

*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.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 7 December, 1971.*

## New South Wales



ANNO VICESIMO

# ELIZABETHÆ II REGINÆ

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Act No.           , 1971.

An Act to provide for cancellation of registration of industrial unions of employees in certain circumstances; to increase penalties for lock-outs and illegal strikes; for these and other purposes to amend the Industrial Arbitration Act, 1940; and for purposes connected therewith.

BE

*Industrial Arbitration (Further Amendment).*

5 **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 (Further Amendment) Act, 1971".

Short title and commencement.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation  
10 published in the Gazette.

2. The Industrial Arbitration Act, 1940, is amended—

Amendment of Act No. 2, 1940.

(a) (i) by omitting from subsection eight of section eight the following words :—

Sec. 8. (Registration of industrial union of employees.)

15 : Provided that, save where otherwise mentioned in this Act, such cancellation shall not relieve the industrial union or any member thereof from the obligation of any award or industrial agreement, award or apprenticeship agreement under  
20 the Apprentices Act, 1969, or order of the commission, or a conciliation commissioner, or a committee or an apprenticeship committee established under that Act or from any penalty or  
25 liability incurred prior to such cancellation :

30 Provided further that nothing in this subsection shall be construed as empowering the commission to cancel the registration of any industrial union on the ground that such industrial union is instigating to or aiding any other union

or

*Industrial Arbitration (Further Amendment).*

or any of its members in a lock-out or strike for which such other union or any of its members are liable to a penalty under this Act;

- 5 (ii) by inserting at the end of the same subsection the following new paragraph :—

10 The power conferred on the commission by this subsection does not extend to empowering the commission to cancel the registration of an industrial union in circumstances in which the industrial union is liable to have its registration cancelled under section 8A of this Act.

- (iii) by inserting next after the same section the following new sections :—

15 8A. (1) In this section—

“essential service industry” means an industry, any employees in which are employed in or in connection with—

Cancellation of registration where union engaged in strike in essential service industry, etc.

20 (a) the conduct of, or the supply of fuel or any other commodity or any services necessary for the conduct of, any public transport services or undertaking;

25 (b) the conduct of any undertaking for the supply of electricity, water or gas to the public;

30 (c) the provision of sewerage or drainage services;

(d)

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*Industrial Arbitration (Further Amendment).*

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(d) the removal of garbage or nightsoil;

(e) the provision of fire-fighting services; or

5 (f) the conduct of prisons,

and includes any other industry which the Governor, by order published in the Gazette, declares to be an essential service industry;

10 “industrial dispute” means any question, dispute or difficulty of the nature referred to in paragraph (a), (b) or (c) of subsection one of section twenty-five of this Act;

15 “no-strike order”, in relation to an industrial union of employees, means an order made by the commission or a conciliation commissioner that or to the effect that a strike should cease or not take place and directed to that industrial union or to any of the members, or the executive, of that industrial union.

25 (2) Subject to section 8B of this Act, the commission shall, upon application made in accordance with subsection three of this section, cancel the registration of an industrial union of employees—

30 (a) if the commission is satisfied that any of the members (in this paragraph referred to as “striking members”) of that industrial union are, at the time the application is made, or were, at any time within fourteen days before the application is made,

35 taking

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*Industrial Arbitration (Further Amendment).*

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5 taking part in or aiding or abetting  
an illegal strike in an essential  
service industry, unless that indus-  
trial union satisfies the com-  
mission—

10 (i) that the executive of that  
industrial union has, at a  
meeting of its members or  
or by means of an  
announcement made in a  
15 newspaper circulating  
throughout New South  
Wales or made by radio  
or television or by any  
other means that the  
commission considers  
reasonable, directed those  
20 striking members not to  
take part in or continue to  
take part in or to aid or  
abet that illegal strike;

25 (ii) that the executive of that  
industrial union has not,  
in any manner, aided,  
abetted or encouraged  
those striking members to  
take part in or continue  
30 to take part in or to aid  
or abet that illegal strike;  
and

35 (iii) that the executive of that  
industrial union has, by  
enforcement of the rules  
of that industrial union  
and by any other means  
reasonable in the circum-  
stances, endeavoured to

prevent

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*Industrial Arbitration (Further Amendment).*

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prevent those striking members from taking part in or continuing to take part in or aiding or abetting that illegal strike;

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(b) if the commission is satisfied that the executive, or any member of the executive, of that industrial union is, at the time the application is made or, was, at any time within fourteen days before the application is made, aiding or abetting an illegal strike in an essential service industry by members of another industrial union of employees;

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(c) if the commission is satisfied that, during the period of twelve months next preceding the time the application is made, three or more no-strike orders in relation to that industrial union were not complied with;

20

(d) if the commission is satisfied that, during the period of twelve months next preceding the time the application is made, an illegal strike or illegal strikes by any of the members of that industrial union took place after a no-strike order or no-strike orders in relation to that industrial union had been made in respect of that illegal strike or those illegal strikes and that as a result of that illegal strike or those illegal strikes the welfare of the public or of employees, not being members of that industrial union, was seriously affected for a protracted period;

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30

35

(e)

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*Industrial Arbitration (Further Amendment).*

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5 (e) if the commission is satisfied that, during the period of twelve months next preceding the time the application is made, the executive, or any member of the executive, of that industrial union has, directly or indirectly, in connection with or in the course of an industrial dispute, counselled, advised, encouraged, 10 threatened, aided or abetted the use of violence or threats of violence to persons or damage or threats of damage to property; or

15 (f) if the commission is satisfied that, during the period of twelve months next preceding the time the application is made, there has been an illegal strike by any of the members of that industrial union, or a threat by the executive, or any member of 20 the executive, of that industrial union of a strike, which, if commenced, would have been an illegal strike, with a view to compelling an employer to dismiss from employment or injure an employee in his employment or with a view 25 to compelling an employer to disadvantage an employee unfairly in his employment. 30

35 (3) An application under subsection two of this section may be made by the Crown, by an employer who at the time the application is made is employing employees who are members of the industrial union in respect of which the application is made or by an industrial union of employers.

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*Industrial Arbitration (Further Amendment).*

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5           8B. (1) The commission, instead of cancelling the registration of an industrial union under subsection eight of section eight, or under subsection two of section 8A, of this Act, may, where it is satisfied that the liability of the industrial union to have its registration cancelled arises by reason or mainly by reason of the conduct of a particular group, class, section or description of members of that industrial union, order that the rules of that industrial union be amended as on and from the date of the order or a later date specified therein and in such manner as may be specified therein, so as to exclude from eligibility for membership of that industrial union persons belonging to that group, class or section or of that description.

Powers of commission as an alternative to de-registering an industrial union.

10           (2) The commission, instead of cancelling the registration of an industrial union under subsection eight of section eight, or under subsection two of section 8A, of this Act or making an order under subsection one of this section, may, where it is satisfied that by reason of the previous conduct of the executive and members of that industrial union and any other matters that to the commission seem relevant it is appropriate to do so, order that industrial union to pay a penalty not exceeding four thousand dollars.

15           (3) Where an order referred to in subsection one of this section is made in respect of an industrial union of employees, the rules of that industrial union shall be deemed to be amended as on and from the date and in the manner specified in the order.

(4)



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*Industrial Arbitration (Further Amendment).*

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(4) The commission may—

- 5 (a) cancel any award or industrial agree-  
ment, or award or apprenticeship  
agreement under the Apprentices  
Act, 1969, relating to any industrial  
union whose registration as an  
industrial union of employees has  
been cancelled pursuant to subsec-  
10 tion eight of section eight, or sub-  
section two of section 8A, of this Act,  
or relating to the members thereof;  
or
- 15 (b) cancel any award or industrial  
agreement, or award or apprentice-  
ship agreement under the Appren-  
tices Act, 1969, in so far as it  
relates to members of an industrial  
union in respect of which an order  
has been made under subsection one  
20 of this section.

25 (5) The cancellation of the registra-  
tion of any industrial union pursuant to sub-  
section eight of section eight, or subsection  
two of section 8A, of this Act, the making of an  
order under subsection one of this section, or  
the cancellation or partial cancellation of any  
award or industrial agreement or award or  
apprenticeship agreement under the Appren-  
tices Act, 1969, pursuant to subsection four  
30 of this section shall not relieve that industrial  
union or any member thereof from the obli-  
gation of any award or industrial agreement,  
or award or apprenticeship agreement under  
the Apprentices Act, 1969, or order of the  
commission, or a conciliation commissioner,  
35 or a committee or an apprenticeship committee  
established under that Act, or from any penalty  
or liability incurred prior to such cancellation  
or partial cancellation.

*Industrial Arbitration (Further Amendment).*

- (b) by omitting from paragraph (e) of subsection one of section 30B the words “, section one hundred and one excepted”;  
Sec. 30B.  
(Jurisdiction of the commission.)
- 5 (c) by omitting from section ninety-eight the words “two thousand dollars” and by inserting in lieu thereof the words “four thousand dollars”;  
Sec. 98.  
(Penalty for lock-out.)
- (d) by omitting from section one hundred the words “one thousand dollars” and by inserting in lieu thereof the words “four thousand dollars”;  
Sec. 100.  
(Penalty for illegal strike.)
- 10 (e) by omitting section one hundred and one and by inserting in lieu thereof the following section :—  
Subst. sec. 101.
- 15 101. No proceedings for an order under section one hundred of this Act shall be commenced after the expiration of fourteen days from the cessation of the strike to which the proceedings refer.  
Proceedings for penalty under section 100.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[10c]

No. , 1971.

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# A BILL

To provide for cancellation of registration of industrial unions of employees in certain circumstances; to increase penalties for lock-outs and illegal strikes; for these and other purposes to amend the Industrial Arbitration Act, 1940; and for purposes connected therewith.

[MR WILLIS—24 November, 1971.]

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**BE**

*Industrial Arbitration (Further Amendment).*

**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 (Further Amendment) Act, 1971".

Short title and commencement.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Industrial Arbitration Act, 1940, is amended—

Amendment of Act No. 2, 1940.

(a) (i) by omitting from subsection eight of section eight the following words :—

Sec. 8. (Registration of industrial union of employees.)

: Provided that, save where otherwise mentioned in this Act, such cancellation shall not relieve the industrial union or any member thereof from the obligation of any award or industrial agreement, award or apprenticeship agreement under the Apprentices Act, 1969, or order of the commission, or a conciliation commissioner, or a committee or an apprenticeship committee established under that Act or from any penalty or liability incurred prior to such cancellation :

Provided further that nothing in this subsection shall be construed as empowering the commission to cancel the registration of any industrial union on the ground that such industrial union is instigating to or aiding any other union

or

*Industrial Arbitration (Further Amendment).*

or any of its members in a lock-out or strike for which such other union or any of its members are liable to a penalty under this Act;

- 5 (ii) by inserting at the end of the same subsection the following new paragraph :—

10 The power conferred on the commission by this subsection does not extend to empowering the commission to cancel the registration of an industrial union in circumstances in which the industrial union is liable to have its registration cancelled under section 8A of this Act.

- (iii) by inserting next after the same section the following new sections :—

15 8A. (1) In this section—

“essential service industry” means an industry, any employees in which are employed in or in connection with—

- 20 (a) the conduct of, or the supply of fuel or any other commodity or any services necessary for the conduct of, any public transport services or undertaking;
- 25 (b) the conduct of any undertaking for the supply of electricity, water or gas to the public;
- 30 (c) the provision of sewerage or drainage services;

(d)

New secs.  
8A, 8B.  
Cancellat-  
ion of  
registra-  
tion where  
union  
engaged in  
strike in  
essential  
service  
industry,  
etc.

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*Industrial Arbitration (Further Amendment).*

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- (d) the removal of garbage or nightsoil;
- (e) the provision of fire-fighting services; or
- 5 (f) the conduct of prisons,  
and includes any other industry which the Governor, by order published in the Gazette, declares to be an essential service industry;
- 10 “industrial dispute” means any question, dispute or difficulty of the nature referred to in paragraph (a), (b) or (c) of subsection one of section twenty-five of this Act;
- 15 “no-strike order”, in relation to an industrial union of employees, means an order made by the commission or a conciliation commissioner that or to the effect that a strike should cease or not take place and directed to that industrial union or to any of the members, or the executive, of that industrial union.
- 20 (2) Subject to section 8B of this Act, the commission shall, upon application made in accordance with subsection three of this section, cancel the registration of an industrial union of employees—
- 25 (a) if the commission is satisfied that any of the members (in this paragraph referred to as “striking members”) of that industrial union are, at the time the application is made, or were, at any time within fourteen days before the application is made,
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- 35

taking

*Industrial Arbitration (Further Amendment).*

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taking part in or aiding or abetting an illegal strike in an essential service industry, unless that industrial union satisfies the commission—

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(i) that the executive of that industrial union has, at a meeting of its members or of those striking members or by means of an announcement made in a newspaper circulating throughout New South Wales or made by radio or television or by any other means that the commission considers reasonable, directed those striking members not to take part in or continue to take part in or to aid or abet that illegal strike;

(ii) that the executive of that industrial union has not, in any manner, aided, abetted or encouraged those striking members to take part in or continue to take part in or to aid or abet that illegal strike; and

(iii) that the executive of that industrial union has, by enforcement of the rules of that industrial union and by any other means reasonable in the circumstances, endeavoured to

prevent

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*Industrial Arbitration (Further Amendment).*

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5 prevent those striking  
members from taking part  
in or continuing to take  
part in or aiding or  
abetting that illegal strike;

10 (b) if the commission is satisfied that the  
executive, or any member of the  
executive, of that industrial union is,  
at the time the application is made  
or, was, at any time within fourteen  
days before the application is made,  
aiding or abetting an illegal strike  
in an essential service industry by  
members of another industrial union  
of employees;

15 (c) if the commission is satisfied that,  
during the period of twelve months  
next preceding the time the applica-  
tion is made, three or more no-strike  
orders in relation to that industrial  
union were not complied with;

20 (d) if the commission is satisfied that,  
during the period of twelve months  
next preceding the time the applica-  
tion is made, an illegal strike or  
illegal strikes by any of the members  
of that industrial union took place  
after a no-strike order or no-strike  
orders in relation to that industrial  
union had been made in respect of  
that illegal strike or those illegal  
strikes and that as a result of that  
illegal strike or those illegal strikes  
the welfare of the public or of  
employees, not being members of  
that industrial union, was seriously  
affected for a protracted period;

(e)



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*Industrial Arbitration (Further Amendment).*

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5 (e) if the commission is satisfied that,  
during the period of twelve months  
next preceding the time the applica-  
tion is made, the executive, or any  
member of the executive, of that  
industrial union has, directly or  
indirectly, in connection with or in  
the course of an industrial dispute,  
10 counselled, advised, encouraged,  
threatened, aided or abetted the use  
of violence or threats of violence to  
persons or damage or threats of  
damage to property ; or

15 (f) if the commission is satisfied that,  
during the period of twelve months  
next preceding the time the applica-  
tion is made, there has been an  
illegal strike by any of the members  
20 of that industrial union, or a threat  
by the executive, or any member of  
the executive, of that industrial  
union of a strike, which, if  
commenced, would have been an  
illegal strike, with a view to compel-  
25 ling an employer to dismiss from  
employment or injure an employee  
in his employment or with a view  
to compelling an employer to  
disadvantage an employee unfairly  
30 in his employment.

(3) An application under subsection  
two of this section may be made by the Crown,  
by an employer who at the time the application  
is made is employing employees who are  
35 members of the industrial union in respect of  
which the application is made or by an  
industrial union of employers.

*Industrial Arbitration (Further Amendment).*

5           8B. (1) The commission, instead of cancelling the registration of an industrial union under subsection eight of section eight, or under subsection two of section 8A, of this Act, may, where it is satisfied that the liability of the industrial union to have its registration cancelled arises by reason or mainly by reason of the conduct of a particular group, class, section or description of members of that industrial union, order that the rules of that industrial union be amended as on and from the date of the order or a later date specified therein and in such manner as may be specified therein, so as to exclude from eligibility for membership of that industrial union persons belonging to that group, class or section or of that description.

Powers of commission as an alternative to de-registering an industrial union.

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15  
20           (2) The commission, instead of cancelling the registration of an industrial union under subsection eight of section eight, or under subsection two of section 8A, of this Act or making an order under subsection one of this section, may, where it is satisfied that by reason of the previous conduct of the executive and members of that industrial union and any other matters that to the commission seem relevant it is appropriate to do so, order that industrial union to pay a penalty not exceeding four thousand dollars.

25  
30           (3) Where an order referred to in subsection one of this section is made in respect of an industrial union of employees, the rules of that industrial union shall be deemed to be amended as on and from the date and in the manner specified in the order.

35

(4)

*Industrial Arbitration (Further Amendment).*

(4) The commission may—

5 (a) cancel any award or industrial agree-  
ment, or award or apprenticeship  
agreement under the Apprentices  
Act, 1969, relating to any industrial  
union whose registration as an  
industrial union of employees has  
been cancelled pursuant to subsec-  
tion eight of section eight, or sub-  
section two of section 8A, of this Act,  
10 or relating to the members thereof;  
or

15 (b) cancel any award or industrial  
agreement, or award or apprentice-  
ship agreement under the Appren-  
tices Act, 1969, in so far as it  
relates to members of an industrial  
union in respect of which an order  
has been made under subsection one  
20 of this section.

25 (5) The cancellation of the registra-  
tion of any industrial union pursuant to sub-  
section eight of section eight, or subsection  
two of section 8A, of this Act, the making of an  
order under subsection one of this section, or  
the cancellation or partial cancellation of any  
award or industrial agreement or award or  
apprenticeship agreement under the Appren-  
tices Act, 1969, pursuant to subsection four  
30 of this section shall not relieve that industrial  
union or any member thereof from the obli-  
gation of any award or industrial agreement,  
or award or apprenticeship agreement under  
the Apprentices Act, 1969, or order of the  
35 commission, or a conciliation commissioner,  
or a committee or an apprenticeship committee  
established under that Act, or from any penalty  
or liability incurred prior to such cancellation  
or partial cancellation.

*Industrial Arbitration (Further Amendment).*

- (b) by omitting from paragraph (e) of subsection one of section 30B the words “, section one hundred and one excepted”;  
Sec. 30B.  
(Jurisdiction of the commission.)
  - 5 (c) by omitting from section ninety-eight the words “two thousand dollars” and by inserting in lieu thereof the words “four thousand dollars”;  
Sec. 98.  
(Penalty for lock-out.)
  - (d) by omitting from section one hundred the words “one thousand dollars” and by inserting in lieu thereof the words “four thousand dollars”;  
Sec. 100.  
(Penalty for illegal strike.)
  - 10 (e) by omitting section one hundred and one and by inserting in lieu thereof the following section :—  
Subst. sec. 101.
101. No proceedings for an order under section one hundred of this Act shall be commenced after the expiration of fourteen days from the cessation of the strike to which the proceedings refer.  
Proceedings for penalty under section 100.

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BY AUTHORITY  
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971  
[10c]

**INDUSTRIAL ARBITRATION (FURTHER AMENDMENT) BILL,  
1971**

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**EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to require the Industrial Commission, subject to its powers referred to in paragraph (b) below, to cancel the registration of an industrial union of employees if the executive or members thereof are involved in an illegal strike in an essential service industry or have been guilty of certain other industrial misconduct;
- (b) to empower the Commission, instead of cancelling the registration of an industrial union of employees as referred to in paragraph (a) above, or under the existing provisions of the Industrial Arbitration Act, 1940, to make an order excluding any group, class, section or description of employees from eligibility for membership of the industrial union or to impose a penalty not exceeding \$4,000;
- (c) to increase the penalty for a lock-out and the penalty for an illegal strike to \$4,000;
- (d) to make other provisions of a consequential or ancillary nature.

PROOF

INDUSTRIAL ARBITRATION (FURTHER AMENDMENT) BILL

1971

EXPLANATORY MEMORANDUM

The objects of the Bill are to amend the Industrial Arbitration Act, 1945, in relation to the powers conferred on the arbitrator in cases where the arbitrator is asked to award damages to an industrial union of workers in the event of a breach of a contract of service by an individual member of the union or by an individual employer in respect of a contract of service with an individual member of the union.

The Bill provides that where an arbitrator is asked to award damages to an industrial union of workers in the event of a breach of a contract of service by an individual member of the union or by an individual employer in respect of a contract of service with an individual member of the union, the arbitrator may award such damages as he thinks fit, subject to a maximum of £100,000.

The Bill also provides that where an arbitrator is asked to award damages to an individual member of a union in the event of a breach of a contract of service by an individual employer, the arbitrator may award such damages as he thinks fit, subject to a maximum of £10,000.

*PROOF*

No. , 1971.

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## A BILL

To provide for cancellation of registration of industrial unions of employees in certain circumstances; to increase penalties for lock-outs and illegal strikes; for these and other purposes to amend the Industrial Arbitration Act, 1940; and for purposes connected therewith.

[Mr WILLIS—24 November, 1971.]

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BE

*Industrial Arbitration (Further Amendment).*

**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 (Further Amendment) Act, 1971".

Short title and commencement.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Industrial Arbitration Act, 1940, is amended—

Amendment of Act No. 2, 1940.

(a) (i) by omitting from subsection eight of section eight the following words :—

Sec. 8. (Registration of industrial union of employees.)

: Provided that, save where otherwise mentioned in this Act, such cancellation shall not relieve the industrial union or any member thereof from the obligation of any award or industrial agreement, award or apprenticeship agreement under the Apprentices Act, 1969, or order of the commission, or a conciliation commissioner, or a committee or an apprenticeship committee established under that Act or from any penalty or liability incurred prior to such cancellation :

Provided further that nothing in this subsection shall be construed as empowering the commission to cancel the registration of any industrial union on the ground that such industrial union is instigating to or aiding any other union

or



*Industrial Arbitration (Further Amendment).*

or any of its members in a lock-out or strike for which such other union or any of its members are liable to a penalty under this Act;

- 5 (ii) by inserting at the end of the same subsection the following new paragraph :—

10 The power conferred on the commission by this subsection does not extend to empowering the commission to cancel the registration of an industrial union in circumstances in which the industrial union is liable to have its registration cancelled under section 8A of this Act.

- (iii) by inserting next after the same section the following new sections :—

15 8A. (1) In this section—

“essential service industry” means an industry, any employees in which are employed in or in connection with—

New secs. 8A, 8B.  
Cancellation of registration where union engaged in strike in essential service industry, etc.

20 (a) the conduct of, or the supply of fuel or any other commodity or any services necessary for the conduct of, any public transport services or undertaking;

25 (b) the conduct of any undertaking for the supply of electricity, water or gas to the public;

30 (c) the provision of sewerage or drainage services;

(d)

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*Industrial Arbitration (Further Amendment).*

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- (d) the removal of garbage or nightsoil;
- (e) the provision of fire-fighting services; or
- 5 (f) the conduct of prisons,  
and includes any other industry which the Governor, by order published in the Gazette, declares to be an essential service industry;
- 10 “industrial dispute” means any question, dispute or difficulty of the nature referred to in paragraph (a), (b) or (c) of subsection one of section twenty-five of this Act;
- 15 “no-strike order”, in relation to an industrial union of employees, means an order made by the commission or a conciliation commissioner that or to the effect that a strike should cease or not take place and directed to
- 20 that industrial union or to any of the members, or the executive, of that industrial union.
- 25 (2) Subject to section 8B of this Act, the commission shall, upon application made in accordance with subsection three of this section, cancel the registration of an industrial union of employees—
- 30 (a) if the commission is satisfied that any of the members (in this paragraph referred to as “striking members”) of that industrial union are, at the time the application is made, or were, at any time within fourteen
- 35 days before the application is made,

taking

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*Industrial Arbitration (Further Amendment).*

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5 taking part in or aiding or abetting  
an illegal strike in an essential  
service industry, unless that indus-  
trial union satisfies the com-  
mission—

10 (i) that the executive of that  
industrial union has, at a  
meeting of its members or  
of those striking members  
or by means of an  
announcement made in a  
15 newspaper circulating  
throughout New South  
Wales or made by radio  
or television or by any  
other means that the  
commission considers  
reasonable, directed those  
20 striking members not to  
take part in or continue to  
take part in or to aid or  
abet that illegal strike;

25 (ii) that the executive of that  
industrial union has not,  
in any manner, aided,  
abetted or encouraged  
those striking members to  
take part in or continue  
to take part in or to aid  
30 or abet that illegal strike;  
and

35 (iii) that the executive of that  
industrial union has, by  
enforcement of the rules  
of that industrial union  
and by any other means  
reasonable in the circum-  
stances, endeavoured to

prevent

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*Industrial Arbitration (Further Amendment).*

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prevent those striking  
members from taking part  
in or continuing to take  
part in or aiding or  
abetting that illegal strike;

5

(b) if the commission is satisfied that the  
executive, or any member of the  
executive, of that industrial union is,  
at the time the application is made  
or, was, at any time within fourteen  
days before the application is made,  
aiding or abetting an illegal strike  
in an essential service industry by  
members of another industrial union  
of employees;

10

15

(c) if the commission is satisfied that,  
during the period of twelve months  
next preceding the time the applica-  
tion is made, three or more no-strike  
orders in relation to that industrial  
union were not complied with;

20

(d) if the commission is satisfied that,  
during the period of twelve months  
next preceding the time the applica-  
tion is made, an illegal strike or  
illegal strikes by any of the members  
of that industrial union took place  
after a no-strike order or no-strike  
orders in relation to that industrial  
union had been made in respect of  
that illegal strike or those illegal  
strikes and that as a result of that  
illegal strike or those illegal strikes  
the welfare of the public or of  
employees, not being members of  
that industrial union, was seriously  
affected for a protracted period;

25

30

35

(e)

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*Industrial Arbitration (Further Amendment).*

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5 (e) if the commission is satisfied that,  
during the period of twelve months  
next preceding the time the applica-  
tion is made, the executive, or any  
member of the executive, of that  
industrial union has, directly or  
indirectly, in connection with or in  
the course of an industrial dispute,  
10 counselled, advised, encouraged,  
threatened, aided or abetted the use  
of violence or threats of violence to  
persons or damage or threats of  
damage to property ; or

15 (f) if the commission is satisfied that,  
during the period of twelve months  
next preceding the time the applica-  
tion is made, there has been an  
illegal strike by any of the members  
20 of that industrial union, or a threat  
by the executive, or any member of  
the executive, of that industrial  
union of a strike, which, if  
commenced, would have been an  
illegal strike, with a view to compel-  
25 ling an employer to dismiss from  
employment or injure an employee  
in his employment or with a view  
to compelling an employer to  
disadvantage an employee unfairly  
30 in his employment.

(3) An application under subsection  
two of this section may be made by the Crown,  
by an employer who at the time the application  
is made is employing employees who are  
35 members of the industrial union in respect of  
which the application is made or by an  
industrial union of employers.

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*Industrial Arbitration (Further Amendment).*

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5           8B. (1) The commission, instead of cancelling the registration of an industrial union under subsection eight of section eight, or under subsection two of section 8A, of this Act, may, where it is satisfied that the liability of the industrial union to have its registration cancelled arises by reason or mainly by reason of the conduct of a particular group, class, section or description of members of that industrial union, order that the rules of that industrial union be amended as on and from the date of the order or a later date specified therein and in such manner as may be specified therein, so as to exclude from eligibility for membership of that industrial union persons belonging to that group, class or section or of that description.

Powers of commission as an alternative to de-registering an industrial union.

10           (2) The commission, instead of cancelling the registration of an industrial union under subsection eight of section eight, or under subsection two of section 8A, of this Act or making an order under subsection one of this section, may, where it is satisfied that by reason of the previous conduct of the executive and members of that industrial union and any other matters that to the commission seem relevant it is appropriate to do so, order that industrial union to pay a penalty not exceeding four thousand dollars.

15           (3) Where an order referred to in subsection one of this section is made in respect of an industrial union of employees, the rules of that industrial union shall be deemed to be amended as on and from the date and in the manner specified in the order.

(4)

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*Industrial Arbitration (Further Amendment).*

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(4) The commission may—

- 5 (a) cancel any award or industrial agree-  
ment, or award or apprenticeship  
10 Act, 1969, relating to any industrial  
union whose registration as an  
industrial union of employees has  
been cancelled pursuant to subsec-  
tion eight of section eight, or sub-  
section two of section 8A, of this Act,  
or relating to the members thereof;  
or
- 15 (b) cancel any award or industrial  
agreement, or award or apprentice-  
ship agreement under the Appren-  
tices Act, 1969, in so far as it  
relates to members of an industrial  
union in respect of which an order  
has been made under subsection one  
20 of this section.

25 (5) The cancellation of the registra-  
tion of any industrial union pursuant to sub-  
section eight of section eight, or subsection  
two of section 8A, of this Act, the making of an  
order under subsection one of this section, or  
the cancellation or partial cancellation of any  
award or industrial agreement or award or  
apprenticeship agreement under the Appren-  
tices Act, 1969, pursuant to subsection four  
30 of this section shall not relieve that industrial  
union or any member thereof from the obli-  
gation of any award or industrial agreement,  
or award or apprenticeship agreement under  
the Apprentices Act, 1969, or order of the  
35 commission, or a conciliation commissioner,  
or a committee or an apprenticeship committee  
established under that Act, or from any penalty  
or liability incurred prior to such cancellation  
or partial cancellation.

*Industrial Arbitration (Further Amendment).*

- (b) by omitting from paragraph (e) of subsection one of section 30B the words “, section one hundred and one excepted”;  
Sec. 30B.  
(Jurisdiction of the commission.)
- 5 (c) by omitting from section ninety-eight the words “two thousand dollars” and by inserting in lieu thereof the words “four thousand dollars”;  
Sec. 98.  
(Penalty for lock-out.)
- (d) by omitting from section one hundred the words “one thousand dollars” and by inserting in lieu thereof the words “four thousand dollars”;  
Sec. 100.  
(Penalty for illegal strike.)
- 10 (e) by omitting section one hundred and one and by inserting in lieu thereof the following section :—  
Subst. sec. 101.
- 15       101. No proceedings for an order under section one hundred of this Act shall be commenced after the expiration of fourteen days from the cessation of the strike to which the proceedings refer.  
Proceedings for penalty under section 100.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971



# New South Wales



ANNO VICESIMO

## ELIZABETHÆ II REGINÆ

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### Act No. 67, 1971.

An Act to provide for cancellation of registration of industrial unions of employees in certain circumstances; to increase penalties for lock-outs and illegal strikes; for these and other purposes to amend the Industrial Arbitration Act, 1940; and for purposes connected therewith. [Assented to, 21st December, 1971.]

BE

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*Industrial Arbitration (Further Amendment).*

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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 :—

Short title  
and com-  
mencement.

**1.** (1) This Act may be cited as the "Industrial Arbitration (Further Amendment) Act, 1971".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amend-  
ment of  
Act No. 2,  
1940.

Sec. 8.  
(Registra-  
tion of  
industrial  
union of  
employees.)

**2.** The Industrial Arbitration Act, 1940, is amended—

(a) (i) by omitting from subsection eight of section eight the following words :—

: Provided that, save where otherwise mentioned in this Act, such cancellation shall not relieve the industrial union or any member thereof from the obligation of any award or industrial agreement, award or apprenticeship agreement under the Apprentices Act, 1969, or order of the commission, or a conciliation commissioner, or a committee or an apprenticeship committee established under that Act or from any penalty or liability incurred prior to such cancellation :

Provided further that nothing in this subsection shall be construed as empowering the commission to cancel the registration of any industrial union on the ground that such industrial union is instigating to or aiding any other union

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*Industrial Arbitration (Further Amendment).*

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or any of its members in a lock-out or strike for which such other union or any of its members are liable to a penalty under this Act;

- (ii) by inserting at the end of the same subsection the following new paragraph :—

The power conferred on the commission by this subsection does not extend to empowering the commission to cancel the registration of an industrial union in circumstances in which the industrial union is liable to have its registration cancelled under section 8A of this Act.

- (iii) by inserting next after the same section the following new sections :—

New secs.  
8A, 8B.

8A. (1) In this section—

“essential service industry” means an industry, any employees in which are employed in or in connection with—

Cancellation of registration where union engaged in strike in essential service industry, etc.

- (a) the conduct of, or the supply of fuel or any other commodity or any services necessary for the conduct of, any public transport services or undertaking;
- (b) the conduct of any undertaking for the supply of electricity, water or gas to the public;
- (c) the provision of sewerage or drainage services;

(d)

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*Industrial Arbitration (Further Amendment).*

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(d) the removal of garbage or nightsoil;

(e) the provision of fire-fighting services; or

(f) the conduct of prisons,

and includes any other industry which the Governor, by order published in the Gazette, declares to be an essential service industry;

“industrial dispute” means any question, dispute or difficulty of the nature referred to in paragraph (a), (b) or (c) of subsection one of section twenty-five of this Act;

“no-strike order”, in relation to an industrial union of employees, means an order made by the commission or a conciliation commissioner that or to the effect that a strike should cease or not take place and directed to that industrial union or to any of the members, or the executive, of that industrial union.

(2) Subject to section 8B of this Act, the commission shall, upon application made in accordance with subsection three of this section, cancel the registration of an industrial union of employees—

(a) if the commission is satisfied that any of the members (in this paragraph referred to as “striking members”) of that industrial union are, at the time the application is made, or were, at any time within fourteen days before the application is made,

taking

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*Industrial Arbitration (Further Amendment).*

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taking part in or aiding or abetting an illegal strike in an essential service industry, unless that industrial union satisfies the commission—

- (i) that the executive of that industrial union has, at a meeting of its members or of those striking members or by means of an announcement made in a newspaper circulating throughout New South Wales or made by radio or television or by any other means that the commission considers reasonable, directed those striking members not to take part in or continue to take part in or to aid or abet that illegal strike;
- (ii) that the executive of that industrial union has not, in any manner, aided, abetted or encouraged those striking members to take part in or continue to take part in or to aid or abet that illegal strike; and
- (iii) that the executive of that industrial union has, by enforcement of the rules of that industrial union and by any other means reasonable in the circumstances, endeavoured to

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*Industrial Arbitration (Further Amendment).*

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prevent those striking members from taking part in or continuing to take part in or aiding or abetting that illegal strike;

- (b) if the commission is satisfied that the executive, or any member of the executive, of that industrial union is, at the time the application is made or, was, at any time within fourteen days before the application is made, aiding or abetting an illegal strike in an essential service industry by members of another industrial union of employees;
- (c) if the commission is satisfied that, during the period of twelve months next preceding the time the application is made, three or more no-strike orders in relation to that industrial union were not complied with;
- (d) if the commission is satisfied that, during the period of twelve months next preceding the time the application is made, an illegal strike or illegal strikes by any of the members of that industrial union took place after a no-strike order or no-strike orders in relation to that industrial union had been made in respect of that illegal strike or those illegal strikes and that as a result of that illegal strike or those illegal strikes the welfare of the public or of employees, not being members of that industrial union, was seriously affected for a protracted period;

(e)

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*Industrial Arbitration (Further Amendment).*

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- (e) if the commission is satisfied that, during the period of twelve months next preceding the time the application is made, the executive, or any member of the executive, of that industrial union has, directly or indirectly, in connection with or in the course of an industrial dispute, counselled, advised, encouraged, threatened, aided or abetted the use of violence or threats of violence to persons or damage or threats of damage to property; or
- (f) if the commission is satisfied that, during the period of twelve months next preceding the time the application is made, there has been an illegal strike by any of the members of that industrial union, or a threat by the executive, or any member of the executive, of that industrial union of a strike, which, if commenced, would have been an illegal strike, with a view to compelling an employer to dismiss from employment or injure an employee in his employment or with a view to compelling an employer to disadvantage an employee unfairly in his employment.

(3) An application under subsection two of this section may be made by the Crown, by an employer who at the time the application is made is employing employees who are members of the industrial union in respect of which the application is made or by an industrial union of employers.

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*Industrial Arbitration (Further Amendment).*

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Powers of commission as an alternative to de-registering an industrial union.

8B. (1) The commission, instead of cancelling the registration of an industrial union under subsection eight of section eight, or under subsection two of section 8A, of this Act, may, where it is satisfied that the liability of the industrial union to have its registration cancelled arises by reason or mainly by reason of the conduct of a particular group, class, section or description of members of that industrial union, order that the rules of that industrial union be amended as on and from the date of the order or a later date specified therein and in such manner as may be specified therein, so as to exclude from eligibility for membership of that industrial union persons belonging to that group, class or section or of that description.

(2) The commission, instead of cancelling the registration of an industrial union under subsection eight of section eight, or under subsection two of section 8A, of this Act or making an order under subsection one of this section, may, where it is satisfied that by reason of the previous conduct of the executive and members of that industrial union and any other matters that to the commission seem relevant it is appropriate to do so, order that industrial union to pay a penalty not exceeding four thousand dollars.

(3) Where an order referred to in subsection one of this section is made in respect of an industrial union of employees, the rules of that industrial union shall be deemed to be amended as on and from the date and in the manner specified in the order.

(4)



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*Industrial Arbitration (Further Amendment).*

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(4) The commission may—

- (a) cancel any award or industrial agreement, or award or apprenticeship agreement under the Apprentices Act, 1969, relating to any industrial union whose registration as an industrial union of employees has been cancelled pursuant to subsection eight of section eight, or subsection two of section 8A, of this Act, or relating to the members thereof; or
- (b) cancel any award or industrial agreement, or award or apprenticeship agreement under the Apprentices Act, 1969, in so far as it relates to members of an industrial union in respect of which an order has been made under subsection one of this section.

(5) The cancellation of the registration of any industrial union pursuant to subsection eight of section eight, or subsection two of section 8A, of this Act, the making of an order under subsection one of this section, or the cancellation or partial cancellation of any award or industrial agreement or award or apprenticeship agreement under the Apprentices Act, 1969, pursuant to subsection four of this section shall not relieve that industrial union or any member thereof from the obligation of any award or industrial agreement, or award or apprenticeship agreement under the Apprentices Act, 1969, or order of the commission, or a conciliation commissioner, or a committee or an apprenticeship committee established under that Act, or from any penalty or liability incurred prior to such cancellation or partial cancellation.

(b)

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*Industrial Arbitration (Further Amendment).*

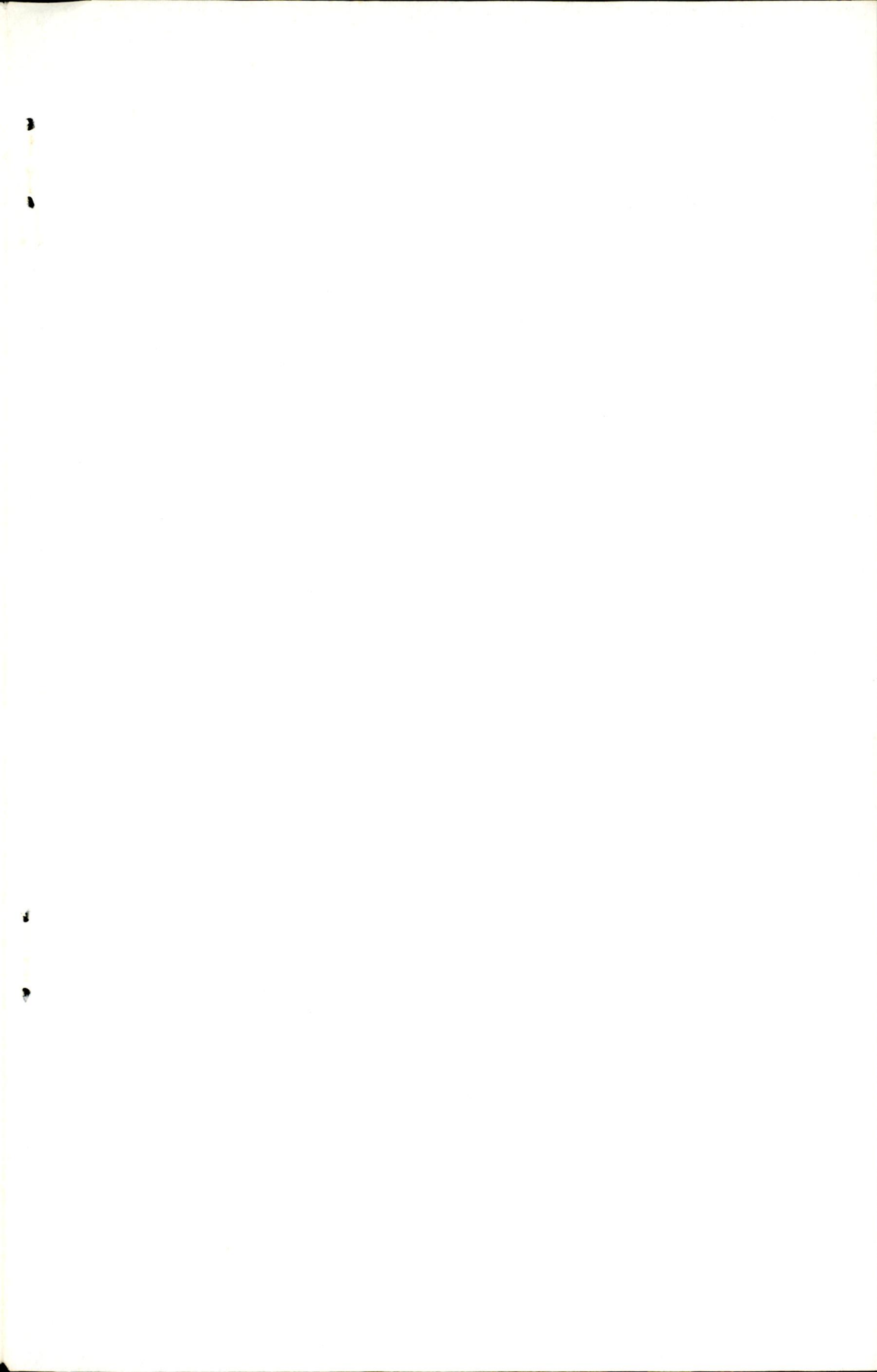

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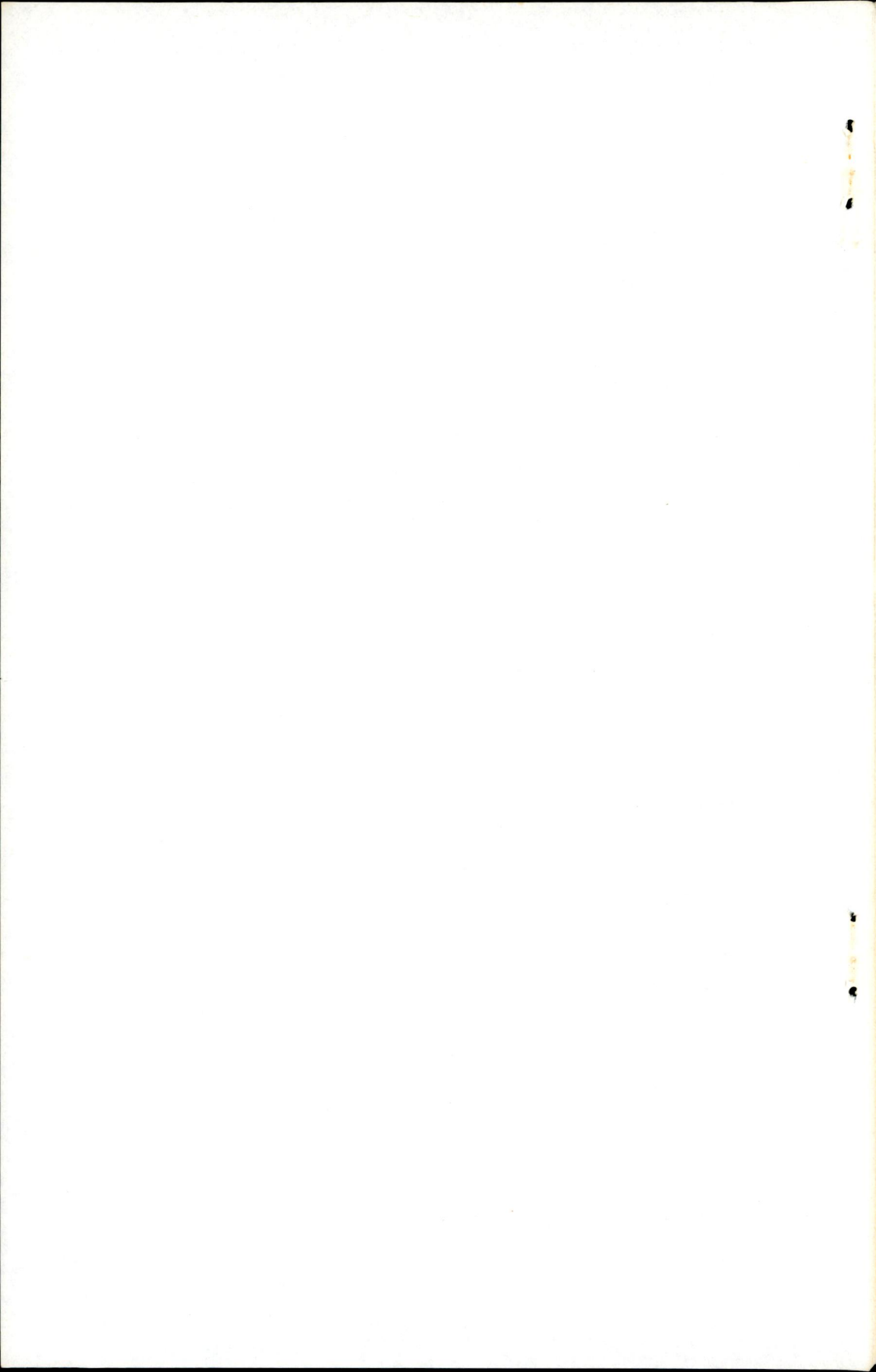
- Sec. 30B.  
(Jurisdiction of the commission.)
- Sec. 98.  
(Penalty for lock-out.)
- Sec. 100.  
(Penalty for illegal strike.)
- Subst. sec. 101.
- Proceedings for penalty under section 100.
- (b) by omitting from paragraph (e) of subsection one of section 30B the words “, section one hundred and one excepted”;
- (c) by omitting from section ninety-eight the words “two thousand dollars” and by inserting in lieu thereof the words “four thousand dollars”;
- (d) by omitting from section one hundred the words “one thousand dollars” and by inserting in lieu thereof the words “four thousand dollars”;
- (e) by omitting section one hundred and one and by inserting in lieu thereof the following section :—
101. No proceedings for an order under section one hundred of this Act shall be commenced after the expiration of fourteen days from the cessation of the strike to which the proceedings refer.

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 BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972





*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.*

**I. P. K. VIDLER,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 9 December, 1971.*

## **New South Wales**



ANNO VICESIMO

# **ELIZABETHÆ II REGINÆ**

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**Act No. 67, 1971.**

An Act to provide for cancellation of registration of industrial unions of employees in certain circumstances; to increase penalties for lock-outs and illegal strikes; for these and other purposes to amend the Industrial Arbitration Act, 1940; and for purposes connected therewith. [Assented to, 21st December, 1971.]

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

**L. A. PUNCH,**  
*Chairman of Committees of the Legislative Assembly.*

*Industrial Arbitration (Further Amendment).*

**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:—

Short title  
and com-  
mencement.

**1.** (1) This Act may be cited as the "Industrial Arbitration (Further Amendment) Act, 1971".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amend-  
ment of  
Act No. 2,  
1940.

Sec. 8.  
(Registra-  
tion of  
industrial  
union of  
employees.)

**2.** The Industrial Arbitration Act, 1940, is amended—

(a) (i) by omitting from subsection eight of section eight the following words:—

: Provided that, save where otherwise mentioned in this Act, such cancellation shall not relieve the industrial union or any member thereof from the obligation of any award or industrial agreement, award or apprenticeship agreement under the Apprentices Act, 1969, or order of the commission, or a conciliation commissioner, or a committee or an apprenticeship committee established under that Act or from any penalty or liability incurred prior to such cancellation:

Provided further that nothing in this subsection shall be construed as empowering the commission to cancel the registration of any industrial union on the ground that such industrial union is instigating to or aiding any other union

or

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*Industrial Arbitration (Further Amendment).*

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or any of its members in a lock-out or strike for which such other union or any of its members are liable to a penalty under this Act;

- (ii) by inserting at the end of the same subsection the following new paragraph :—

The power conferred on the commission by this subsection does not extend to empowering the commission to cancel the registration of an industrial union in circumstances in which the industrial union is liable to have its registration cancelled under section 8A of this Act.

- (iii) by inserting next after the same section the following new sections :—

New secs.  
8A, 8B.

8A. (1) In this section—

“essential service industry” means an industry, any employees in which are employed in or in connection with—

Cancellation of registration where union engaged in strike in essential service industry, etc.

- (a) the conduct of, or the supply of fuel or any other commodity or any services necessary for the conduct of, any public transport services or undertaking;
- (b) the conduct of any undertaking for the supply of electricity, water or gas to the public;
- (c) the provision of sewerage or drainage services;

(d)

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*Industrial Arbitration (Further Amendment).*

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(d) the removal of garbage or nightsoil;

(e) the provision of fire-fighting services; or

(f) the conduct of prisons,

and includes any other industry which the Governor, by order published in the Gazette, declares to be an essential service industry;

“industrial dispute” means any question, dispute or difficulty of the nature referred to in paragraph (a), (b) or (c) of subsection one of section twenty-five of this Act;

“no-strike order”, in relation to an industrial union of employees, means an order made by the commission or a conciliation commissioner that or to the effect that a strike should cease or not take place and directed to that industrial union or to any of the members, or the executive, of that industrial union.

(2) Subject to section 8B of this Act, the commission shall, upon application made in accordance with subsection three of this section, cancel the registration of an industrial union of employees—

(a) if the commission is satisfied that any of the members (in this paragraph referred to as “striking members”) of that industrial union are, at the time the application is made, or were, at any time within fourteen days before the application is made,

taking



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*Industrial Arbitration (Further Amendment).*

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taking part in or aiding or abetting an illegal strike in an essential service industry, unless that industrial union satisfies the commission—

- (i) that the executive of that industrial union has, at a meeting of its members or of those striking members or by means of an announcement made in a newspaper circulating throughout New South Wales or made by radio or television or by any other means that the commission considers reasonable, directed those striking members not to take part in or continue to take part in or to aid or abet that illegal strike;
- (ii) that the executive of that industrial union has not, in any manner, aided, abetted or encouraged those striking members to take part in or continue to take part in or to aid or abet that illegal strike; and
- (iii) that the executive of that industrial union has, by enforcement of the rules of that industrial union and by any other means reasonable in the circumstances, endeavoured to

prevent

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*Industrial Arbitration (Further Amendment).*

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prevent those striking members from taking part in or continuing to take part in or aiding or abetting that illegal strike;

- (b) if the commission is satisfied that the executive, or any member of the executive, of that industrial union is, at the time the application is made or, was, at any time within fourteen days before the application is made, aiding or abetting an illegal strike in an essential service industry by members of another industrial union of employees;
- (c) if the commission is satisfied that, during the period of twelve months next preceding the time the application is made, three or more no-strike orders in relation to that industrial union were not complied with;
- (d) if the commission is satisfied that, during the period of twelve months next preceding the time the application is made, an illegal strike or illegal strikes by any of the members of that industrial union took place after a no-strike order or no-strike orders in relation to that industrial union had been made in respect of that illegal strike or those illegal strikes and that as a result of that illegal strike or those illegal strikes the welfare of the public or of employees, not being members of that industrial union, was seriously affected for a protracted period;

(e)

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*Industrial Arbitration (Further Amendment).*

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- (e) if the commission is satisfied that, during the period of twelve months next preceding the time the application is made, the executive, or any member of the executive, of that industrial union has, directly or indirectly, in connection with or in the course of an industrial dispute, counselled, advised, encouraged, threatened, aided or abetted the use of violence or threats of violence to persons or damage or threats of damage to property; or
- (f) if the commission is satisfied that, during the period of twelve months next preceding the time the application is made, there has been an illegal strike by any of the members of that industrial union, or a threat by the executive, or any member of the executive, of that industrial union of a strike, which, if commenced, would have been an illegal strike, with a view to compelling an employer to dismiss from employment or injure an employee in his employment or with a view to compelling an employer to disadvantage an employee unfairly in his employment.

(3) An application under subsection two of this section may be made by the Crown, by an employer who at the time the application is made is employing employees who are members of the industrial union in respect of which the application is made or by an industrial union of employers.

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*Industrial Arbitration (Further Amendment).*

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Powers of  
commission  
as an alter-  
native to de-  
registering  
an industrial  
union.

8B. (1) The commission, instead of cancelling the registration of an industrial union under subsection eight of section eight, or under subsection two of section 8A, of this Act, may, where it is satisfied that the liability of the industrial union to have its registration cancelled arises by reason or mainly by reason of the conduct of a particular group, class, section or description of members of that industrial union, order that the rules of that industrial union be amended as on and from the date of the order or a later date specified therein and in such manner as may be specified therein, so as to exclude from eligibility for membership of that industrial union persons belonging to that group, class or section or of that description.

(2) The commission, instead of cancelling the registration of an industrial union under subsection eight of section eight, or under subsection two of section 8A, of this Act or making an order under subsection one of this section, may, where it is satisfied that by reason of the previous conduct of the executive and members of that industrial union and any other matters that to the commission seem relevant it is appropriate to do so, order that industrial union to pay a penalty not exceeding four thousand dollars.

(3) Where an order referred to in subsection one of this section is made in respect of an industrial union of employees, the rules of that industrial union shall be deemed to be amended as on and from the date and in the manner specified in the order.

(4)

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*Industrial Arbitration (Further Amendment).*

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(4) The commission may—

- (a) cancel any award or industrial agreement, or award or apprenticeship agreement under the Apprentices Act, 1969, relating to any industrial union whose registration as an industrial union of employees has been cancelled pursuant to subsection eight of section eight, or subsection two of section 8A, of this Act, or relating to the members thereof; or
- (b) cancel any award or industrial agreement, or award or apprenticeship agreement under the Apprentices Act, 1969, in so far as it relates to members of an industrial union in respect of which an order has been made under subsection one of this section.

(5) The cancellation of the registration of any industrial union pursuant to subsection eight of section eight, or subsection two of section 8A, of this Act, the making of an order under subsection one of this section, or the cancellation or partial cancellation of any award or industrial agreement or award or apprenticeship agreement under the Apprentices Act, 1969, pursuant to subsection four of this section shall not relieve that industrial union or any member thereof from the obligation of any award or industrial agreement, or award or apprenticeship agreement under the Apprentices Act, 1969, or order of the commission, or a conciliation commissioner, or a committee or an apprenticeship committee established under that Act, or from any penalty or liability incurred prior to such cancellation or partial cancellation.

(b)

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*Industrial Arbitration (Further Amendment).*


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- Sec. 30B.  
(Jurisdiction of the commission.)
- Sec. 98.  
(Penalty for lock-out.)
- Sec. 100.  
(Penalty for illegal strike.)
- Subst. sec. 101.
- Proceedings for penalty under section 100.
- (b) by omitting from paragraph (e) of subsection one of section 30B the words “, section one hundred and one excepted”;
- (c) by omitting from section ninety-eight the words “two thousand dollars” and by inserting in lieu thereof the words “four thousand dollars”;
- (d) by omitting from section one hundred the words “one thousand dollars” and by inserting in lieu thereof the words “four thousand dollars”;
- (e) by omitting section one hundred and one and by inserting in lieu thereof the following section :—
101. No proceedings for an order under section one hundred of this Act shall be commenced after the expiration of fourteen days from the cessation of the strike to which the proceedings refer.

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

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 21st December, 1971.*