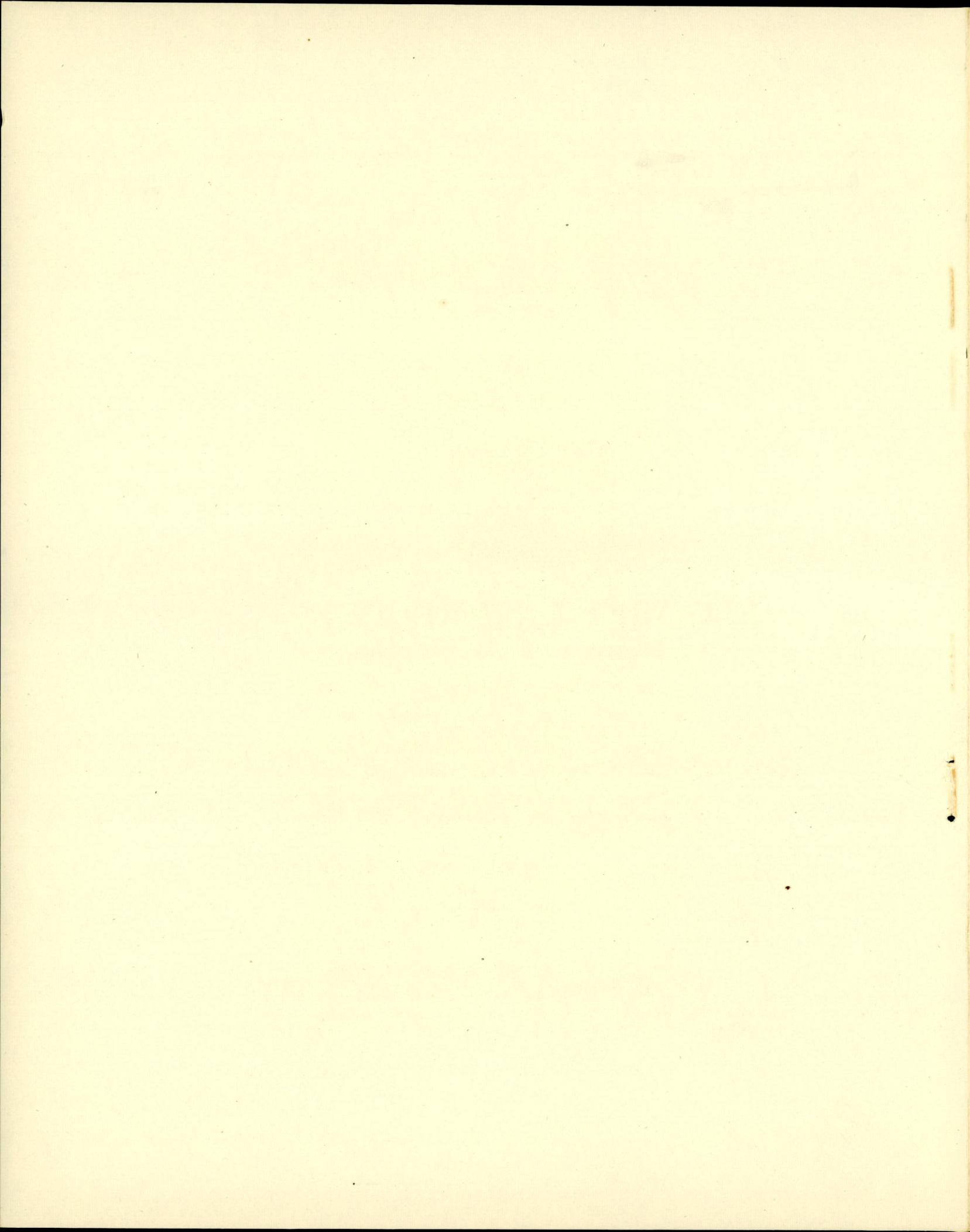
30 (b) the rights or obligations conferred or imposed on an employer or employee by any other provisions of this Act or by an award or industrial agreement;

35 (c) any law relating to preference in employment to persons who have served as members of the naval, military or air forces of the Commonwealth.











No. , 1953.

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## A BILL

To make certain provisions relating to membership of industrial unions of employees and long service leave of employees; for these and other purposes to amend the Industrial Arbitration Act, 1940-1952; and for purposes connected therewith.

[Mr. LANDA;—12 November, 1953.]

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**B**E 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, 1953,"

Short  
title and  
citation.

00001 89—r

(2)



*Industrial Arbitration (Amendment).*

(2) The Industrial Arbitration Act, 1940, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Industrial Arbitration Act, 1940-1953.

2. The Principal Act is amended—

- Amend-  
ment of  
Act No. 2,  
1940.  
Sec. 20.  
(Original  
jurisdic-  
tion.)
- 10 (a) by omitting from paragraph (a) of subsection one of section twenty the words "thirty-five pounds" and by inserting in lieu thereof the words "forty pounds";
- 15 (b) by omitting from the same paragraph the words "one thousand seven hundred and fifty pounds" and by inserting in lieu thereof the words "two thousand pounds";
- 20 (c) by omitting from the same paragraph the words "Provided further that no award shall be made for the payment of wages or remuneration of persons occupying managerial positions unless such persons are exclusively employed by the Commissioner for Railways, the Commissioner for Road Transport and Tramways, the Metropolitan Meat Industry Commissioner, The Maritime Services Board of New South Wales, the Metropolitan Water, Sewerage and Drainage Board, the Water Conservation and Irrigation Commission, the Board of Fire Commissioners of New South Wales, or The Hunter District Water Board, or are employees of any city, shire, or municipal council, or are employees employed under the Police Regulation Act, 1899, or any statute passed in substitution for or amendment of the same";
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- 30
- 35 (d) by inserting in the same subsection after the words "Provided that an award affecting" the words "officers of either House of Parliament or persons employed in either of the Departments



*Industrial Arbitration (Amendment).*

Departments of the Legislature under the separate control of the President or Speaker or under their joint control or affecting”;

- 5 (e) by omitting from the same subsection the words “such employees” and by inserting in lieu thereof the words “such officers and employees”.

3. The Principal Act is further amended—

- 10 (a) by omitting paragraph (a) of subsection one of section 88c and by inserting in lieu thereof the following paragraph:—

Further  
amendment  
of Act No.  
2, 1940.  
Sec. 88c.  
(Long  
service  
leave and  
sick leave.)

- 15 “(a) (i) in the case of employees who have whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 1953, completed at least twenty years’ service with an employer be—

20 (a) in respect of twenty years’ service so completed, three months; and

(b) in respect of each ten years’ service completed after such twenty years, six and one-half weeks, and

25 (c) on the termination of the employee’s services, in respect of the number of years’ service completed since he last became entitled to an amount of long service leave, a proportionate amount on the basis of six and one-half weeks for ten years’ service; and

30  
35 (ii) in the case of employees who have whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 1953,



*Industrial Arbitration (Amendment).*

5 1953, completed at least ten years' service but less than twenty years' service with an employer and whose services with such employer terminate after such commencement, be a proportionate amount on the basis of three months for twenty years' service, or'';

10 (b) by inserting at the end of the same subsection the following proviso and new subsection:—

15 Provided that an employee entitled to long service leave in pursuance of the provisions of subparagraph (i) of paragraph (a) of this subsection shall not be entitled to long service  
20 leave in pursuance of the provisions of the said subparagraph as enacted immediately before the commencement of the Industrial Arbitration (Amendment) Act, 1953, and any long service  
25 leave taken by an employee before such commencement in pursuance of the provisions of subparagraph (i) of paragraph (a) of this subsection as enacted immediately before such commencement shall be deducted from the long service leave to which such employee is entitled under subparagraph (i) of paragraph (a) of this subsection.

(1A) Where an employee dies and any long service leave—

30 (a) to which such employee was entitled has not been taken, or

(b) accrues upon termination of the services of such employee by reason of his death;

35 the employer shall thereupon pay to such employee's personal representative the wages that would have been payable to such employee in respect of such long service leave less any amount already paid to the employee in respect of any such long service leave.

Any



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*Industrial Arbitration (Amendment).*

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5 Any amount payable by the employer under this subsection and not paid may, without prejudice to any other mode of recovery thereof, be recovered by the personal representative as unpaid wages due and payable to him under an award or industrial agreement by the employer concerned.

(c) by inserting next after subsection four of the same section the following new subsection:—

10 (4A) Any exemption granted pursuant to subsection four of this section shall not apply to an employer in respect of any employee who, within a period of three months after the date of commencement of the Industrial Arbitration  
15 (Amendment) Act, 1953, or the date from which such exemption takes effect, or the date of commencement of his employment, as the case may require, has by notice in writing to the employer elected to be subject to the provisions  
20 of the award or industrial agreement relating to long service leave or sick leave, as the case may be, in lieu of those provided for in such scheme.

(d) by inserting next after subsection eight of the same section the following new subsection:—

25 (8A) (a) The terms of every award made pursuant to this section and in force at the commencement of the Industrial Arbitration  
30 (Amendment) Act, 1953, shall be deemed to be varied, as from such commencement, to the extent necessary to give effect to the provisions of subsection one of this section as amended by the said Act.

35 (b) As soon as practicable after such commencement 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.

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



Industrial Arbitration (Amendment).

4. The Principal Act is further amended by inserting in subsection two of section ninety-six after the word "business" the words "or the premises in or upon which persons are employed by him in such industry."

Further amendment of Act No. 2, 1940. Sec. 96 (2). (Exhibition of award.)

5 5. (1) The Principal Act is further amended—

Further amendment of Act No. 2, 1940.

(a) by omitting from subsection three of section one hundred and twenty-seven the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

Sec. 127. (Appointment and powers of inspectors.)

10 (b) by omitting section 129A and by inserting in lieu thereof the following section:—

Subst. sec. 129A.

15 129A. (1) The registrar may, on application being made by any person and on proof to his satisfaction that such person is the secretary or a duly accredited representative of an industrial union of employees whose members are engaged in an industry in respect of which an award or industrial agreement is in force, issue to that person in writing an entry and inspection permit.

Entry and inspection by accredited union representatives.

20 (2) The person to whom any such entry and inspection permit has been issued may, if such permit is for the time being in force—

25 (a) enter the premises of any employer engaged in any such industry—

30 (i) during any lunch hour or non-working time for the purpose of interviewing employees on legitimate union business;

35 (ii) during working hours for the purpose of investigating any suspected breach of this Act or of any award or industrial agreement in force in relation to such industry;

(b)



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*Industrial Arbitration (Amendment).*

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5 (b) for the purpose of investigating any  
suspected breach of this Act or of any  
award or industrial agreement in force  
in relation to such industry, require  
any employer engaged in such industry  
to produce for his inspection during  
the usual office hours at the employer's  
office or other convenient place any  
time and pay sheets kept by him in  
10 regard to employees in such industry,  
and may make copies of the entries in  
such time and pay sheets relating to  
any such suspected breach.

15 In this subsection "premises" includes any  
building, mine, mine working, ship, vessel, or  
place of any kind wherein or in respect of which  
any industry is carried on or any work is being  
or has been done or commenced.

(3) An entry and inspection permit—

20 (a) shall remain in force until it expires  
in accordance with paragraph (b) of  
this subsection or is revoked in pur-  
sueance of the provisions of this  
section;

25 (b) shall expire when the person to whom  
it was issued ceases to be the secretary  
or a duly accredited representative of  
the industrial union and notification of  
such cessation has been given to the  
30 registrar;

(c) may be revoked by the registrar if he  
is satisfied that the person to whom it  
was issued has wilfully hampered or  
hindered employees during their  
35 working time or has otherwise acted in  
an improper manner in the exercise or  
purported



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*Industrial Arbitration (Amendment).*

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purported exercise of any power conferred on him by this section.

5 Any decision of the registrar revoking any entry and inspection permit shall be subject to appeal to the commission as prescribed.

10 (4) Nothing in this section shall authorise a secretary or duly accredited representative of an industrial union of employees to enter a private dwelling house, or the land used in connection therewith, unless some manufacture or trade in which labour is employed is carried on therein.

15 (5) Any person who hinders or obstructs the holder of an entry and inspection permit for the time being in force in the exercise of any power conferred on him by this section shall be liable to a penalty not exceeding fifty pounds.

20 (6) A person to whom an entry and inspection permit has been issued pursuant to this section shall upon the expiry or revocation of such permit return such permit to the registrar for cancellation. Any person failing  
25 to comply with the provisions of this subsection shall be liable to a penalty not exceeding fifty pounds.

(2) The terms of every award or industrial agreement which is in force at the commencement of  
30 this Act and in which provisions have been inserted pursuant to subsection one of section 129A of the Principal Act shall as from such commencement be deemed to be varied by omitting such provisions there-  
35 from. As soon as practicable after such commencement the registrar shall vary the terms of every such award or industrial agreement to give effect to the provisions of this subsection.



*Industrial Arbitration (Amendment).*

6. The Principal Act is further amended by inserting next after section 129A the following new section:—

Further amendment of Act No. 2, 1940.

5 129B. (1) An employer engaged in any industry or calling to which an award or industrial agreement relates or applies shall give absolute preference of employment to members of the industrial union or unions engaged in such industry or calling.

New sec. 129B. Employment of unionists.

10 (2) Where an adult person is, at the date of commencement of the Industrial Arbitration (Amendment) Act, 1953, employed by an employer in any industry or calling to which an award or industrial agreement relates or applies, or after such commencement enters into employment with an employer in any such industry or calling, or is employed by an employer in an industry or calling to which no award or industrial agreement relates or applies and an award or industrial agreement is made in respect of such industry or calling, such adult person shall not continue in such employment after the expiration of a period of twenty-eight days from the date of commencement of the Industrial Arbitration (Amendment) Act, 1953, or such entry into employment or the date on which the award or industrial agreement so made becomes operative, as the case may require, unless—

30 (a) he is a financial member of an industrial union of employees whose members are engaged in such industry or calling; or

35 (b) he has applied to be admitted as a member of such industrial union.

(3) An employer bound by an award or industrial agreement shall not knowingly continue in employment in any position or employment subject to the award or industrial agreement



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*Industrial Arbitration (Amendment).*

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agreement any adult person who contravenes or fails to observe the provisions of subsection two of this section.

5 (4) Every person who is obliged to become a member of an industrial union of employees in accordance with the foregoing provisions of this section shall be entitled to become a member of such union on application made in accordance with its rules and in so far as the rules of any such union are inconsistent with the provisions of this subsection they shall be null and void.

10 (5) (a) No member of an industrial union shall be expelled from such union except in accordance with the provisions of this subsection.

(b) Twenty-eight days' notice of the proposed expulsion shall be given to such member.

20 (c) Within the said period of twenty-eight days such member may apply to the commission for an order restraining the union from continuing with the expulsion and pending the decision of the commission no further steps shall be taken by the union in connection with the expulsion.

25 (d) Upon any such application the commission shall, as soon as practicable, proceed to enquire into the reasons for the expulsion.

30 (e) (i) If the commission is satisfied that the circumstances are such as to justify the expulsion it may grant leave to the union to proceed accordingly.

35 (ii) If the commission is not so satisfied it may make an order restraining the union from taking any further steps in connection with the expulsion.

(6)



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*Industrial Arbitration (Amendment).*

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(6) For the purpose of this section—

5 (a) “adult person” means a person of  
eighteen years of age or upwards and  
every other person who is for the time  
being in receipt of not less than the  
minimum rate of wages provided for  
adult employees by the award or  
industrial agreement which relates or  
applies to the industry or calling in  
10 which he is engaged;

(b) “industrial agreement” includes any  
agreement affecting rates of pay or  
conditions of employment made under  
any Act other than this Act;

15 (c) a person shall not be deemed to have  
applied for membership of an indus-  
trial union unless he has applied for  
such membership in the manner pre-  
scribed by the rules of the union and  
20 tendered any fee or subscription  
required by such rules to be paid or  
tendered by persons applying for such  
membership.

25 (7) Notwithstanding anything con-  
tained in this Act or the rules of an industrial  
union an employee shall not be compelled to  
pay in advance more than one-fourth of the  
amount prescribed by such rules as the annual  
fee or subscription payable for membership of  
30 such union.

35 (8) Any person who commits a breach  
of any of the provisions of subsection one, two  
or three of this section shall be liable to a  
penalty not exceeding one hundred pounds.  
Proceedings for the recovery of such penalty  
may be taken by the secretary of an industrial  
union concerned in the industry or calling in  
which the person alleged to have committed the  
breach is engaged.

(9)



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*Industrial Arbitration (Amendment).*

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(9) (a) In the event of a trade union which is registered as an industrial union—

5 (i) refusing or failing to admit to membership of such union any person entitled to be admitted thereto in pursuance of the provisions of subsection four of this section within a period of one month after application by such person for membership, or

10 (ii) expelling any person from membership of such union otherwise than in accordance with the provisions of subsection five of this section,

15 the commission may order such trade union to pay a penalty not exceeding one hundred pounds.

20 (b) The provisions of sections one hundred and twelve, one hundred and thirteen and one hundred and fourteen of this Act shall apply, mutatis mutandis, to and in respect of the jurisdiction and powers conferred upon the commission by this section and any penalties imposed by the commission under this section.

25 (10) The foregoing provisions of this section shall not apply to or in respect of—

30 (a) the employment in any industry or calling of a person who has been issued by the registrar pursuant to subsection eleven of this section with a certificate of exemption from membership of an industrial union of employees covering that industry or calling, if such certificate or any renewal thereof is for the time being in force; or

35 (b) the employment of any person to whom a certificate of exemption from union membership has been issued pursuant to paragraph (b) of subsection two of section



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*Industrial Arbitration (Amendment).*

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section twenty of this Act if the period specified in such certificate or any renewal thereof has not expired; or

- 5 (c) the employment during a period of vacation of a bona fide student of a school, college or university; or
- (d) the employment of persons occupying managerial positions; or
- 10 (e) the employment of any person who has applied for a certificate of exemption pursuant to subsection eleven of this section and whose application has not been finally determined.

15 (11) (a) For the purposes of this subsection "conscientious belief" includes any conscientious belief whether the grounds thereof are or are not of a religious character and whether the belief is or is not part of the doctrine of any religion.

20 (b) Any person who—

- (i) objects on the grounds of conscientious belief to being a member of an industrial union of employees; and
- 25 (ii) applies in the manner prescribed to the registrar for a certificate of exemption from membership of any such union; and
- (iii) satisfies the registrar that his objections on the grounds of conscientious
- 30 belief are genuine; and
- (iv) pays to the registrar an amount equivalent to the subscription prescribed by the rules of the industrial union for membership of such union;

35 shall be issued by the registrar with a certificate of exemption from membership of the industrial union.

(c)



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*Industrial Arbitration (Amendment).*

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5 (c) Any such certificate shall remain in force for the period specified therein and may be renewed from time to time by the registrar upon payment of such amount, not exceeding the amount referred to in subparagraph (iv) of paragraph (b) of this subsection, as the registrar may require.

10 (d) Any amount received by the registrar pursuant to this subsection shall be paid by him to the credit of the Consolidated Revenue Fund.

15 (e) Any person whose application for a certificate of exemption from membership of an industrial union, or for any renewal thereof, under this subsection is refused, may within twenty-one days of the decision of the registrar refusing the application appeal in the manner prescribed to the commission from such decision. The commission may on such appeal make such order as it thinks fit.

20 (12) Nothing in this section shall limit or in any way affect—

25 (a) the powers, authorities, duties or functions conferred or imposed upon the commission by any other provisions of this Act;

30 (b) the rights or obligations conferred or imposed on an employer or employee by any other provisions of this Act or by an award or industrial agreement;

35 (c) any law relating to preference in employment to persons who have served as members of the naval, military or air forces of the Commonwealth.



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## INDUSTRIAL ARBITRATION (AMENDMENT) BILL, 1953.

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### EXPLANATORY NOTE.

THE objects of this Bill are to—

- (a) make provisions relating to the employment of financial members of industrial unions of employees in industries to which awards and industrial agreements relate;
- (b) enable awards to be made for the payment of wages or remuneration to persons occupying managerial positions;
- (c) increase the maximum wages or remuneration that may be fixed by awards from £35 to £40 per week, or in the case of annual salaries from £1,750 to £2,000 per annum;
- (d) provide for the insertion in awards and industrial agreements of provisions entitling employees to additional long service leave for periods of service in excess of twenty years, and require payment of wages for long service leave due to a deceased employee to be made to the employee's personal representative.
- (e) repeal the existing provisions relating to the right of entry and inspection by union officials and provide for the issue of entry and inspection permits by the Industrial Registrar;
- (f) make other amendments of an ancillary or machinery character.



INDUSTRIAL ARBITRATION (AMENDMENT) BILL, 1952

EXPLANATORY NOTE

The Bill amends the Industrial Arbitration Act, 1947, and the Industrial Arbitration (Amendment) Act, 1951. It provides for the extension of the provisions of the Act to certain establishments and to certain employees. It also provides for the extension of the provisions of the Act to certain establishments and to certain employees. It also provides for the extension of the provisions of the Act to certain establishments and to certain employees.



No. , 1953.

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## A BILL

To make certain provisions relating to membership of industrial unions of employees and long service leave of employees; for these and other purposes to amend the Industrial Arbitration Act, 1940-1952; and for purposes connected therewith.

[Mr. LANDA;—12 November, 1953.]

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**B**E 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, 1953."

Short  
title and  
citation,



*Industrial Arbitration (Amendment).*

(2) The Industrial Arbitration Act, 1940, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Industrial Arbitration Act, 1940-1953.

2. The Principal Act is amended—

- Amend-  
ment of  
Act No. 2,  
1940.  
Sec. 20.  
(Original  
jurisdic-  
tion.)
- 10 (a) by omitting from paragraph (a) of subsection one of section twenty the words "thirty-five pounds" and by inserting in lieu thereof the words "forty pounds";
- 15 (b) by omitting from the same paragraph the words "one thousand seven hundred and fifty pounds" and by inserting in lieu thereof the words "two thousand pounds";
- 20 (c) by omitting from the same paragraph the words "Provided further that no award shall be made for the payment of wages or remuneration of persons occupying managerial positions unless such persons are exclusively employed by the Commissioner for Railways, the Commissioner for Road Transport and Tramways, the Metropolitan Meat Industry Commissioner, The Maritime Services Board of New South Wales, the Metropolitan Water, Sewerage and Drainage Board, the Water Conservation and Irrigation Commission, the Board of Fire Commissioners of New South Wales, or The Hunter District Water Board, or are employees of any city, shire, or municipal council, or are employees employed under the Police Regulation Act, 1899, or any statute passed in substitution for or amendment of the same";
- 30 (d) by inserting in the same subsection after the words "Provided that an award affecting" the words "officers of either House of Parliament or persons employed in either of the Departments



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Departments of the Legislature under the separate control of the President or Speaker or under their joint control or affecting”;

- 5 (e) by omitting from the same subsection the words “such employees” and by inserting in lieu thereof the words “such officers and employees”.

3. The Principal Act is further amended—

Further amendment of Act No. 2, 1949. Sec. 88c. (Long service leave and sick leave.)

- 10 (a) by omitting paragraph (a) of subsection one of section 88c and by inserting in lieu thereof the following paragraph:—

“(a) (i) in the case of employees who have whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 15 1953, completed at least twenty years’ service with an employer be—

- 20 (a) in respect of twenty years’ service so completed, three months, and
- (b) in respect of each ten years’ service completed after such twenty years, six and one-half weeks, and
- 25 (c) on the termination of the employee’s services, in respect of the number of years’ service completed since he last became entitled to an amount of long service leave, a proportionate amount on the basis of six and one-half weeks for ten years’ service; and

- 30 (ii) in the case of employees who have whether before or after the commencement of the Industrial Arbitration (Amendment) Act, 35 1953,



*Industrial Arbitration (Amendment).*

5 1953, completed at least ten years' service but less than twenty years' service with an employer and whose services with such employer terminate after such commencement, be a proportionate amount on the basis of three months for twenty years' service, or'';

10 (b) by inserting at the end of the same subsection the following proviso and new subsection:—

15 Provided that an employee entitled to long service leave in pursuance of the provisions of subparagraph (i) of paragraph (a) of this subsection shall not be entitled to long service leave in pursuance of the provisions of the said subparagraph as enacted immediately before the commencement of the Industrial Arbitration (Amendment) Act, 1953, and any long service leave taken by an employee before such commencement in pursuance of the provisions of subparagraph (i) of paragraph (a) of this subsection as enacted immediately before such commencement shall be deducted from the long service leave to which such employee is entitled under subparagraph (i) of paragraph (a) of this subsection.

25 (1A) Where an employee dies and any long service leave—

30 (a) to which such employee was entitled has not been taken, or

(b) accrues upon termination of the services of such employee by reason of his death;

35 the employer shall thereupon pay to such employee's personal representative the wages that would have been payable to such employee in respect of such long service leave less any amount already paid to the employee in respect of any such long service leave,

Any



*Industrial Arbitration (Amendment).*

Any amount payable by the employer under this subsection and not paid may, without prejudice to any other mode of recovery thereof, be recovered by the personal representative as  
5 unpaid wages due and payable to him under an award or industrial agreement by the employer concerned.

(c) by inserting next after subsection four of the same section the following new subsection:—

10 (4A) Any exemption granted pursuant to subsection four of this section shall not apply to an employer in respect of any employee who, within a period of three months after the date of commencement of the Industrial Arbitration  
15 (Amendment) Act, 1953, or the date from which such exemption takes effect, or the date of commencement of his employment, as the case may require, has by notice in writing to the employer elected to be subject to the provisions  
20 of the award or industrial agreement relating to long service leave or sick leave, as the case may be, in lieu of those provided for in such scheme.

(d) by inserting next after subsection eight of the same section the following new subsection:—

25 (8A) (a) The terms of every award made pursuant to this section and in force at the commencement of the Industrial Arbitration  
30 (Amendment) Act, 1953, shall be deemed to be varied, as from such commencement, to the extent necessary to give effect to the provisions of subsection one of this section as amended by the said Act.

35 (b) As soon as practicable after such commencement 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.

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



*Industrial Arbitration (Amendment).*

4. The Principal Act is further amended by inserting in subsection two of section ninety-six after the word "business" the words "or the premises in or upon which persons are employed by him in such industry."

Further amendment of Act No. 2, 1940. Sec. 96 (2). (Exhibition of award.)

5 5. (1) The Principal Act is further amended—

Further amendment of Act No. 2, 1940.

(a) by omitting from subsection three of section one hundred and twenty-seven the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

Sec. 127. (Appointment and powers of inspectors.)

10 (b) by omitting section 129A and by inserting in lieu thereof the following section:—

Subst. sec. 129A.

15 129A. (1) The registrar may, on application being made by any person and on proof to his satisfaction that such person is the secretary or a duly accredited representative of an industrial union of employees whose members are engaged in an industry in respect of which an award or industrial agreement is in force, issue to that person in writing an entry and inspection permit.

Entry and inspection by accredited union representatives.

20 (2) The person to whom any such entry and inspection permit has been issued may, if such permit is for the time being in force—

25 (a) enter the premises of any employer engaged in any such industry—

30 (i) during any lunch hour or non-working time for the purpose of interviewing employees on legitimate union business;

35 (ii) during working hours for the purpose of investigating any suspected breach of this Act or of any award or industrial agreement in force in relation to such industry;

(b)



*Industrial Arbitration (Amendment).*

5 (b) for the purpose of investigating any suspected breach of this Act or of any award or industrial agreement in force in relation to such industry, require any employer engaged in such industry to produce for his inspection during the usual office hours at the employer's office or other convenient place any time and pay sheets kept by him in regard to employees in such industry, and may make copies of the entries in such time and pay sheets relating to any such suspected breach.

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15 In this subsection "premises" includes any building, mine, mine working, ship, vessel, or place of any kind wherein or in respect of which any industry is carried on or any work is being or has been done or commenced.

(3) An entry and inspection permit—

20 (a) shall remain in force until it expires in accordance with paragraph (b) of this subsection or is revoked in pursuance of the provisions of this section;

25 (b) shall expire when the person to whom it was issued ceases to be the secretary or a duly accredited representative of the industrial union and notification of such cessation has been given to the registrar;

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35 (c) may be revoked by the registrar if he is satisfied that the person to whom it was issued has wilfully hampered or hindered employees during their working time or has otherwise acted in an improper manner in the exercise or purported



*Industrial Arbitration (Amendment).*

purported exercise of any power conferred on him by this section.

5 Any decision of the registrar revoking any entry and inspection permit shall be subject to appeal to the commission as prescribed.

10 (4) Nothing in this section shall authorise a secretary or duly accredited representative of an industrial union of employees to enter a private dwelling house, or the land used in connection therewith, unless some manufacture or trade in which labour is employed is carried on therein.

15 (5) Any person who hinders or obstructs the holder of an entry and inspection permit for the time being in force in the exercise of any power conferred on him by this section shall be liable to a penalty not exceeding fifty pounds.

20 (6) A person to whom an entry and inspection permit has been issued pursuant to this section shall upon the expiry or revocation of such permit return such permit to the registrar for cancellation. Any person failing to comply with the provisions of this subsection shall be liable to a penalty not exceeding fifty pounds.

25 (2) The terms of every award or industrial agreement which is in force at the commencement of this Act and in which provisions have been inserted pursuant to subsection one of section 129A of the Principal Act shall as from such commencement be deemed to be varied by omitting such provisions therefrom. As soon as practicable after such commencement 35 the registrar shall vary the terms of every such award or industrial agreement to give effect to the provisions of this subsection.



*Industrial Arbitration (Amendment).*

6. The Principal Act is further amended by inserting next after section 129A the following new section:—

Further amendment of Act No. 2, 1940.

5 129B. (1) An employer engaged in any industry or calling to which an award or industrial agreement relates or applies shall give absolute preference of employment to members of the industrial union or unions engaged in such industry or calling.

New sec. 129B. Employment of unionists.

10 (2) Where an adult person is, at the date of commencement of the Industrial Arbitration (Amendment) Act, 1953, employed by an employer in any industry or calling to which an award or industrial agreement relates or applies, or after such commencement enters into employment with an employer in any such industry or calling, or is employed by an employer in an industry or calling to which no award or industrial agreement relates or applies and an award or industrial agreement is made in respect of such industry or calling, such adult person shall not continue in such employment after the expiration of a period of twenty-eight days from the date of commencement of the Industrial Arbitration (Amendment) Act, 1953, or such entry into employment or the date on which the award or industrial agreement so made becomes operative, as the case may require, unless—

30 (a) he is a financial member of an industrial union of employees whose members are engaged in such industry or calling; or

35 (b) he has applied to be admitted as a member of such industrial union.

(3) An employer bound by an award or industrial agreement shall not knowingly continue in employment in any position or employment subject to the award or industrial agreement



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*Industrial Arbitration (Amendment).*

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agreement any adult person who contravenes or fails to observe the provisions of subsection two of this section.

5 (4) Every person who is obliged to become a member of an industrial union of employees in accordance with the foregoing provisions of this section shall be entitled to become a member of such union on application made in accordance with its rules and in so far as the rules of any such union are inconsistent with the provisions of this subsection they shall be null and void.

10 (5) (a) No member of an industrial union shall be expelled from such union except in accordance with the provisions of this subsection.

15 (b) Twenty-eight days' notice of the proposed expulsion shall be given to such member.

20 (c) Within the said period of twenty-eight days such member may apply to the commission for an order restraining the union from continuing with the expulsion and pending the decision of the commission no further steps shall be taken by the union in connection with the expulsion.

25 (d) Upon any such application the commission shall, as soon as practicable, proceed to enquire into the reasons for the expulsion.

30 (e) (i) If the commission is satisfied that the circumstances are such as to justify the expulsion it may grant leave to the union to proceed accordingly.

35 (ii) If the commission is not so satisfied it may make an order restraining the union from taking any further steps in connection with the expulsion.

(6)



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*Industrial Arbitration (Amendment).*

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- 5 (6) For the purpose of this section—
- (a) “adult person” means a person of  
10 eighteen years of age or upwards and every other person who is for the time being in receipt of not less than the minimum rate of wages provided for adult employees by the award or industrial agreement which relates or applies to the industry or calling in which he is engaged;
- (b) “industrial agreement” includes any agreement affecting rates of pay or conditions of employment made under any Act other than this Act;
- 15 (c) a person shall not be deemed to have applied for membership of an industrial union unless he has applied for such membership in the manner prescribed by the rules of the union and  
20 tendered any fee or subscription required by such rules to be paid or tendered by persons applying for such membership.
- 25 (7) Notwithstanding anything contained in this Act or the rules of an industrial union an employee shall not be compelled to pay in advance more than one-fourth of the amount prescribed by such rules as the annual fee or subscription payable for membership of  
30 such union.
- 35 (8) Any person who commits a breach of any of the provisions of subsection one, two or three of this section shall be liable to a penalty not exceeding one hundred pounds. Proceedings for the recovery of such penalty may be taken by the secretary of an industrial union concerned in the industry or calling in which the person alleged to have committed the breach is engaged.

(9)



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*Industrial Arbitration (Amendment).*

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(9) (a) In the event of a trade union which is registered as an industrial union—

- 5 (i) refusing or failing to admit to membership of such union any person entitled to be admitted thereto in pursuance of the provisions of subsection four of this section within a period of one month after application by such person for membership, or
- 10 (ii) expelling any person from membership of such union otherwise than in accordance with the provisions of subsection five of this section,

15 the commission may order such trade union to pay a penalty not exceeding one hundred pounds.

20 (b) The provisions of sections one hundred and twelve, one hundred and thirteen and one hundred and fourteen of this Act shall apply, mutatis mutandis, to and in respect of the jurisdiction and powers conferred upon the commission by this section and any penalties imposed by the commission under this section.

25 (10) The foregoing provisions of this section shall not apply to or in respect of—

30 (a) the employment in any industry or calling of a person who has been issued by the registrar pursuant to subsection eleven of this section with a certificate of exemption from membership of an industrial union of employees covering that industry or calling, if such certificate or any renewal thereof is for the time being in force; or

35 (b) the employment of any person to whom a certificate of exemption from union membership has been issued pursuant to paragraph (b) of subsection two of section



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*Industrial Arbitration (Amendment).*

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section twenty of this Act if the period specified in such certificate or any renewal thereof has not expired; or

5 (c) the employment during a period of vacation of a bona fide student of a school, college or university; or

(d) the employment of persons occupying managerial positions; or

10 (e) the employment of any person who has applied for a certificate of exemption pursuant to subsection eleven of this section and whose application has not been finally determined.

15 (11) (a) For the purposes of this subsection "conscientious belief" includes any conscientious belief whether the grounds thereof are or are not of a religious character and whether the belief is or is not part of the doctrine of any religion.

20 (b) Any person who—

(i) objects on the grounds of conscientious belief to being a member of an industrial union of employees; and

25 (ii) applies in the manner prescribed to the registrar for a certificate of exemption from membership of any such union; and

(iii) satisfies the registrar that his objections on the grounds of conscientious belief are genuine; and

30 (iv) pays to the registrar an amount equivalent to the subscription prescribed by the rules of the industrial union for membership of such union;

35 shall be issued by the registrar with a certificate of exemption from membership of the industrial union.

(c)



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*Industrial Arbitration (Amendment).*

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5 (c) Any such certificate shall remain in force for the period specified therein and may be renewed from time to time by the registrar upon payment of such amount, not exceeding the amount referred to in subparagraph (iv) of paragraph (b) of this subsection, as the registrar may require.

10 (d) Any amount received by the registrar pursuant to this subsection shall be paid by him to the credit of the Consolidated Revenue Fund.

15 (e) Any person whose application for a certificate of exemption from membership of an industrial union, or for any renewal thereof, under this subsection is refused, may within twenty-one days of the decision of the registrar refusing the application appeal in the manner prescribed to the commission from such decision. The commission may on such appeal make such order as it thinks fit.

20 (12) Nothing in this section shall limit or in any way affect—

25 (a) the powers, authorities, duties or functions conferred or imposed upon the commission by any other provisions of this Act;

30 (b) the rights or obligations conferred or imposed on an employer or employee by any other provisions of this Act or by an award or industrial agreement;

35 (c) any law relating to preference in employment to persons who have served as members of the naval, military or air forces of the Commonwealth.



Industrial Production (Amendment)

(1) Any such certificate shall remain in force for the period specified therein and may be renewed from time to time by the registrar upon payment of such amount not exceeding the amount referred to in sub-section (1) of section 1953 of this Act as may be determined by the registrar.

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(2) The certificate shall be valid for the period specified therein and may be renewed from time to time by the registrar upon payment of such amount not exceeding the amount referred to in sub-section (1) of section 1953 of this Act as may be determined by the registrar.

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(3) The certificate shall be valid for the period specified therein and may be renewed from time to time by the registrar upon payment of such amount not exceeding the amount referred to in sub-section (1) of section 1953 of this Act as may be determined by the registrar.

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(4) The certificate shall be valid for the period specified therein and may be renewed from time to time by the registrar upon payment of such amount not exceeding the amount referred to in sub-section (1) of section 1953 of this Act as may be determined by the registrar.

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(5) The certificate shall be valid for the period specified therein and may be renewed from time to time by the registrar upon payment of such amount not exceeding the amount referred to in sub-section (1) of section 1953 of this Act as may be determined by the registrar.

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(6) The certificate shall be valid for the period specified therein and may be renewed from time to time by the registrar upon payment of such amount not exceeding the amount referred to in sub-section (1) of section 1953 of this Act as may be determined by the registrar.

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(7) The certificate shall be valid for the period specified therein and may be renewed from time to time by the registrar upon payment of such amount not exceeding the amount referred to in sub-section (1) of section 1953 of this Act as may be determined by the registrar.

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(8) The certificate shall be valid for the period specified therein and may be renewed from time to time by the registrar upon payment of such amount not exceeding the amount referred to in sub-section (1) of section 1953 of this Act as may be determined by the registrar.

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(9) The certificate shall be valid for the period specified therein and may be renewed from time to time by the registrar upon payment of such amount not exceeding the amount referred to in sub-section (1) of section 1953 of this Act as may be determined by the registrar.

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