

New South Wales



ANNO QUARTO

ELIZABETHÆ II REGINÆ

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Act No. 11, 1955.

An Act to make further provision relating to the constitution of the Industrial Commission of New South Wales; to enable non-practising barristers and solicitors to be appointed as members of the said Commission; to authorise the inclusion of provisions relating to retiring allowances in certain awards and industrial agreements; to validate certain matters; for these purposes to amend the Industrial Arbitration Act, 1940-1954; and for purposes connected therewith. [Assented to, 12th April, 1955.]

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

---

*Industrial Arbitration (Amendment).*

---

Short title  
and  
citation.

**1.** (1) This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1955."

(2) The Industrial Arbitration Act, 1940, as amended by subsequent Acts and by this Act, may be cited as the Industrial Arbitration Act, 1940-1955.

Amendment  
of Act No.  
2, 1940.

**2.** (1) The Industrial Arbitration Act, 1940-1954, is amended—

Sec. 14.  
(Industrial  
Commission.)

(a) by omitting from subsection one of section fourteen the word "six" and by inserting in lieu thereof the word "twelve";

(b) by omitting from subsection two of the same section the word "practising" wherever occurring;

(c) by omitting from subsection four of the same section the words "some person qualified to be appointed a member to act temporarily as an additional member of the commission, and such additional member" and by inserting in lieu thereof the words "such number of persons not exceeding three as he thinks fit to act temporarily as additional members of the commission.

Any person appointed as an additional member shall be a person who is qualified to be appointed as a member.

An additional member".

Savings.

(2) The amendments effected by subsection one of this section shall not affect the continuity of office as President, member and additional member of the Industrial Commission of New South Wales of any person who held office as President, member and additional member respectively of the Industrial Commission of New South Wales immediately before the commencement of this Act.



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*Industrial Arbitration (Amendment).*

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**3.** (1) This section shall be read and construed with the Industrial Arbitration Act, 1940-1955.

Provisions  
re retiring  
allowances  
in certain  
awards.

(2) The provisions of the awards and agreements referred to in the Schedule to this Act relating to the payment of retiring allowances shall be deemed to have been validly inserted in such awards and agreements.

(3) An award or agreement made after the commencement of this Act in respect of employees of the Council of the City of Sydney, the Sydney County Council or the Electricity Commission of New South Wales may make provision for and with respect to—

- (a) the payment of retiring allowances, on the termination of their employment, to those employees of the Council of the City of Sydney, the Sydney County Council or the Electricity Commission of New South Wales who or whose personal representatives would have been entitled to the payment of retiring allowances under and in accordance with the provisions of the awards and agreements referred to in the Schedule to this Act had such provisions not been replaced or varied by an award or agreement made after the commencement of this Act; and
- (b) the payment of a retiring allowance to the personal representative of any employee referred to in paragraph (a) of this subsection where the employment of such employee is terminated by reason of his death.

(4) Any retiring allowance payable under an award or agreement on the termination of the employment of an employee and not paid may, without prejudice to any other mode of recovery thereof, be recovered by the employee or his personal representative, as the case may require, as unpaid wages due and payable under the award or agreement.

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By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1955.

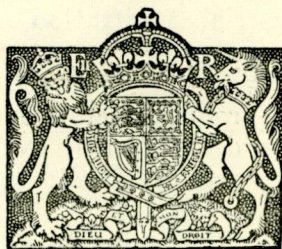


*I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

H. ROBBINS,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 31 March, 1955, A.M.*

## New South Wales



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# ELIZABETHÆ II REGINÆ

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### Act No. 11, 1955.

An Act to make further provision relating to the constitution of the Industrial Commission of New South Wales; to enable non-practising barristers and solicitors to be appointed as members of the said Commission; to authorise the inclusion of provisions relating to retiring allowances in certain awards and industrial agreements; to validate certain matters; for these purposes to amend the Industrial Arbitration Act, 1940-1954; and for purposes connected therewith. [Assented to, 12th April, 1955.]

**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.

*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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Short title  
and  
citation.

**1.** (1) This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1955."

(2) The Industrial Arbitration Act, 1940, as amended by subsequent Acts and by this Act, may be cited as the Industrial Arbitration Act, 1940-1955.

Amendment  
of Act No.  
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**2.** (1) The Industrial Arbitration Act, 1940-1954, is amended—

Sec. 14.  
(Industrial  
Commission.)

(a) by omitting from subsection one of section fourteen the word "six" and by inserting in lieu thereof the word "twelve";

(b) by omitting from subsection two of the same section the word "practising" wherever occurring;

(c) by omitting from subsection four of the same section the words "some person qualified to be appointed a member to act temporarily as an additional member of the commission, and such additional member" and by inserting in lieu thereof the words "such number of persons not exceeding three as he thinks fit to act temporarily as additional members of the commission.

Any person appointed as an additional member shall be a person who is qualified to be appointed as a member.

An additional member".

Savings.

(2) The amendments effected by subsection one of this section shall not affect the continuity of office as President, member and additional member of the Industrial Commission of New South Wales of any person who held office as President, member and additional member respectively of the Industrial Commission of New South Wales immediately before the commencement of this Act.



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(3) An award or agreement made after the commencement of this Act in respect of employees of the Council of the City of Sydney, the Sydney County Council or the Electricity Commission of New South Wales may make provision for and with respect to—

- (a) the payment of retiring allowances, on the termination of their employment, to those employees of the Council of the City of Sydney, the Sydney County Council or the Electricity Commission of New South Wales who or whose personal representatives would have been entitled to the payment of retiring allowances under and in accordance with the provisions of the awards and agreements referred to in the Schedule to this Act had such provisions not been replaced or varied by an award or agreement made after the commencement of this Act; and
- (b) the payment of a retiring allowance to the personal representative of any employee referred to in paragraph (a) of this subsection where the employment of such employee is terminated by reason of his death.

(4) Any retiring allowance payable under an award or agreement on the termination of the employment of an employee and not paid may, without prejudice to any other mode of recovery thereof, be recovered by the employee or his personal representative, as the case may require, as unpaid wages due and payable under the award or agreement.

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The Industrial Agreement number 1697 between the Electricity Commission of New South Wales and the Federated Municipal and Shire Council Employees' Union of Australia, New South Wales Division, and others, filed with the Industrial Registrar on the 17th day of December, 1953.

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

J. NORTHCOTT,  
*Governor.*

*Government House,  
Sydney, 12th April, 1955.*

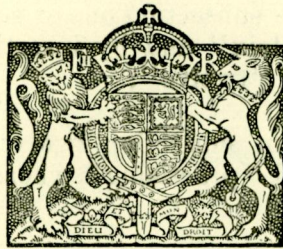


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

H. ROBBINS,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 30 March, 1955.*

## New South Wales



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**ELIZABETHÆ II REGINÆ**

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**1.** (1) This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1955." Short title and citation.

(2) The Industrial Arbitration Act, 1940, as amended by subsequent Acts and by this Act, may be cited as the Industrial Arbitration Act, 1940-1955.

**2.** (1) The Industrial Arbitration Act, 1940-1954, is amended— Amendment of Act No. 2, 1940.

10 (a) by omitting from subsection one of section fourteen the word "six" and by inserting in lieu thereof the word "twelve"; Sec. 14. (Industrial Commission.)

(b) by omitting from subsection two of the same section the word "practising" wherever occurring;

15 (c) by omitting from subsection four of the same section the words "some person qualified to be appointed a member to act temporarily as an additional member of the commission, and such additional member" and by inserting in lieu thereof the words "such number of persons not exceeding three as he thinks fit to act temporarily as additional members of the commission."

25 Any person appointed as an additional member shall be a person who is qualified to be appointed as a member.

An additional member".

30 (2) The amendments effected by subsection one of this section shall not affect the continuity of office as President, member and additional member of the Industrial Commission of New South Wales of any person who held office as President, member and additional member respectively of the Industrial Commission of New South Wales immediately before the commencement of this Act. Savings.

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(3) An award or agreement made after the commencement of this Act in respect of employees of the Council of the City of Sydney, the Sydney County Council  
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(a) the payment of retiring allowances, on the termination of their employment, to those employees of the Council of the City of Sydney,  
15 the Sydney County Council or the Electricity Commission of New South Wales who or whose personal representatives would have been entitled to the payment of retiring allowances under and in accordance with the provisions of  
20 the awards and agreements referred to in the Schedule to this Act had such provisions not been replaced or varied by an award or agreement made after the commencement of this Act; and

25 (b) the payment of a retiring allowance to the personal representative of any employee referred to in paragraph (a) of this subsection where the employment of such employee is terminated by reason of his death.

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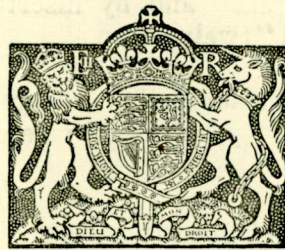


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, March, 1955.*

## New South Wales



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(2) The Industrial Arbitration Act, 1940, as amended by subsequent Acts and by this Act, may be cited as the Industrial Arbitration Act, 1940-1955.

2. (1) The Industrial Arbitration Act, 1940-1954, is amended— Amendment of Act No. 2, 1940.

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(2) The amendments effected by subsection one of this section shall not affect the continuity of office as President, member and additional member of the Industrial Commission of New South Wales of any person who held office as President, member and additional member respectively of the Industrial Commission of New South Wales immediately before the commencement of this Act. Savings.

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[MR. LANDA;—24 March, 1955.]

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



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1. (1) This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1955." Short title and citation.

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**Division, and others, filed with the Industrial Registrar on the 17th**  
**day of December, 1953.**

Sydney: A. H. Pettifer, Government Printer—1955.

[6d.]



## INDUSTRIAL ARBITRATION (AMENDMENT) BILL, 1955.

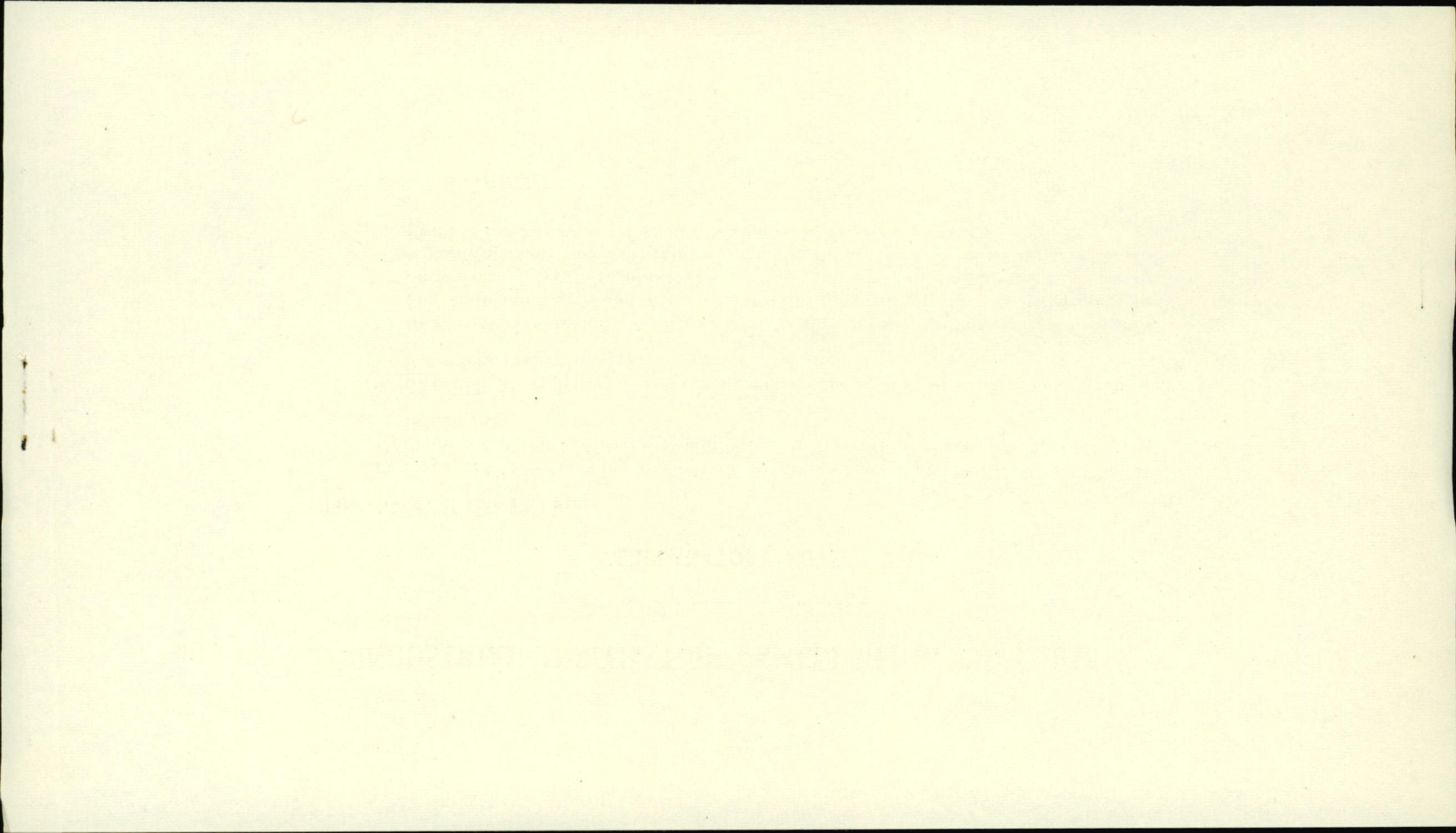
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### EXPLANATORY NOTE.

THE objects of this Bill are—

- (1) to provide for the appointment of such number of members and additional members of the Industrial Commission of New South Wales as the Governor thinks fit;
- (2) to enable the appointment as members of the Commission of non-practising barristers and solicitors;
- (3) to remove doubts that have arisen as to the validity of provisions in awards and industrial agreements relating to the payment of retiring allowances to employees of certain public authorities (other than employees entitled to superannuation benefits) and to enable future awards and agreements to provide for the grant of such allowances to those employees.







No. , 1955.

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## A BILL

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[MR. LANDA;—24 *March*, 1955.]

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1. (1) This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1955." Short title and citation.

(2) The Industrial Arbitration Act, 1940, as amended by subsequent Acts and by this Act, may be cited as the Industrial Arbitration Act, 1940-1955.

2. (1) The Industrial Arbitration Act, 1940-1954, is amended— Amendment of Act No. 2, 1940.

10 (a) by omitting from subsection one of section fourteen the words "not more than six persons each of whom shall be a member of the commission" and by inserting in lieu thereof the words "such number of persons as he thinks fit to be members of the commission"; Sec. 14. (Industrial Commission.)

15 (b) by omitting from subsection two of the same section the word "practising" wherever occurring;

20 (c) by omitting from subsection four of the same section the words "some person qualified to be appointed a member to act temporarily as an additional member of the commission, and such additional member" and by inserting in lieu thereof the words "such number of persons as he thinks fit to act temporarily as additional members of the commission.

25 Any person appointed as an additional member shall be a person who is qualified to be appointed as a member.

An additional member".

30 (2) The amendments effected by subsection one of this section shall not affect the continuity of office as President, member and additional member of the Industrial Commission of New South Wales of any person who held office as President, member and additional member respectively of the Industrial Commission of New South Wales immediately before the commencement of this Act. Savings.

3.



*Industrial Arbitration (Amendment).*

3. (1) This section shall be read and construed with the Industrial Arbitration Act, 1940-1955.

Provisions re retiring allowances in certain awards.

(2) The provisions of the awards and agreements referred to in the Schedule to this Act relating to the payment of retiring allowances shall be deemed to have been validly inserted in such awards and agreements.

(3) An award or agreement made after the commencement of this Act in respect of employees of the Council of the City of Sydney, the Sydney County Council or the Electricity Commission of New South Wales may make provision for and with respect to—

(a) the payment of retiring allowances, on the termination of their employment, to those employees of the Council of the City of Sydney, the Sydney County Council or the Electricity Commission of New South Wales who or whose personal representatives would have been entitled to the payment of retiring allowances under and in accordance with the provisions of the awards and agreements referred to in the Schedule to this Act had such provisions not been replaced or varied by an award or agreement made after the commencement of this Act; and

(b) the payment of a retiring allowance to the personal representative of any employee referred to in paragraph (a) of this subsection where the employment of such employee is terminated by reason of his death.

(4) Any retiring allowance payable under an award or agreement on the termination of the employment of an employee and not paid may, without prejudice to any other mode of recovery thereof, be recovered by the employee or his personal representative, as the case may require, as unpaid wages due and payable under the award or agreement.

THE



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*Industrial Arbitration (Amendment).*

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THE SCHEDULE.

THE Municipal Council of Sydney (General-Conditions) Award published on the 31st day of October, 1930.

The Sydney County Council (General Conditions) Award published  
5 on the 23rd day of September, 1949.

All awards made before the commencement of this Act and varying either of the abovenamed awards.

The Industrial Agreement number 1673 between the Electricity Commission of New South Wales and the Federated Municipal and  
10 Shire Council Employees' Union of Australia, New South Wales Division, and others, filed with the Industrial Registrar on the 24th day of June, 1953.

The Industrial Agreement number 1697 between the Electricity Commission of New South Wales and the Federated Municipal and  
15 Shire Council Employees' Union of Australia, New South Wales Division, and others, filed with the Industrial Registrar on the 17th day of December, 1953.