

INDUSTRIAL ARBITRATION (AMENDMENT) BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to provide for the regulation by industrial tribunals of certain contracts—

- (a) for the bailment of taxi-cabs and private hire cars; and
- (b) for the transportation by motor lorries of loads other than passengers.

The objects of the amendments made by the Bill are—

- (a) to provide that, with certain exceptions, the contracts for transportation by motor lorry affected will be those where the motor lorry is driven by a person who is not an employee but might be broadly described as the “owner-driver” of the motor lorry (although he might, in fact, be a lessee or bailee of the motor lorry rather than the owner) notwithstanding that he might carry on business in partnership (e.g., with his wife) or through a family company (Schedule 1 (2) (k));
- (b) to extend the powers and jurisdiction of the Industrial Commission of New South Wales as a consequence of the amendments (Schedules 2 and 3 (1));
- (c) to enable a conciliation commissioner to summon a compulsory conference to deal with a dispute involving matters dealt with by the amendments (Schedule 3 (2)) and to require the Industrial Registrar to be notified of any such dispute (Schedule 3 (3));
- (d) to provide that, subject to certain rights of appeal, the decision of a tribunal constituted by the amendments shall, like the decision of a conciliation committee, be final (Schedule 3 (5));
- (e) to confer on the Industrial Commission of New South Wales the same powers and jurisdiction as are conferred on a tribunal constituted by the amendments and the chairman of such a tribunal (Schedule 3 (6));
- (f) to extend the powers of the Industrial Commission of New South Wales to settle matters by conciliation (Schedule 3 (7));
- (g) to extend the jurisdiction of the Industrial Commission of New South Wales in court session (Schedule 3 (9));

- (h) to confer powers on the Industrial Commission of New South Wales with respect to the settlement of matters arising as a consequence of the amendments and with respect to the prohibition of proceedings before, and the rescission of a determination by, a tribunal constituted by the amendments (Schedule 3 (10));
- (i) to provide for the settlement of demarcation disputes arising in consequence of the amendments (Schedule 3 (12));
- (j) to provide for certain matters relating to proceedings before a tribunal constituted by the amendments and before the Industrial Commission of New South Wales when exercising the extended jurisdiction conferred by the amendments (Schedule 4);
- (k) to make certain consequential amendments to Part VIII of the Industrial Arbitration Act, 1940 (Schedule 5);
- (l) to insert (by Schedule 6) a new Part VIIIA in the Industrial Arbitration Act, 1940, comprising sections 91A-91R, and thereby—
 - (i) by section 91A—to provide for interpretation of the Part;
 - (ii) by section 91B—to provide for the registration of associations of employing contractors comprising bailors of taxi-cabs and private hire cars and principal contractors under contracts of carriage to which the amendments apply;
 - (iii) by section 91C—subject to certain conditions, to provide for the registration of associations of contract drivers to represent bailees of taxi-cabs and private hire cars and associations of contract carriers to represent carriers according to the classes of contracts under which they operate;
 - (iv) by section 91D—to save certain obligations incurred prior to the cancellation of the registration of certain associations or the cancellation of certain determinations or agreements;
 - (v) by section 91E—to provide for the change of name of a registered association and the amalgamation of registered associations;
 - (vi) by section 91F—to require the Industrial Registrar to issue a certificate of registration of an association and to empower him to certify that a specified person is the secretary of a specified registered association and to enable the certificates to be used in evidence;
 - (vii) by section 91G—to require the Industrial Registrar to maintain certain registers;
 - (viii) by section 91H—to enable certain associations to enter into, and have registered, certain agreements analogous to industrial agreements;
 - (ix) by section 91I—to provide for an agreement under section 91H to continue in force after its expiration until it is terminated as prescribed;
 - (x) by section 91J—to enable the Industrial Commission of New South Wales to establish contract regulation tribunals analogous to conciliation committees;

- (xi) by section 91K—to empower a contract regulation tribunal established in respect of a class of contracts of bailment of a public vehicle (i.e. a taxi-cab or private hire car) to inquire into any matter arising under a contract of that class and to make a contract determination with respect to certain specified matters;
- (xii) by section 91L—to empower a contract regulation tribunal established in respect of a class of contracts of carriage to inquire into any matter arising under a contract of that class and to make a contract determination with respect to certain specified matters;
- (xiii) by section 91M—to require the chairman of a contract regulation tribunal, when an application is made to the tribunal for a contract determination under section 91K or 91L, to summon a conference in an endeavour to effect an amicable settlement of any matters in dispute and to confer on him certain powers;
- (xiv) by section 91N—to specify the powers of a contract regulation tribunal in relation to an application made to it for a contract determination;
- (xv) by section 91O—to specify the powers of a contract regulation tribunal in relation to a contract determination made by it;
- (xvi) by section 91P—to express the binding force of a contract determination and its operation as a common rule;
- (xvii) by section 91Q—to provide for the date of commencement of a contract determination; and
- (xviii) by section 91R—to enable a tribunal to circumvent attempts to evade the effect of the amendments;
- (m) to provide for the enforcement of contract determinations and for the recovery of remuneration due under a contract of bailment, or a contract of carriage, to which a contract determination applies (Schedule 7 (2)—(5));
- (n) to require certain records to be kept (Schedule 7 (6));
- (o) to make consequential amendments to the general and supplemental provisions in Part XII of the Industrial Arbitration Act, 1940 (Schedule 8);
- (p) to amend the Industrial Arbitration Act, 1940, by way of statute law revision (Schedule 9); and
- (q) to make other amendments consequential upon or ancillary to the foregoing.

Schedule 10 to the Bill confers on certain industrial unions a prior right, during the period of 12 months that next succeeds the enactment of the proposed Act, to become registered as associations under the Industrial Arbitration Act, 1940, as proposed to be amended by the Bill.

Schedule 11 to the Bill enables a conciliation commissioner to exercise the powers and jurisdiction of a contract regulation tribunal in relation to a class of contracts for which a tribunal has not been established.

**INDUSTRIAL ARBITRATION (AMENDMENT)
BILL, 1979**

No. , 1979.

A BILL FOR

**An Act to amend the Industrial Arbitration Act, 1940, with respect
to contracts of bailment of taxi-cabs and private hire cars and
certain contracts of carriage by motor lorry.**

[MR HILLS—5 *April*, 1979.]

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 :—

5 **1.** This Act may be cited as the "Industrial Arbitration Short title.
(Amendment) Act, 1979".

2. (1) This section and section 1 shall commence on the date Commence-
of assent to this Act. ment.

10 (2) Except as provided in subsection (1), this Act shall
commence on such day as may be appointed by the Governor
in respect thereof and as may be notified by proclamation published
in the Gazette.

3. This Act contains the following Schedules :— Schedules.

15 SCHEDULE 1.—AMENDMENTS TO PART I OF THE
INDUSTRIAL ARBITRATION ACT, 1940.

SCHEDULE 2.—AMENDMENTS TO PART II OF THE
INDUSTRIAL ARBITRATION ACT, 1940.

SCHEDULE 3.—AMENDMENTS TO PART III OF THE
INDUSTRIAL ARBITRATION ACT, 1940.

20 SCHEDULE 4.—AMENDMENTS TO PART VII OF THE
INDUSTRIAL ARBITRATION ACT, 1940.

SCHEDULE 5.—AMENDMENTS TO PART VIII OF THE
INDUSTRIAL ARBITRATION ACT, 1940.

25 SCHEDULE 6.—AMENDMENTS TO THE INDUSTRIAL
ARBITRATION ACT, 1940, WITH RESPECT TO THE
REGULATION OF CERTAIN CONTRACTS.

SCHEDULE 7.—AMENDMENTS TO PART IX OF THE
INDUSTRIAL ARBITRATION ACT, 1940.

30 SCHEDULE 8.—AMENDMENTS TO PART XII OF THE
INDUSTRIAL ARBITRATION ACT, 1940.

Industrial Arbitration (Amendment).

SCHEDULE 9.—AMENDMENTS TO THE INDUSTRIAL
ARBITRATION ACT, 1940, BY WAY OF STATUTE LAW
REVISION.

5 SCHEDULE 10.—REGISTRATION OF CERTAIN ASSOCIATIONS
OF CONTRACT DRIVERS AND CONTRACT CARRIERS.

SCHEDULE 11.—TRANSITIONAL PROVISION.

4. The Industrial Arbitration Act, 1940, is amended in the
manner set forth in Schedules 1–9. Amendment
of Act No.
2, 1940.

5. Schedule 10 has effect.

Registra-
tion of
certain
associa-
tions.

10 6. Schedule 11 has effect.

Tran-
sitional
provision.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO PART I OF THE INDUSTRIAL ARBITRATION ACT,
1940.

(1) (a) Section 2, matter relating to Part II—

15 Omit “AND CONCILIATION COMMITTEES”, insert
instead “, CONCILIATION COMMITTEES AND CONTRACT
REGULATION TRIBUNALS”.

(b) Section 2, matter relating to Division 1 of Part VII—

20 After “Committees”, insert “and Contract Regulation
Tribunals”.

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

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

(c) Section 2, matter relating to Part VIII—

5 After “AWARDS”, insert “AND CONTRACT
DETERMINATIONS”.

(d) Section 2—

After the matter relating to Part VIII, insert :—

10 PART VIIIA.—REGULATED CONTRACTS—ss. 91A–
91R.

DIVISION 1.—*Preliminary*—s. 91A.

DIVISION 2.—*Associations*—ss. 91B–91G.

DIVISION 3.—*Agreements*—ss. 91H, 91I.

15 DIVISION 4.—*Contract Regulation Tribunals*—
ss. 91J–91M.

DIVISION 5.—*Contract Determinations*—ss.
91N–91R.

(e) Section 2, matter relating to Part IX—

20 After “AWARDS”, insert “AND CONTRACT
DETERMINATIONS”.

(2) (a) Section 5 (1), definitions of “Association of contract
carriers”, “Association of contract drivers”, “Association
of employing contractors”—

Before the definition of “Award”, insert :—

25 “Association of contract carriers” means an
association of contract carriers registered
under Part VIIIA.

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

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

5 “Association of contract drivers” means an
 association of contract drivers registered under
 Part VIIIA.

 “Association of employing contractors” means an
 association of employing contractors registered
 under Part VIIIA.

10 (b) Section 5 (1), definitions of “Bailee”, “Bailor”—

 After the definition of “Award”, insert :—

 “Bailee” in relation to a public vehicle means the
 person to whom the vehicle is bailed under a
 contract of bailment.

15 “Bailor” in relation to a public vehicle means the
 person by whom the vehicle is bailed under a
 contract of bailment.

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

 After the definition of “Calling”, insert :—

20 “Carrier” means a person with whom a principal
 contractor has a contract of carriage.

 (d) Section 5 (1), definitions of “Contract determination”,
 “Contract of bailment”, “Contract of carriage”—

 After the definition of “Committee”, insert :—

25 “Contract determination” means a determination in
 a matter in which a tribunal has jurisdiction.

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

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

5 “Contract of bailment” in relation to a public
 vehicle means a contract (not being a hire-
 purchase agreement within the meaning of the
 Hire-Purchase Act, 1960) under which a
 public vehicle is bailed to a person to enable
 him—

10 (a) where the public vehicle is a taxi-cab
 —to ply for hire; or

 (b) where the public vehicle is a private
 hire car—to transport passengers,

15 in a transport district established under the
 Transport Act, 1930.

 “Contract of carriage” has the meaning ascribed
 thereto in subsection (3A).

(e) Section 5 (1), definition of “Employee”—

20 Omit “In determining whether a person who, in
 performing work, drives a motor vehicle, is an
 employee, if the person would be held to be an
 employee if the motor vehicle which he was driving
 in the performance of such work was owned by the
 person alleged to be his employer then such person
25 shall be held to be an employee of such alleged
 employer although he is owner or lessee of the
 vehicle or has the use of the vehicle under a hire
 purchase agreement or other arrangement
 whatsoever.”.

30 (f) Section 5 (1), definition of “Member of the family”—

 After the definition of “Managerial position”, insert:—

 “Member of the family” in relation to a person
 means his spouse, father, mother, grandfather,
 grandmother, step-father, step-mother, child,

SCHEDULE 1—continued.

AMENDMENTS TO PART I OF THE INDUSTRIAL ARBITRATION ACT,
1940—continued.

5

(g) Section 5 (1), definition of “Motor lorry”—

After the definition of “Minister”, insert :—

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(h) Section 5 (1), definitions of “Primary producer”, “Principal contractor”—

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“Primary producer” means a person who cultivates or uses land—

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(b) for the maintenance of animals or birds, for the purpose of selling them or their bodily produce; or

25

“Principal contractor” means a person who enters into a contract (other than a contract of employment) with another person for the transportation by that other person of any load other than passengers.

30

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

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

(i) Section 5 (1), definition of “Public vehicle”—

5 After the definition of “Public authority”, insert :—

“Public vehicle” means—

(a) a taxi-cab; or

(b) a private hire car,

10 within the meaning of the Transport Act,
1930.

(j) Section 5 (1), definition of “Tribunal”—

Before the definition of “Under Secretary”, insert :—

“Tribunal” means a contract regulation tribunal
established under Part VIIIA.

15 (k) Section 5 (3A)–(3C)—

After section 5 (3), insert :—

20 (3A) Subject to subsection (3B), a reference in
this Act to a contract of carriage is a reference to a
contract (whether written or oral or partly written
and partly oral and whether entered into before or
after the commencement of the Industrial Arbitration
(Amendment) Act, 1979) that is not a contract of
employment and is made between a principal con-
tractor and a carrier who transports a load (other
25 than passengers) the subject of the contract by means
of a motor lorry in the course of a business of
transporting loads of that kind by motor lorry but
only if—

30 (a) where the carrier is not a partnership or
corporation—no person except the carrier
is, except in the prescribed circumstances,

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

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

- 5 employed (whether pursuant to a contract
of employment or not and whether by the
carrier or not) in driving or riding upon
the motor lorry, or any other motor lorry,
in the course of that business;
- 10 (b) where the carrier is a partnership—no
person other than a partner is, except in the
prescribed circumstances, employed
(whether pursuant to a contract of employ-
ment or not and whether by the partnership
or not) in driving or riding upon the motor
15 lorry, or any other motor lorry, in the course
of that business; or
- 20 (c) where the carrier is a corporation—no
person is, except in the prescribed circum-
stances, employed (whether pursuant to a
contract of employment or not and whether
by the corporation or not) in driving or
riding upon the motor lorry, or any other
motor lorry, in the course of that business
unless he is—
- 25 (i) a director of the corporation or a
member of the family of a director
of the corporation;
- 30 (ii) a person who, together with the
members of his family, has a
controlling interest in the
corporation; or
- 35 (iii) a member of the family of a person
who, together with the members of
his family, has a controlling interest
in the corporation.

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

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

5 (3B) A reference in this Act to a contract of
carriage does not include a reference to a contract of
carriage—

- (a) where the carrier is a common carrier;
- 10 (b) that is one of 2 or more contracts of carriage
of packaged goods made with 2 or more
different principal contractors and executed
by the use of the same motor lorry;
- (c) for the carriage of mail;
- (d) for the carriage of bread, milk or cream for
sale or delivery for sale;
- 15 (e) for the carriage of goods that are to be sold
pursuant to orders solicited during the
carriage of the goods;
- (f) for the carriage of livestock;
- 20 (g) where the principal contractor is a primary
producer or a member of the family of a
primary producer and the contract is for the
transportation of primary produce other
than timber; or
- 25 (h) for the transportation of primary produce
other than timber from or to land used for
primary production.

(3C) Where a person—

- (a) is in possession of a private hire car other-
wise than as a bailee or employee; and

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

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

- 5 (b) is, in a transport district established under
the Transport Act, 1930, engaged in trans-
porting passengers in the private hire car
pursuant to a licence under that Act of
which he is not the holder,
- 10 the provisions of this Act apply to and in respect of
that person in the same way as they would apply to
him if he were in possession of the private hire car
under a contract of bailment made with the holder
of the licence.
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SCHEDULE 2.

Sec. 4.

15 AMENDMENTS TO PART II OF THE INDUSTRIAL ARBITRATION
ACT, 1940.

- (1) Part II, heading—
- Omit “AND CONCILIATION COMMITTEES”, insert instead
20 “, CONCILIATION COMMITTEES AND CONTRACT
REGULATION TRIBUNALS”.
- (2) (a) Section 14 (7)—
- After “a committee,”, insert “a tribunal”.
- (b) Section 14 (7)—
- 25 After “committee” where secondly and thirdly
occurring, insert “or tribunal”.

Industrial Arbitration (Amendment).

SCHEDULE 2—*continued.*

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

(c) Section 14 (8) (b), (c), (d)—

5 Omit “or decision” wherever occurring, insert instead
“, decision or contract determination”.

(d) Section 14 (10)—

10 Omit “and the conciliation committees”, insert instead
“, the conciliation committees and the contract
regulation tribunals”.

(e) Section 14 (12)—

After “committee”, insert “or tribunal”.

(f) Section 14 (13)—

15 After “concerned”, insert “or, as the case may be, of
the contract regulation tribunal established for the
class of contracts concerned”.

(3) (a) Section 15 (1A) (c)—

After “committees”, insert “and tribunals”.

(b) Section 15 (1B)—

20 After “committee”, insert “and of each tribunal”.

(4) (a) Section 17A (1) (a)—

After “callings”, insert “and with matters arising under
contracts to which Part VIIIA applies”.

(b) Section 17A (1) (b)—

25 Omit “or callings”, insert instead “, callings or classes
of contracts”.

Industrial Arbitration (Amendment).

SCHEDULE 2—*continued.*

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

(c) Section 17A (2)—

5 After “dispute”, insert “, or a dispute concerned with a
contract to which Part VIIIA applies,”.

(d) Section 17A (4)—

10 After “dispute” where firstly occurring, insert “, or a
dispute concerned with a contract to which Part VIIIA
applies,”.

(e) Section 17A (4)—

Omit “industrial” where secondly occurring.

SCHEDULE 3.

Sec. 4.

AMENDMENTS TO PART III OF THE INDUSTRIAL ARBITRATION
ACT, 1940.

15

(1) (a) Section 24 (7)—

After “commissioner,”, insert “or a contract
determination of a tribunal,”.

(b) Section 24 (7)—

20 After “award” where secondly occurring, insert “or
determination”.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE INDUSTRIAL
ARBITRATION ACT, 1940—*continued.*

(c) Section 24 (8)—

- 5 After “commissioner”, insert “or any party to a contract, or any association registered under Part VIIIA, affected by a contract determination of a tribunal or of a conciliation commissioner”.

(d) Section 24 (8) (a)—

- 10 Omit “or decision”, insert instead “, decision or determination”.

(e) Section 24 (9)—

After “committee” where firstly occurring, insert “, tribunal”.

15 (f) Section 24 (9) (a)—

After “committee”, insert “or tribunal”.

(g) Section 24 (9) (c)—

After “committee”, insert “, tribunal”.

(h) Section 24 (9A)—

- 20 After “commissioner” where firstly occurring, insert “, or from a contract determination of a tribunal or a conciliation commissioner”.

(i) Section 24 (9A)—

- 25 After “committee” where secondly occurring, insert “or tribunal”.

(j) Section 24 (9A)—

Omit “or decision” where secondly occurring, insert instead “, decision or determination”.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*

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

(k) Section 24 (11)—

5 After “committee”, insert “or tribunal”.

(2) (a) Section 25 (1) (d), (e)—

 After section 25 (1) (c), insert :—

10 (d) where any question, dispute or difficulty has
 arisen which, in his opinion, might lead, or
 has led—

 (i) to owners of public vehicles being in
 breach of contracts of bailment of
 those vehicles or refusing to enter into
 contracts of bailment of those vehicles;

15 (ii) to principal contractors under con-
 tracts of carriage being in breach of
 those contracts or persons refusing to
 enter into contracts of carriage as
 principal contractors;

20 (iii) to bailees of public vehicles or carriers
 under contracts of carriage being in
 breach of those contracts; or

 (iv) to persons refusing to enter into con-
 tracts as bailees of public vehicles or
25 as carriers under contracts of carriage;

 (e) where there is any question, dispute or
 difficulty arising from the reorganisation of the
 business of a principal contractor that affects,
 or is likely to affect, the number of carriers
30 used by the principal contractor or their
 remuneration,

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE INDUSTRIAL
ARBITRATION ACT, 1940—*continued.*

- (b) Section 25 (3) —
5 After “concerned”, insert “or, in the case referred to
in subsection (1) (d) or (e), the members of the
contracts regulation tribunal concerned”.
- (c) Section 25 (3A)—
10 Omit “or the committee”, insert instead “, committee
or tribunal”.
- (d) Section 25 (3A)—
15 After “strike”, insert “, or the bailee or carriers con-
cerned therein may be in breach of their contracts,
or the persons concerned therein may be refusing to
enter into contracts as bailees or carriers”.
- (e) Section 25 (4) (a)—
 After “may”, insert “, in the case of a conference
summoned pursuant to subsection (1) (a), (b) or
(c)”.
- 20 (f) Section 25 (4) (a1)—
 After section 25 (4) (a), insert :—
 (a1) where the conciliation commissioner is sitting
alone he may, in the case of a conference
summoned pursuant to subsection (1) (d) or
25 (e)—
 (i) make such order in relation to the
question, dispute or difficulty as he
thinks fit;
 (ii) make such contract determination in
30 relation to the question, dispute or
difficulty as a tribunal could have

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE INDUSTRIAL
ARBITRATION ACT, 1940—*continued.*

- 5 made on an application under Part
VIII A, and his determination shall
have the same effect as a determina-
tion of a tribunal on such an
application; or
- 10 (iii) refer the question, dispute or difficulty
to the commission;
- (g) Section 25 (4) (b) (ii)—
Omit “commission.”, insert instead “commission; or”.
- (h) Section 25 (4) (c)—
After section 25 (4) (b), insert :—
- 15 (c) where the members of the contract regulation
tribunal are summoned to sit with the concilia-
tion commissioner they, together with the
conciliation commissioner as chairman, may—
- 20 (i) sit as a tribunal and make an order
or contract determination in relation
to the question, dispute or difficulty; or
(ii) refer the question, dispute or difficulty
to the commission.
- (i) Section 25 (5)—
- 25 Omit “paragraphs (a), (b) and (c) of subsection
(1)”, insert instead “subsection (1) (a), (b) or (c),
or a conciliation commissioner or a tribunal considers
that the public interest is or could be adversely affected
by any question, dispute or difficulty of the nature
30 referred to in subsection (1) (d) or (e)”.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*

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

(j) Section 25 (5)—

5 After “award” where firstly occurring, insert “, or the
conciliation commissioner or the tribunal may make
an interim order or contract determination,”.

(k) Section 25 (5)—

10 Omit “or award” where secondly, thirdly, fourthly,
fifthly and sixthly occurring, insert instead “, award
or contract determination”.

(l) Section 25 (5A)—

Omit “or award” wherever occurring, insert instead “,
award or contract determination”.

15 (m) Section 25 (5A)—

Omit “or committee”, insert instead “, committee or
tribunal”.

(n) Section 25 (6)—

20 Omit “or a committee”, insert instead “, committee or
tribunal”.

(3) Section 25A (2)—

At the end of section 25A, insert :—

25 (2) As soon as an association registered under Part
VIII A, or a bailor of a public vehicle, or a principal
contractor under a contract of carriage, becomes aware of
any question, dispute or difficulty of the nature referred to
in section 25 (1) (d) or (e), the association, bailor or
principal contractor shall forthwith notify the registrar
accordingly.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*

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

(4) (a) Section 26—

- 5 After “calling”, insert “or, as the case may require,
the members of the contract regulation tribunal for the
class of contracts to which the matter relates”.

(b) Section 26—

- 10 After “committee” where secondly occurring, insert
“or, as the case may be, a tribunal”.

(c) Section 26—

After “committee” where thirdly occurring, insert “,
and against any contract determination of a tribunal,”.

(d) Section 26—

- 15 Omit “or award” where secondly occurring, insert
instead “, award or contract determination”.

(5) (a) Section 27—

After “committee” where firstly occurring, insert “, and
any contract determination of a tribunal,”.

20 (b) Section 27—

After “committee” where secondly and thirdly occur-
ring, insert “, or contract determination of a tribunal,”.

(6) Section 30 (2)—

At the end of section 30, insert :—

- 25 (2) The commission, in addition to the jurisdiction and
powers conferred on it by this Act, shall have the powers
and may exercise the jurisdiction conferred by this Act on

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*

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

5 a contract regulation tribunal and the chairman of a
contract regulation tribunal, and may exercise the powers,
jurisdiction and functions of a contract regulation tribunal
in respect of a class of contract to which Part VIIIA applies
notwithstanding that a tribunal may not have been
established for contracts of that class.

10 (7) (a) Section 30A (a)—

Omit “industrial matters by means of conciliation”,
insert instead “by means of conciliation industrial
matters and matters arising under contracts to which
Part VIIIA applies”.

15 (b) Section 30A (b)—

After “matters” where firstly occurring, insert “and
matters arising under contracts to which Part VIIIA
applies”.

(c) Section 30A (b)—

20 Omit “industrial” where secondly occurring.

(8) (a) Section 30B (1) (a)—

Omit “or ruling”, insert instead “, ruling or contract
determination”.

(b) Section 30B (1) (f)—

25 After “employees”, insert “or association of contract
drivers or association of contract carriers”.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*

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

- (c) Section 30B (1) (g)—
5 Omit “or decisions”, insert instead “, decisions or contract determinations”.
- (d) Section 30B (1) (h)—
After “matter”, insert “or matter in respect of which a tribunal has jurisdiction,”.
- 10** (e) Section 30B (1)—
Omit “or decision”, insert instead “, decision or contract determination”.
- (9) (a) Section 30c—
15 After “committee” where firstly occurring, insert “, a contract regulation tribunal”.
- (b) Section 30c—
Omit “conciliation committee” where secondly occurring, insert instead “committee or tribunal”.
- (10) (a) Section 31 (a)—
20 After “matter”, insert “or with any person or association of principal contractors, or association of contract drivers or contract carriers, as to anything affecting the settlement of a matter arising under a contract to which Part VIIIA applies”.
- 25** (b) Section 31 (b) (i)—
Omit “or” where fourthly occurring.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*

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

(c) Section 31 (b) (ii)—

5 After “committee”, insert “, tribunal”.

(d) Section 31 (b) (ii)—

 After “commissioner;”, insert “or”.

(e) Section 31 (b) (iii)—

 After section 31 (b) (ii), insert :—

10 (iii) to make a contract determination or vary or
 rescind any contract determination made by it,
 a tribunal or a conciliation commissioner;

(11) (a) Section 33 (b)—

15 After “industry” wherever occurring, insert “or
 business”.

(b) Section 33 (b)—

 After “grant the”, insert “terms or”.

(c) Section 33 (b)—

20 After “employer” wherever occurring, insert “or
 person carrying on business”.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*

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

(12) Section 36 (2)—

5 At the end of section 36, insert :—

(2) The commission may, on the application of the
Minister, a bailor of a public vehicle, a principal contractor
or an association registered under Part VIIIA, determine any
10 question as to the demarcation of the interests of
associations so registered in the regulation of the conditions
of contracts to which that Part applies.

SCHEDULE 4.

Sec. 4.

AMENDMENTS TO PART VII OF THE INDUSTRIAL ARBITRATION
ACT, 1940.

15 (1) Part VII, Division 1, heading—

After “Committees”, insert “and Contract Regulation
Tribunals”.

(2) (a) Section 74 (2)—

20 Omit “Any such application”, insert instead “An
application under subsection (1) (b)”.

(b) Section 74 (3)–(5)—

After section 74 (2), insert :—

(3) Proceedings before a tribunal shall be
commenced by—

25 (a) reference to the tribunal by the commission
or the Minister; or

Industrial Arbitration (Amendment).

SCHEDULE 4—*continued.*

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

(b) an application made as provided by
subsections (4) and (5).

(4) An application under subsection (3) (b) may
be made by—

(a) a bailor under a contract of bailment of a
public vehicle, if the average number of
different bailees with whom he entered into
contracts of bailment on each working day
during the period of 1 month that next
preceded the making of the application was
not less than 10;

(b) a principal contractor under a contract of
carriage, if the average number of different
carriers with whom he entered into contracts
of carriage on each working day during the
period of 1 month that next preceded the
making of the application was not less than
10;

(c) an association of employing contractors, or
any other association, which represents
bailors or principal contractors who are, or
some of whom are, parties to contracts of
the class in respect of which the tribunal is
established; or

(d) an association of contract drivers or
an association of contract carriers which
represents bailees or carriers who are, or
some of whom are, parties to contracts of
the class for which the tribunal is
established.

Industrial Arbitration (Amendment).

SCHEDULE 4—*continued.*

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

- 5 (5) An application under subsection (3) (b) shall—
 - (a) be in or to the effect of the prescribed form;
 - (b) contain the prescribed particulars; and
 - (c) be signed by such persons of such classes or descriptions as may be prescribed.
- 10 (3) Section 75—

After “committee” wherever occurring, insert “or tribunal”.
- (4) Section 76—

After “committee”, insert “or tribunal”.
- 15 (5) (a) Section 77 (1)—

Omit “conciliation”.

(b) Section 77 (1)—

After “committee” wherever occurring, insert “or tribunal”.
- 20 (6) (a) Section 77A—

After “committee” wherever occurring, insert “or tribunal”.

(b) Section 77A—

Omit “committee’s”.

Industrial Arbitration (Amendment).

SCHEDULE 4—*continued.*

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

(c) Section 77A—

- 5 After “determination”, insert “of the committee or
tribunal”.

(7) Section 77B—

After “committee” wherever occurring, insert “or tribunal”.

(8) (a) Section 77C—

- 10 After “committee”, insert “or tribunal”.

(b) Section 77C—

After “matter”, insert “, or a matter arising under a
contract to which Part VIIIA applies,”.

(9) (a) Section 77D—

- 15 After “committee” where firstly, thirdly, fourthly,
fifthly, sixthly, seventhly and eighthly occurring, insert
“or tribunal”.

(b) Section 77D—

- 20 After “industry” wherever occurring, insert “or
business”.

(c) Section 77D—

After “grant the”, insert “terms or”.

(d) Section 77D—

- 25 After “employer” wherever occurring, insert “or
person carrying on business”.

Industrial Arbitration (Amendment).

SCHEDULE 4—*continued.*

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

(10) Section 77E—

- 5 After “committee” wherever occurring, insert “or tribunal”.

(11) (a) Section 77G—

After “committee”, insert “or contract determination
of a tribunal”.

(b) Section 77G—

- 10 Omit “or order” where secondly occurring, insert
instead “, order or determination”.

(12) Section 78—

Omit “or a committee”, insert instead “, a committee or
a tribunal”.

15 (13) (a) Section 80 (1)—

After “matter”, insert “or a matter arising under a
contract to which Part VIII^A applies”.

(b) Section 80 (2)—

- 20 Omit “or a committee”, insert instead “, a committee
or a tribunal”.

(c) Section 80 (2)—

Omit “or the committee”, insert instead “, the com-
mittee or the tribunal”.

Industrial Arbitration (Amendment).

SCHEDULE 4—*continued.*

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

(d) Section 80 (3)—

- 5 Omit “or a committee”, insert instead “a committee
or a tribunal”.

(e) Section 80 (3)—

Omit “or committee”, insert instead “committee or
tribunal”.

10 (14) Section 82—

Omit “or a committee”, insert instead “, a committee or
a tribunal”.

(15) Section 83—

- 15 Omit “or a committee”, insert instead “, a committee or
a tribunal”.

(16) Section 83A—

After “committee”, insert “, a tribunal”.

(17) (a) Section 84 (1) (a)—

- 20 Omit “or proceeding”, insert instead “, proceeding
or contract determination”.

(b) Section 84 (1) (b)—

Omit “or direction”, insert instead “, direction or
contract determination”.

Industrial Arbitration (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO PART VII OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(c) Section 84 (1) (b)—

- 5 After “industrial matter” wherever occurring, insert
“or matter in respect of which a tribunal has
jurisdiction”.

(d) Section 84 (2)—

Omit the subsection.

10

SCHEDULE 5.

Sec. 4.

AMENDMENTS TO PART VIII OF THE INDUSTRIAL ARBITRATION
ACT, 1940.

(1) Section 88E (1) (a), (c)—

Omit the paragraphs.

15 (2) (a) Section 88F (1) (e)—

Omit “or agreement”, insert instead “, industrial
agreement, agreement registered under Part VIIIA or
contract determination”.

(b) Section 88F (4)—

- 20 After section 88F (3), insert :—

(4) An application under this section in respect
of a contract of carriage to which Part VIIIA applies
may be made by a party to the contract or by an
association of contract carriers of which a party to
25 the contract is a member.

Industrial Arbitration (Amendment).

SCHEDULE 5—*continued.*

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

(3) Section 90—

- 5 After “award,” insert “contract determination,”.

(4) Section 90A (2)—

At the end of section 90A, insert :—

(2) In subsection (1), a reference to an award includes
a reference to a contract determination.

10 (5) (a) Section 90B—

Omit “or order” wherever occurring, insert instead
“, order or contract determination”.

(b) Section 90B (2)—

- 15 After “union”, insert “or, in the case of a contract
determination, any person or any association
registered under Part VIII A,”.

(6) Section 91—

After “awards,” insert “contract determinations,”.

Industrial Arbitration (Amendment).

SCHEDULE 6.

Sec. 4.

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN CONTRACTS.

Part VIIIA—

5 After Part VIII, insert :—

PART VIIIA.

REGULATED CONTRACTS.

DIVISION 1.—*Preliminary.*

10 91A. (1) In this Part “registered agreement” means an agreement registered under Division 3. Interpretation:
Pt. VIIIA.

(2) The contracts to which this Part applies are contracts of bailment of a public vehicle and contracts of carriage.

DIVISION 2.—*Associations.*

15 91B. (1) The registrar may, on application made in accordance with subsection (2), register any group or organisation as an association of employing contractors where, throughout the period of 6 months that last preceded the making of the application, members of the group or organisation have been— Association of principal contractors.

20

(a) bailors under contracts of bailment of a public vehicle made with not less than 25 different bailees; or

25

(b) principal contractors under contracts of carriage with not less than 25 different carriers.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

- 5 (2) An application referred to in subsection (1) is
made in accordance with this subsection if—
- (a) it is in or to the effect of the prescribed form;
 and
- 10 (b) it is signed by a majority of the members of the
governing body of the applicant group or
organisation or, if there is no such governing
body, by a majority of the members of the group
or organisation.
- 15 (3) A group or organisation that has made an
application under this section is registered when the
registrar causes its name to be entered in the register of
associations of employing contractors kept by him together
with particulars of the class of contracts in relation to
20 which it is registered and such other particulars as may
be prescribed.
- (4) The commission may order cancellation of the
registration of an association of employing contractors—
- 25 (a) if it is satisfied that, throughout the period of 6
months that last preceded the day of the making
of the order, the members of the association had
not been parties to contracts with at least 25
different carriers, being contracts of the class
in relation to which it is registered;
- 30 (b) if it is satisfied that the group or organisation
comprising the association has ceased to exist;
or
- (c) for any other reason that to it seems appropriate.

Industrial Arbitration (Amendment).

SCHEDULE 6—continued.

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

- 5 (5) Where the commission makes an order referred to in subsection (4), the registrar shall cancel the registration of the association by removing from the register of associations of employing contractors the name of the association and all entries in the register that relate to it.
- 10 91C. (1) After the expiration of the period of 12 Associations of contract drivers and contract carriers.
months that next succeeds the commencement of the Industrial Arbitration (Amendment) Act, 1979, the registrar may, on application made in accordance with subsection (2)—
- 15 (a) register as an association of contract drivers any group or organisation (including an industrial union of employees) claiming to represent not fewer than 50 bailees of public vehicles; or
- 20 (b) register as an association of contract carriers any group or organisation (including an industrial union of employees) claiming to represent not fewer than 50 carriers each of whom is engaged in the transportation of any load, other than passengers, under contracts of carriage.
- 25 (2) An application referred to in subsection (1) is made in accordance with this subsection if—
- 30 (a) it is in or to the effect of the prescribed form; and
- (b) it is signed by a majority of the members of the governing body of the applicant group or organisation or, if there is no such governing body, by a majority of the members of the group or organisation.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

5 (3) The registrar shall cause notice of an application referred to in subsection (1) to be published as prescribed.

10 (4) Any person may, by notice in writing served on the registrar within the prescribed period, object to the granting of an application referred to in subsection (1) on the ground—

(a) that the applicant does not genuinely represent the interests under this Act of the bailees or carriers that it claims to represent; or

15 (b) that the interests under this Act of bailees or carriers whom the applicant claims to represent are already represented by an association of contract drivers or an association of contract carriers.

20 (5) The registrar shall fix a time and place for the hearing by him of objections served on him under subsection (4) and shall notify the applicant and the objectors of that time and place.

25 (6) At the hearing of an objection served under subsection (4), the objector and the applicant are entitled to be heard and, after considering the evidence given and the submissions made at the hearing, the registrar shall, if he sustains the objection, refuse the application to which the objection relates.

30 (7) The registrar shall, in writing, notify all objectors to the granting of an application referred to in subsection (1), and the applicant, of his decision on the objections and of his reasons for that decision.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

- 5 (8) Whether or not an objection is made under
this section, the registrar may refuse to register an
application referred to in subsection (1) on any ground on
which an objection may be made to the application and
shall, where he so refuses to register an application, notify
10 the applicant in writing of his refusal and of his reasons
for that refusal.
- (9) A group or organisation that has made an
application under this section is registered when the
registrar causes its name to be entered in the register of
15 associations of contract drivers kept by him or the register
of associations of contract carriers so kept, as the case
may require, together with particulars of the class of
contracts in relation to which it is registered and such
other particulars as may be prescribed.
- 20 (10) A branch of a group or organisation shall
not be registered separately as an association under this
section unless, in the opinion of the registrar, it is of
sufficient importance to be so registered.
- 25 (11) The registrar may issue a certificate of
withdrawal with respect to an association of contract
drivers or an association of contract carriers if he is
satisfied that—
- (a) an application for such a certificate has been
made in the prescribed manner;
- 30 (b) written notice of the intention to apply for such
a certificate has been given within the period
and in the manner prescribed; and
- (c) such other conditions as may be prescribed have
been complied with.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

- 5 (12) The commission may order cancellation of
the registration of an association of contract drivers or an
association of contract carriers or a particular group, class
or section of such an association—
- 10 (a) if it is satisfied that the group or organisation
comprising the association has ceased to exist; or
- (b) for any other reason that to it seems appropriate.
- (13) Where, in relation to an association of
contract drivers or an association of contract carriers—
- 15 (a) an order has been made under subsection (12);
or
- (b) a certificate of withdrawal has been issued under
subsection (11) and the period of 28 days that
next succeeds the issue of the certificate has
expired,
- 20 the registrar shall cancel the registration of the association
by removing from the relevant register the name of the
association and all entries in the register that relate to it.
- (14) Where the registration of an association is
cancelled under this section, the commission may cancel—
- 25 (a) any contract determination in force with respect
to members of the association; or
- (b) any registered agreement so in force.
- (15) The commission may, upon such grounds as
it thinks fit, modify or revoke the right of an association
30 to enrol and represent, for the purposes of this Act, bailees
of public vehicles or carriers.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

- 5 91D. The cancellation of the registration of an association under section 91C, or the cancellation under section 91C (14) of a determination or agreement, does not operate to relieve the association or any of its members from any obligations incurred before the cancellation under the determination or agreement or under an order of the commission, a conciliation commissioner or a tribunal. Saving of certain obligations.
- 10
- 91E. (1) Where— Change of name or amalgamation of associations.
- 15 (a) an association, whether of employing contractors, contract drivers or contract carriers, has changed its name; or
- 20 (b) two or more such associations have amalgamated, the registrar may, on application being made to him by that association, or, as the case may be, by those amalgamated associations, as provided in subsection (2), record any such change of name or amalgamation in the appropriate register or registers in such manner as he thinks fit.
- 25 (2) An application referred to in subsection (1) shall be made in the prescribed manner, shall be in or to the effect of the prescribed form and shall be signed by a majority of the members of the governing body or bodies or committee or committees of management of the association or associations concerned.
- 30 (3) A recording made under subsection (1) shall be deemed to be a re-registration of the applicant association or associations under such name as is specified in the application, but any such change of name or amalgamation

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

5 does not affect any rights, liabilities or obligations of the
applicant association or associations which existed
immediately before the recording was made.

10 (4) The registrar may, in respect of an application
made under this section by an association or associations
of contract drivers or contract carriers, or both, refuse the
application and require the association or associations to
make an application for registration under section 91C
under the changed or amalgamated name.

15 91F. (1) On the registration of an association of Certificates
of registra-
tion, etc.
employing contractors, contract drivers or contract carriers,
the registrar shall issue to the association a certificate in
or to the effect of the prescribed form that the association
is registered as an association of employing contractors or,
as the case may be, as an association of contract drivers or
20 an association of contract carriers and the certificate shall
be conclusive evidence that the requirements of this Act
as to registration have been satisfied.

25 (2) On application being made to the registrar
by a person claiming to be the secretary of an association
of employing contractors, contract drivers or contract car-
riers, the registrar may, if he is satisfied that that person
has been duly elected or appointed as the secretary of the
association and that the requirements of the constitution
of the association relating to that election or appointment
30 have been complied with, issue a certificate in or to the
effect of the prescribed form that that person is the
secretary of an association of employing contractors, con-
tract drivers or contract carriers, as the case may be, and

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

5 that certificate shall be admissible in evidence in any proceedings under this Act and shall be evidence that that person is the secretary of the association that is specified in the certificate.

10 (3) A person to whom a certificate has been issued under subsection (2) shall, on ceasing to hold office as secretary of the association specified in the certificate, or on being requested by the registrar to do so, forthwith return the certificate to the registrar for cancellation.

15 (4) A person who fails to comply with subsection (3) when it is within his power to do so is guilty of an offence and is liable on conviction to a penalty not exceeding \$200.

20 91G. (1) The registrar shall keep a register of associations of employing contractors, a register of associations of contract drivers and a register of associations of contract carriers which shall be open to inspection by any person at the office of the registrar at all times when that office is open for business. Registers
to be kept.

25 (2) The registers referred to in subsection (1) shall be kept in such form and contain such particulars as may be prescribed.

30 (3) A certificate purporting to be under the hand of the registrar and purporting to contain a true and correct copy of a recording made in a register kept under this section is admissible in evidence in any proceedings under this Act, is evidence of the matters specified in the certificate and, until the contrary is proved, shall be deemed to be a true and correct copy of the recording.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

5 DIVISION 3.—*Agreements.*

91H. (1) An association of contract drivers may enter into an agreement in writing with a bailor of a public vehicle, or with an association of employing contractors representing bailors of public vehicles, with respect to the conditions of contracts of bailment made with that bailor or, as the case may be, bailors represented by the association.

Certain
agreements
may be
entered
into.

(2) An association of contract carriers may enter into an agreement in writing with a principal contractor, or with an association of employing contractors, with respect to the conditions of contracts of a specified class made with carriers by that principal contractor or, as the case may be, with principal contractors represented by the association.

(3) Where an agreement entered into under subsection (1) or (2) is for a term, specified in the agreement, not exceeding 5 years from the date on which it is entered into, the agreement, or the agreement as varied in accordance with this section, is binding on the parties to the agreement and, in the case of a party that is an association, on all members of the association.

(4) An agreement under this section is registered when it is filed in the office of the registrar.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

- 5 (5) An agreement that, by the operation of
subsection (3), is binding on a corporation as a member
of an association of contract carriers is, except to the extent
that the agreement otherwise provides, also binding on—
- 10 (a) any director of the corporation, or any member
of the family of any such director, who personally
does work under a contract to which the
agreement relates and to which the corporation
is a party;
- 15 (b) any holder of shares in the corporation who
personally does work under any such contract
where that holder, together with the members
of his family, has a controlling interest in the
corporation; and
- 20 (c) any member of the family of the holder of shares
in the corporation who personally does work
under any such contract where that holder,
together with the members of his family, has a
controlling interest in the corporation.
- 25 (6) A registered agreement may be varied or
rescinded by the parties thereto by filing in the office of the
registrar written notice of the variation or rescission.
- 30 (7) Where a provision of a contract of a class to
which a registered agreement relates is inconsistent with a
provision of the agreement, the agreement prevails and the
contract shall be deemed to have been varied to the extent
necessary to remove the inconsistency.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

5 (8) The registrar shall cause to be published in the Gazette or in the New South Wales Industrial Gazette a copy of each registered agreement, and of each variation of such an agreement, as soon as practicable after the agreement or variation is filed in his office.

10 91I. A registered agreement continues in force after the Agreement expires until varied or continues in force after rescinded by the parties or by the commission or until notice of termination is given by a party to the agreement to the other party or parties and to the registrar. expiration.

15 DIVISION 4.—*Contract Regulation Tribunals.*

91J. (1) The commission may, of its own motion or on application by an association of employing contractors, contract drivers or contract carriers, establish a contract regulation tribunal in respect of any class of contracts that are contracts to which this Part applies. Establish-ment of tribunals.

(2) Each tribunal shall consist of the following members appointed by the commission :—

(a) a conciliation commissioner who shall be chairman of the tribunal;

25 (b) such number of members, nominated in the prescribed manner by the prescribed person, as the commission determines, being—

30 (i) where the class of contracts for which the tribunal is established is a class of contracts of bailment of a public vehicle—members representing bailors of public vehicles bailed under contracts of that class; or

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

- 5 (ii) where the class of contracts for which the
tribunal is established is a class of
contracts of carriage—members repre-
senting principal contractors under
contracts of that class; and
- 10 (c) an equal number of members, nominated in the
prescribed manner by the prescribed person,
being—
- 15 (i) where the class of contracts for which the
tribunal is established is a class of
contracts of bailment of a public vehicle
—members representing bailees of public
vehicles bailed under contracts of that
class; or
- 20 (ii) where the class of contracts for which the
tribunal is established is a class of
contracts of carriage—members repre-
senting carriers under contracts of that
class.
- 25 (3) A person shall not be appointed as a member
(including a deputy or alternate member) of a tribunal
unless the commission is satisfied that he—
- (a) is or has been a party to contracts of the class
with which the tribunal is concerned; or
- 30 (b) is acquainted with conditions prevailing in
relation to contracts of that class.
- (4) The commission may appoint persons,
nominated in the prescribed manner by the prescribed
person, to be deputy or alternate members of a tribunal,
and persons so appointed shall be competent to discharge
35 the duties of regular members of the tribunal.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

5 (5) Where no nomination has been made of a person who is willing to be a member of a tribunal to represent bailors, principal contractors, bailees or carriers, as the case may be, the commission may, subject to subsection (3), appoint a person without his being nominated.

10 (6) A member of a tribunal other than the chairman is not entitled to be paid any remuneration by way of salary or fee but is entitled to be paid such travelling and subsistence allowances as the Minister may from time to time determine in respect of him.

15 (7) On appointment, a member of a tribunal shall take the prescribed oath, but where a person on appointment as a member of a tribunal has taken the prescribed oath, that person is not, on any subsequent appointment as a member of a tribunal, required to take a further oath if the oath originally taken by him was recorded by the
20 registrar.

 (8) The registrar shall keep a register in which he shall cause to be recorded oaths taken in accordance with subsection (7).

25 (9) The commission may at any time dissolve a tribunal.

 (10) A member of a tribunal shall hold office until the tribunal is dissolved, the member dies or resigns or the person who nominated him notifies the registrar
30 that the nomination is withdrawn, whichever first occurs.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

- 5 (11) A new tribunal may be appointed to replace
a tribunal which has been dissolved or the members of
which have resigned or otherwise ceased to hold office.
- 10 (12) On the occurrence of a vacancy in the
membership of a tribunal, the commission may appoint a
duly qualified person, nominated in the prescribed manner
by the prescribed person, to fill the vacancy.
- 15 (13) A tribunal may, notwithstanding that any
person has been appointed to fill a vacancy that has
occurred on the tribunal, continue the hearing and deter-
mination of any matter which it was hearing when the
vacancy occurred.
- 20 (14) On the appointment of a member to a
tribunal under this section or on the cessation of office of
a member of the tribunal, the commission shall cause a
notice of that appointment or cessation of office to be
published in the Gazette or in the New South Wales
Industrial Gazette.
- 25 (15) A copy of a Gazette or of a New South
Wales Industrial Gazette containing a notice of appoint-
ment purporting to have been published in accordance
with subsection (14) is conclusive evidence that the person
named in the notice has been properly appointed as a
member of the tribunal specified in the notice and has,
30 until a notice of cessation of office is published in respect
of that person in accordance with that subsection, power
and jurisdiction to act as a member of the tribunal and such
an appointment shall not be challenged for any cause.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

- 5 91K. (1) Subject to this Act, a tribunal established for Jurisdiction of
a class of contracts of bailment of a public vehicle may tribunal
inquire into any matter arising under contracts of that with
class and may make a contract determination with respect respect to
to— contracts
of bailment
of public
vehicle.
- 10 (a) the minimum rate of commission, expressed as a
percentage of the chargeable fares earned, which
the bailor is to allow the bailee;
- (b) the amounts, if any, to be paid by the bailor
to the bailee—
- 15 (i) as attendance money when the bailee is
required to attend at a place where the
public vehicle is to be bailed to him but
no such bailment takes place; and
- 20 (ii) for special duties such as preparing and
driving a public vehicle to a registering or
licensing authority for inspection;
- (c) annual holidays, sick leave and long service leave
for the bailee or payments to the bailee instead
of any such leave;
- 25 (d) the minimum number of hours per day, per week
or for any longer period during which the bailor
is to bail the vehicle, if drivable, to the bailee;
- (e) where it is satisfied that it is imperative to do so
in the interests of bailors, bailees and the
public—the maximum number of hours per day,
per week or for any longer period that a bailee
30 may drive a public vehicle; and
- (f) other conditions,
under contracts of that class.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

5 (2) Subsection (1) (a) does not authorise a
tribunal to fix penalty rates of commission in relation to
excess hours of work or work on specified days but, in
fixing a rate of commission under subsection (1) (a), a
10 tribunal may take into account all the circumstances in
which a public vehicle is driven for reward.

 (3) Subject to this Act, a tribunal established for
a class of contracts of bailment of a public vehicle may,
after inquiry, make a contract determination with respect
to the reinstatement of a contract of bailment that has
15 terminated.

 91L. (1) Subject to this Act, a tribunal established for
a class of contracts of carriage may inquire into any matter
arising under contracts of that class and may make a
contract determination with respect to remuneration of the
20 carrier, and any condition, under a contract of that class. Jurisdic-
tion of
tribunal
with
respect to
contracts
of carriage.

 (2) In exercising its jurisdiction under subsection
(1), a tribunal may—

- 25 (a) include in the remuneration of persons affected
by its determination such allowance instead of
annual or other holidays, long service leave or
sick leave as it thinks fit; or
- (b) otherwise make provision for all or any of those
matters.

Industrial Arbitration (Amendment).

SCHEDULE 6—continued.

**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—continued.**

5 91M. (1) Where application is made to a tribunal to
exercise its jurisdiction under section 91K or 91L, the
chairman of the tribunal shall, before the tribunal considers
the application, summon to a conference with the tribunal
the applicant and such other persons served with the
10 application as he may direct.

Conference
to precede
contract de-
termination.

15 (2) Where a person is summoned under
subsection (1) to a conference and he fails, without lawful
excuse, to attend the conference in accordance with the
summons, or if he leaves the conference without the consent
of the chairman of the tribunal, he is guilty of an offence
and liable to a penalty not exceeding \$100.

(3) A conference under subsection (1) shall be
held in private unless the tribunal otherwise directs and, at
the conference, the tribunal shall—

20 (a) ascertain which of the matters with which the
application is concerned are in dispute and which
are not;

25 (b) ascertain whether there are any special
circumstances or problems existing with respect
to contracts of the class with which the
application is concerned; and

(c) take all reasonable steps to effect an amicable
settlement of any matters in dispute.

30 (4) After conferring on an application as
provided by subsection (1), a tribunal may—

(a) dismiss the application;

(b) proceed to hear the application or specify a time
and place at which it will be heard; or

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

- 5 (c) adjourn the application for such period or periods
as it thinks fit.

(5) Before hearing an application, a tribunal
may require service of the application on such persons as it
may direct.

- 10 (6) If, at a conference held under this section,
agreement is reached on any matter, the tribunal may—

- (a) require that the agreement be reduced to writing;
and
15 (b) give effect to the agreement as a contract
determination.

DIVISION 5.—*Contract Determinations.*

91N. (1) After hearing an application to exercise its
jurisdiction under section 91K or 91L, a tribunal may— Contract
determina-
tions.

- (a) dismiss the application; or
20 (b) make a contract determination with respect to the
application.

(2) Where a tribunal makes a contract
determination—

- (a) it may defer the operation of the determination
wholly or in part for such period or periods, and
25 subject to such conditions, as it thinks fit;
(b) it may specify a period at the end of which the
determination ceases to have effect;

Industrial Arbitration (Amendment).

SCHEDULE 6—continued.**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—continued.**

- 5 (c) it shall specify the class or classes of contracts
in respect of which the determination is to
operate; and
- 10 (d) in specifying the class or classes of contracts in
respect of which the determination is to operate,
it may limit its operation to contracts of that
class, or those classes, made—
- (i) in the case of contracts of bailment—
with one or more named bailors; or
- 15 (ii) in the case of contracts of carriage—with
one or more principal contractors.

91o. (1) In making a contract determination, a ^{Contract} tribunal may defer operation of the determination, or any ^{determinations} part of its operation, for such period, and subject to such ^{generally.} conditions (if any), as it may specify.

- 20 (2) A tribunal may vary or rescind a contract
determination which has been made by it or its predecessor
and, where it rescinds a determination, it may replace that
determination with a new determination.

- 25 (3) When making a contract determination or at
any time after making a contract determination, a tribunal
may exempt from the determination or from any part of
the determination—

- (a) a specified type of work done by carriers to whom
the determination applies;
- 30 (b) any group of bailees or carriers specified in the
determination either by name or by reference to
the type of work done by those bailees or carriers;
or

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

- 5 (c) any one or more bailors or principal contractors.

10 91P. (1) Subject to the right of appeal under this Act, and to such exemptions and conditions as the tribunal or the commission may determine and direct, a contract determination is binding on all bailors and bailees or, as the case may be, on all principal contractors and carriers, who are parties to contracts of the class to which the determination relates as the tribunal or the commission may direct and within the locality and for the period not exceeding 3 years specified therein and thereafter until varied or rescinded.

15

(2) A contract determination that is binding on a carrier which is a corporation is, except to the extent that the determination otherwise provides, also binding on—

- 20 (a) any director of the corporation, or any member of the family of any such director, who personally does work under a contract to which the determination relates and to which the corporation is a party;
- 25 (b) any holder of shares in the corporation who personally does work under any such contract where that holder, together with the members of his family, has a controlling interest in the corporation; and
- 30 (c) any member of the family of the holder of shares in the corporation who personally does work under any such contract where that holder, together with the members of his family, has a controlling interest in the corporation.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

5 (3) Where a provision of a contract of a class to
which a contract determination relates is inconsistent with
a provision of the determination, the determination prevails
and the contract shall be deemed to have been varied to
the extent necessary to remove the inconsistency.

10 91Q. A tribunal may, in its discretion, direct that a con- Date of
tract determination made by it shall take effect on and determina-
from a specified day that is subsequent to the lodging with
the registrar of the application for the determination, but
15 as a contract determination shall not become operative or enforceable
as a contract determination until 14 days after publication
in the Gazette.

20 91R. (1) A tribunal may inquire into any contract Evasion
which could result in the transportation of any load, other of Act.
than passengers, by motor lorry and may, after such an
inquiry, declare that, in the opinion of the tribunal—

- (a) the contract was entered into for the purpose of
defeating, evading or avoiding the provisions of
this Act relating to contracts of carriage; and
25 (b) but for being entered into for that purpose the
contract would have been a contract of carriage.

(2) Where a declaration is made under subsection
(1) or a like declaration is made by the commission, the
contract to which the declaration relates is, for the purposes
of this Act, a contract of carriage.

Industrial Arbitration (Amendment).

SCHEDULE 7.

Sec. 4.

AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION
ACT, 1940.

(1) Part IX, heading—

- 5 After “AWARDS”, insert “AND CONTRACT DETERMINATIONS”.

(2) Sections 92B, 92C—

After section 92A, insert :—

- 10 92B. (1) Where a contract determination or agreement registered under Part VIIIA applies to a contract of bailment of a public vehicle, the bailor shall pay to the bailee in full in money, or permit the bailee to retain from money that would otherwise be payable to the bailor, without any deduction not authorised by the determination or agreement, all commission and other payments due to the bailee under the contract in accordance with the determination or agreement.

Recovery of remuneration under contract of bailment or carriage.

- 20 (2) Where a contract determination or agreement registered under Part VIIIA applies to a contract of carriage, the principal contractor under the contract shall pay to the carrier under the contract in full in money or, with the consent of the carrier, by cheque all remuneration due to the carrier under the contract in accordance with the determination or agreement.

- 25 (3) A bailee under a contract of bailment of a public vehicle to which a contract agreement or determination under Part VIIIA applies may apply in the prescribed manner to an industrial magistrate for an order directing the bailor to pay to the bailee the amount, or the balance of the amount, due to the bailee under subsection (1).
- 30

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

5 (4) A carrier under a contract of carriage to
which a contract determination or agreement registered
under Part VIIIA applies may apply in the prescribed
manner to an industrial magistrate for an order directing
the principal contractor under the contract to pay to the
10 carrier the amount, or the balance of the amount, due to
the carrier under subsection (2).

15 (5) The bailor under a contract of bailment of a
public vehicle to which a contract determination or agree-
ment registered under Part VIIIA applies may apply in the
prescribed manner to an industrial magistrate for an order
directing the bailee under the contract to pay to the bailor
any amount, or the balance of any amount, that, pursuant
to the contract, was payable to the bailor.

20 (6) An application under this section may not be
made in respect of any money payable, or failure to bail
a public vehicle occurring, under a contract where the
money was payable, or the failure occurred, earlier than
12 months after—

- (a) the date of the application; or
25 (b) if the contract was terminated before that date
—the date of termination of the contract.

30 (7) In proceedings under this section, an indus-
trial magistrate may make any order he thinks just, may
award costs to either party and may assess the amount of
those costs and he may, if it appears to him that a breach
of section 93 has been committed, impose any penalty
that he might have imposed in proceedings under section
93.

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

5 (8) A person entitled to apply for an order for
the payment of money under this section may, instead of
applying for such an order, recover the money as a debt
in a court of competent jurisdiction but any person
aggrieved by any judgment or order of a court made
10 pursuant to this subsection may appeal, as prescribed, to
the commission which may on hearing the appeal, exercise
the same powers as it has under section 92 (3) in relation
to a judgment or order of a court.

15 (9) A person may take proceedings under this
section and recover any money due, and costs, notwith-
standing that, when the money became due he was, or
when the proceedings are instituted he is, under the age
of 18 years.

20 (10) Where money is due to a bailee or carrier
in respect of a contract of bailment of a public vehicle,
or a contract of carriage, that has been terminated and
the bailor or principal contractor under the contract has
been unable during the period of 30 days after termination
of the contract to pay the money to the bailee or carrier
because his whereabouts are unknown and he cannot with
25 reasonable diligence be found, the bailor or principal con-
tractor, as the case may be, shall forthwith pay the money
to the Under Secretary, Department of Industrial Relations
and Technology, to be held by him in trust for the bailee
or carrier or, if he still holds the money after the expiration
30 of 2 years after termination of the contract, to be paid by
him to the Special Deposits Account referred to in section
5 of the Audit Act, 1902.

35 (11) Payment by a bailor or principal contractor
of an amount in accordance with subsection (10) is a
sufficient discharge to him for that amount.

Industrial Arbitration (Amendment).

*SCHEDULE 7—continued.**AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION ACT, 1940—continued.*

5 (12) An order may be made under this section notwithstanding a prior acceptance of an amount smaller than the amount for which an order could be made and notwithstanding any express or implied agreement to the contrary.

10 (13) A bailor or principal contractor who fails to make a payment that he is, by subsection (9), required to make is liable to a penalty not exceeding \$100.

15 92C. (1) Proceedings that may be taken by a bailee under section 92B may, instead of being taken by the bailee, be taken in the name of the bailee and on his behalf by the secretary or other officer of an association of contract drivers registered under Part VIIIA. Persons who may bring proceedings.

(2) Proceedings that may be taken by a carrier under section 92B may, instead of being taken by the carrier, be taken—

20 (a) with the consent of the carrier—in the name of the carrier and on his behalf by the secretary or other officer of an association of contract carriers registered under Part VIIIA;

25 (b) where the carrier is a partnership—by any partner in his own name for the benefit of the partnership; and

(c) where the carrier is a corporation—

(i) in his own name by a director of the corporation; or

30 (ii) in his own name by a shareholder in the corporation referred to in section 5 (3A) (c) (ii),

for the benefit of the corporation.

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*

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

5 (3) Subsections (1) and (2) do not authorise the
taking of proceedings by more than one person in respect
of the same amount sought to be recovered and, where
proceedings are so taken, the court may order that any
of those proceedings be stayed, or dismissed, on such terms
as the court thinks fit.

10 (4) Any amount ordered to be paid as a result of
proceedings taken in accordance with this section shall,
after deducting any costs properly incurred in connection
with the proceedings and not paid by the bailor or principal
contractor, be paid—

15 (a) where the proceedings were taken in accordance
with subsection (1)—to the secretary or other
officer who took the proceedings; or

20 (b) where the proceedings were taken in accordance
with subsection (2)—to the person in whose
name the proceedings were taken,

to be held by him on trust for the person by whom, but
for this section, the proceedings would have been taken.

25 (5) Where money is paid to a person pursuant to
subsection (4), his receipt is a sufficient discharge for the
amount paid.

(3) (a) Section 93 (1)—

Omit “or a breach of an industrial agreement”, insert
instead “industrial agreement, contract determination
or agreement registered under Part VIIIA”.

30 (b) Section 93 (2)—

After “penalty”, insert “in relation to a breach of an
award or industrial agreement”.

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(c) Section 93 (2A), (2B)—

5 After section 93 (2), insert :—

 (2A) Where, in proceedings under subsection (1)
 for a breach of a contract determination or an agree-
 ment registered under Part VIIIA it appears that the
10 breach complained of relates to the failure of the
 defendant to pay any money that may be recovered
 under section 92B, the industrial magistrate may also
 make such an order with respect to that money as he
 might have made in proceedings under section 92B.

 (2B) An order under subsection (2A) for the
15 payment of money may be made without motion and
 operates as a bar to recovery of the money under
 section 92B.

(d) Section 93 (3)—

20 Omit “or industrial agreement”, insert instead “,
 industrial agreement, contract determination or
 agreement registered under Part VIIIA, as the case
 may be”.

(e) Section 93 (4A)—

 After section 93 (4), insert :—

25 (4A) Proceedings for a breach of a contract
 determination or agreement registered under Part
 VIIIA may be taken by the Minister, a bailor under a
 contract of bailment of a public vehicle, a principal
 contractor under a contract of carriage or the secretary
30 of an association registered under Part VIIIA and an
 industrial magistrate may, in any such proceedings,
 award costs to either party and assess those costs
 according to a scale fixed by the commission.

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(f) Section 93 (5)—

5 After “92,” insert “92B.”

(4) (a) Section 93A (1)—

 After “92,” insert “, section 92B”.

(b) Section 93A (1)—

 After “employer,” insert “or principal contractor”.

10 (5) (a) Section 94—

 After “employees,” insert “, association of employing
contractors, association of contract drivers or
association of contract carriers”.

(b) Section 94—

15 After “union” where secondly occurring, insert “or
association”.

(c) Section 94—

20 After “agreement,” insert “, or a breach of a contract
determination or an agreement registered under Part
VIII A.”

(6) (a) Section 96 (1A)—

 After “(1),” insert “or (2B).”

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*

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

(b) Section 96 (2A), (2B)—

5 After section 96 (2), insert :—

(2A) Such daily or other periodic records as may
be prescribed shall be kept by—

10 (a) the bailor of a public vehicle under a
contract of bailment to which a contract
determination, or an agreement registered
under Part VIIIA, applies; and

(b) the principal contractor under a contract of
carriage to which such a determination
or agreement applies,

15 in such manner as may be prescribed or approved by
the commission.

(2B) A bailor or principal contractor who fails to
comply with subsection (2A) is liable to a penalty not
exceeding \$40 in the case of a first offence or \$100 in
20 the case of a second or subsequent offence.

(7) (a) Section 96A (1)—

After “92,” insert “section 92B,”.

(b) Section 96A (1)—

25 Omit “or industrial agreement” wherever occurring,
insert instead “, industrial agreement, contract
determination or agreement registered under Part
VIIIA”.

(c) Section 96A (1)—

30 After “award” where thirdly occurring, insert “,
determination”.

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*

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

(d) Section 96A (1)—

- 5 After “employer” wherever occurring, insert “, bailor
or principal contractor, as the case may be,”.

SCHEDULE 8.

Sec. 4.

AMENDMENTS TO PART XII OF THE INDUSTRIAL ARBITRATION
ACT, 1940.

10 (1) Section 118, short heading—

After “unions”, insert “and associations”.

(2) (a) Section 118—

- 15 After “union” — where firstly occurring, insert
“, association of employing contractors, association of
contract drivers or association of contract carriers”.

(b) Section 118—

After “union” where secondly occurring, insert “or
association”.

(3) (a) Section 119 (1)—

- 20 After “92,”, insert “92B,”.

(b) Section 119 (1)—

Omit “or union” wherever occurring, insert instead
“, union or association”.

Industrial Arbitration (Amendment).

SCHEDULE 8—*continued.*

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

(4) (a) Section 122—

- 5 After “union” where firstly occurring, insert “or an
association registered under Part VIII A”.

(b) Section 122—

After “union” where secondly occurring, insert “or
association”.

10 (5) Section 124—

After “committee”, insert “, a tribunal”.

(6) (a) Section 127 (1A)—

After section 127 (1), insert :—

- 15 (1A) In addition to the powers and duties conferred
or imposed by or under subsection (1), an inspector
may—

- 20 (a) at any reasonable time inspect the premises
of a bailor under a contract of bailment of
a public vehicle or of a principal contractor
under a contract of carriage, being premises
at which any obligation under the contract
is incurred or performed;

- 25 (b) at any reasonable time require such a bailor
or principal contractor to produce for his
examination the records of the bailor or
principal contractor referred to in section
96 (2A);

Industrial Arbitration (Amendment).

SCHEDULE 8—*continued.*

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

5 (c) at any reasonable time examine any bailee
or carrier under such a contract with respect
to payments made under the contract to
him by, or by him to, the bailor or principal
contractor and his hours of work as a bailee
or carrier under the contract; or

10 (d) on obtaining the authority of the Minister,
institute proceedings for a penalty under
section 93.

(b) Section 127 (2)—

15 After “employed”, insert “, or a business which
involves entering into contracts of bailment of a public
vehicle or contracts of carriage,”.

(c) Section 127 (3)—

Omit “or pay-sheets”, insert instead “, pay-sheets or
records”.

20 (7) (a) Section 128—

After “committee” wherever occurring, insert “or
tribunal”.

(b) Section 128—

25 After “industry”, insert “, or any premises of a bailor
or principal contractor,”.

(8) (a) Section 129 (1)—

After “committee”, insert “or a tribunal”.

Industrial Arbitration (Amendment).

SCHEDULE 8—*continued.*

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

(b) Section 129 (1)—

5 After “award”, insert “or contract determination”.

(c) Section 129 (1)—

Omit “or document”, insert instead “, document or
other record”.

(d) Section 129 (2)—

10 After “employed”, insert “, or a business which
involves entering into contracts of bailment of a public
vehicle or contracts of carriage.”.

(9) Section 129A (6)—

After section 129A (5), insert :—

15 (6) This section applies to and in respect of an officer
of an association of contract drivers, and an officer of an
association of contract carriers, in the same way as it
applies to and in respect of an officer of an industrial
union of employees, and it so applies as if in this section—

20 (a) a reference to members of the industrial union
or persons in the same calling were a reference
to members of the association or persons who
are bailees or carriers under contracts of the
same class as those members;

25 (b) a reference to employees were a reference to
those members, bailees and carriers;

Industrial Arbitration (Amendment).

SCHEDULE 8—*continued.*

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

- 5 (c) a reference to an award or industrial agreement
in force in relation to an industry were a
reference to a contract determination, or an
agreement registered under Part VIIIA, in force
in relation to a class of contracts;
- 10 (d) a reference to employees engaged in an industry
were a reference to bailees of public vehicles and
carriers;
- 15 (e) a reference to an employer engaged in an industry
were a reference to a bailor of a public vehicle
or a principal contractor under a contract of
carriage, as the case may require;
- (f) a reference to time and pay sheets were a
reference to records referred to in section 127
(1A) (b); and
- 20 (g) a reference to some manufacture or trade in
which labour is employed were a reference to
a business which involves entering into contracts
of bailment of a public vehicle or contracts of
carriage.
- (10) (a) Section 130 (1)—
- 25 After “committee” wherever occurring, insert “or
tribunal”.
- (b) Section 130 (1) (c)—
- After “award”, insert “or by a principal contractor
of a contract determination”.
- 30 (c) Section 130 (1) (e)—
- After “industry,”, insert “or for the purposes of a
contract to which Part VIIIA applies,”.

Industrial Arbitration (Amendment).

SCHEDULE 8—*continued.*

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

(d) Section 130 (1) (j)—

- 5 After “unions”, insert “, associations of employing
contractors, associations of contract drivers and
associations of contract carriers”.

SCHEDULE 9.

Sec. 4.

10 AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940, BY
WAY OF STATUTE LAW REVISION.

(1) (a) Section 5 (1), definition of “Metropolitan district
court”—

Omit the definition.

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

- 15 Omit “— 1936”.

(c) Section 5 (1), definition of “Under Secretary”—

Omit “Labour and Industry”, insert instead “Industrial
Relations and Technology”.

(2) (a) Section 15 (5) (a)—

- 20 Omit the paragraph, insert instead :—

- 25 (a) becomes bankrupt, applies to take the benefit
of any law for the relief of bankrupt or
insolvent debtors, compounds with his
creditors or makes an assignment of his
remuneration, allowances or estate for their
benefit;

Industrial Arbitration (Amendment).

SCHEDULE 9—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
BY WAY OF STATUTE LAW REVISION—*continued.*

(b) Section 15 (5) (c)—

5 Omit the paragraph, insert instead :—

 (c) becomes a temporary patient, a continued
 treatment patient, a protected person or an
 incapable person within the meaning of the
10 Mental Health Act, 1958, or a person under
 detention under Part VII of that Act;

(3) Section 20 (1A)—

 Omit “paragraphs”, insert instead “subsection (1)”.

(4) Section 35 (3)—

 Omit “sittings”, insert instead “sitting”.

15 (5) Section 38—

 Omit “—1934”.

(6) Section 89 (1)—

 Omit “Division 2A of Part II of the Factories and Shops
20 Act, 1912–1957”, insert instead “Part VII of the Factories,
 Shops and Industries Act, 1962”.

(7) Section 92 (6A)—

 Omit “, as amended by subsequent Acts”.

Industrial Arbitration (Amendment).

SCHEDULE 9—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
BY WAY OF STATUTE LAW REVISION—*continued.*

(8) Section 119 (1)—

- 5 Omit “in the district court or court of petty sessions named
in such order, or if no such court is so named, in the
metropolitan district court at the suit of the Crown or
10 person or union respectively,” insert instead “in a court
competent to give judgment for a debt of an amount equal
to that amount, being a judgment in favour of the person
who obtained the order and”.

(9) (a) Section 120 (3)—

Omit “and any Act amending the same.”.

(b) Section 120 (3)—

- 15 Omit “a court of quarter sessions”, insert instead “the
District Court”.

(10) (a) Section 121—

Omit “, police,”.

(b) Section 121—

- 20 Omit “— 1940”.

(11) (a) Section 123 (1A) (b)—

Omit “— 1947”.

(b) Section 123 (2)—

- 25 Omit “in the district court or court of petty sessions
named in the order, or if no such court is so named,
then in the metropolitan district court, at the suit of

Industrial Arbitration (Amendment).

SCHEDULE 9—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
BY WAY OF STATUTE LAW REVISION—*continued.*

- 5 the person in whose favour such order is made,”
insert instead “in a court competent to give judgment
for a debt of an amount equal to that amount, being
a judgment in favour of the person who obtained the
order and”.
- (12) Section 126 (1)—
- 10 Omit “police”, insert instead “stipendiary”.
- (13) (a) Section 130 (2)—
- Omit the subsection, insert instead :—
- (2) Section 41 of the Interpretation Act, 1897,
15 applies in respect of a regulation made under this
Act as if this Act had been passed after the commence-
ment of the Interpretation (Amendment) Act, 1969.
- (b) Section 130 (3)—
- Omit the subsection.

SCHEDULE 10.

20 REGISTRATION OF CERTAIN ASSOCIATIONS OF CONTRACT DRIVERS AND Sec. 5.
 CONTRACT CARRIERS.

PART 1.

Preliminary.

1. In this Schedule, “Principal Act” means the Industrial Arbitration Act,
25 1940, as amended by this Act.

Industrial Arbitration (Amendment).

SCHEDULE 10—*continued.*REGISTRATION OF CERTAIN ASSOCIATIONS OF CONTRACT DRIVERS AND
CONTRACT CARRIERS—*continued.*

5 2. Expressions used in this Schedule have the same meanings as they have in the Principal Act.

3. This Schedule ceases to have effect on the expiration of the period of 12 months that commences on the commencement of this Act but—

- 10 (a) anything done pursuant to this Schedule has effect, and continues to have effect, as if it had been duly done under the Principal Act; and
- (b) any membership continued under this Schedule shall be deemed to have been duly continued under the Principal Act.

PART 2.

Associations of Contract Drivers.

15 3. Upon application made to the registrar by the industrial union known as the Transport Workers' Union of Australia, New South Wales Branch, in the manner and form prescribed by or under the Principal Act in respect of an application for registration as an association of contract drivers, the registrar—

- 20 (a) shall approve such alteration of the rules of that industrial union as would enable it to be registered under the Principal Act as an association of contract drivers to represent bailees of public vehicles; and
- 25 (b) shall so register that industrial union by entering its name in the register of associations of contract drivers to be kept by him, together with such particulars as may be prescribed by or under the Principal Act.

30 4. Where, immediately before the adoption by the industrial union referred to in clause 3 of an alteration of rules referred to in clause 3 (a), a member of that industrial union was a bailee of a public vehicle, he continues after the adoption of the rule as a member of that industrial union until his membership is lawfully terminated notwithstanding that, by virtue of the amendments made by this Act, his membership would, but for this clause, have ceased.

Industrial Arbitration (Amendment).

SCHEDULE 10—*continued.*

REGISTRATION OF CERTAIN ASSOCIATIONS OF CONTRACT DRIVERS AND
CONTRACT CARRIERS—*continued.*

PART 3.

5 *Associations of Contract Carriers.*

5. Upon application made to the registrar by an industrial union specified in abbreviated form in the first column of the Table to Part 4 of this Schedule in the manner and form prescribed by or under the Principal Act in respect of an application for registration as an association of
10 contract carriers, the registrar—

(a) shall approve such alteration of the rules of that industrial union as would enable it to be registered under the Principal Act as an association of contract carriers to represent carriers having with principal contractors contracts of the class specified opposite the
15 abbreviated name of that industrial union in the second column of the Table to Part 4, subject to any qualification specified in the third column of the Table to Part 4; and

(b) shall so register that industrial union by entering its name in the register of associations of contract carriers to be kept by him,
20 together with such particulars as may be prescribed by or under the Principal Act.

6. Where, immediately before the adoption by an industrial union specified in abbreviated form in the first column of the Table to Part 4 of this Schedule of an alteration of its rules referred to in clause 5 (a), a
25 member of that industrial union was a carrier, he continues after the adoption of the rule as a member of that industrial union until his membership is lawfully terminated notwithstanding that, by virtue of the amendments made by this Act, his membership would, but for this clause, have ceased.

30 PART 4.

Industrial Unions to be Registered as Associations of Contract Carriers.

7. In the Table to this Part of this Schedule—

“B.C.A.” means the Brick Carriers’ Association;

Industrial Arbitration (Amendment).

SCHEDULE 10—continued.

REGISTRATION OF CERTAIN ASSOCIATIONS OF CONTRACT DRIVERS AND
CONTRACT CARRIERS—continued.

- 5 "L.D.R.T.A." means The Long Distance Road Transport Association of Australia;
- "M.M.A." means The Federated Mining Mechanics' Association of Australasia, New South Wales Branch;
- "R.T.A." means the New South Wales Road Transport Association;
- 10 "T.W.U." means the Transport Workers' Union of Australia, New South Wales Branch.

TABLE

First Column	Second Column	Third Column
15 T.W.U. ..	Retail Deliveries
T.W.U. ..	Ready-Mixed Concrete Delivery
T.W.U. ..	Local General Cartage—Metropolitan and Country.
T.W.U. ..	Intrastate Haulage
20 T.W.U. ..	Interstate Haulage
T.W.U. ..	Blue Metal and Gravel Cartage
T.W.U. ..	Excavation, Earthmoving and Muck Cartage.
T.W.U. ..	Sand Cartage
T.W.U. ..	Liquor Cartage
25 T.W.U. ..	Wholesale Egg Deliveries
T.W.U. ..	Furniture Removal
T.W.U. ..	Coal Haulage	Subject to M.M.A. representing exclusively at Ravensworth and elsewhere in coal haulage where it is exclusively representing carriers at the commencement of this Act and subject to R.T.A. having equal rights with T.W.U. in Burragorang Valley.
30		
35 T.W.U. ..	Newspaper Cartage	Except in the case of carriers used by John Fairfax and Sons Pty. Ltd. for the delivery of the Sydney Morning Herald and the Sun-Herald.
40 T.W.U. ..	Contracts with Government Authorities.
T.W.U. ..	Contracts with Local Government Authorities.

Industrial Arbitration (Amendment).

SCHEDULE 10—continued.

REGISTRATION OF CERTAIN ASSOCIATIONS OF CONTRACT DRIVERS AND
CONTRACT CARRIERS—continued.

5	First Column	Second Column	Third Column
10	T.W.U. ..	Any class of contracts not specified in this column.	Subject to the right of any other organisation to establish that, because of representation by it of carriers before the commencement of this Act, it should be given the exclusive right, or equal right with T.W.U., to represent carriers in the case of a particular class of contracts.
15	L.D.R.T.A.	Intrastate Haulage
	L.D.R.T.A.	Interstate Haulage
	R.T.A. ..	Newspaper Cartage	Only in the case of carriers used by John Fairfax and Sons Pty. Ltd. for the delivery of the Sydney Morning Herald and the Sun-Herald.
20	R.T.A. ..	Furniture Removal
	B.C.A. ..	Brick Cartage

SCHEDULE 11.

Sec. 6.

25

TRANSITIONAL PROVISION.

1. In this Schedule "Principal Act" means the Industrial Arbitration Act, 1940, as amended by this Act.

2. Expressions used in this Schedule have the same meanings as they have in the Principal Act.

Industrial Arbitration (Amendment).

SCHEDULE 11—*continued.*

TRANSITIONAL PROVISION—*continued.*

3. Where a tribunal has not been established under the Principal Act in respect of—

5 (a) a particular class of contracts of bailment of a public vehicle;
or

(b) a particular class of contracts of carriage,

the powers and jurisdiction conferred on a tribunal by the Principal Act may, pending the establishment of a tribunal for that class of contracts, be
10 exercised in relation to that class by a conciliation commissioner.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979

[\$1.52]

INDUSTRIAL ARBITRATION (AMENDMENT) BILL

Schedule of the Amendments referred to in Legislative Council's
Message of 19 April, 1979.

- No. 1.—Schedule 1, page 7, line 20. After “honey”, insert “, **timber**”.
 - No. 2.—Schedule 1, page 10, lines 22 and 23. Omit “other than timber”.
 - No. 3.—Schedule 1, page 10, line 25. Omit “other than timber”.
 - No. 4.—Schedule 6, page 40, line 21. After “(2)”, insert “**is registered and**”.
-

INDUSTRIAL AND AGRICULTURAL CAMPAIGN

Report on the Industrial and Agricultural Campaign
for the year 1912

The Industrial and Agricultural Campaign
for the year 1912 was held in the
month of January 1912. The
campaign was held in the
month of January 1912.

**INDUSTRIAL ARBITRATION (AMENDMENT) ACT,
1979, No. 107**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 107, 1979.

An Act to amend the Industrial Arbitration Act, 1940, with respect to contracts of bailment of taxi-cabs and private hire cars and certain contracts of carriage by motor lorry. [Assented to, 17th May, 1979.]

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, 1979".

Commence- **2.** (1) This section and section 1 shall commence on the date
ment. of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Schedules. **3.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO PART I OF THE INDUSTRIAL ARBITRATION ACT, 1940.

SCHEDULE 2.—AMENDMENTS TO PART II OF THE INDUSTRIAL ARBITRATION ACT, 1940.

SCHEDULE 3.—AMENDMENTS TO PART III OF THE INDUSTRIAL ARBITRATION ACT, 1940.

SCHEDULE 4.—AMENDMENTS TO PART VII OF THE INDUSTRIAL ARBITRATION ACT, 1940.

SCHEDULE 5.—AMENDMENTS TO PART VIII OF THE INDUSTRIAL ARBITRATION ACT, 1940.

SCHEDULE 6.—AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940, WITH RESPECT TO THE REGULATION OF CERTAIN CONTRACTS.

SCHEDULE 7.—AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION ACT, 1940.

SCHEDULE 8.—AMENDMENTS TO PART XII OF THE INDUSTRIAL ARBITRATION ACT, 1940.

Industrial Arbitration (Amendment).

SCHEDULE 9.—AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940, BY WAY OF STATUTE LAW REVISION.

SCHEDULE 10.—REGISTRATION OF CERTAIN ASSOCIATIONS OF CONTRACT DRIVERS AND CONTRACT CARRIERS.

SCHEDULE 11.—TRANSITIONAL PROVISION.

4. The Industrial Arbitration Act, 1940, is amended in the manner set forth in Schedules 1-9.

Amendment
of Act No.
2, 1940.

5. Schedule 10 has effect.

Registra-
tion of
certain
associa-
tions.

6. Schedule 11 has effect.

Tran-
sitional
provision.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO PART I OF THE INDUSTRIAL ARBITRATION ACT,
1940.

(1) (a) Section 2, matter relating to Part II—

Omit "AND CONCILIATION COMMITTEES", insert instead "CONCILIATION COMMITTEES AND CONTRACT REGULATION TRIBUNALS".

(b) Section 2, matter relating to Division 1 of Part VII—

After "Committees", insert "*and Contract Regulation Tribunals*".

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

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

(c) Section 2, matter relating to Part VIII—

After “AWARDS”, insert “AND CONTRACT DETERMINATIONS”.

(d) Section 2—

After the matter relating to Part VIII, insert :—

PART VIIIA.—REGULATED CONTRACTS—ss. 91A–91R.

DIVISION 1.—*Preliminary*—s. 91A.

DIVISION 2.—*Associations*—ss. 91B–91G.

DIVISION 3.—*Agreements*—ss. 91H, 91I.

DIVISION 4.—*Contract Regulation Tribunals*—ss. 91J–91M.

DIVISION 5.—*Contract Determinations*—ss. 91N–91R.

(e) Section 2, matter relating to Part IX—

After “AWARDS”, insert “AND CONTRACT DETERMINATIONS”.

(2) (a) Section 5 (1), definitions of “Association of contract carriers”, “Association of contract drivers”, “Association of employing contractors”—

Before the definition of “Award”, insert :—

“Association of contract carriers” means an association of contract carriers registered under Part VIIIA.

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

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

“Association of contract drivers” means an association of contract drivers registered under Part VIIIA.

“Association of employing contractors” means an association of employing contractors registered under Part VIIIA.

(b) Section 5 (1), definitions of “Bailee”, “Bailor”—

After the definition of “Award”, insert :—

“Bailee” in relation to a public vehicle means the person to whom the vehicle is bailed under a contract of bailment.

“Bailor” in relation to a public vehicle means the person by whom the vehicle is bailed under a contract of bailment.

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

After the definition of “Calling”, insert :—

“Carrier” means a person with whom a principal contractor has a contract of carriage.

(d) Section 5 (1), definitions of “Contract determination”, “Contract of bailment”, “Contract of carriage”—

After the definition of “Committee”, insert :—

“Contract determination” means a determination in a matter in which a tribunal has jurisdiction.

Industrial Arbitration (Amendment).

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

“Contract of bailment” in relation to a public vehicle means a contract (not being a hire-purchase agreement within the meaning of the Hire-Purchase Act, 1960) under which a public vehicle is bailed to a person to enable him—

(a) where the public vehicle is a taxi-cab—to ply for hire; or

(b) where the public vehicle is a private hire car—to transport passengers,

in a transport district established under the Transport Act, 1930.

“Contract of carriage” has the meaning ascribed thereto in subsection (3A).

(e) Section 5 (1), definition of “Employee”—

Omit “In determining whether a person who, in performing work, drives a motor vehicle, is an employee, if the person would be held to be an employee if the motor vehicle which he was driving in the performance of such work was owned by the person alleged to be his employer then such person shall be held to be an employee of such alleged employer although he is owner or lessee of the vehicle or has the use of the vehicle under a hire purchase agreement or other arrangement whatsoever.”.

(f) Section 5 (1), definition of “Member of the family”—

After the definition of “Managerial position”, insert:—

“Member of the family” in relation to a person means his spouse, father, mother, grandfather, grandmother, step-father, step-mother, child,

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

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

step-child, brother, sister, half-brother, half-sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law and sister-in-law.

(g) Section 5 (1), definition of “Motor lorry”—

After the definition of “Minister”, insert :—

“Motor lorry” has the same meaning as it has in the regulations made under the Motor Traffic Act, 1909.

(h) Section 5 (1), definitions of “Primary producer”,
“Principal contractor”—

After the definition of “Prescribed”, insert :—

“Primary producer” means a person who cultivates or uses land—

- (a) for the production for sale of fruit, grain, flowers, vegetables, tobacco, honey, timber or any other farm or agricultural produce;
- (b) for the maintenance of animals or birds, for the purpose of selling them or their bodily produce; or
- (c) as a nurseryman.

“Principal contractor” means a person who enters into a contract (other than a contract of employment) with another person for the transportation by that other person of any load other than passengers.

Industrial Arbitration (Amendment).

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

(i) Section 5 (1), definition of “Public vehicle”—

After the definition of “Public authority”, insert :—

“Public vehicle” means—

(a) a taxi-cab; or

(b) a private hire car,

within the meaning of the Transport Act,
1930.

(j) Section 5 (1), definition of “Tribunal”—

Before the definition of “Under Secretary”, insert :—

“Tribunal” means a contract regulation tribunal
established under Part VIIIA.

(k) Section 5 (3A)–(3C)—

After section 5 (3), insert :—

(3A) Subject to subsection (3B), a reference in this Act to a contract of carriage is a reference to a contract (whether written or oral or partly written and partly oral and whether entered into before or after the commencement of the Industrial Arbitration (Amendment) Act, 1979) that is not a contract of employment and is made between a principal contractor and a carrier who transports a load (other than passengers) the subject of the contract by means of a motor lorry in the course of a business of transporting loads of that kind by motor lorry but only if—

(a) where the carrier is not a partnership or corporation—no person except the carrier is, except in the prescribed circumstances,

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

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

employed (whether pursuant to a contract of employment or not and whether by the carrier or not) in driving or riding upon the motor lorry, or any other motor lorry, in the course of that business;

- (b) where the carrier is a partnership—no person other than a partner is, except in the prescribed circumstances, employed (whether pursuant to a contract of employment or not and whether by the partnership or not) in driving or riding upon the motor lorry, or any other motor lorry, in the course of that business; or
- (c) where the carrier is a corporation—no person is, except in the prescribed circumstances, employed (whether pursuant to a contract of employment or not and whether by the corporation or not) in driving or riding upon the motor lorry, or any other motor lorry, in the course of that business unless he is—
 - (i) a director of the corporation or a member of the family of a director of the corporation;
 - (ii) a person who, together with the members of his family, has a controlling interest in the corporation; or
 - (iii) a member of the family of a person who, together with the members of his family, has a controlling interest in the corporation.

Industrial Arbitration (Amendment).

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

(3B) A reference in this Act to a contract of carriage does not include a reference to a contract of carriage—

- (a) where the carrier is a common carrier;
- (b) that is one of 2 or more contracts of carriage of packaged goods made with 2 or more different principal contractors and executed by the use of the same motor lorry;
- (c) for the carriage of mail;
- (d) for the carriage of bread, milk or cream for sale or delivery for sale;
- (e) for the carriage of goods that are to be sold pursuant to orders solicited during the carriage of the goods;
- (f) for the carriage of livestock;
- (g) where the principal contractor is a primary producer or a member of the family of a primary producer and the contract is for the transportation of primary produce; or
- (h) for the transportation of primary produce from or to land used for primary production.

(3c) Where a person—

- (a) is in possession of a private hire car otherwise than as a bailee or employee; and

Industrial Arbitration (Amendment).

SCHEDULE 1—*continued.*

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

- (b) is, in a transport district established under the Transport Act, 1930, engaged in transporting passengers in the private hire car pursuant to a licence under that Act of which he is not the holder,

the provisions of this Act apply to and in respect of that person in the same way as they would apply to him if he were in possession of the private hire car under a contract of bailment made with the holder of the licence.

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART II OF THE INDUSTRIAL ARBITRATION
ACT, 1940.

- (1) Part II, heading—

Omit “AND CONCILIATION COMMITTEES”, insert instead
“, CONCILIATION COMMITTEES AND CONTRACT
REGULATION TRIBUNALS”.

- (2) (a) Section 14 (7)—

After “a committee,”, insert “a tribunal”.

- (b) Section 14 (7)—

After “committee” where secondly and thirdly occurring, insert “or tribunal”.

Industrial Arbitration (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(c) Section 14 (8) (b), (c), (d)—

Omit “or decision” wherever occurring, insert instead
“, decision or contract determination”.

(d) Section 14 (10)—

Omit “and the conciliation committees”, insert instead
“, the conciliation committees and the contract
regulation tribunals”.

(e) Section 14 (12)—

After “committee”, insert “or tribunal”.

(f) Section 14 (13)—

After “concerned”, insert “or, as the case may be, of
the contract regulation tribunal established for the
class of contracts concerned”.

(3) (a) Section 15 (1A) (c)—

After “committees”, insert “and tribunals”.

(b) Section 15 (1B)—

After “committee”, insert “and of each tribunal”.

(4) (a) Section 17A (1) (a)—

After “callings”, insert “and with matters arising under
contracts to which Part VIIIA applies”.

(b) Section 17A (1) (b)—

Omit “or callings”, insert instead “, callings or classes
of contracts”.

Industrial Arbitration (Amendment).

SCHEDULE 2—*continued.*

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

(c) Section 17A (2)—

After “dispute”, insert “, or a dispute concerned with a contract to which Part VIIIA applies,”.

(d) Section 17A (4)—

After “dispute” where firstly occurring, insert “, or a dispute concerned with a contract to which Part VIIIA applies,”.

(e) Section 17A (4)—

Omit “industrial” where secondly occurring.

SCHEDULE 3.

Sec. 4.

AMENDMENTS TO PART III OF THE INDUSTRIAL ARBITRATION
ACT, 1940.

(1) (a) Section 24 (7)—

After “commissioner,”, insert “or a contract determination of a tribunal,”.

(b) Section 24 (7)—

After “award” where secondly occurring, insert “or determination”.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE INDUSTRIAL
ARBITRATION ACT, 1940—*continued.*

(c) Section 24 (8)—

After “commissioner”, insert “or any party to a contract, or any association registered under Part VIIIA, affected by a contract determination of a tribunal or of a conciliation commissioner”.

(d) Section 24 (8) (a)—

Omit “or decision”, insert instead “, decision or determination”.

(e) Section 24 (9)—

After “committee” where firstly occurring, insert “, tribunal”.

(f) Section 24 (9) (a)—

After “committee”, insert “or tribunal”.

(g) Section 24 (9) (c)—

After “committee”, insert “, tribunal”.

(h) Section 24 (9A)—

After “commissioner” where firstly occurring, insert “, or from a contract determination of a tribunal or a conciliation commissioner”.

(i) Section 24 (9A)—

After “committee” where secondly occurring, insert “or tribunal”.

(j) Section 24 (9A)—

Omit “or decision” where secondly occurring, insert instead “, decision or determination”.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*

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

(k) Section 24 (11)—

After “committee”, insert “or tribunal”.

(2) (a) Section 25 (1) (d), (e)—

After section 25 (1) (c), insert :—

(d) where any question, dispute or difficulty has arisen which, in his opinion, might lead, or has led—

(i) to owners of public vehicles being in breach of contracts of bailment of those vehicles or refusing to enter into contracts of bailment of those vehicles;

(ii) to principal contractors under contracts of carriage being in breach of those contracts or persons refusing to enter into contracts of carriage as principal contractors;

(iii) to bailees of public vehicles or carriers under contracts of carriage being in breach of those contracts; or

(iv) to persons refusing to enter into contracts as bailees of public vehicles or as carriers under contracts of carriage;

(e) where there is any question, dispute or difficulty arising from the reorganisation of the business of a principal contractor that affects, or is likely to affect, the number of carriers used by the principal contractor or their remuneration,

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE INDUSTRIAL
ARBITRATION ACT, 1940—*continued.*

(b) Section 25 (3) —

After “concerned”, insert “or, in the case referred to in subsection (1) (d) or (e), the members of the contracts regulation tribunal concerned”.

(c) Section 25 (3A)—

Omit “or the committee”, insert instead “, committee or tribunal”.

(d) Section 25 (3A)—

After “strike”, insert “, or the bailee or carriers concerned therein may be in breach of their contracts, or the persons concerned therein may be refusing to enter into contracts as bailees or carriers”.

(e) Section 25 (4) (a)—

After “may”, insert “, in the case of a conference summoned pursuant to subsection (1) (a), (b) or (c)”.

(f) Section 25 (4) (a1)—

After section 25 (4) (a), insert :—

(a1) where the conciliation commissioner is sitting alone he may, in the case of a conference summoned pursuant to subsection (1) (d) or (e)—

(i) make such order in relation to the question, dispute or difficulty as he thinks fit;

(ii) make such contract determination in relation to the question, dispute or difficulty as a tribunal could have

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*

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

made on an application under Part
VIII A, and his determination shall
have the same effect as a determina-
tion of a tribunal on such an
application; or

- (iii) refer the question, dispute or difficulty
to the commission;

- (g) Section 25 (4) (b) (ii)—

Omit “commission.”, insert instead “commission; or”.

- (h) Section 25 (4) (c)—

After section 25 (4) (b), insert :—

- (c) where the members of the contract regulation
tribunal are summoned to sit with the concilia-
tion commissioner they, together with the
conciliation commissioner as chairman, may—

- (i) sit as a tribunal and make an order
or contract determination in relation
to the question, dispute or difficulty; or
(ii) refer the question, dispute or difficulty
to the commission.

- (i) Section 25 (5)—

Omit “paragraphs (a), (b) and (c) of subsection
(1)”, insert instead “subsection (1) (a), (b) or (c),
or a conciliation commissioner or a tribunal considers
that the public interest is or could be adversely affected
by any question, dispute or difficulty of the nature
referred to in subsection (1) (d) or (e)”.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE INDUSTRIAL
ARBITRATION ACT, 1940—*continued.*

(j) Section 25 (5)—

After “award” where firstly occurring, insert “, or the conciliation commissioner or the tribunal may make an interim order or contract determination,”.

(k) Section 25 (5)—

Omit “or award” where secondly, thirdly, fourthly, fifthly and sixthly occurring, insert instead “, award or contract determination”.

(l) Section 25 (5A)—

Omit “or award” wherever occurring, insert instead “, award or contract determination”.

(m) Section 25 (5A)—

Omit “or committee”, insert instead “, committee or tribunal”.

(n) Section 25 (6)—

Omit “or a committee”, insert instead “, committee or tribunal”.

(3) Section 25A (2)—

At the end of section 25A, insert :—

(2) As soon as an association registered under Part VIIIA, or a bailor of a public vehicle, or a principal contractor under a contract of carriage, becomes aware of any question, dispute or difficulty of the nature referred to in section 25 (1) (d) or (e), the association, bailor or principal contractor shall forthwith notify the registrar accordingly.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*

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

(4) (a) Section 26—

After “calling”, insert “or, as the case may require, the members of the contract regulation tribunal for the class of contracts to which the matter relates”.

(b) Section 26—

After “committee” where secondly occurring, insert “or, as the case may be, a tribunal”.

(c) Section 26—

After “committee” where thirdly occurring, insert “, and against any contract determination of a tribunal,”.

(d) Section 26—

Omit “or award” where secondly occurring, insert instead “, award or contract determination”.

(5) (a) Section 27—

After “committee” where firstly occurring, insert “, and any contract determination of a tribunal,”.

(b) Section 27—

After “committee” where secondly and thirdly occurring, insert “, or contract determination of a tribunal,”.

(6) Section 30 (2)—

At the end of section 30, insert :—

(2) The commission, in addition to the jurisdiction and powers conferred on it by this Act, shall have the powers and may exercise the jurisdiction conferred by this Act on

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE INDUSTRIAL
ARBITRATION ACT, 1940—*continued.*

a contract regulation tribunal and the chairman of a contract regulation tribunal, and may exercise the powers, jurisdiction and functions of a contract regulation tribunal in respect of a class of contract to which Part VIIIA applies notwithstanding that a tribunal may not have been established for contracts of that class.

(7) (a) Section 30A (a)—

Omit “industrial matters by means of conciliation”, insert instead “by means of conciliation industrial matters and matters arising under contracts to which Part VIIIA applies”.

(b) Section 30A (b)—

After “matters” where firstly occurring, insert “and matters arising under contracts to which Part VIIIA applies”.

(c) Section 30A (b)—

Omit “industrial” where secondly occurring.

(8) (a) Section 30B (1) (a)—

Omit “or ruling”, insert instead “, ruling or contract determination”.

(b) Section 30B (1) (f)—

After “employees”, insert “or association of contract drivers or association of contract carriers”.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*

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

- (c) Section 30B (1) (g)—
Omit “or decisions”, insert instead “, decisions or contract determinations”.
- (d) Section 30B (1) (h)—
After “matter”, insert “or matter in respect of which a tribunal has jurisdiction,”.
- (e) Section 30B (1)—
Omit “or decision”, insert instead “, decision or contract determination”.
- (9) (a) Section 30c—
After “committee” where firstly occurring, insert “, a contract regulation tribunal”.
- (b) Section 30c—
Omit “conciliation committee” where secondly occurring, insert instead “committee or tribunal”.
- (10) (a) Section 31 (a)—
After “matter”, insert “or with any person or association of principal contractors, or association of contract drivers or contract carriers, as to anything affecting the settlement of a matter arising under a contract to which Part VIIIA applies”.
- (b) Section 31 (b) (i)—
Omit “or” where fourthly occurring.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE INDUSTRIAL
ARBITRATION ACT, 1940—*continued.*

(c) Section 31 (b) (ii)—

After “committee”, insert “, tribunal”.

(d) Section 31 (b) (ii)—

After “commissioner;”, insert “or”.

(e) Section 31 (b) (iii)—

After section 31 (b) (ii), insert :—

- (iii) to make a contract determination or vary or rescind any contract determination made by it, a tribunal or a conciliation commissioner;

(11) (a) Section 33 (b)—

After “industry” wherever occurring, insert “or business”.

(b) Section 33 (b)—

After “grant the”, insert “terms or”.

(c) Section 33 (b)—

After “employer” wherever occurring, insert “or person carrying on business”.

Industrial Arbitration (Amendment).

SCHEDULE 3—*continued.*

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

(12) Section 36 (2)—

At the end of section 36, insert :—

(2) The commission may, on the application of the Minister, a bailor of a public vehicle, a principal contractor or an association registered under Part VIIIA, determine any question as to the demarcation of the interests of associations so registered in the regulation of the conditions of contracts to which that Part applies.

SCHEDULE 4.

Sec. 4.

AMENDMENTS TO PART VII OF THE INDUSTRIAL ARBITRATION
ACT, 1940.

(1) Part VII, Division 1, heading—

After “Committees”, insert “and Contract Regulation Tribunals”.

(2) (a) Section 74 (2)—

Omit “Any such application”, insert instead “An application under subsection (1) (b)”.

(b) Section 74 (3)–(5)—

After section 74 (2), insert :—

(3) Proceedings before a tribunal shall be commenced by—

(a) reference to the tribunal by the commission or the Minister; or

Industrial Arbitration (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO PART VII OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

- (b) an application made as provided by subsections (4) and (5).
- (4) An application under subsection (3) (b) may be made by—
 - (a) a bailor under a contract of bailment of a public vehicle, if the average number of different bailees with whom he entered into contracts of bailment on each working day during the period of 1 month that next preceded the making of the application was not less than 10;
 - (b) a principal contractor under a contract of carriage, if the average number of different carriers with whom he entered into contracts of carriage on each working day during the period of 1 month that next preceded the making of the application was not less than 10;
 - (c) an association of employing contractors, or any other association, which represents bailors or principal contractors who are, or some of whom are, parties to contracts of the class in respect of which the tribunal is established; or
 - (d) an association of contract drivers or an association of contract carriers which represents bailees or carriers who are, or some of whom are, parties to contracts of the class for which the tribunal is established.

Industrial Arbitration (Amendment).

SCHEDULE 4—*continued.*

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

(5) An application under subsection (3) (b)
shall—

- (a) be in or to the effect of the prescribed form;
- (b) contain the prescribed particulars; and
- (c) be signed by such persons of such classes
or descriptions as may be prescribed.

(3) Section 75—

After “committee” wherever occurring, insert “or tribunal”.

(4) Section 76—

After “committee”, insert “or tribunal”.

(5) (a) Section 77 (1)—

Omit “conciliation”.

(b) Section 77 (1)—

After “committee” wherever occurring, insert “or
tribunal”.

(6) (a) Section 77A—

After “committee” wherever occurring, insert “or
tribunal”.

(b) Section 77A—

Omit “committee’s”.

Industrial Arbitration (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO PART VII OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(c) Section 77A—

After “determination”, insert “of the committee or tribunal”.

(7) Section 77B—

After “committee” wherever occurring, insert “or tribunal”.

(8) (a) Section 77C—

After “committee”, insert “or tribunal”.

(b) Section 77C—

After “matter”, insert “, or a matter arising under a contract to which Part VIIIA applies,”.

(9) (a) Section 77D—

After “committee” where firstly, thirdly, fourthly, fifthly, sixthly, seventhly and eighthly occurring, insert “or tribunal”.

(b) Section 77D—

After “industry” wherever occurring, insert “or business”.

(c) Section 77D—

After “grant the”, insert “terms or”.

(d) Section 77D—

After “employer” wherever occurring, insert “or person carrying on business”.

Industrial Arbitration (Amendment).

SCHEDULE 4—*continued.*

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

(10) Section 77E—

After “committee” wherever occurring, insert “or tribunal”.

(11) (a) Section 77G—

After “committee”, insert “or contract determination
of a tribunal”.

(b) Section 77G—

Omit “or order” where secondly occurring, insert
instead “, order or determination”.

(12) Section 78—

Omit “or a committee”, insert instead “, a committee or
a tribunal”.

(13) (a) Section 80 (1)—

After “matter”, insert “or a matter arising under a
contract to which Part VIIIA applies”.

(b) Section 80 (2)—

Omit “or a committee”, insert instead “, a committee
or a tribunal”.

(c) Section 80 (2)—

Omit “or the committee”, insert instead “, the com-
mittee or the tribunal”.

Industrial Arbitration (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO PART VII OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(d) Section 80 (3)—

Omit “or a committee”, insert instead “a committee or a tribunal”.

(e) Section 80 (3)—

Omit “or committee”, insert instead “committee or tribunal”.

(14) Section 82—

Omit “or a committee”, insert instead “, a committee or a tribunal”.

(15) Section 83—

Omit “or a committee”, insert instead “, a committee or a tribunal”.

(16) Section 83A—

After “committee”, insert “, a tribunal”.

(17) (a) Section 84 (1) (a)—

Omit “or proceeding”, insert instead “, proceeding or contract determination”.

(b) Section 84 (1) (b)—

Omit “or direction”, insert instead “, direction or contract determination”.

Industrial Arbitration (Amendment).

SCHEDULE 4—*continued.*

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

(c) Section 84 (1) (b)—

After “industrial matter” wherever occurring, insert
“or matter in respect of which a tribunal has
jurisdiction”.

(d) Section 84 (2)—

Omit the subsection.

SCHEDULE 5.

Sec. 4.

AMENDMENTS TO PART VIII OF THE INDUSTRIAL ARBITRATION
ACT, 1940.

(1) Section 88E (1) (a), (c)—

Omit the paragraphs.

(2) (a) Section 88F (1) (e)—

Omit “or agreement”, insert instead “, industrial
agreement, agreement registered under Part VIIIA or
contract determination”.

(b) Section 88F (4)—

After section 88F (3), insert :—

(4) An application under this section in respect
of a contract of carriage to which Part VIIIA applies
may be made by a party to the contract or by an
association of contract carriers of which a party to
the contract is a member.

Industrial Arbitration (Amendment).

SCHEDULE 5—*continued.*

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

(3) Section 90—

After “award,” insert “contract determination,”.

(4) Section 90A (2)—

At the end of section 90A, insert :—

(2) In subsection (1), a reference to an award includes a reference to a contract determination.

(5) (a) Section 90B—

Omit “or order” wherever occurring, insert instead “, order or contract determination”.

(b) Section 90B (2)—

After “union”, insert “or, in the case of a contract determination, any person or any association registered under Part VIIIA,”.

(6) Section 91—

After “awards,” insert “contract determinations,”.

Industrial Arbitration (Amendment).

SCHEDULE 6.

Sec. 4.

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN CONTRACTS.

Part VIIIA—

After Part VIII, insert :—

PART VIIIA.

REGULATED CONTRACTS.

DIVISION 1.—*Preliminary.*

91A. (1) In this Part “registered agreement” means an agreement registered under Division 3.

Interpreta-
tion:
Pt. VIIIA.

(2) The contracts to which this Part applies are contracts of bailment of a public vehicle and contracts of carriage.

DIVISION 2.—*Associations.*

91B. (1) The registrar may, on application made in accordance with subsection (2), register any group or organisation as an association of employing contractors where, throughout the period of 6 months that last preceded the making of the application, members of the group or organisation have been—

Associa-
tion of
principal
con-
tractors.

- (a) bailors under contracts of bailment of a public vehicle made with not less than 25 different bailees; or
- (b) principal contractors under contracts of carriage with not less than 25 different carriers.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

(2) An application referred to in subsection (1) is made in accordance with this subsection if—

- (a) it is in or to the effect of the prescribed form; and
- (b) it is signed by a majority of the members of the governing body of the applicant group or organisation or, if there is no such governing body, by a majority of the members of the group or organisation.

(3) A group or organisation that has made an application under this section is registered when the registrar causes its name to be entered in the register of associations of employing contractors kept by him together with particulars of the class of contracts in relation to which it is registered and such other particulars as may be prescribed.

(4) The commission may order cancellation of the registration of an association of employing contractors—

- (a) if it is satisfied that, throughout the period of 6 months that last preceded the day of the making of the order, the members of the association had not been parties to contracts with at least 25 different carriers, being contracts of the class in relation to which it is registered;
- (b) if it is satisfied that the group or organisation comprising the association has ceased to exist; or
- (c) for any other reason that to it seems appropriate.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

(5) Where the commission makes an order referred to in subsection (4), the registrar shall cancel the registration of the association by removing from the register of associations of employing contractors the name of the association and all entries in the register that relate to it.

91c. (1) After the expiration of the period of 12 months that next succeeds the commencement of the Industrial Arbitration (Amendment) Act, 1979, the registrar may, on application made in accordance with subsection (2)—

Associations of contract drivers and contract carriers.

- (a) register as an association of contract drivers any group or organisation (including an industrial union of employees) claiming to represent not fewer than 50 bailees of public vehicles; or
- (b) register as an association of contract carriers any group or organisation (including an industrial union of employees) claiming to represent not fewer than 50 carriers each of whom is engaged in the transportation of any load, other than passengers, under contracts of carriage.

(2) An application referred to in subsection (1) is made in accordance with this subsection if—

- (a) it is in or to the effect of the prescribed form; and
- (b) it is signed by a majority of the members of the governing body of the applicant group or organisation or, if there is no such governing body, by a majority of the members of the group or organisation.

Industrial Arbitration (Amendment).

SCHEDULE 6—continued.

**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—continued.**

(3) The registrar shall cause notice of an application referred to in subsection (1) to be published as prescribed.

(4) Any person may, by notice in writing served on the registrar within the prescribed period, object to the granting of an application referred to in subsection (1) on the ground—

- (a) that the applicant does not genuinely represent the interests under this Act of the bailees or carriers that it claims to represent; or
- (b) that the interests under this Act of bailees or carriers whom the applicant claims to represent are already represented by an association of contract drivers or an association of contract carriers.

(5) The registrar shall fix a time and place for the hearing by him of objections served on him under subsection (4) and shall notify the applicant and the objectors of that time and place.

(6) At the hearing of an objection served under subsection (4), the objector and the applicant are entitled to be heard and, after considering the evidence given and the submissions made at the hearing, the registrar shall, if he sustains the objection, refuse the application to which the objection relates.

(7) The registrar shall, in writing, notify all objectors to the granting of an application referred to in subsection (1), and the applicant, of his decision on the objections and of his reasons for that decision.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

(8) Whether or not an objection is made under this section, the registrar may refuse to register an application referred to in subsection (1) on any ground on which an objection may be made to the application and shall, where he so refuses to register an application, notify the applicant in writing of his refusal and of his reasons for that refusal.

(9) A group or organisation that has made an application under this section is registered when the registrar causes its name to be entered in the register of associations of contract drivers kept by him or the register of associations of contract carriers so kept, as the case may require, together with particulars of the class of contracts in relation to which it is registered and such other particulars as may be prescribed.

(10) A branch of a group or organisation shall not be registered separately as an association under this section unless, in the opinion of the registrar, it is of sufficient importance to be so registered.

(11) The registrar may issue a certificate of withdrawal with respect to an association of contract drivers or an association of contract carriers if he is satisfied that—

- (a) an application for such a certificate has been made in the prescribed manner;
- (b) written notice of the intention to apply for such a certificate has been given within the period and in the manner prescribed; and
- (c) such other conditions as may be prescribed have been complied with.

Industrial Arbitration (Amendment).

*SCHEDULE 6—continued.**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—continued.*

(12) The commission may order cancellation of the registration of an association of contract drivers or an association of contract carriers or a particular group, class or section of such an association—

- (a) if it is satisfied that the group or organisation comprising the association has ceased to exist; or
- (b) for any other reason that to it seems appropriate.

(13) Where, in relation to an association of contract drivers or an association of contract carriers—

- (a) an order has been made under subsection (12);
or
- (b) a certificate of withdrawal has been issued under subsection (11) and the period of 28 days that next succeeds the issue of the certificate has expired,

the registrar shall cancel the registration of the association by removing from the relevant register the name of the association and all entries in the register that relate to it.

(14) Where the registration of an association is cancelled under this section, the commission may cancel—

- (a) any contract determination in force with respect to members of the association; or
- (b) any registered agreement so in force.

(15) The commission may, upon such grounds as it thinks fit, modify or revoke the right of an association to enrol and represent, for the purposes of this Act, bailees of public vehicles or carriers.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

91D. The cancellation of the registration of an association under section 91C, or the cancellation under section 91C (14) of a determination or agreement, does not operate to relieve the association or any of its members from any obligations incurred before the cancellation under the determination or agreement or under an order of the commission, a conciliation commissioner or a tribunal.

Saving of
certain
obligations.

91E. (1) Where—

(a) an association, whether of employing contractors, contract drivers or contract carriers, has changed its name; or

Change of
name or
amalgama-
tion of
associations.

(b) two or more such associations have amalgamated, the registrar may, on application being made to him by that association, or, as the case may be, by those amalgamated associations, as provided in subsection (2), record any such change of name or amalgamation in the appropriate register or registers in such manner as he thinks fit.

(2) An application referred to in subsection (1) shall be made in the prescribed manner, shall be in or to the effect of the prescribed form and shall be signed by a majority of the members of the governing body or bodies or committee or committees of management of the association or associations concerned.

(3) A recording made under subsection (1) shall be deemed to be a re-registration of the applicant association or associations under such name as is specified in the application, but any such change of name or amalgamation

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.***

does not affect any rights, liabilities or obligations of the applicant association or associations which existed immediately before the recording was made.

(4) The registrar may, in respect of an application made under this section by an association or associations of contract drivers or contract carriers, or both, refuse the application and require the association or associations to make an application for registration under section 91C under the changed or amalgamated name.

Certificates
of registra-
tion, etc.

91F. (1) On the registration of an association of employing contractors, contract drivers or contract carriers, the registrar shall issue to the association a certificate in or to the effect of the prescribed form that the association is registered as an association of employing contractors or, as the case may be, as an association of contract drivers or an association of contract carriers and the certificate shall be conclusive evidence that the requirements of this Act as to registration have been satisfied.

(2) On application being made to the registrar by a person claiming to be the secretary of an association of employing contractors, contract drivers or contract carriers, the registrar may, if he is satisfied that that person has been duly elected or appointed as the secretary of the association and that the requirements of the constitution of the association relating to that election or appointment have been complied with, issue a certificate in or to the effect of the prescribed form that that person is the secretary of an association of employing contractors, contract drivers or contract carriers, as the case may be, and

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

that certificate shall be admissible in evidence in any proceedings under this Act and shall be evidence that that person is the secretary of the association that is specified in the certificate.

(3) A person to whom a certificate has been issued under subsection (2) shall, on ceasing to hold office as secretary of the association specified in the certificate, or on being requested by the registrar to do so, forthwith return the certificate to the registrar for cancellation.

(4) A person who fails to comply with subsection (3) when it is within his power to do so is guilty of an offence and is liable on conviction to a penalty not exceeding \$200.

91G. (1) The registrar shall keep a register of associations of employing contractors, a register of associations of contract drivers and a register of associations of contract carriers which shall be open to inspection by any person at the office of the registrar at all times when that office is open for business. Registers to be kept.

(2) The registers referred to in subsection (1) shall be kept in such form and contain such particulars as may be prescribed.

(3) A certificate purporting to be under the hand of the registrar and purporting to contain a true and correct copy of a recording made in a register kept under this section is admissible in evidence in any proceedings under this Act, is evidence of the matters specified in the certificate and, until the contrary is proved, shall be deemed to be a true and correct copy of the recording.

Industrial Arbitration (Amendment).

*SCHEDULE 6—continued.**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—continued.**DIVISION 3.—Agreements.*

Certain
agreements
may be
entered
into.

91H. (1) An association of contract drivers may enter into an agreement in writing with a bailor of a public vehicle, or with an association of employing contractors representing bailors of public vehicles, with respect to the conditions of contracts of bailment made with that bailor or, as the case may be, bailors represented by the association.

(2) An association of contract carriers may enter into an agreement in writing with a principal contractor, or with an association of employing contractors, with respect to the conditions of contracts of a specified class made with carriers by that principal contractor or, as the case may be, with principal contractors represented by the association.

(3) Where an agreement entered into under subsection (1) or (2) is registered and is for a term, specified in the agreement, not exceeding 5 years from the date on which it is entered into, the agreement, or the agreement as varied in accordance with this section, is binding on the parties to the agreement and, in the case of a party that is an association, on all members of the association.

(4) An agreement under this section is registered when it is filed in the office of the registrar.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

(5) An agreement that, by the operation of subsection (3), is binding on a corporation as a member of an association of contract carriers is, except to the extent that the agreement otherwise provides, also binding on—

- (a) any director of the corporation, or any member of the family of any such director, who personally does work under a contract to which the agreement relates and to which the corporation is a party;
- (b) any holder of shares in the corporation who personally does work under any such contract where that holder, together with the members of his family, has a controlling interest in the corporation; and
- (c) any member of the family of the holder of shares in the corporation who personally does work under any such contract where that holder, together with the members of his family, has a controlling interest in the corporation.

(6) A registered agreement may be varied or rescinded by the parties thereto by filing in the office of the registrar written notice of the variation or rescission.

(7) Where a provision of a contract of a class to which a registered agreement relates is inconsistent with a provision of the agreement, the agreement prevails and the contract shall be deemed to have been varied to the extent necessary to remove the inconsistency.

*Industrial Arbitration (Amendment).*SCHEDULE 6—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

(8) The registrar shall cause to be published in the Gazette or in the New South Wales Industrial Gazette a copy of each registered agreement, and of each variation of such an agreement, as soon as practicable after the agreement or variation is filed in his office.

Agreement
continues
in force
after
expiration.

91I. A registered agreement continues in force after the expiration of the term specified in it until varied or rescinded by the parties or by the commission or until notice of termination is given by a party to the agreement to the other party or parties and to the registrar.

DIVISION 4.—*Contract Regulation Tribunals.*

Establish-
ment of
tribunals.

91J. (1) The commission may, of its own motion or on application by an association of employing contractors, contract drivers or contract carriers, establish a contract regulation tribunal in respect of any class of contracts that are contracts to which this Part applies.

(2) Each tribunal shall consist of the following members appointed by the commission :—

- (a) a conciliation commissioner who shall be chairman of the tribunal;
- (b) such number of members, nominated in the prescribed manner by the prescribed person, as the commission determines, being—
 - (i) where the class of contracts for which the tribunal is established is a class of contracts of bailment of a public vehicle—members representing bailors of public vehicles bailed under contracts of that class; or

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

- (ii) where the class of contracts for which the tribunal is established is a class of contracts of carriage—members representing principal contractors under contracts of that class; and
 - (c) an equal number of members, nominated in the prescribed manner by the prescribed person, being—
 - (i) where the class of contracts for which the tribunal is established is a class of contracts of bailment of a public vehicle—members representing bailees of public vehicles bailed under contracts of that class; or
 - (ii) where the class of contracts for which the tribunal is established is a class of contracts of carriage—members representing carriers under contracts of that class.
- (3) A person shall not be appointed as a member (including a deputy or alternate member) of a tribunal unless the commission is satisfied that he—
 - (a) is or has been a party to contracts of the class with which the tribunal is concerned; or
 - (b) is acquainted with conditions prevailing in relation to contracts of that class.
- (4) The commission may appoint persons, nominated in the prescribed manner by the prescribed person, to be deputy or alternate members of a tribunal, and persons so appointed shall be competent to discharge the duties of regular members of the tribunal.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.***

(5) Where no nomination has been made of a person who is willing to be a member of a tribunal to represent bailors, principal contractors, bailees or carriers, as the case may be, the commission may, subject to subsection (3), appoint a person without his being nominated.

(6) A member of a tribunal other than the chairman is not entitled to be paid any remuneration by way of salary or fee but is entitled to be paid such travelling and subsistence allowances as the Minister may from time to time determine in respect of him.

(7) On appointment, a member of a tribunal shall take the prescribed oath, but where a person on appointment as a member of a tribunal has taken the prescribed oath, that person is not, on any subsequent appointment as a member of a tribunal, required to take a further oath if the oath originally taken by him was recorded by the registrar.

(8) The registrar shall keep a register in which he shall cause to be recorded oaths taken in accordance with subsection (7).

(9) The commission may at any time dissolve a tribunal.

(10) A member of a tribunal shall hold office until the tribunal is dissolved, the member dies or resigns or the person who nominated him notifies the registrar that the nomination is withdrawn, whichever first occurs.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

(11) A new tribunal may be appointed to replace a tribunal which has been dissolved or the members of which have resigned or otherwise ceased to hold office.

(12) On the occurrence of a vacancy in the membership of a tribunal, the commission may appoint a duly qualified person, nominated in the prescribed manner by the prescribed person, to fill the vacancy.

(13) A tribunal may, notwithstanding that any person has been appointed to fill a vacancy that has occurred on the tribunal, continue the hearing and determination of any matter which it was hearing when the vacancy occurred.

(14) On the appointment of a member to a tribunal under this section or on the cessation of office of a member of the tribunal, the commission shall cause a notice of that appointment or cessation of office to be published in the Gazette or in the New South Wales Industrial Gazette.

(15) A copy of a Gazette or of a New South Wales Industrial Gazette containing a notice of appointment purporting to have been published in accordance with subsection (14) is conclusive evidence that the person named in the notice has been properly appointed as a member of the tribunal specified in the notice and has, until a notice of cessation of office is published in respect of that person in accordance with that subsection, power and jurisdiction to act as a member of the tribunal and such an appointment shall not be challenged for any cause.

Industrial Arbitration (Amendment).

SCHEDULE 6—continued.**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—continued.**

Jurisdic-
tion of
tribunal
with
respect to
contracts
of bailment
of public
vehicle.

91K. (1) Subject to this Act, a tribunal established for a class of contracts of bailment of a public vehicle may inquire into any matter arising under contracts of that class and may make a contract determination with respect to—

- (a) the minimum rate of commission, expressed as a percentage of the chargeable fares earned, which the bailor is to allow the bailee;
 - (b) the amounts, if any, to be paid by the bailor to the bailee—
 - (i) as attendance money when the bailee is required to attend at a place where the public vehicle is to be bailed to him but no such bailment takes place; and
 - (ii) for special duties such as preparing and driving a public vehicle to a registering or licensing authority for inspection;
 - (c) annual holidays, sick leave and long service leave for the bailee or payments to the bailee instead of any such leave;
 - (d) the minimum number of hours per day, per week or for any longer period during which the bailor is to bail the vehicle, if drivable, to the bailee;
 - (e) where it is satisfied that it is imperative to do so in the interests of bailors, bailees and the public—the maximum number of hours per day, per week or for any longer period that a bailee may drive a public vehicle; and
 - (f) other conditions,
- under contracts of that class.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

(2) Subsection (1) (a) does not authorise a tribunal to fix penalty rates of commission in relation to excess hours of work or work on specified days but, in fixing a rate of commission under subsection (1) (a), a tribunal may take into account all the circumstances in which a public vehicle is driven for reward.

(3) Subject to this Act, a tribunal established for a class of contracts of bailment of a public vehicle may, after inquiry, make a contract determination with respect to the reinstatement of a contract of bailment that has terminated.

91L. (1) Subject to this Act, a tribunal established for a class of contracts of carriage may inquire into any matter arising under contracts of that class and may make a contract determination with respect to remuneration of the carrier, and any condition, under a contract of that class. Jurisdiction of tribunal with respect to contracts of carriage.

(2) In exercising its jurisdiction under subsection (1), a tribunal may—

- (a) include in the remuneration of persons affected by its determination such allowance instead of annual or other holidays, long service leave or sick leave as it thinks fit; or
- (b) otherwise make provision for all or any of those matters.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

Conference
to precede
contract de-
termination.

91M. (1) Where application is made to a tribunal to exercise its jurisdiction under section 91K or 91L, the chairman of the tribunal shall, before the tribunal considers the application, summon to a conference with the tribunal the applicant and such other persons served with the application as he may direct.

(2) Where a person is summoned under subsection (1) to a conference and he fails, without lawful excuse, to attend the conference in accordance with the summons, or if he leaves the conference without the consent of the chairman of the tribunal, he is guilty of an offence and liable to a penalty not exceeding \$100.

(3) A conference under subsection (1) shall be held in private unless the tribunal otherwise directs and, at the conference, the tribunal shall—

- (a) ascertain which of the matters with which the application is concerned are in dispute and which are not;
- (b) ascertain whether there are any special circumstances or problems existing with respect to contracts of the class with which the application is concerned; and
- (c) take all reasonable steps to effect an amicable settlement of any matters in dispute.

(4) After conferring on an application as provided by subsection (1), a tribunal may—

- (a) dismiss the application;
- (b) proceed to hear the application or specify a time and place at which it will be heard; or

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

- (c) adjourn the application for such period or periods as it thinks fit.

(5) Before hearing an application, a tribunal may require service of the application on such persons as it may direct.

(6) If, at a conference held under this section, agreement is reached on any matter, the tribunal may—

- (a) require that the agreement be reduced to writing; and
(b) give effect to the agreement as a contract determination.

DIVISION 5.—*Contract Determinations.*

91N. (1) After hearing an application to exercise its jurisdiction under section 91K or 91L, a tribunal may— Contract determinations.

- (a) dismiss the application; or
(b) make a contract determination with respect to the application.

(2) Where a tribunal makes a contract determination—

- (a) it may defer the operation of the determination wholly or in part for such period or periods, and subject to such conditions, as it thinks fit;
(b) it may specify a period at the end of which the determination ceases to have effect;

Industrial Arbitration (Amendment).

SCHEDULE 6—continued.**AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—continued.**

- (c) it shall specify the class or classes of contracts in respect of which the determination is to operate; and
- (d) in specifying the class or classes of contracts in respect of which the determination is to operate, it may limit its operation to contracts of that class, or those classes, made—
 - (i) in the case of contracts of bailment—
with one or more named bailors; or
 - (ii) in the case of contracts of carriage—with
one or more principal contractors.

Contract
determin-
ations
generally.

91o. (1) In making a contract determination, a tribunal may defer operation of the determination, or any part of its operation, for such period, and subject to such conditions (if any), as it may specify.

(2) A tribunal may vary or rescind a contract determination which has been made by it or its predecessor and, where it rescinds a determination, it may replace that determination with a new determination.

(3) When making a contract determination or at any time after making a contract determination, a tribunal may exempt from the determination or from any part of the determination—

- (a) a specified type of work done by carriers to whom the determination applies;
- (b) any group of bailees or carriers specified in the determination either by name or by reference to the type of work done by those bailees or carriers;
or

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

(c) any one or more bailors or principal contractors.

91P. (1) Subject to the right of appeal under this Act, and to such exemptions and conditions as the tribunal or the commission may determine and direct, a contract determination is binding on all bailors and bailees or, as the case may be, on all principal contractors and carriers, who are parties to contracts of the class to which the determination relates as the tribunal or the commission may direct and within the locality and for the period not exceeding 3 years specified therein and thereafter until varied or rescinded.

Binding
force of
determin-
ation.

(2) A contract determination that is binding on a carrier which is a corporation is, except to the extent that the determination otherwise provides, also binding on—

- (a) any director of the corporation, or any member of the family of any such director, who personally does work under a contract to which the determination relates and to which the corporation is a party;
- (b) any holder of shares in the corporation who personally does work under any such contract where that holder, together with the members of his family, has a controlling interest in the corporation; and
- (c) any member of the family of the holder of shares in the corporation who personally does work under any such contract where that holder, together with the members of his family, has a controlling interest in the corporation.

Industrial Arbitration (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
WITH RESPECT TO THE REGULATION OF CERTAIN
CONTRACTS—*continued.*

(3) Where a provision of a contract of a class to which a contract determination relates is inconsistent with a provision of the determination, the determination prevails and the contract shall be deemed to have been varied to the extent necessary to remove the inconsistency.

Date of
determina-
tion.

91Q. A tribunal may, in its discretion, direct that a contract determination made by it shall take effect on and from a specified day that is subsequent to the lodging with the registrar of the application for the determination, but the determination shall not become operative or enforceable as a contract determination until 14 days after publication in the Gazette.

Evasion
of Act.

91R. (1) A tribunal may inquire into any contract which could result in the transportation of any load, other than passengers, by motor lorry and may, after such an inquiry, declare that, in the opinion of the tribunal—

- (a) the contract was entered into for the purpose of defeating, evading or avoiding the provisions of this Act relating to contracts of carriage; and
- (b) but for being entered into for that purpose the contract would have been a contract of carriage.

(2) Where a declaration is made under subsection (1) or a like declaration is made by the commission, the contract to which the declaration relates is, for the purposes of this Act, a contract of carriage.

Industrial Arbitration (Amendment).

SCHEDULE 7.

Sec. 4.

AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION ACT, 1940.

(1) Part IX, heading—

After “AWARDS”, insert “AND CONTRACT DETERMINATIONS”.

(2) Sections 92B, 92C—

After section 92A, insert :—

92B. (1) Where a contract determination or agreement registered under Part VIIIA applies to a contract of bailment of a public vehicle, the bailor shall pay to the bailee in full in money, or permit the bailee to retain from money that would otherwise be payable to the bailor, without any deduction not authorised by the determination or agreement, all commission and other payments due to the bailee under the contract in accordance with the determination or agreement.

Recovery of remuneration under contract of bailment or carriage.

(2) Where a contract determination or agreement registered under Part VIIIA applies to a contract of carriage, the principal contractor under the contract shall pay to the carrier under the contract in full in money or, with the consent of the carrier, by cheque all remuneration due to the carrier under the contract in accordance with the determination or agreement.

(3) A bailee under a contract of bailment of a public vehicle to which a contract agreement or determination under Part VIIIA applies may apply in the prescribed manner to an industrial magistrate for an order directing the bailor to pay to the bailee the amount, or the balance of the amount, due to the bailee under subsection (1).

Industrial Arbitration (Amendment).

*SCHEDULE 7—continued.**AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION ACT, 1940—continued.*

(4) A carrier under a contract of carriage to which a contract determination or agreement registered under Part VIIIA applies may apply in the prescribed manner to an industrial magistrate for an order directing the principal contractor under the contract to pay to the carrier the amount, or the balance of the amount, due to the carrier under subsection (2).

(5) The bailor under a contract of bailment of a public vehicle to which a contract determination or agreement registered under Part VIIIA applies may apply in the prescribed manner to an industrial magistrate for an order directing the bailee under the contract to pay to the bailor any amount, or the balance of any amount, that, pursuant to the contract, was payable to the bailor.

(6) An application under this section may not be made in respect of any money payable, or failure to bail a public vehicle occurring, under a contract where the money was payable, or the failure occurred, earlier than 12 months after—

(a) the date of the application; or

(b) if the contract was terminated before that date
—the date of termination of the contract.

(7) In proceedings under this section, an industrial magistrate may make any order he thinks just, may award costs to either party and may assess the amount of those costs and he may, if it appears to him that a breach of section 93 has been committed, impose any penalty that he might have imposed in proceedings under section 93.

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*

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

(8) A person entitled to apply for an order for the payment of money under this section may, instead of applying for such an order, recover the money as a debt in a court of competent jurisdiction but any person aggrieved by any judgment or order of a court made pursuant to this subsection may appeal, as prescribed, to the commission which may on hearing the appeal, exercise the same powers as it has under section 92 (3) in relation to a judgment or order of a court.

(9) A person may take proceedings under this section and recover any money due, and costs, notwithstanding that, when the money became due he was, or when the proceedings are instituted he is, under the age of 18 years.

(10) Where money is due to a bailee or carrier in respect of a contract of bailment of a public vehicle, or a contract of carriage, that has been terminated and the bailor or principal contractor under the contract has been unable during the period of 30 days after termination of the contract to pay the money to the bailee or carrier because his whereabouts are unknown and he cannot with reasonable diligence be found, the bailor or principal contractor, as the case may be, shall forthwith pay the money to the Under Secretary, Department of Industrial Relations and Technology, to be held by him in trust for the bailee or carrier or, if he still holds the money after the expiration of 2 years after termination of the contract, to be paid by him to the Special Deposits Account referred to in section 5 of the Audit Act, 1902.

(11) Payment by a bailor or principal contractor of an amount in accordance with subsection (10) is a sufficient discharge to him for that amount.

Industrial Arbitration (Amendment).

SCHEDULE 7—continued.

AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION ACT, 1940—continued.

(12) An order may be made under this section notwithstanding a prior acceptance of an amount smaller than the amount for which an order could be made and notwithstanding any express or implied agreement to the contrary.

(13) A bailor or principal contractor who fails to make a payment that he is, by subsection (9), required to make is liable to a penalty not exceeding \$100.

Persons
who may
bring pro-
ceedings.

92C. (1) Proceedings that may be taken by a bailee under section 92B may, instead of being taken by the bailee, be taken in the name of the bailee and on his behalf by the secretary or other officer of an association of contract drivers registered under Part VIIIA.

(2) Proceedings that may be taken by a carrier under section 92B may, instead of being taken by the carrier, be taken—

- (a) with the consent of the carrier—in the name of the carrier and on his behalf by the secretary or other officer of an association of contract carriers registered under Part VIIIA;
 - (b) where the carrier is a partnership—by any partner in his own name for the benefit of the partnership; and
 - (c) where the carrier is a corporation—
 - (i) in his own name by a director of the corporation; or
 - (ii) in his own name by a shareholder in the corporation referred to in section 5 (3A)
- (c) (ii),
for the benefit of the corporation.

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*

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

(3) Subsections (1) and (2) do not authorise the taking of proceedings by more than one person in respect of the same amount sought to be recovered and, where proceedings are so taken, the court may order that any of those proceedings be stayed, or dismissed, on such terms as the court thinks fit.

(4) Any amount ordered to be paid as a result of proceedings taken in accordance with this section shall, after deducting any costs properly incurred in connection with the proceedings and not paid by the bailor or principal contractor, be paid—

- (a) where the proceedings were taken in accordance with subsection (1)—to the secretary or other officer who took the proceedings; or
- (b) where the proceedings were taken in accordance with subsection (2)—to the person in whose name the proceedings were taken,

to be held by him on trust for the person by whom, but for this section, the proceedings would have been taken.

(5) Where money is paid to a person pursuant to subsection (4), his receipt is a sufficient discharge for the amount paid.

(3) (a) Section 93 (1)—

Omit “or a breach of an industrial agreement”, insert instead “industrial agreement, contract determination or agreement registered under Part VIIIA”.

(b) Section 93 (2)—

After “penalty”, insert “in relation to a breach of an award or industrial agreement”.

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(c) Section 93 (2A), (2B)—

After section 93 (2), insert :—

(2A) Where, in proceedings under subsection (1) for a breach of a contract determination or an agreement registered under Part VIIIA it appears that the breach complained of relates to the failure of the defendant to pay any money that may be recovered under section 92B, the industrial magistrate may also make such an order with respect to that money as he might have made in proceedings under section 92B.

(2B) An order under subsection (2A) for the payment of money may be made without motion and operates as a bar to recovery of the money under section 92B.

(d) Section 93 (3)—

Omit “or industrial agreement”, insert instead “, industrial agreement, contract determination or agreement registered under Part VIIIA, as the case may be”.

(e) Section 93 (4A)—

After section 93 (4), insert :—

(4A) Proceedings for a breach of a contract determination or agreement registered under Part VIIIA may be taken by the Minister, a bailor under a contract of bailment of a public vehicle, a principal contractor under a contract of carriage or the secretary of an association registered under Part VIIIA and an industrial magistrate may, in any such proceedings, award costs to either party and assess those costs according to a scale fixed by the commission.

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*

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

(f) Section 93 (5)—

After “92,” insert “92B,”.

(4) (a) Section 93A (1)—

After “92”, insert “, section 92B”.

(b) Section 93A (1)—

After “employer”, insert “or principal contractor”.

(5) (a) Section 94—

After “employees”, insert “, association of employing contractors, association of contract drivers or association of contract carriers”.

(b) Section 94—

After “union” where secondly occurring, insert “or association”.

(c) Section 94—

After “agreement”, insert “, or a breach of a contract determination or an agreement registered under Part VIIIA,”.

(6) (a) Section 96 (1A)—

After “(1)”, insert “or (2B).”.

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*AMENDMENTS TO PART IX OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(b) Section 96 (2A), (2B)—

After section 96 (2), insert :—

(2A) Such daily or other periodic records as may be prescribed shall be kept by—

(a) the bailor of a public vehicle under a contract of bailment to which a contract determination, or an agreement registered under Part VIIIA, applies; and

(b) the principal contractor under a contract of carriage to which such a determination or agreement applies,

in such manner as may be prescribed or approved by the commission.

(2B) A bailor or principal contractor who fails to comply with subsection (2A) is liable to a penalty not exceeding \$40 in the case of a first offence or \$100 in the case of a second or subsequent offence.

(7) (a) Section 96A (1)—

After “92,” insert “section 92B,”.

(b) Section 96A (1)—

Omit “or industrial agreement” wherever occurring, insert instead “, industrial agreement, contract determination or agreement registered under Part VIIIA”.

(c) Section 96A (1)—

After “award” where thirdly occurring, insert “, determination”.

Industrial Arbitration (Amendment).

SCHEDULE 7—*continued.*

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

(d) Section 96A (1)—

After “employer” wherever occurring, insert “, bailor
or principal contractor, as the case may be,”.

SCHEDULE 8.

Sec. 4.

AMENDMENTS TO PART XII OF THE INDUSTRIAL ARBITRATION
ACT, 1940.

(1) Section 118, short heading—

After “unions”, insert “and associations”.

(2) (a) Section 118—

After “union” where firstly occurring, insert
“, association of employing contractors, association of
contract drivers or association of contract carriers”.

(b) Section 118—

After “union” where secondly occurring, insert “or
association”.

(3) (a) Section 119 (1)—

After “92,”, insert “92B,”.

(b) Section 119 (1)—

Omit “or union” wherever occurring, insert instead
“, union or association”.

Industrial Arbitration (Amendment).

SCHEDULE 8—*continued.*AMENDMENTS TO PART XII OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(4) (a) Section 122—

After “union” where firstly occurring, insert “or an association registered under Part VIII A”.

(b) Section 122—

After “union” where secondly occurring, insert “or association”.

(5) Section 124—

After “committee”, insert “, a tribunal”.

(6) (a) Section 127 (1A)—

After section 127 (1), insert :—

(1A) In addition to the powers and duties conferred or imposed by or under subsection (1), an inspector may—

(a) at any reasonable time inspect the premises of a bailor under a contract of bailment of a public vehicle or of a principal contractor under a contract of carriage, being premises at which any obligation under the contract is incurred or performed;

(b) at any reasonable time require such a bailor or principal contractor to produce for his examination the records of the bailor or principal contractor referred to in section 96 (2A);

Industrial Arbitration (Amendment).

SCHEDULE 8—*continued.*

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

(c) at any reasonable time examine any bailee or carrier under such a contract with respect to payments made under the contract to him by, or by him to, the bailor or principal contractor and his hours of work as a bailee or carrier under the contract; or

(d) on obtaining the authority of the Minister, institute proceedings for a penalty under section 93.

(b) Section 127 (2)—

After “employed”, insert “, or a business which involves entering into contracts of bailment of a public vehicle or contracts of carriage,”.

(c) Section 127 (3)—

Omit “or pay-sheets”, insert instead “, pay-sheets or records”.

(7) (a) Section 128—

After “committee” wherever occurring, insert “or tribunal”.

(b) Section 128—

After “industry”, insert “, or any premises of a bailor or principal contractor,”.

(8) (a) Section 129 (1)—

After “committee”, insert “or a tribunal”.

Industrial Arbitration (Amendment).

SCHEDULE 8—*continued.*AMENDMENTS TO PART XII OF THE INDUSTRIAL ARBITRATION
ACT, 1940—*continued.*

(b) Section 129 (1)—

After “award”, insert “or contract determination”.

(c) Section 129 (1)—

Omit “or document”, insert instead “, document or other record”.

(d) Section 129 (2)—

After “employed”, insert “, or a business which involves entering into contracts of bailment of a public vehicle or contracts of carriage,”.

(9) Section 129A (6)—

After section 129A (5), insert :—

(6) This section applies to and in respect of an officer of an association of contract drivers, and an officer of an association of contract carriers, in the same way as it applies to and in respect of an officer of an industrial union of employees, and it so applies as if in this section—

- (a) a reference to members of the industrial union or persons in the same calling were a reference to members of the association or persons who are bailees or carriers under contracts of the same class as those members;
- (b) a reference to employees were a reference to those members, bailees and carriers;

Industrial Arbitration (Amendment).

SCHEDULE 8—*continued.*

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

- (c) a reference to an award or industrial agreement in force in relation to an industry were a reference to a contract determination, or an agreement registered under Part VIII A, in force in relation to a class of contracts;
 - (d) a reference to employees engaged in an industry were a reference to bailees of public vehicles and carriers;
 - (e) a reference to an employer engaged in an industry were a reference to a bailor of a public vehicle or a principal contractor under a contract of carriage, as the case may require;
 - (f) a reference to time and pay sheets were a reference to records referred to in section 127 (1A) (b); and
 - (g) a reference to some manufacture or trade in which labour is employed were a reference to a business which involves entering into contracts of bailment of a public vehicle or contracts of carriage.
- (10) (a) Section 130 (1)—
- After “committee” wherever occurring, insert “or tribunal”.
- (b) Section 130 (1) (c)—
- After “award”, insert “or by a principal contractor of a contract determination”.
- (c) Section 130 (1) (e)—
- After “industry,”, insert “or for the purposes of a contract to which Part VIII A applies,”.

Industrial Arbitration (Amendment).

SCHEDULE 8—continued.**AMENDMENTS TO PART XII OF THE INDUSTRIAL ARBITRATION ACT, 1940—continued.**

(d) Section 130 (1) (j)—

After “unions”, insert “, associations of employing contractors, associations of contract drivers and associations of contract carriers”.

Sec. 4.**SCHEDULE 9.****AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940, BY WAY OF STATUTE LAW REVISION.**

(1) (a) Section 5 (1), definition of “Metropolitan district court”—

Omit the definition.

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

Omit “— 1936”.

(c) Section 5 (1), definition of “Under Secretary”—

Omit “Labour and Industry”, insert instead “Industrial Relations and Technology”.

(2) (a) Section 15 (5) (a)—

Omit the paragraph, insert instead :—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration, allowances or estate for their benefit;

Industrial Arbitration (Amendment).

SCHEDULE 9—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
BY WAY OF STATUTE LAW REVISION—*continued.*

(b) Section 15 (5) (c)—

Omit the paragraph, insert instead :—

- (c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(3) Section 20 (1A)—

Omit “paragraphs”, insert instead “subsection (1)”.

(4) Section 35 (3)—

Omit “sittings”, insert instead “sitting”.

(5) Section 38—

Omit “—1934”.

(6) Section 89 (1)—

Omit “Division 2A of Part II of the Factories and Shops Act, 1912–1957”, insert instead “Part VII of the Factories, Shops and Industries Act, 1962”.

(7) Section 92 (6A)—

Omit “, as amended by subsequent Acts”.

Industrial Arbitration (Amendment).

SCHEDULE 9—*continued.*AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
BY WAY OF STATUTE LAW REVISION—*continued.*

(8) Section 119 (1)—

Omit “in the district court or court of petty sessions named in such order, or if no such court is so named, in the metropolitan district court at the suit of the Crown or person or union respectively,”, insert instead “in a court competent to give judgment for a debt of an amount equal to that amount, being a judgment in favour of the person who obtained the order and”.

(9) (a) Section 120 (3)—

Omit “and any Act amending the same,”.

(b) Section 120 (3)—

Omit “a court of quarter sessions”, insert instead “the District Court”.

(10) (a) Section 121—

Omit “, police,”.

(b) Section 121—

Omit “— 1940”.

(11) (a) Section 123 (1A) (b)—

Omit “— 1947”.

(b) Section 123 (2)—

Omit “in the district court or court of petty sessions named in the order, or if no such court is so named, then in the metropolitan district court, at the suit of

Industrial Arbitration (Amendment).

SCHEDULE 9—*continued.*

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT, 1940,
BY WAY OF STATUTE LAW REVISION—*continued.*

the person in whose favour such order is made,”
insert instead “in a court competent to give judgment
for a debt of an amount equal to that amount, being
a judgment in favour of the person who obtained the
order and”.

(12) Section 126 (1)—

Omit “police”, insert instead “stipendiary”.

(13) (a) Section 130 (2)—

Omit the subsection, insert instead :—

(2) Section 41 of the Interpretation Act, 1897,
applies in respect of a regulation made under this
Act as if this Act had been passed after the commence-
ment of the Interpretation (Amendment) Act, 1969.

(b) Section 130 (3)—

Omit the subsection.

SCHEDULE 10.

REGISTRATION OF CERTAIN ASSOCIATIONS OF CONTRACT DRIVERS AND Sec. 5.
CONTRACT CARRIERS.

PART 1.

Preliminary.

1. In this Schedule, “Principal Act” means the Industrial Arbitration Act,
1940, as amended by this Act.

Industrial Arbitration (Amendment).

SCHEDULE 10—*continued.*REGISTRATION OF CERTAIN ASSOCIATIONS OF CONTRACT DRIVERS AND
CONTRACT CARRIERS—*continued.*

2. Expressions used in this Schedule have the same meanings as they have in the Principal Act.

3. This Schedule ceases to have effect on the expiration of the period of 12 months that commences on the commencement of this Act but—

- (a) anything done pursuant to this Schedule has effect, and continues to have effect, as if it had been duly done under the Principal Act; and
- (b) any membership continued under this Schedule shall be deemed to have been duly continued under the Principal Act.

PART 2.

Associations of Contract Drivers.

3. Upon application made to the registrar by the industrial union known as the Transport Workers' Union of Australia, New South Wales Branch, in the manner and form prescribed by or under the Principal Act in respect of an application for registration as an association of contract drivers, the registrar—

- (a) shall approve such alteration of the rules of that industrial union as would enable it to be registered under the Principal Act as an association of contract drivers to represent bailees of public vehicles; and
- (b) shall so register that industrial union by entering its name in the register of associations of contract drivers to be kept by him, together with such particulars as may be prescribed by or under the Principal Act.

4. Where, immediately before the adoption by the industrial union referred to in clause 3 of an alteration of rules referred to in clause 3 (a), a member of that industrial union was a bailee of a public vehicle, he continues after the adoption of the rule as a member of that industrial union until his membership is lawfully terminated notwithstanding that, by virtue of the amendments made by this Act, his membership would, but for this clause, have ceased.

Industrial Arbitration (Amendment).

SCHEDULE 10—*continued.*

REGISTRATION OF CERTAIN ASSOCIATIONS OF CONTRACT DRIVERS AND
CONTRACT CARRIERS—*continued.*

PART 3.

Associations of Contract Carriers.

5. Upon application made to the registrar by an industrial union specified in abbreviated form in the first column of the Table to Part 4 of this Schedule in the manner and form prescribed by or under the Principal Act in respect of an application for registration as an association of contract carriers, the registrar—

- (a) shall approve such alteration of the rules of that industrial union as would enable it to be registered under the Principal Act as an association of contract carriers to represent carriers having with principal contractors contracts of the class specified opposite the abbreviated name of that industrial union in the second column of the Table to Part 4, subject to any qualification specified in the third column of the Table to Part 4; and
- (b) shall so register that industrial union by entering its name in the register of associations of contract carriers to be kept by him, together with such particulars as may be prescribed by or under the Principal Act.

6. Where, immediately before the adoption by an industrial union specified in abbreviated form in the first column of the Table to Part 4 of this Schedule of an alteration of its rules referred to in clause 5 (a), a member of that industrial union was a carrier, he continues after the adoption of the rule as a member of that industrial union until his membership is lawfully terminated notwithstanding that, by virtue of the amendments made by this Act, his membership would, but for this clause, have ceased.

PART 4.

Industrial Unions to be Registered as Associations of Contract Carriers.

7. In the Table to this Part of this Schedule—

“B.C.A.” means the Brick Carriers’ Association;

*Industrial Arbitration (Amendment).*SCHEDULE 10—*continued.*REGISTRATION OF CERTAIN ASSOCIATIONS OF CONTRACT DRIVERS AND
CONTRACT CARRIERS—*continued.*

"L.D.R.T.A." means The Long Distance Road Transport Association of Australia;

"M.M.A." means The Federated Mining Mechanics' Association of Australasia, New South Wales Branch;

"R.T.A." means the New South Wales Road Transport Association;

"T.W.U." means the Transport Workers' Union of Australia, New South Wales Branch.

TABLE

First Column	Second Column	Third Column
T.W.U. ..	Retail Deliveries
T.W.U. ..	Ready-Mixed Concrete Delivery
T.W.U. ..	Local General Cartage—Metropolitan and Country.
T.W.U. ..	Intrastate Haulage
T.W.U. ..	Interstate Haulage
T.W.U. ..	Blue Metal and Gravel Cartage
T.W.U. ..	Excavation, Earthmoving and Muck Cartage.
T.W.U. ..	Sand Cartage
T.W.U. ..	Liquor Cartage
T.W.U. ..	Wholesale Egg Deliveries
T.W.U. ..	Furniture Removal
T.W.U. ..	Coal Haulage	Subject to M.M.A. representing exclusively at Ravensworth and elsewhere in coal haulage where it is exclusively representing carriers at the commencement of this Act and subject to R.T.A. having equal rights with T.W.U. in Burragorang Valley.
T.W.U. ..	Newspaper Cartage	Except in the case of carriers used by John Fairfax and Sons Pty. Ltd. for the delivery of the Sydney Morning Herald and the Sun-Herald.
T.W.U. ..	Contracts with Government Authorities.
T.W.U. ..	Contracts with Local Government Authorities.

*Industrial Arbitration (Amendment).*SCHEDULE 10—*continued.*REGISTRATION OF CERTAIN ASSOCIATIONS OF CONTRACT DRIVERS AND
CONTRACT CARRIERS—*continued.*

First Column	Second Column	Third Column
T.W.U. ..	Any class of contracts not specified in this column.	Subject to the right of any other organisation to establish that, because of representation by it of carriers before the commencement of this Act, it should be given the exclusive right, or equal right with T.W.U., to represent carriers in the case of a particular class of contracts.
L.D.R.T.A.	Intrastate Haulage
L.D.R.T.A.	Interstate Haulage
R.T.A. ..	Newspaper Cartage	Only in the case of carriers used by John Fairfax and Sons Pty. Ltd. for the delivery of the Sydney Morning Herald and the Sun-Herald.
R.T.A. ..	Furniture Removal
B.C.A. ..	Brick Cartage

SCHEDULE 11.

Sec. 6.

TRANSITIONAL PROVISION.

1. In this Schedule "Principal Act" means the Industrial Arbitration Act, 1940, as amended by this Act.

2. Expressions used in this Schedule have the same meanings as they have in the Principal Act.

Industrial Arbitration (Amendment).

SCHEDULE 11—*continued.*TRANSITIONAL PROVISION—*continued.*

3. Where a tribunal has not been established under the Principal Act in respect of—

- (a) a particular class of contracts of bailment of a public vehicle;
or
- (b) a particular class of contracts of carriage,

the powers and jurisdiction conferred on a tribunal by the Principal Act may, pending the establishment of a tribunal for that class of contracts, be exercised in relation to that class by a conciliation commissioner.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 17th May, 1979.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979



