

No. , 1973.

A BILL

To remove the right to reduce ordinary working hours by agreement or award made by consent; to authorise the Industrial Commission of New South Wales, in certain circumstances, to make awards reducing the ordinary working hours in industries; for these purposes to amend the Industrial Arbitration Act, 1940; and for purposes connected therewith.

[MR WILLIS—4 *December*, 1973.]

BE

Industrial Arbitration (Further Amendment).

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
5 follows :—

1. This Act may be cited as the "Industrial Arbitration Short title.
(Further Amendment) Act, 1973".

2. The Industrial Arbitration Act, 1940, is amended— Amendment
of Act No.
2, 1940.

10 (a) (i) by inserting in section 63 (e) (ii) after the Sec. 63.
(Directions
re hours.)
word "consent" the words "but only if those
employees or that class of employees were or
was, immediately before 11th October, 1973,
bound by an agreement or award made by
consent under which the ordinary working
15 hours were reduced below the number of
hours specified in this section and if the
ordinary working hours are not reduced below
the number of hours specified in that previous
agreement or award";

20 (ii) by inserting after section 63 (f) the following
new paragraph :—

(g) Notwithstanding any other provision
of this Act, the commission in court
25 session may, upon application there-
for and after taking into account the
economic consequences of any award
it may make under this paragraph,
make an award prescribing for an
industry or in respect of any
30 employees, or class of employees, in
an industry (not being employees or

Industrial Arbitration (Further Amendment).

5 a class of employees in respect of whom or which the provisions of section 20 (1) prevent the making of an order or award referred to in section 20 (1) (b)) ordinary working hours other than those specified in paragraph (a).

(iii) by inserting at the end of section 63 the following new subsections :—

10 (2) Nothing contained in paragraph (g) of subsection (1) authorises the commission in court session to prescribe ordinary working hours in excess of those specified in paragraph (a) of that subsection.

15 (3) Where—

(a) the ordinary working hours applying to the employees or any class of employees in an industry immediately before 11th October, 1973, were on or after that date and before the commencement of the Industrial Arbitration (Further Amendment) Act, 1973, reduced; and

25 (b) that reduction would not, had the amendments made by section 2 (a) of the Industrial Arbitration (Further Amendment) Act, 1973, been in force when the reduction was made, have been capable of being made,

30 the ordinary working hours applying to those employees or that class of employees, as the case may be, after that commencement shall, until they are varied under subsection (1), be the ordinary working hours applying to those employees or that class of employees immediately before 11th October, 1973.

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(4)

Industrial Arbitration (Further Amendment).

(4) An employer shall not reduce the ordinary working hours for his employees or any class of his employees otherwise than as authorised by this section.

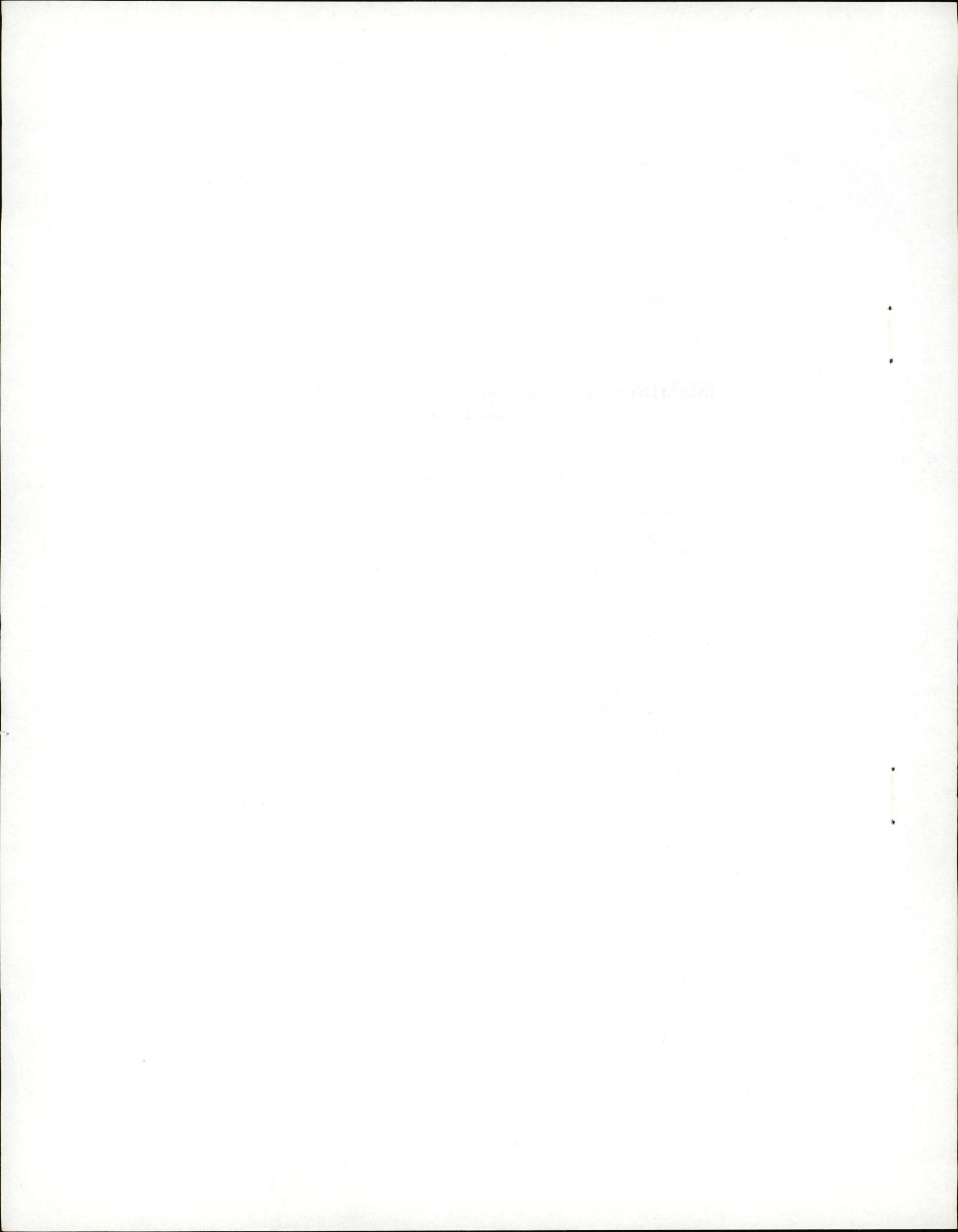
- 5 (b) by omitting from section 63C the words "one Sec. 63c. hundred dollars" and by inserting instead the words (Penalty.) "one thousand dollars".

**INDUSTRIAL ARBITRATION (FURTHER AMENDMENT)
BILL, 1973**

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to repeal the provision of the Industrial Arbitration Act, 1940, which authorises the reduction of the ordinary working hours for employees or any class of employees in an industry by an agreement or award made by consent;
- (b) to empower the Industrial Commission in court session to make an award prescribing reduced ordinary working hours for employees or any class of employees in an industry after taking into account the economic consequences of the proposed award;
- (c) to invalidate any reduction of ordinary working hours made since 11th October, 1973, or thereafter made, except where the reduction is made pursuant to an award referred to in paragraph (b);
- (d) to prohibit an employer from reducing ordinary working hours otherwise than as authorised by section 63 of the Industrial Arbitration Act, 1940;
- (e) to increase from \$100 to \$1,000 the penalty for increasing ordinary working hours beyond the prescribed ordinary working hours and certain other offences and to impose the same penalty for an offence referred to in paragraph (d) above;
- (f) to make other provisions of a minor or ancillary nature.



PROOF

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hours specified in this section and if the
ordinary working hours are not reduced below
the number of hours specified in that previous
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20 (ii) by inserting after section 63 (f) the following
new paragraph :—

25 (g) Notwithstanding any other provision
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5 a class of employees in respect of whom or which the provisions of section 20 (1) prevent the making of an order or award referred to in section 20 (1) (b)) ordinary working hours other than those specified in paragraph (a).

(iii) by inserting at the end of section 63 the following new subsections :—

10 (2) Nothing contained in paragraph (g) of subsection (1) authorises the commission in court session to prescribe ordinary working hours in excess of those specified in paragraph (a) of that subsection.

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25 (b) that reduction would not, had the amendments made by section 2 (a) of the Industrial Arbitration (Further Amendment) Act, 1973, been in force when the reduction was made, have been capable of being made,

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(4)

Industrial Arbitration (Further Amendment).

(4) An employer shall not reduce the ordinary working hours for his employees or any class of his employees otherwise than as authorised by this section.

- 5 (b) by omitting from section 63c the words "one Sec. 63c. hundred dollars" and by inserting instead the words (Penalty.) "one thousand dollars".

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973