

**INDUSTRIAL ARBITRATION (AMENDMENT)
ACT.**

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 4, 1974.

An Act to remove the right to reduce ordinary working hours by agreement or award made by consent; to authorise the Industrial Commission of New South Wales, in certain circumstances, to make awards reducing the ordinary working hours in industries; for these purposes to amend the Industrial Arbitration Act, 1940; and for purposes connected therewith. [Assented to, 26th March, 1974.]

BE

Industrial Arbitration (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by No. 4, 1974
and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as
follows :—

1. This Act may be cited as the "Industrial Arbitration Short title.
(Amendment) Act, 1974".

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

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

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

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

Industrial Arbitration (Amendment).

No. 4, 1974

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

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

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

(3) Where—

(a) the ordinary working hours applying to the employees or any class of employees in an industry immediately before 11th October, 1973, were on or after that date and before the commencement of the Industrial Arbitration (Amendment) Act, 1974, reduced; and

(b) that reduction would not, had the amendments made by section 2 (a) of the Industrial Arbitration (Amendment) Act, 1974, been in force when the reduction was made, have been capable of being made,

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

(4)

Industrial Arbitration (Amendment).

(4) An employer shall not reduce the ordinary working hours for his employees or any class of his employees otherwise than as authorised by this section. No. 4, 1974

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

PERMANENT