

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 14 September, 1976.*

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. , 1976.

An Act to amend the Industrial Arbitration Act, 1940, with respect to the rights of certain employees of the Crown and members of the police force.

BE

Industrial Arbitration (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.
(Amendment) Act, 1976".

2. The Industrial Arbitration Act, 1940, is amended in Amendment
the manner set forth in Schedule 1. of Act No.
2, 1940.

10 3. The Teaching Service Act, 1970, is amended— Amendment
of Act No.
4, 1970.

(a) by omitting from the matter relating to Part I in Sec. 2.
section 2 the matter "1-3" and by inserting instead
the matter "1-3A";

15 (b) by inserting after section 3 the following Sec. 3A.
section :—

3A. Except to the extent that this Act otherwise Industrial
expressly provides, nothing in this Act amends or Arbitration
affects the provisions of the Industrial Arbitration Act, 1940, not
Act, 1940. affected.

Industrial Arbitration (Amendment).

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940.

(1) Section 3—

5 Omit “the Schedule hereto”, insert instead “Schedule 1”.

(2) (a) Section 5 (1), definition of “Employees of the Crown”—

Omit the definition, insert instead :—

“Employee of the Crown” includes—

- 10 (a) an employee of a public authority;
and
(b) a member of the police force
under the Police Regulation Act,
1899.

15 (b) Section 5 (1), definition of “Employer”—

20 Omit “the Commissioner for Railways, the Commissioner for Road Transport and Tramways, the Maritime Services Board of New South Wales, the Metropolitan Water, Sewerage and Drainage Board, the Hunter District Water Supply and Sewerage Board,”, insert instead “a public authority”.

(c) Section 5 (1), definition of “Public authority”—

After the definition of “Prescribed”, insert :—

25 “Public authority” means a body or person specified in Schedule 2.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(d) Section 5 (4)—

5 After section 5 (3), insert :—

(4) The Governor may, by order published
in the Gazette, amend Schedule 2 by inserting
therein the name of an employer.

(3) (a) Section 15 (7)—

10 Omit the subsection, insert instead :—

(7) Where a conciliation commissioner
appointed before or after the commencement of
the Industrial Arbitration (Amendment) Act,
1976, was or is, immediately before his appoint-
ment or that commencement, whichever is the
later—

- 15 (a) an employee of the Crown;
- (b) a member of a public authority; or
- 20 (c) a person in respect of whom provision
was or is made by an Act that he
retain any rights accrued or accruing
to him as an officer or employee,

he—

- 25 (d) shall retain any rights accrued or
accruing to him immediately before
that commencement or appointment,
whichever is the later, as such an
employee, member or person;

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

- 5 (e) may continue to contribute to or take part in any scheme, fund or arrangement—
- (i) under which superannuation or retirement benefits are provided;
- 10 (ii) which is established by an Act; and
- (iii) to which he was a contributor, or in which he took part, immediately before that commencement or appointment, whichever is the later; and
- 15
- (f) shall be entitled to receive any deferred or extended leave, and any payment, pension or gratuity,
- 20 as if he had continued to be such an employee, member or person and—
- (g) his service as a conciliation commissioner shall be deemed to be service as such an employee, member or person
- 25 for the purposes of any law under which the rights referred to in paragraph (d) accrued or were accruing, under which he continues to contribute to or take part in a scheme, fund or arrangement referred to in paragraph
- 30 (e) or by which the entitlement referred to in paragraph (f) is conferred; and

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

5 (h) he shall be deemed to be such an
employee, member or person for the
purposes of any scheme, fund or
arrangement referred to in paragraph
(e) to which, by the operation of this
subsection, he is entitled to contribute.

10 (b) Section 15 (8), (8A), (8B)—

Omit section 15 (8), insert instead :—

15 (8) A conciliation commissioner who, but
for this subsection, would be entitled to
contribute to or take part in a scheme, fund or
arrangement referred to in subsection (7) (e)
or to receive any payment, pension or gratuity
under that scheme shall not be so entitled upon
his becoming a contributor to or taking part in
20 any other such scheme, fund or arrangement
and subsection (7) (h) ceases to apply to or in
respect of him where he becomes a contributor
to or takes part in any other such scheme, fund
or arrangement.

25 (8A) Subsection (8) does not prevent the
payment to a conciliation commissioner on his
ceasing to contribute to or take part in such a
scheme, fund or arrangement of such amount
as would have been payable to him if he had
ceased, by reason of resignation, to be entitled
30 to contribute to or take part in the scheme, fund
or arrangement.

(8B) A conciliation commissioner is not in
respect of the same period of service entitled to
claim a benefit under this Act and any other Act.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(4) (a) Section 20 (1)—

5 Omit “such employees :”, insert instead “such employees.”.

(b) Section 20 (1)—

10 Omit “Provided that an award”, insert instead “(1A) Notwithstanding subsection (1), an award”.

(c) Section 20 (1)—

15 Omit “or affecting employees employed under the Public Service Act, 1902, or any Act amending the same or under the Police Regulation Act, 1899, or persons employed under the Teaching Service Act, 1970, or any statute passed in substitution for or amendment of the same,”,
20 insert instead “the Commissioner of Police, the Deputy Commissioner of Police, the Senior Assistant Commissioner of Police or an Assistant Commissioner of Police”.

(d) Section 20 (1)—

Omit “and employees”.

(e) Section 20 (1)—

25 Omit “(d) sick leave :”, insert instead “(d) sick leave.”.

(f) Section 20 (1)—

Omit “Provided also that nothing” where firstly occurring, insert instead “(1B) Nothing”.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(g) Section 20 (1)—

5 Omit “was refused :”, insert instead “was refused.”.

(h) Section 20 (1)—

10 Omit “Provided also that nothing” where secondly occurring, insert instead “(1C) Nothing”.

(i) Section 20 (1)—

Omit “or any statute passed in substitution for or amendment of the same,” where secondly and thirdly occurring.

15 (j) Section 20 (1D)—

After section 20 (1), insert—

(1D) Nothing in this Act authorises the making of an award that—

20 (a) is inconsistent with the operation of the provisions of section 10 (1) of the Crown Employees Appeal Board Act, 1944;

25 (b) is inconsistent with the operation of the provisions of Part IIA of the Public Service Act, 1902;

(c) is inconsistent with the operation of the provisions of section 6 (1) of the Police Regulation (Appeals) Act, 1923;

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

- 5 (d) is inconsistent with any right, power,
authority, duty or function conferred
or imposed by or under the provisions
of the Police Regulation Act, 1899,
with respect to the discipline, promo-
10 tion or transfer of a member of the
police force;
- 15 (e) is inconsistent with any right, power,
authority, duty or function conferred
or imposed by the provisions of sections
6, 6A, 9, 10, 10A, 12A, 12B, 12C,
12G and 18 of the Police Regulation
Act, 1899; or
- 20 (f) is inconsistent with any right, power,
authority, duty or function conferred
or imposed by or under the provisions
of the Police Regulation (Superannua-
tion) Act, 1906.

(5) Section 69 (4)—

Omit the subsection.

(6) Section 70—

- 25 Omit “corporate body specifically mentioned in or
included within the definition of ‘Crown’ contained
in subsection (4) of section 69”, insert instead “public
authority”.

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(7) Section 88A—

5 Omit—

In this section the expression “employees of the Crown” includes employees of the Government or of any department of the Government or of any person or corporation employing persons on behalf of the Government and without limiting the generality of the foregoing includes employees of any of the following corporations, that is to say—

- 10
- The Commissioner for Railways,
 - 15 The Commissioner for Road Transport and Tramways,
 - The Commissioner for Main Roads,
 - The Metropolitan Meat Industry Board,
 - The Maritime Services Board of New South Wales,
 - 20 The Metropolitan Water Sewerage and Drainage Board,
 - The Water Conservation and Irrigation Commission,
 - The Forestry Commission of New South Wales,
 - 25 The Board of Fire Commissioners of New South Wales, and
 - The Hunter District Water Board.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(8) Section 99 (a)—

- 5 Omit “(including the Commissioner for Railways and
the Commissioner for Road Transport and Tramways,
the Maritime Services Board of New South Wales, the
Metropolitan Water, Sewerage and Drainage Board,
10 the Water Conservation and Irrigation Commission,
the Board of Fire Commissioners of New South Wales,
The Metropolitan Meat Industry Commissioner, the
Hunter District Water Supply and Sewerage Board.”.

(9) Schedule—

After “SCHEDULE”, insert “1”.

15 (10) Schedule 2—

After the Schedule, insert :—

SCHEDULE 2.

Sec. 5 (1),
(4).

- Public Transport Commission of New South Wales.
The Commissioner for Motor Transport.
20 The Commissioner for Main Roads.
The Metropolitan Meat Industry Board.
The Maritime Services Board of New South Wales.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

- 5 The Metropolitan Water Sewerage and Drainage
 Board.
 Water Resources Commission.
 Forestry Commission of New South Wales.
 Board of Fire Commissioners of New South Wales.
 The Hunter District Water Board.
- 10 Health Commission of New South Wales.

(11) Table—

Omit the Table.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

[16c]

No. , 1976.

A BILL

To amend the Industrial Arbitration Act, 1940, with respect to the rights of certain employees of the Crown and members of the police force.

[MR HILLS—8 *September*, 1976.]

BE

Industrial Arbitration (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 follows:—

1. This Act may be cited as the "Industrial Arbitration Short title. (Amendment) Act, 1976".

2. The Industrial Arbitration Act, 1940, is amended in the manner set forth in Schedule 1. Amendment of Act No. 2, 1940.

- 10 3. The Teaching Service Act, 1970, is amended— Amendment of Act No. 4, 1970.
 - (a) by omitting from the matter relating to Part I in section 2 the matter "1-3" and by inserting instead the matter "1-3A"; Sec. 2.

 - 15 (b) by inserting after section 3 the following Sec. 3A. section :—
 - 3A. Except to the extent that this Act otherwise expressly provides, nothing in this Act amends or affects the provisions of the Industrial Arbitration Act, 1940. Industrial Arbitration Act, 1940, not affected.

Industrial Arbitration (Amendment).

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940.

(1) Section 3—

5 Omit “the Schedule hereto”, insert instead “Schedule 1”.

(2) (a) Section 5 (1), definition of “Employees of the Crown”—

Omit the definition, insert instead :—

“Employee of the Crown” includes—

- 10 (a) an employee of a public authority;
and
(b) a member of the police force
under the Police Regulation Act,
1899.

15 (b) Section 5 (1), definition of “Employer”—

20 Omit “the Commissioner for Railways, the
Commissioner for Road Transport and Tram-
ways, the Maritime Services Board of New
South Wales, the Metropolitan Water, Sewerage
and Drainage Board, the Hunter District Water
Supply and Sewerage Board,”, insert instead “a
public authority”.

(c) Section 5 (1), definition of “Public authority”—

After the definition of “Prescribed”, insert :—

25 “Public authority” means a body or person
specified in Schedule 2.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(d) Section 5 (4)—

5 After section 5 (3), insert :—

(4) The Governor may, by order published in the Gazette, amend Schedule 2 by inserting therein the name of an employer.

(3) (a) Section 15 (7)—

10 Omit the subsection, insert instead :—

(7) Where a conciliation commissioner appointed before or after the commencement of the Industrial Arbitration (Amendment) Act, 1976, was or is, immediately before his appointment or that commencement, whichever is the later—

- 15
- (a) an employee of the Crown;
 - (b) a member of a public authority; or
 - (c) a person in respect of whom provision was or is made by an Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

20

(d) shall retain any rights accrued or accruing to him immediately before that commencement or appointment, whichever is the later, as such an employee, member or person;

25

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

- 5 (e) may continue to contribute to or take part in any scheme, fund or arrangement—
- (i) under which superannuation or retirement benefits are provided;
- 10 (ii) which is established by an Act; and
- (iii) to which he was a contributor, or in which he took part, immediately before that commencement or appointment, whichever is the later; and
- 15
- (f) shall be entitled to receive any deferred or extended leave, and any payment, pension or gratuity,
- 20 as if he had continued to be such an employee, member or person and—
- (g) his service as a conciliation commissioner shall be deemed to be service as such an employee, member or person
- 25 for the purposes of any law under which the rights referred to in paragraph (d) accrued or were accruing, under which he continues to contribute to or take part in a scheme, fund or arrangement referred to in paragraph (e) or by which the entitlement referred to in paragraph (f) is conferred; and
- 30

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

5 (h) he shall be deemed to be such an employee, member or person for the purposes of any scheme, fund or arrangement referred to in paragraph (e) to which, by the operation of this subsection, he is entitled to contribute.

10 (b) Section 15 (8), (8A), (8B)—

Omit section 15 (8), insert instead :—

15 (8) A conciliation commissioner who, but for this subsection, would be entitled to contribute to or take part in a scheme, fund or arrangement referred to in subsection (7) (e) or to receive any payment, pension or gratuity under that scheme shall not be so entitled upon his becoming a contributor to or taking part in any other such scheme, fund or arrangement and subsection (7) (h) ceases to apply to or in respect of him where he becomes a contributor to or takes part in any other such scheme, fund or arrangement.

25 (8A) Subsection (8) does not prevent the payment to a conciliation commissioner on his ceasing to contribute to or take part in such a scheme, fund or arrangement of such amount as would have been payable to him if he had ceased, by reason of resignation, to be entitled to contribute to or take part in the scheme, fund or arrangement.

30 (8B) A conciliation commissioner is not in respect of the same period of service entitled to claim a benefit under this Act and any other Act.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(4) (a) Section 20 (1)—

5 Omit “such employees :”, insert instead “such employees.”.

(b) Section 20 (1)—

10 Omit “Provided that an award”, insert instead “(1A) Notwithstanding subsection (1), an award”.

(c) Section 20 (1)—

15 Omit “or affecting employees employed under the Public Service Act, 1902, or any Act amending the same or under the Police Regulation Act, 1899, or persons employed under the Teaching Service Act, 1970, or any statute passed in substitution for or amendment of the same.”, insert instead “the Commissioner of Police, the Deputy Commissioner of Police, the Senior Assistant Commissioner of Police or an Assistant Commissioner of Police”.

20

(d) Section 20 (1)—

Omit “and employees”.

(e) Section 20 (1)—

25 Omit “(d) sick leave :”, insert instead “(d) sick leave.”.

(f) Section 20 (1)—

Omit “Provided also that nothing” where firstly occurring, insert instead “(1B) Nothing”.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(g) Section 20 (1)—

5 Omit “was refused :”, insert instead “was refused.”.

(h) Section 20 (1)—

10 Omit “Provided also that nothing” where secondly occurring, insert instead “(1C) Nothing”.

(i) Section 20 (1)—

Omit “or any statute passed in substitution for or amendment of the same,” where secondly and thirdly occurring.

15 (j) Section 20 (1D)—

After section 20 (1), insert—

(1D) Nothing in this Act authorises the making of an award that—

20 (a) is inconsistent with the operation of the provisions of section 10 (1) of the Crown Employees Appeal Board Act, 1944;

25 (b) is inconsistent with the operation of the provisions of Part IIA of the Public Service Act, 1902;

(c) is inconsistent with the operation of the provisions of section 6 (1) of the Police Regulation (Appeals) Act, 1923;

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

- 5 (d) is inconsistent with any right, power,
authority, duty or function conferred
or imposed by or under the provisions
of the Police Regulation Act, 1899,
with respect to the discipline, promo-
10 tion or transfer of a member of the
police force;
- (e) is inconsistent with any right, power,
authority, duty or function conferred
or imposed by the provisions of sections
15 6, 6A, 9, 10, 10A, 12A, 12B, 12C,
12G and 18 of the Police Regulation
Act, 1899; or
- 20 (f) is inconsistent with any right, power,
authority, duty or function conferred
or imposed by or under the provisions
of the Police Regulation (Superannua-
tion) Act, 1906.

(5) Section 69 (4)—

Omit the subsection.

(6) Section 70—

- 25 Omit “corporate body specifically mentioned in or
included within the definition of ‘Crown’ contained
in subsection (4) of section 69”, insert instead “public
authority”.

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(7) Section 88A—

5 Omit—

In this section the expression “employees of the
Crown” includes employees of the Government or of
any department of the Government or of any person
or corporation employing persons on behalf of the
10 Government and without limiting the generality of the
foregoing includes employees of any of the following
corporations, that is to say—

The Commissioner for Railways,

15 The Commissioner for Road Transport and
Tramways,

The Commissioner for Main Roads,

The Metropolitan Meat Industry Board,

The Maritime Services Board of New South
Wales,

20 The Metropolitan Water Sewerage and Drainage
Board,

The Water Conservation and Irrigation
Commission,

The Forestry Commission of New South Wales,

25 The Board of Fire Commissioners of New South
Wales, and

The Hunter District Water Board.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(8) Section 99 (a)—

- 5 Omit “(including the Commissioner for Railways and
the Commissioner for Road Transport and Tramways,
the Maritime Services Board of New South Wales, the
Metropolitan Water, Sewerage and Drainage Board,
10 the Water Conservation and Irrigation Commission,
the Board of Fire Commissioners of New South Wales,
The Metropolitan Meat Industry Commissioner, the
Hunter District Water Supply and Sewerage Board,”.

(9) Schedule—

After “SCHEDULE”, insert “1”.

15 (10) Schedule 2—

After the Schedule, insert :—

SCHEDULE 2.

Sec. 5 (1),
(4).

- Public Transport Commission of New South Wales.
The Commissioner for Motor Transport.
20 The Commissioner for Main Roads.
The Metropolitan Meat Industry Board.
The Maritime Services Board of New South Wales.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

- 5 The Metropolitan Water Sewerage and Drainage
 Board.
 Water Resources Commission.
 Forestry Commission of New South Wales.
 Board of Fire Commissioners of New South Wales.
 The Hunter District Water Board.
- 10 Health Commission of New South Wales.

(11) Table—

Omit the Table.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976
[16c]

INDUSTRIAL ARBITRATION (AMENDMENT) BILL, 1976

EXPLANATORY NOTE

THE object of this Bill is to give effect to the recommendations made by the President of the Industrial Commission of New South Wales in his report following his inquiry into the question of whether or not access should be granted to the industrial tribunals in those areas from which public servants, teachers and members of the police force are at present excluded, namely—

- (a) the fixing of the number of hours and the times to be worked in order to entitle employees to wages fixed by an award; and
- (b) with some exceptions, the determination of *any* industrial matter.

Clause 3 of the Bill gives effect to the recommendation that the Teaching Service Act, 1970, be amended by the insertion of a provision similar to section 5A of the Public Service Act, 1902, whereby the provisions of that Act are expressed not to amend or affect the Industrial Arbitration Act, 1940.

Schedule 1 (item (4) excepted) gives effect to the recommendation that certain provisions of the Industrial Arbitration Act, 1940, referring to employees of the Crown and of certain specified public authorities be rationalised and clarified.

Schedule 1 (4) (c) and (d) gives effect to the recommendation that, with certain exceptions, the powers of the industrial tribunals be extended to permit increased access thereto by public servants, teachers and members of the police force other than the Commissioner of Police, the Deputy Commissioner of Police, the Senior Assistant Commissioner of Police and the Assistant Commissioners of Police.

Schedule 1 (1), Schedule 1 (4) (a), (b), (e), (f), (g), (h) and (i) and Schedule 1 (11) effect formal statute law revision.

Schedule 1 (4) (j) specifies the exceptions to the extension of the powers of the industrial tribunals, the exceptions being—

- (a) an award affecting or relating to a decision or determination in respect of which public servants, teachers and members of the police force have a right of appeal to the Crown Employees Appeal Board or a Promotions Appeal Tribunal under Part IIA of the Public Service Act, 1902;
- (b) an award affecting or relating to the discipline, promotion or transfer of members of the police force;

- (c) an award affecting or relating to certain provisions of the Police Regulation Act, 1899, dealing with—
 - (i) the appointment of sergeants and constables by the Commissioner of Police;
 - (ii) the appointment of women police;
 - (iii) the taking of the oath of office by a member of the police force and the effect of taking that oath;
 - (iv) extended leave (i.e. long service leave) for members of the police force;
 - (v) the resignation of members of the police force;
 - (d) an award affecting or relating to police superannuation.
-

PROOF

No. , 1976.

A BILL

To amend the Industrial Arbitration Act, 1940, with respect to the rights of certain employees of the Crown and members of the police force.

[MR HILLS—8 *September*, 1976.]

BE

Industrial Arbitration (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 follows:—

1. This Act may be cited as the "Industrial Arbitration Short title. (Amendment) Act, 1976".

2. The Industrial Arbitration Act, 1940, is amended in the manner set forth in Schedule 1. Amendment
of Act No.
2, 1940.

10 3. The Teaching Service Act, 1970, is amended— Amendment
of Act No.
4, 1970.

(a) by omitting from the matter relating to Part I in section 2 the matter "1-3" and by inserting instead the matter "1-3A";

15 (b) by inserting after section 3 the following section:—

3A. Except to the extent that this Act otherwise expressly provides, nothing in this Act amends or affects the provisions of the Industrial Arbitration Act, 1940. Industrial
Arbitration
Act, 1940,
not
affected.

Industrial Arbitration (Amendment).

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940.

(1) Section 3—

5 Omit “the Schedule hereto”, insert instead “Schedule 1”.

(2) (a) Section 5 (1), definition of “Employees of the Crown”—

Omit the definition, insert instead :—

“Employee of the Crown” includes—

- 10 (a) an employee of a public authority;
and
(b) a member of the police force
under the Police Regulation Act,
1899.

15 (b) Section 5 (1), definition of “Employer”—

20 Omit “the Commissioner for Railways, the Commissioner for Road Transport and Tramways, the Maritime Services Board of New South Wales, the Metropolitan Water, Sewerage and Drainage Board, the Hunter District Water Supply and Sewerage Board,”, insert instead “a public authority”.

(c) Section 5 (1), definition of “Public authority”—

After the definition of “Prescribed”, insert :—

25 “Public authority” means a body or person specified in Schedule 2.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(d) Section 5 (4)—

5 After section 5 (3), insert :—

(4) The Governor may, by order published in the Gazette, amend Schedule 2 by inserting therein the name of an employer.

(3) (a) Section 15 (7)—

10 Omit the subsection, insert instead :—

(7) Where a conciliation commissioner appointed before or after the commencement of the Industrial Arbitration (Amendment) Act, 1976, was or is, immediately before his appointment or that commencement, whichever is the later—

- 15
- (a) an employee of the Crown;
 - (b) a member of a public authority; or
 - (c) a person in respect of whom provision was or is made by an Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

20

(d) shall retain any rights accrued or accruing to him immediately before that commencement or appointment, whichever is the later, as such an employee, member or person;

25

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

- 5 (e) may continue to contribute to or take part in any scheme, fund or arrangement—
- (i) under which superannuation or retirement benefits are provided;
- 10 (ii) which is established by an Act; and
- (iii) to which he was a contributor, or in which he took part, immediately before that commencement or appointment, whichever is the later; and
- 15
- (f) shall be entitled to receive any deferred or extended leave, and any payment, pension or gratuity,
- 20 as if he had continued to be such an employee, member or person and—
- (g) his service as a conciliation commissioner shall be deemed to be service as such an employee, member or person
- 25 for the purposes of any law under which the rights referred to in paragraph (d) accrued or were accruing, under which he continues to contribute to or take part in a scheme, fund or arrangement referred to in paragraph (e) or by which the entitlement referred to in paragraph (f) is conferred; and
- 30

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

5 (h) he shall be deemed to be such an
employee, member or person for the
purposes of any scheme, fund or
arrangement referred to in paragraph
(e) to which, by the operation of this
subsection, he is entitled to contribute.

10 (b) Section 15 (8), (8A), (8B)—

Omit section 15 (8), insert instead :—

15 (8) A conciliation commissioner who, but
for this subsection, would be entitled to
contribute to or take part in a scheme, fund or
arrangement referred to in subsection (7) (e)
or to receive any payment, pension or gratuity
under that scheme shall not be so entitled upon
his becoming a contributor to or taking part in
20 any other such scheme, fund or arrangement
and subsection (7) (h) ceases to apply to or in
respect of him where he becomes a contributor
to or takes part in any other such scheme, fund
or arrangement.

25 (8A) Subsection (8) does not prevent the
payment to a conciliation commissioner on his
ceasing to contribute to or take part in such a
scheme, fund or arrangement of such amount
as would have been payable to him if he had
ceased, by reason of resignation, to be entitled
30 to contribute to or take part in the scheme, fund
or arrangement.

(8B) A conciliation commissioner is not in
respect of the same period of service entitled to
claim a benefit under this Act and any other Act.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(4) (a) Section 20 (1)—

5 Omit “such employees :”, insert instead “such employees.”.

(b) Section 20 (1)—

10 Omit “Provided that an award”, insert instead “(1A) Notwithstanding subsection (1), an award”.

(c) Section 20 (1)—

15 Omit “or affecting employees employed under the Public Service Act, 1902, or any Act amending the same or under the Police Regulation Act, 1899, or persons employed under the Teaching Service Act, 1970, or any statute passed in substitution for or amendment of the same,”,
20 insert instead “the Commissioner of Police, the Deputy Commissioner of Police, the Senior Assistant Commissioner of Police or an Assistant Commissioner of Police”.

(d) Section 20 (1)—

Omit “and employees”.

(e) Section 20 (1)—

25 Omit “(d) sick leave :”, insert instead “(d) sick leave.”.

(f) Section 20 (1)—

Omit “Provided also that nothing” where firstly occurring, insert instead “(1B) Nothing”.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

- (g) Section 20 (1)—
5 Omit “was refused.”, insert instead “was refused.”
- (h) Section 20 (1)—
10 Omit “Provided also that nothing” where secondly occurring, insert instead “(1C) Nothing”.
- (i) Section 20 (1)—
Omit “or any statute passed in substitution for or amendment of the same,” where secondly and thirdly occurring.
- 15 (j) Section 20 (1D)—
After section 20 (1), insert—
(1D) Nothing in this Act authorises the making of an award that—
- 20 (a) is inconsistent with the operation of the provisions of section 10 (1) of the Crown Employees Appeal Board Act, 1944;
- (b) is inconsistent with the operation of the provisions of Part IIA of the Public Service Act, 1902;
- (c) is inconsistent with the operation of the provisions of section 6 (1) of the Police Regulation (Appeals) Act, 1923;

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

5 (d) is inconsistent with any right, power,
authority, duty or function conferred
or imposed by or under the provisions
of the Police Regulation Act, 1899,
with respect to the discipline, promo-
10 tion or transfer of a member of the
police force;

(e) is inconsistent with any right, power,
authority, duty or function conferred
or imposed by the provisions of sections
15 6, 6A, 9, 10, 10A, 12A, 12B, 12C,
12G and 18 of the Police Regulation
Act, 1899; or

(f) is inconsistent with any right, power,
authority, duty or function conferred
or imposed by or under the provisions
20 of the Police Regulation (Superannua-
tion) Act, 1906.

(5) Section 69 (4)—

Omit the subsection.

(6) Section 70—

25 Omit “corporate body specifically mentioned in or
included within the definition of ‘Crown’ contained
in subsection (4) of section 69”, insert instead “public
authority”.

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(7) Section 88A—

5 Omit—

In this section the expression “employees of the Crown” includes employees of the Government or of any department of the Government or of any person or corporation employing persons on behalf of the Government and without limiting the generality of the foregoing includes employees of any of the following corporations, that is to say—

- 10 The Commissioner for Railways,
- 15 The Commissioner for Road Transport and Tramways,
- The Commissioner for Main Roads,
- The Metropolitan Meat Industry Board,
- The Maritime Services Board of New South Wales,
- 20 The Metropolitan Water Sewerage and Drainage Board,
- The Water Conservation and Irrigation Commission,
- The Forestry Commission of New South Wales,
- 25 The Board of Fire Commissioners of New South Wales, and
- The Hunter District Water Board.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(8) Section 99 (a)—

- 5 Omit “(including the Commissioner for Railways and
the Commissioner for Road Transport and Tramways,
the Maritime Services Board of New South Wales, the
Metropolitan Water, Sewerage and Drainage Board,
10 the Water Conservation and Irrigation Commission,
the Board of Fire Commissioners of New South Wales,
The Metropolitan Meat Industry Commissioner, the
Hunter District Water Supply and Sewerage Board,”.

(9) Schedule—

After “SCHEDULE”, insert “1”.

15 (10) Schedule 2—

After the Schedule, insert :—

SCHEDULE 2.

Sec. 5 (1),
(4).

- Public Transport Commission of New South Wales.
The Commissioner for Motor Transport.
20 The Commissioner for Main Roads.
The Metropolitan Meat Industry Board.
The Maritime Services Board of New South Wales.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

- 5 The Metropolitan Water Sewerage and Drainage
Board.
- Water Resources Commission.
- Forestry Commission of New South Wales.
- Board of Fire Commissioners of New South Wales.
- The Hunter District Water Board.
- 10 Health Commission of New South Wales.

(11) Table—

Omit the Table.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 38, 1976.

An Act to amend the Industrial Arbitration Act, 1940, with respect to the rights of certain employees of the Crown and members of the police force. [Assented to, 13th October, 1976.]

BE

Industrial Arbitration (Amendment).

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940.

(1) Section 3—

Omit “the Schedule hereto”, insert instead “Schedule 1”.

(2) (a) Section 5 (1), definition of “Employees of the Crown”—

Omit the definition, insert instead :—

“Employee of the Crown” includes—

- (a) an employee of a public authority;
and
- (b) a member of the police force under the Police Regulation Act, 1899.

(b) Section 5 (1), definition of “Employer”—

Omit “the Commissioner for Railways, the Commissioner for Road Transport and Tramways, the Maritime Services Board of New South Wales, the Metropolitan Water, Sewerage and Drainage Board, the Hunter District Water Supply and Sewerage Board,”, insert instead “a public authority”.

(c) Section 5 (1), definition of “Public authority”—

After the definition of “Prescribed”, insert :—

“Public authority” means a body or person specified in Schedule 2.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(d) Section 5 (4)—

After section 5 (3), insert :—

(4) The Governor may, by order published in the Gazette, amend Schedule 2 by inserting therein the name of an employer.

(3) (a) Section 15 (7)—

Omit the subsection, insert instead :—

(7) Where a conciliation commissioner appointed before or after the commencement of the Industrial Arbitration (Amendment) Act, 1976, was or is, immediately before his appointment or that commencement, whichever is the later—

(a) an employee of the Crown;

(b) a member of a public authority; or

(c) a person in respect of whom provision was or is made by an Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

(d) shall retain any rights accrued or accruing to him immediately before that commencement or appointment, whichever is the later, as such an employee, member or person;

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

- (e) may continue to contribute to or take part in any scheme, fund or arrangement—
 - (i) under which superannuation or retirement benefits are provided;
 - (ii) which is established by an Act; and
 - (iii) to which he was a contributor, or in which he took part, immediately before that commencement or appointment, whichever is the later; and
- (f) shall be entitled to receive any deferred or extended leave, and any payment, pension or gratuity,
as if he had continued to be such an employee, member or person and—
- (g) his service as a conciliation commissioner shall be deemed to be service as such an employee, member or person for the purposes of any law under which the rights referred to in paragraph (d) accrued or were accruing, under which he continues to contribute to or take part in a scheme, fund or arrangement referred to in paragraph (e) or by which the entitlement referred to in paragraph (f) is conferred; and

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(h) he shall be deemed to be such an employee, member or person for the purposes of any scheme, fund or arrangement referred to in paragraph (e) to which, by the operation of this subsection, he is entitled to contribute.

(b) Section 15 (8), (8A), (8B)—

Omit section 15 (8), insert instead :—

(8) A conciliation commissioner who, but for this subsection, would be entitled to contribute to or take part in a scheme, fund or arrangement referred to in subsection (7) (e) or to receive any payment, pension or gratuity under that scheme shall not be so entitled upon his becoming a contributor to or taking part in any other such scheme, fund or arrangement and subsection (7) (h) ceases to apply to or in respect of him where he becomes a contributor to or takes part in any other such scheme, fund or arrangement.

(8A) Subsection (8) does not prevent the payment to a conciliation commissioner on his ceasing to contribute to or take part in such a scheme, fund or arrangement of such amount as would have been payable to him if he had ceased, by reason of resignation, to be entitled to contribute to or take part in the scheme, fund or arrangement.

(8B) A conciliation commissioner is not in respect of the same period of service entitled to claim a benefit under this Act and any other Act.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(4) (a) Section 20 (1)—

Omit “such employees :”, insert instead “such employees.”.

(b) Section 20 (1)—

Omit “Provided that an award”, insert instead “(1A) Notwithstanding subsection (1), an award”.

(c) Section 20 (1)—

Omit “or affecting employees employed under the Public Service Act, 1902, or any Act amending the same or under the Police Regulation Act, 1899, or persons employed under the Teaching Service Act, 1970, or any statute passed in substitution for or amendment of the same,”, insert instead “the Commissioner of Police, the Deputy Commissioner of Police, the Senior Assistant Commissioner of Police or an Assistant Commissioner of Police”.

(d) Section 20 (1)—

Omit “and employees”.

(e) Section 20 (1)—

Omit “(d) sick leave :”, insert instead “(d) sick leave.”.

(f) Section 20 (1)—

Omit “Provided also that nothing” where firstly occurring, insert instead “(1B) Nothing”.

SCHEDULE

Industrial Arbitration (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
 1940—*continued.*

(g) Section 20 (1)—

Omit “was refused :”, insert instead “was refused.”.

(h) Section 20 (1)—

Omit “Provided also that nothing” where secondly occurring, insert instead “(1C) Nothing”.

(i) Section 20 (1)—

Omit “or any statute passed in substitution for or amendment of the same,” where secondly and thirdly occurring.

(j) Section 20 (1D)—

After section 20 (1), insert—

(1D) Nothing in this Act authorises the making of an award that—

- (a) is inconsistent with the operation of the provisions of section 10 (1) of the Crown Employees Appeal Board Act, 1944;
- (b) is inconsistent with the operation of the provisions of Part IIA of the Public Service Act, 1902;
- (c) is inconsistent with the operation of the provisions of section 6 (1) of the Police Regulation (Appeals) Act, 1923;

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

- (d) is inconsistent with any right, power, authority, duty or function conferred or imposed by or under the provisions of the Police Regulation Act, 1899, with respect to the discipline, promotion or transfer of a member of the police force;
- (e) is inconsistent with any right, power, authority, duty or function conferred or imposed by the provisions of sections 6, 6A, 9, 10, 10A, 12A, 12B, 12C, 12G and 18 of the Police Regulation Act, 1899; or
- (f) is inconsistent with any right, power, authority, duty or function conferred or imposed by or under the provisions of the Police Regulation (Superannuation) Act, 1906.

(5) Section 69 (4)—

Omit the subsection.

(6) Section 70—

Omit “corporate body specifically mentioned in or included within the definition of ‘Crown’ contained in subsection (4) of section 69”, insert instead “public authority”.

SCHEDULE

Industrial Arbitration (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
 1940—*continued.*

(7) Section 88A—

Omit—

In this section the expression “employees of the Crown” includes employees of the Government or of any department of the Government or of any person or corporation employing persons on behalf of the Government and without limiting the generality of the foregoing includes employees of any of the following corporations, that is to say—

The Commissioner for Railways,

The Commissioner for Road Transport and Tramways,

The Commissioner for Main Roads,

The Metropolitan Meat Industry Board,

The Maritime Services Board of New South Wales,

The Metropolitan Water Sewerage and Drainage Board,

The Water Conservation and Irrigation Commission,

The Forestry Commission of New South Wales,

The Board of Fire Commissioners of New South Wales, and

The Hunter District Water Board.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(8) Section 99 (a)—

Omit “(including the Commissioner for Railways and the Commissioner for Road Transport and Tramways, the Maritime Services Board of New South Wales, the Metropolitan Water, Sewerage and Drainage Board, the Water Conservation and Irrigation Commission, the Board of Fire Commissioners of New South Wales, The Metropolitan Meat Industry Commissioner, the Hunter District Water Supply and Sewerage Board,”.

(9) Schedule—

After “SCHEDULE”, insert “1”.

(10) Schedule 2—

After the Schedule, insert :—

SCHEDULE 2.

Sec. 5 (1),
(4).

Public Transport Commission of New South Wales.
The Commissioner for Motor Transport.
The Commissioner for Main Roads.
The Metropolitan Meat Industry Board.
The Maritime Services Board of New South Wales.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

The Metropolitan Water Sewerage and Drainage
Board.

Water Resources Commission.

Forestry Commission of New South Wales.

Board of Fire Commissioners of New South Wales.

The Hunter District Water Board.

Health Commission of New South Wales.

(11) Table—

Omit the Table.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 29 September, 1976.*

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 38, 1976.

An Act to amend the Industrial Arbitration Act, 1940, with respect to the rights of certain employees of the Crown and members of the police force. [Assented to, 13th October, 1976.]

BE

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

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

Industrial Arbitration (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 follows:—

Short title. **1.** This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1976".

Amendment of Act No. 2, 1940. **2.** The Industrial Arbitration Act, 1940, is amended in the manner set forth in Schedule 1.

Amendment of Act No. 4, 1970. **3.** The Teaching Service Act, 1970, is amended—

Sec. 2. (a) by omitting from the matter relating to Part I in section 2 the matter "1-3" and by inserting instead the matter "1-3A";

Sec. 3A. (b) by inserting after section 3 the following section :—

Industrial Arbitration Act, 1940, not affected. 3A. Except to the extent that this Act otherwise expressly provides, nothing in this Act amends or affects the provisions of the Industrial Arbitration Act, 1940.

Industrial Arbitration (Amendment).

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940.

(1) Section 3—

Omit “the Schedule hereto”, insert instead “Schedule 1”.

(2) (a) Section 5 (1), definition of “Employees of the Crown”—

Omit the definition, insert instead :—

“Employee of the Crown” includes—

- (a) an employee of a public authority;
and
- (b) a member of the police force
under the Police Regulation Act,
1899.

(b) Section 5 (1), definition of “Employer”—

Omit “the Commissioner for Railways, the Commissioner for Road Transport and Tramways, the Maritime Services Board of New South Wales, the Metropolitan Water, Sewerage and Drainage Board, the Hunter District Water Supply and Sewerage Board,”, insert instead “a public authority”.

(c) Section 5 (1), definition of “Public authority”—

After the definition of “Prescribed”, insert :—

“Public authority” means a body or person specified in Schedule 2.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(d) Section 5 (4)—

After section 5 (3), insert :—

(4) The Governor may, by order published in the Gazette, amend Schedule 2 by inserting therein the name of an employer.

(3) (a) Section 15 (7)—

Omit the subsection, insert instead :—

(7) Where a conciliation commissioner appointed before or after the commencement of the Industrial Arbitration (Amendment) Act, 1976, was or is, immediately before his appointment or that commencement, whichever is the later—

(a) an employee of the Crown;

(b) a member of a public authority; or

(c) a person in respect of whom provision was or is made by an Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

(d) shall retain any rights accrued or accruing to him immediately before that commencement or appointment, whichever is the later, as such an employee, member or person;

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

- (e) may continue to contribute to or take part in any scheme, fund or arrangement—
 - (i) under which superannuation or retirement benefits are provided;
 - (ii) which is established by an Act; and
 - (iii) to which he was a contributor, or in which he took part, immediately before that commencement or appointment, whichever is the later; and

- (f) shall be entitled to receive any deferred or extended leave, and any payment, pension or gratuity,

as if he had continued to be such an employee, member or person and—

- (g) his service as a conciliation commissioner shall be deemed to be service as such an employee, member or person for the purposes of any law under which the rights referred to in paragraph (d) accrued or were accruing, under which he continues to contribute to or take part in a scheme, fund or arrangement referred to in paragraph (e) or by which the entitlement referred to in paragraph (f) is conferred; and

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

- (h) he shall be deemed to be such an employee, member or person for the purposes of any scheme, fund or arrangement referred to in paragraph (e) to which, by the operation of this subsection, he is entitled to contribute.

(b) Section 15 (8), (8A), (8B)—

Omit section 15 (8), insert instead :—

(8) A conciliation commissioner who, but for this subsection, would be entitled to contribute to or take part in a scheme, fund or arrangement referred to in subsection (7) (e) or to receive any payment, pension or gratuity under that scheme shall not be so entitled upon his becoming a contributor to or taking part in any other such scheme, fund or arrangement and subsection (7) (h) ceases to apply to or in respect of him where he becomes a contributor to or takes part in any other such scheme, fund or arrangement.

(8A) Subsection (8) does not prevent the payment to a conciliation commissioner on his ceasing to contribute to or take part in such a scheme, fund or arrangement of such amount as would have been payable to him if he had ceased, by reason of resignation, to be entitled to contribute to or take part in the scheme, fund or arrangement.

(8B) A conciliation commissioner is not in respect of the same period of service entitled to claim a benefit under this Act and any other Act.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(4) (a) Section 20 (1)—

Omit “such employees :”, insert instead “such employees.”.

(b) Section 20 (1)—

Omit “Provided that an award”, insert instead “(1A) Notwithstanding subsection (1), an award”.

(c) Section 20 (1)—

Omit “or affecting employees employed under the Public Service Act, 1902, or any Act amending the same or under the Police Regulation Act, 1899, or persons employed under the Teaching Service Act, 1970, or any statute passed in substitution for or amendment of the same.”, insert instead “the Commissioner of Police, the Deputy Commissioner of Police, the Senior Assistant Commissioner of Police or an Assistant Commissioner of Police”.

(d) Section 20 (1)—

Omit “and employees”.

(e) Section 20 (1)—

Omit “(d) sick leave :”, insert instead “(d) sick leave.”.

(f) Section 20 (1)—

Omit “Provided also that nothing” where firstly occurring, insert instead “(1B) Nothing”.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(g) Section 20 (1)—

Omit “was refused :”, insert instead “was refused.”.

(h) Section 20 (1)—

Omit “Provided also that nothing” where secondly occurring, insert instead “(1c) Nothing”.

(i) Section 20 (1)—

Omit “or any statute passed in substitution for or amendment of the same,” where secondly and thirdly occurring.

(j) Section 20 (1D)—

After section 20 (1), insert—

(1D) Nothing in this Act authorises the making of an award that—

- (a) is inconsistent with the operation of the provisions of section 10 (1) of the Crown Employees Appeal Board Act, 1944;
- (b) is inconsistent with the operation of the provisions of Part IIA of the Public Service Act, 1902;
- (c) is inconsistent with the operation of the provisions of section 6 (1) of the Police Regulation (Appeals) Act, 1923;

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

- (d) is inconsistent with any right, power, authority, duty or function conferred or imposed by or under the provisions of the Police Regulation Act, 1899, with respect to the discipline, promotion or transfer of a member of the police force;
- (e) is inconsistent with any right, power, authority, duty or function conferred or imposed by the provisions of sections 6, 6A, 9, 10, 10A, 12A, 12B, 12C, 12G and 18 of the Police Regulation Act, 1899; or
- (f) is inconsistent with any right, power, authority, duty or function conferred or imposed by or under the provisions of the Police Regulation (Superannuation) Act, 1906.

(5) Section 69 (4)—

Omit the subsection.

(6) Section 70—

Omit “corporate body specifically mentioned in or included within the definition of ‘Crown’ contained in subsection (4) of section 69”, insert instead “public authority”.

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(7) Section 88A—

Omit—

In this section the expression “employees of the Crown” includes employees of the Government or of any department of the Government or of any person or corporation employing persons on behalf of the Government and without limiting the generality of the foregoing includes employees of any of the following corporations, that is to say—

The Commissioner for Railways,

The Commissioner for Road Transport and
Tramways,

The Commissioner for Main Roads,

The Metropolitan Meat Industry Board,

The Maritime Services Board of New South
Wales,The Metropolitan Water Sewerage and Drainage
Board,The Water Conservation and Irrigation
Commission,

The Forestry Commission of New South Wales,

The Board of Fire Commissioners of New South
Wales, and

The Hunter District Water Board.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

(8) Section 99 (a)—

Omit “(including the Commissioner for Railways and the Commissioner for Road Transport and Tramways, the Maritime Services Board of New South Wales, the Metropolitan Water, Sewerage and Drainage Board, the Water Conservation and Irrigation Commission, the Board of Fire Commissioners of New South Wales, The Metropolitan Meat Industry Commissioner, the Hunter District Water Supply and Sewerage Board.”.

(9) Schedule—

After “SCHEDULE”, insert “1”.

(10) Schedule 2—

After the Schedule, insert :—

SCHEDULE 2.

Sec. 5 (1),
(4).

Public Transport Commission of New South Wales.

The Commissioner for Motor Transport.

The Commissioner for Main Roads.

The Metropolitan Meat Industry Board.

The Maritime Services Board of New South Wales.

SCHEDULE

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT,
1940—*continued.*

The Metropolitan Water Sewerage and Drainage
Board.

Water Resources Commission.

Forestry Commission of New South Wales.

Board of Fire Commissioners of New South Wales.

The Hunter District Water Board.

Health Commission of New South Wales.

(11) Table—

Omit the Table.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 13th October, 1976.*