

INDUSTRIAL ARBITRATION (AMENDMENT) ACT.

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 39, 1968.

An Act to make further provisions with respect to conciliation committees, sick leave, and certain other industrial matters; for these and other purposes to amend the Industrial Arbitration Act, 1940, as subsequently amended; and for purposes connected therewith. [Assented to, 12th November, 1968.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1968".

(2) Short title, citation and commencement.

Industrial Arbitration (Amendment).

No. 39, 1968 (2) The Industrial Arbitration Act, 1940, as subsequently amended, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Industrial Arbitration Act, 1940–1968.

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

Amendment of Act No. 2, 1940. Sec. 17A. (Special commissioners.) 2. The Principal Act is amended by inserting next after subsection (3A) of section 17A the following new subsection :—

(3B) In proceedings before a special commissioner no party shall, except by consent of the special commissioner and all the parties, be represented by a barrister or a solicitor or by a person who has qualified for admission as a barrister or a solicitor.

Further amendment of Act No. 2, 1940. Sec. 18. (Conciliation committees.)

3. The Principal Act is further amended—

(a) by omitting subsection one of section eighteen and by inserting in lieu thereof the following subsection :—

(1) The commission may, of its own motion or upon application made to it, establish conciliation committees for any industry or calling or for any combination, arrangement or grouping of industries or callings.

The commission may assign to a committee established for one industry or calling any other industry or calling, and may alter the assignment of industries or callings previously made to any committee.

(b)

Industrial Arbitration (Amendment).

- (b) by omitting from subsection two of the same section No. 39, 1968 the words "recommended by the commission and appointed by the Minister upon the recommendation of" and by inserting in lieu thereof the words "appointed by";
- (c) by omitting from subsection three of the same section the words "Minister may appoint any person whom he" and by inserting in lieu thereof the words "commission may appoint any person whom it";
- (d) by omitting from subsection six of the same section the words "Minister may at any time upon the recommendation of the commission" and by inserting in lieu thereof the words "commission may at any time";
- (e) by omitting from subsection eight of the same section the words "Minister may, upon the recommendation of the commission," and by inserting in lieu thereof the words "commission may".

4. The Principal Act is further amended by inserting in subsection one of section twenty after the word, letter and symbols "and (h)" the words "and for the following purposes :—

- (i) fixing allowances for travelling expenses and out-of-pocket expenses;
- (ii) fixing allowances for extra duty and higher duty;
- (iii) fixing compensation for travelling time on official business outside normal working hours;
- (iv) requiring protective clothing to be provided;
- (v) providing for—
- (a) annual leave of absence for recreation;
- (b) leave of absence for special purposes, including military leave;
- (c) leave without pay;
- (d) sick leave".

Further amendment of Act No. 2, 1940. Sec. 20. (Original jurisdiction.)

5.

*Industrial Arbitration (Amendment).***No. 39, 1968** 5. The Principal Act is further amended—

Further
amendment
of Act
No. 2, 1940.
Sec. 88c.
(Sick
leave.)

- (a) by inserting next after subsection two of section 88c the following new subsection :—

(2A) The commission, a committee or an apprenticeship council shall upon application made therefor insert (by way of variation or otherwise) in any award or industrial agreement which contains provisions relating to sick leave, whether made before or after the commencement of the Industrial Arbitration (Amendment) Act, 1968, provisions enabling sick leave to accumulate from year to year so that sick leave not taken in each year of service shall be available to the employee for a period of at least three years from the end of each such year.

- (b) (i) by inserting in subsection three of the same section after the word “two” the words “or (2A)”;
- (ii) by inserting in paragraph (b) of the same subsection immediately before the word “impose” the words “subject to subsection (2A) of this section.”.

Further
amendment
of Act
No. 2, 1940.
Sec. 111J.
(Registrar
to conduct
elections
on request.)

6. The Principal Act is further amended by omitting from paragraph (b) of subsection two of section 111J the words “five hundred or five per centum” and by inserting in lieu thereof the words “one thousand or ten per centum”.

MACQUARIE