

INDUSTRIAL ARBITRATION (AMENDMENT) ACT.

Act No. 30, 1922.

An Act to amend the Industrial Arbitration Act, 1912, in certain respects; and for purposes connected therewith. [Assented to, 24th November, 1922.] George V,
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BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1922." Short title.

(2) The Industrial Arbitration Act, 1912, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

2. Section five of the Principal Act is amended by inserting in the definition of "Employer" after the words "employed under" the words "the Public Service Act, 1902, and." Amendment
of Principal
Act, s. 5.

3. Sections 13B and 13C of the Principal Act are repealed. *Ibid.* ss. 13B
and 13C.

4. Subsection one of section twenty-four of the Principal Act is amended— *Ibid.* s. 24 (1).

(i) By omitting the proviso to paragraph (a) and substituting therefor the following new provisos:—

Provided that no award shall be made for the payment of wages or remuneration in excess of ten pounds per week or (where salaries are paid on an annual basis) any salary in excess of five hundred and twenty-five pounds per annum: Provided

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Provided further that no award shall be made for the payment of wages or remuneration of persons occupying managerial positions unless such persons are exclusively employed by the Railway Commissioners of New South Wales, the Metropolitan Meat Industry Board, the Sydney Harbour Trust Commissioners, the Board of Water Supply and Sewerage, the Water Conservation and Irrigation Commission, the Board of Fire Commissioners of New South Wales, or the Hunter District Water Supply and Sewerage Board, or are employees of any city, shire, or municipal council ;

- (ii) by omitting all words after the words "conceded to such employees" in paragraph (h).

Principal Act,
new s. 24B.

5. Section 24B of the Principal Act is omitted and the following new section is substituted therefor:—

Employees
in rural
industries.

24B. Employees who are employed—

- (a) upon farms, orchards, vineyards, or agricultural or pastoral holdings in connection with dairying, poultry farming or bee farming, or the sowing, raising, harvesting or treating of grain, fodder, fruit, or other farm produce, or the management, rearing, or grazing of horses, cattle, sheep, or other live stock, or the scouring, sorting, or pressing of wool or at other farm or station work ; or
- (b) in or in connection with the formation, tending, protection, or regeneration of forests ; or
- (c) in flower or vegetable market-gardens or nurseries ; or
- (d) at clearing, fencing, trenching, draining, or otherwise preparing land for any of the abovementioned purposes,

shall not be subject to the provisions of this Act other than Parts X and XI :

Provided that this section shall not apply to employees in an industry in respect of which an award had been made prior to the twenty-second day of March, one thousand nine hundred and eighteen.

6.

6. Section twenty-five of the Principal Act is amended by omitting the first proviso to subsection one and substituting therefor the following new proviso :—

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of Principal
Act, s. 25.

Provided that the court may, in its discretion, order and determine that an award shall take effect from such day subsequent to the lodging or filing of the application therefor as the court may direct.

7. Section twenty-six of the Principal Act is omitted and the following new section is substituted therefor :—

Ibid. s. 26.

26. (1) Any award affecting employees employed under the Public Service Act, 1902, which is in force on the first day of October, one thousand nine hundred and twenty-two, shall continue in force only for the period specified therein.

Wages of
Government
employees.

(2) An application for an award for employees employed under the Public Service Act, 1902, which was pending on the first day of October, one thousand nine hundred and twenty-two, may be heard and determined by the court, and an award may be made in respect thereof for any period not later than the sixth day of July, one thousand nine hundred and twenty-three, specified therein.

(3) Any award to which this section applies shall be subject to the provisions of this Act, including provisions relating to the variation or amendment of awards, but notwithstanding anything contained in section twenty-five or twenty-nine no such award shall be extended beyond or continue in force after the period specified therein.

(4) Notwithstanding anything contained in this Act, any award to which this section applies shall take effect from such day, whether before or subsequent to the filing of the application therefor, as the court may direct.

8. The following new section is inserted after section sixty of the Principal Act :—

Principal Act,
New s. 60A.

60A. All awards, orders, proclamations or other notifications, excepting rules or regulations required or directed by this Act to be published in the Gazette, may be published either in the Gazette or in the New South Wales Industrial Gazette.

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awards, &c.

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of Principal
Act, s. 75.

9. Section seventy-five of the Principal Act is amended as follows:—

- (i) By inserting the word “and” between the words “deputy president” and “four” in subsection one;
- (ii) by omitting in subsection one the words “and one or more additional Commissioners appointed to represent rural industries”;
- (iii) by omitting subsection (1A);
- (iv) by omitting in subsection four the word “five” and substituting therefor the word “three.”

Amendment of
Principal Act,
s. 76.

10. Section seventy-six of the Principal Act is amended by omitting the proviso.

Principal Act,
new s. 79.

11. Section seventy-nine of the Principal Act is omitted and the following new section is substituted therefor:—

Living wage.

79. (1) The Board of Trade shall at such times as the board may think fit, but at intervals of not less than three months, after public inquiry as to the increase or decrease in the average cost of living declare what shall for the purpose of this Act be the living wages for adult male and adult female employees in the State or any defined area thereof.

(2) No industrial agreement shall be entered into and no award made for wages lower than such living wages.

(3) If it is proved to the court—

- (a) by the production of books used in connection with the carrying on of an industry and by other evidence produced or tendered subject mutatis mutandis to the provisions and restrictions contained in section thirty-four (c) that serious unemployment in an industry has resulted or will result from the operation of an award or industrial agreement; or
- (b) that the employees in an industry or the employees of any employer therein are or may become entitled to any benefit or payment under any profit-sharing or co-partnership scheme,

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the court upon being satisfied that it is in the best interests of the employees so to do, may, either absolutely or upon terms—

- (a) refrain from making any award; or
- (b) rescind or cancel any award or industrial agreement; or
- (c) exempt from the provisions of an award or industrial agreement any employees who are or may be entitled to any benefit or payment under any profit-sharing or co-partnership scheme and their employer.

12. Section eighty-one of the Principal Act is amended by omitting in subsection one the words “two preceding sections” and substituting therefor the words “preceding section.”

Amendment
of Principal
Act, s. 81.