

# Industrial Relations (General Amendment) Bill

No.

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# LEGISLATIVE ASSEMBLY

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Read 1° 30 March 1988

*(Brought in by Mr Crabb and Mr Spyker)*

## A BILL

to amend the *Industrial Relations Act 1979* and for other purposes.

### **Industrial Relations (General Amendment) Act 1988**

The Parliament of Victoria enacts as follows:

#### **Purpose.**

1. The purpose of this Act is to generally amend the *Industrial Relations Act 1979* and to create an Industrial Magistrates Court.

#### **5 Commencement.**

2. (1) This Act (other than sections 22 and 23) comes into operation on the day on which it receives the Royal Assent.

(2) Sections 22 and 23 come into operation on a day to be proclaimed.

#### **10 Principal Act.**

3. In this Act, the *Industrial Relations Act 1979* is called the Principal Act.

No 9365.  
Reprinted to No  
28/1987

**Temporary acting President.****4. After section 6 (3) of the Principal Act insert—**

“(4) If—

(a) the President is temporarily absent or unable to act as President; or 5

(b) an acting President is temporarily absent or unable to act as President—

the most senior available Deputy President who is qualified to be appointed as President may exercise any of the powers and privileges of the President.”. 10

**Method of removing the President and Commissioners.****5. In the Principal Act—**

(a) for section 5 (4) substitute—

“(4) The Governor in Council may remove the President from office upon being requested to do so by both Houses of Parliament.”; and 15

(b) for section 7 (5) substitute—

“(5) The Governor in Council may remove a Commissioner from office upon being requested to do so by both Houses of Parliament.”. 20

**Change to qualification requirement of Deputy Presidents.**

**6. In section 5A (2) (c) of the Principal Act, for “within the previous 5 years” substitute “not less than 5 years previously”.**

**Commission however constituted to have powers of a board under the Evidence Act 1958.** 25**7. In the Principal Act—**

(a) after section 10 (1B) insert—

“(1C) For the purposes of exercising or performing the powers and duties of the Commission—

(a) the Commission in full session; and 30

(b) the President or a Deputy President sitting alone; and

(c) a Commissioner sitting alone—

have the powers conferred by sections 14, 15 and 16 of the Evidence Act 1958 on a Board appointed by the Governor in Council.”; and 35

(b) section 16 (9) is repealed.

**Insertion of section 10A.****8. Before section 11 of the Principal Act insert—****Immunity of participants in proceedings under this Act.**

“10A. (1) Every—

- (a) member of the Commission; and
- (b) member of a Board; and
- (c) registrar or deputy registrar—

has, in the performance of duties related to a hearing or an investigation under this Act, the same protection and immunity as a Judge of the Supreme Court has in the performance of his or her duties.

(2) Any person appearing on behalf of a party in a hearing or an investigation under this Act has the same protection and immunity as a barrister has in appearing for a party in proceedings in the Supreme Court.

(3) Any person appearing as a witness in a hearing or an investigation under this Act has the same protection as a witness in proceedings in the Supreme Court.”.

**Changes to interpretation of awards provisions.****9. In the Principal Act—**

(a) in section 21 (1)—

- (i) after “of an award” insert “or a registered agreement”;  
and
- (ii) after “of the award” insert “or registered agreement”;  
and

(b) in section 21 (2)—

- (i) after “by an award” insert “or a registered agreement”;  
and
- (ii) after “of the award” insert “or registered agreement”.

**Composition of Commission in full session may change during hearing.****10. After section 11 (2) of the Principal Act insert—**

“(3) If—

- (a) the Commission in full session begins to hear a matter; and
- (b) a member of the Commission is unable to continue to sit;  
and
- (c) all the parties agree—

another member of the Commission may take the place of the member of the Commission who is unable to sit.”.

**Commission in Court session.****11. In the Principal Act—**

- (a) section 10 (1A) is repealed; and
- (b) in section 10 (2), omit “the Commission or”; and
- (c) before section 12 insert—

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**Commission in Court session.**

“11A. (1) The Commission in Court session must comprise the President, or a Deputy President who is qualified to be appointed as President, sitting alone.

(2) While sitting as the Commission in Court session, the President or Deputy President may exercise all the powers of a judge of the County Court.”; and

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- (d) in section 65 (5D), after “satisfies the Commission” insert “in Court session”.

**Updating of outdated reference.**

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**12.** In section 12 (a) of the Principal Act, for “*Industrial Safety, Health and Welfare Act 1981*” substitute “*Occupational Health and Safety Act 1985*”.

**President to be able to sit alone and increase in President’s powers.****13. In the Principal Act—**

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- (a) for sections 10 (1) (c) and (d) substitute—

“(c) the President, a Deputy President or a Commissioner sitting alone.”; and

- (b) in section 11(2)—

- (i) before “a Deputy President” (where first occurring) insert “the President,”; and

25

- (ii) for “a Deputy President or Commissioner sitting alone” (where last occurring) substitute “that member of the Commission”; and

- (c) in section 12A (1) (a), after “section 11 (1) (e)” insert “or 12C”; and

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- (d) after section 12B insert—

**Referral power of the President.**

“12C. The President may refer an industrial dispute to the Commission, or a member of the Commission sitting alone, on the President’s own motion.”; and

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- (e) in section 14 (2), before “a Deputy President” insert “the President or”; and

(f) in section 14A, before “a Deputy President” insert “the President or”.

**Power of Commission to amend awards increased.**

14. Sections 16 (6) and 20 (5) of the Principal Act are repealed.

5 **Powers of Commission when reviewing award under section 20 increased.**

15. For section 20 (4) of the Principal Act substitute—

“(4) For the purposes of a review under this section, the Commission—

- 10 (a) must consider all the matters which it is required to consider when hearing an appeal under section 16 in which the Minister has intervened; and
- (b) may exercise all or any of the powers that it has when hearing such an appeal.”.

15 **Changes to unfair dismissal provisions.**

16. In section 34 of the Principal Act—

(a) for sub-section (6) substitute—

“(6) Without limiting the generality of sub-section (5), the Board may—

- 20 (a) if it directs that the employee be re-employed, order that the employee be paid an amount not exceeding the amount of wages the employee would have received if the employee had not been dismissed; and
- 25 (b) if it is of the opinion that it would be inappropriate to direct the employer to re-employ the employee in the employee’s former position, order that the employer re-employ the employee in any other position that, in its opinion, is suitable and available, on conditions (if any) determined by it.”; and
- 30 (b) in sub-section (7), for “4” substitute “10”.

**Restriction on retirement from industrial agreement.**

17. In section 47 of the Principal Act—

- 35 (a) in sub-section (10), for “except those who retire from the agreement” substitute “unless the Commission otherwise orders”; and
- (b) for sub-section (11) substitute—

“(11) Any party to an industrial agreement may apply to the Commission—

(a) to have the agreement varied; or

(b) to retire from the agreement—

and the Commission may vary the agreement or permit the party to retire from the agreement.”.

**Recognized associations to be able to assist workers to enforce awards.**

**18. In the Principal Act—**

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(a) in section 63 (1), after “Any worker” insert “or a recognized association on behalf of any worker”; and

(b) in section 63 (2), for “either” substitute “any”; and

(c) in section 72 (2), after “of a worker” insert “or recognized association on behalf of a worker or a personal representative of a worker”; and

10

(d) after section 78D insert—

**Enforcement of orders.**

“78E. A worker, or a recognized association on behalf of a worker, may apply to the Industrial Magistrates Court for an order directing an employer to comply with an order made under section 78B.”; and

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(e) in section 96, for “he may within twelve” substitute “the employee, or a recognized association on behalf of the employee, may within 12”.

20

**Clarification of continuous employment calculation provision.**

**19. In section 65 of the Principal Act—**

(a) sub-section (1) (b) is repealed; and

(b) after sub-section (1) (h) insert—

“(i) any absence of the worker on account of illness or injury;”; and

25

(c) in sub-section (1) (j)—

(i) omit “(b)”; and

(ii) omit “or any absence of the worker for more than 48 weeks in any year on account of illness or injury”; and

30

(d) after sub-section (4) insert—

“(4A) Despite sub-section (4), in calculating the period of continuous employment of a worker, the first 48 weeks of a continuous absence from work on account of illness or injury is to be counted as part of the worker’s period of employment.”.

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**Insertion of section 66A.**

20. After section 66 of the Principal Act insert—

**Commission able to grant long service leave to certain employees.**

5 “66A. (1) If the Commission, on application, is satisfied that the nature of the employment or terms of engagement applying to a group or class of workers prevents the workers accruing an entitlement to long service leave under this Part, the Commission may make an order granting long service leave to the workers on terms and conditions consistent with this Part.

10 (2) The order does not apply to workers who are entitled to long service leave under any other Act or any award or agreement.”.

**Change to manner of paying employees.**

21. In section 82 of the Principal Act—

15 (a) in sub-section (1), after “applies” insert “unless the award or agreement otherwise specifies”; and

(b) after sub-section (3) (b) insert—

“; or

(c) in a manner provided by the award or agreement.”.

**Industrial Magistrates Court.**

20 22. (1) For sections 90 and 91 of the Principal Act substitute—

**Industrial Magistrates Court.**

“90. (1) There is to be an Industrial Magistrates Court consisting of industrial magistrates appointed by the Governor in Council.

25 (2) No person is to be appointed as an industrial magistrate unless that person—

(a) is qualified to be appointed as a magistrate; and

(b) is, in the opinion of the Governor in Council, experienced in industrial or occupational health and safety matters.

30 (3) The Industrial Magistrates Court is to be constituted by an industrial magistrate.

(4) The Governor in Council may, from time to time by notice in the *Government Gazette*, appoint places at which the Industrial Magistrates Court is to be held.”

**What matters the Industrial Magistrates Court can hear.**

35 “91. The Industrial Magistrates Court has exclusive jurisdiction to hear—

(a) a prosecution for an offence against—

- (i) this Act; and
- (ii) the *Labour and Industry Act* 1958; and
- (iii) the *Industrial Training Act* 1975; and
- (iv) the *Construction Industry Long Service Leave Act* 1983; and 5
- (b) a prosecution for an indictable offence under the *Occupational Health and Safety Act* 1985 that may be tried summarily under section 91D; and
- (c) a preliminary examination for an indictable offence under the *Occupational Health and Safety Act* 1985; and 10
- (d) a prosecution for a summary offence under the—
  - (i) *Occupational Health and Safety Act* 1985; and
  - (ii) *Boilers and Pressure Vessels Act* 1970; and
  - (iii) *Lifts and Cranes Act* 1967; and
  - (iv) *Scaffolding Act* 1971; and 15
  - (v) *Shearers Accommodation Act* 1976; and
- (e) a prosecution for an offence against regulations made under section 105 (h), 108 (1) (c), 108 (1) (e), 108 (1) (ec) or 108 (1) (f) of the *Health Act* 1958; and
- (f) a proceeding under sections 63, 78E and 96 and Part VII; 20  
and
- (g) a proceeding under section 60 of the *Construction Industry Long Service Leave Act* 1983.”

#### **Conduct of proceedings before the Industrial Magistrates Court.**

“91A. (1) For the purposes of this Act, the *Magistrates' Courts Act* 1971, the *Magistrates (Summary Proceedings) Act* 1975 and any rules made under those Acts apply as if— 25

- (a) the Industrial Magistrates Court was a Magistrates' Court; and
- (b) an industrial magistrate was a magistrate; and 30
- (c) the registrar of the Industrial Magistrates Court was a clerk of a Magistrates' Court—

except where, in any particular case, there is a conflict with a provision of this Act or any rule made under this Act.

- (2) The Governor in Council may make rules as to— 35
  - (a) the practice, procedures and forms of; and
  - (b) the costs, charges and allowances payable to witnesses, interpreters and people appearing before—

the Industrial Magistrates Court.

(3) Subject to this Act and the rules, the Industrial Magistrates Court may regulate its own proceedings. 40

(4) A party to a proceeding before the Industrial Magistrates Court may be represented by any person chosen by the party.”

**Remuneration and conditions of industrial magistrates.**

91B. (1) An industrial magistrate—

- 5           (a) is entitled to the salary and allowances; and  
             (b) holds office subject to the terms and conditions—  
that are determined by the Governor in Council from time to time.

(2) An industrial magistrate is not subject to any of the provisions of the *Public Service Act 1974*.

- 10       (3) An industrial magistrate is an officer within the meaning of the *Superannuation Act 1958*.

(4) The salaries and allowances of industrial magistrates are to be paid out of the Consolidated Fund, which is hereby to the necessary extent appropriated accordingly.

- 15       (5) Every person appointed as an industrial magistrate must, before acting as a magistrate, take an oath of office in the prescribed form and manner.

- 20       (6) An industrial magistrate has in the performance of his or her duties the same protection and immunity as a Judge of the Supreme Court has in the performance of his or her duties.”

**Vacation of office.**

“91C. (1) An industrial magistrate may resign from office by delivering to the Governor a signed letter of resignation.

- 25       (2) A person ceases to hold office as an industrial magistrate upon attaining the age of 65 years.

(3) The Governor in Council may suspend an industrial magistrate from office if the Supreme Court has determined, on the *ex parte* application of the Minister, that there are reasonable grounds to suspect that the industrial magistrate—

- 30           (a) is guilty of an offence (whether in Victoria or elsewhere) which if committed in Victoria would be an indictable offence; or  
             (b) is mentally or physically incapable of carrying out satisfactorily the duties of office; or  
35           (c) is incompetent or guilty of neglect of duty; or

(d) is guilty of unlawful or improper conduct in the performance of the duties of office.

(4) If an industrial magistrate is suspended from office, notice of the suspension must be served on the industrial magistrate.

(5) If an industrial magistrate is suspended from office, the Minister must, as soon as is practicable, apply to the Supreme Court for a determination as to whether proper cause exists for removing the industrial magistrate from office. 5

(6) If the Supreme Court determines that the ground on which the industrial magistrate was suspended from office has been established, the Governor in Council may remove the industrial magistrate from office. 10

(7) Unless the Supreme Court otherwise determines, an industrial magistrate is entitled to remuneration while suspended from office.”

**Appointment of acting industrial magistrates. 15**

“91D. (1) The Governor in Council may appoint as many acting industrial magistrates as are necessary for transacting the business of the Court.

(2) A person is not eligible to be appointed as an acting industrial magistrate unless he or she is eligible to be appointed as an industrial magistrate. 20

(3) The instrument of appointment of a person as an acting industrial magistrate must specify the term for which he or she is appointed.

(4) An acting industrial magistrate is eligible for re-appointment as an acting industrial magistrate. 25

(5) The Attorney-General may from time to time, by notice in writing, require an acting industrial magistrate to undertake the duties of an industrial magistrate for such period or periods as are specified in the notice. 30

(6) The Attorney-General cannot revoke or amend a notice given under sub-section (5).

(7) Every person who is appointed as an acting industrial magistrate must, before undertaking the duties of an industrial magistrate, take an oath of office in the prescribed form and manner. 35

(8) An acting industrial magistrate, while undertaking the duties of an industrial magistrate, has the same powers, duties, protection and immunity as an industrial magistrate.

5 (9) An acting industrial magistrate may resign from office by delivering to the Governor a signed letter of resignation.

(10) An acting industrial magistrate may only be removed or suspended from office in the same way as an industrial magistrate may be removed or suspended from office.

10 (11) A person ceases to hold office as an acting industrial magistrate if he or she—

(a) attains the age of 65 years; or

(b) is, in accordance with sub-section (10), removed from office by the Governor in Council; or

15 (c) practices as counsel or a solicitor during any period in which he or she is required to undertake the duties of an industrial magistrate.

(12) An acting industrial magistrate is not, because of holding that office, an officer within the meaning of the *Superannuation Act 1958*.”

**Offences under the *Occupational Health and Safety Act 1985*.**

20 “91E. (1) The Industrial Magistrates Court may hear and determine in a summary way an indictable offence under the *Occupational Health and Safety Act 1985* if—

(a) the Court is of the opinion that it is appropriate to deal with the offence summarily; and

25 (b) the person charged with the offence consents to the offence being dealt with summarily.

(2) The Industrial Magistrates Court may convict a person under sub-section (1) even though the information for the offence may have been laid more than 12 months after the time when the offence was committed.

30 (3) Every conviction made by a Court under sub-section (1) must contain a statement that the offender consented to the charge being determined summarily.

(4) The sentence which may be imposed by the Court under sub-section (1) is as follows:

(a) For an offence against section 42, 44, 53 or 54 of the Act—

(i) in the case of a body corporate, a penalty of not less than 50 penalty units and not more than 100 penalty units;

- (ii) in any other case, a penalty of not less than 10 penalty units and not more than 50 penalty units or imprisonment for a period not exceeding 2 years or both;
  - (b) For any other indictable offence under the Act— 5
    - (i) in the case of a body corporate, a penalty of not more than 100 penalty units;
    - (ii) in any other case, a penalty of not more than 25 penalty units.
  
- (5) If the Industrial Magistrates Court proposes, either before, during or immediately after the hearing of the evidence for the prosecution, to dispose of the case summarily, the industrial magistrate must— 10
  - (a) tell the person charged the substance of the charge against the person; and 15
  - (b) ask the person charged a question to the following effect:
    - “Do you consent to having the charge against you being tried by me, or do you want it to be sent for trial by a jury?”; and
  - (c) if the person charged consents to the charge being tried summarily, ask the person charged how the person pleads and deal with the case accordingly.” 20
  
- Registrar.**
  
- “91F. (1) Subject to the *Public Service Act* 1974, there may be appointed a registrar and a deputy registrar of the Industrial Magistrates Court. 25
  
- (2) The registrar has the duties, powers and functions provided by this Act and the Rules and such other duties and functions as an industrial magistrate directs.
  
- (3) The registrar has power to—
  - (a) issue any process out of the Industrial Magistrates Court; and 30
  - (b) administer an oath; and
  - (c) extend the bail of a person appearing on a return date in relation to a criminal proceeding in respect of which the person has been granted bail. 35
  
- (4) Sub-section (3) (c) does not empower a registrar to vary the amount or conditions of bail.
  
- (5) A registrar has in the performance of her or his duties the same protection and immunity as a magistrate has in the performance of her or his duties. 40

(6) In the absence of the registrar, the deputy registrar has the power, duties, protection and immunity of the registrar.”

### **Register.**

5 “91G. (1) The registrar must cause a register to be kept of all the orders of the Industrial Magistrates Court and of such other matters as are directed by this Act or the Rules to be entered in the register.

(2) An order made by the Court must be authenticated by the person who constituted the Court or by the registrar at the direction of the Court.

10 (3) Any person may, on payment of the prescribed fee, inspect that part of the register kept under sub-section (1) that contains the orders of the Court.

(4) A party to a proceeding may inspect without charge that part of the register that relates to that proceeding.

15 (5) A document purporting to be an extract from the register kept under sub-section (1) and purporting to be signed by a registrar who certifies that in his or her opinion the extract is a true extract from the register is admissible in evidence in any proceedings and, in the absence  
20 of evidence to the contrary, is proof of the matters appearing in the extract.”

### **Process.**

“91H. (1) Process may only be issued out of the Industrial Magistrates Court by the registrar, except where otherwise provided by or under this or any other Act.

25 (2) The registrar must keep the original of all process issued out of the Court and must issue or cause to be issued as many copies as are necessary.

(3) The registrar may recall and cancel any process issued from the registrar’s office.”.

30 (2) On the coming into operation of an item in Schedule 1, the Principal Act is amended as set out in that item.

### **Amendments to other Acts relating to the Industrial Magistrates Court.**

23. (1) In the *Appeal Costs Act 1964*—

35 (a) in section 2, in the definition of “Court”, for “Industrial Appeals Court established under the *Labour and Industry*

*Act 1958*” substitute “Industrial Relations Commission in Court session”; and

(b) in section 13 (4), for “Industrial Appeals Court” (wherever occurring) substitute “Industrial Relations Commission in Court session”; and 5

(c) in section 18, after “magistrate” (wherever occurring) insert “, industrial magistrate”; and

(d) in section 18 (1) (a), for the phrase commencing “Industrial Appeals” and ending “of the Court” substitute “Industrial Relations Commission in Court session on appeal from the Industrial Magistrates Court, of any member of the Commission in Court session”. 10

(2) Section 14A of the *Bread Industry Act 1959* is repealed.

No. 6529.  
Reprinted to No.  
8542.  
Subsequently  
amended by No.  
9427.

(3) In the *Construction Industry Long Service Leave Act 1983*—

(a) in section 30A— 15

(i) in sub-section (4), for “a Magistrates’ ” substitute “the Industrial Magistrates”; and

(ii) in sub-section (5), for “Clerk of the Melbourne Magistrates’ ” substitute “registrar of the Industrial Magistrates”; and 20

(iii) in sub-section (6)—

(A) for “Clerk of the Melbourne Magistrates’ ” substitute “registrar of the Industrial Magistrates”; and

(B) for “a Magistrates’ ” substitute “the Industrial Magistrates”; and 25

(b) in section 60 (2) (a), for “a magistrates’ court” substitute “the Industrial Magistrates Court”; and

(c) for section 69 substitute—

“69. Any proceedings for an offence against this Act must be brought before the Industrial Magistrates Court.”; and 30

(d) in section 75, for “a magistrates’ court or the Metropolitan Industrial Court (as the case may be)” substitute “the Industrial Magistrates Court”; and 35

(e) in section 79 (2), for “a magistrates’ court” substitute “the Industrial Magistrates Court”.

(4) In the *Industrial Training Act 1975*—

(a) in section 48 (1), for “A magistrates’ court” substitute “The Industrial Magistrates Court”; and 40

No. 8706.  
Reprinted to No  
16/1986.



(b) for sections 51 (5) and (6) substitute—

“(5) Any proceedings for an offence against this Act or the regulations must be brought before the Industrial Magistrates Court.”; and

5 (c) in section 54—

(i) for “Metropolitan Industrial” substitute “Industrial Magistrates”; and

(ii) omit “and on magistrates’ courts”.

(5) In the *Magistrates’ Courts Act 1971*—

10 (a) section 69 (1) (q) is repealed; and

(b) section 69 (6) is repealed.

(6) In the *Penalties and Sentences Act 1985*—

(a) in section 6 (2), after “Court” insert “or the Industrial Magistrates Court”; and

15 (b) in section 8 (a), after “Court” insert “or the Industrial Magistrates Court”; and

(c) for section 9 substitute—

“9. If a person is convicted—

20 (a) by a Magistrates’ Court under section 69 (1) of the *Magistrates’ Courts Act 1971*; or

(b) by the Industrial Magistrates Court under section 91D of the *Industrial Relations Act 1979*—

of an offence heard and determined in a summary way, the Court may sentence that person to be imprisoned for a term of not more than 2 years.”; and

25

(d) in section 12 (1)—

(i) before “passes” insert “or the Industrial Magistrates Court”; and

(ii) omit “Magistrates’,” (where last occurring); and

30

(e) in section 12 (2), after “Magistrates’ Court” (wherever occurring) insert “or the Industrial Magistrates Court”; and

(f) in section 15 (4), after “Court” insert “and the Industrial Magistrates Court”; and

(g) after section 18 (2) (b) insert—

35

“; or

No. 8184  
Reprinted to  
No. 16/1986.  
Subsequently  
amended by  
Nos 89/1986,  
107/1986,  
110/1986,  
124/1986 and  
127/1986.

- (c) the Industrial Relations Commission in Court session, in respect of a sentence by the Industrial Magistrates Court—; and
- (h) in section 20 (1), in the definition of “Proper officer”, after paragraph (c) insert— 5  
“; and
- (d) in relation to the Industrial Magistrates Court, the registrar of the Industrial Magistrates Court.”; and
- (i) in section 25 (2) (a), after “Court” insert “or the Industrial Magistrates Court”; and 10
- (j) in section 28 (10), after “County Court” insert “or the Industrial Magistrates Court”; and
- (k) in section 33 (3), after “County Court” insert “or the Industrial Magistrates Court”; and
- (l) in section 62 (11), after “1971” insert “or section 22 of the *Industrial Relations Act 1979*”; and 15
- (m) in section 63 (4), after “Magistrates’ Court,” insert “registrar of the Industrial Magistrates Court,”; and
- (n) in section 63 (11), after “1971” insert “or section 22 of the *Industrial Relations Act 1979*”; and 20
- (o) in section 66 (1)—
- (i) in the definition of “Court”, after “County Court” insert “, the Industrial Magistrates Court”; and
- (ii) in the definition of “Proper officer of the court”, after paragraph (b) insert— 25  
“; and
- (c) in relation to the Industrial Magistrates Court, the registrar of the Industrial Magistrates Court.”; and
- (p) in section 78, after “*County Court Act 1958*” insert “, Part X of the *Industrial Relations Act 1979*”; and 30
- (q) in section 81, after “Magistrates’ Court” insert “or the Industrial Magistrates Court”; and
- (r) in section 83 (2) (a), after “Court” insert “or the Industrial Magistrates Court”; and
- (s) in section 85 (1) (b), after “County Court” insert “, the registrar of the Industrial Magistrates Court”; and 35
- (t) after section 86 (1) (f) insert—
- “; or
- (g) in the case of the Industrial Magistrates Court—by an industrial magistrate, directing that the person be apprehended and as soon as possible thereafter brought before an industrial magistrate.”; and 40
- (u) in section 86 (2)—

- (i) after “brought before” insert “the Industrial Magistrates Court or”; and
  - (ii) after “County Court” insert “, the Industrial Magistrates Court”; and
- 5 (v) in section 87 (2), after “Magistrates’ Court” insert “or the Industrial Magistrates Court”; and
- (w) in Schedule 1, after Part B insert “or (Industrial Magistrate)”.

**Recognized associations to be able to prosecute for breaches of awards.**

24. After section 92 (1) (c) of the Principal Act insert—
- 10 “(d) a recognized association in respect of the enforcement of Parts VI, VII and VIIA and section 108.”

**Regulations may authorise payment of witness expenses.**

25. After section 112 (1) (b) of the Principal Act insert—
- 15 “(ba) paying expenses to witnesses appearing at any hearing or investigation under this Act;”.

**Standardization of references to industrial associations.**

26. The sections of the Principal Act listed in Schedule 2 are amended as specified.

**Minor amendments.**

- 20 27. In the Principal Act—
- (a) in section 55 (3), for “trader” substitute “trades”; and
  - (b) in section 77 (2) (d), for “Division” substitute “Part”.



**SCHEDULES****SCHEDULE 1**

Section 22

Amendments to the Principal Act concerning the Industrial Magistrates Court.

<i>Item No.</i>	<i>Section</i>	<i>Amendment</i>
1	12 (a)	For "a Magistrates' " substitute "the Industrial Magistrates".
2	22 (1)	For this sub-section, substitute— “(1) If the informant or any person is aggrieved by a conviction or order of, or failure or refusal to make an order by, the Industrial Magistrates Court, the informant or person may appeal against the conviction or order or failure or refusal to the Commission in Court session, which has exclusive jurisdiction to deal with the appeal.”
3	22 (2)	This sub-section is repealed.
4	22 (5)	For "Magistrates' Court" (wherever occurring) insert "Industrial Magistrates Court".
5	22 (5)	For "a" (where last occurring) substitute "the".
6	22 (6)	For "Clerk of the Magistrates' Court against whose conviction or order the appeal was made" substitute "registrar of the Industrial Magistrates Court".
7	22 (7)	For "Metropolitan Industrial" substitute "Industrial Magistrates".
8	22 (7)	Omit the phrase starting "and Magistrates' " and ending at the end of the sub-section.
9	63 (1)	For "a Magistrates' Court consisting of a magistrate sitting either with or without justices" substitute "the Industrial Magistrates Court".
10	63 (3)	This sub-section is repealed.
11	72 (1)	For "a Magistrates' " substitute "the Industrial Magistrates".
12	72 (2)	For "a Magistrates' " substitute "the Industrial Magistrates".
13	73	This section is repealed.
14	74 (2)	This sub-section is repealed.
15	96	For "any court of competent jurisdiction" substitute "the Industrial Magistrates Court".

**SCHEDULE 2**

Section 26

Amendments to the Principal Act concerning references to industrial associations.

<i>Section</i>	<i>Amendment</i>
3	(1)—definition of "Industrial dispute" (a) Before "association" insert "industrial". (b) Before "associations" (wherever occurring) insert "industrial".
27 (3) (a)	For "association or organization" substitute "industrial association".
27 (3) (b)	For "organization or an" substitute "industrial".
27 (5) (a) (i)	Before "association" insert "industrial".
27 (5) (b) (i)	Before "association" insert "industrial".
27 (5) (c)	Before "association" insert "industrial".
27 (7) (a)	For "association or organization" substitute "industrial association".
27 (7) (b)	For "association or organization" substitute "industrial association". For "of this section and" substitute "to officers of an industrial association of employers and in".
27 (8) (b)	For "of this section and" substitute "to officers of an industrial association of employees and in".
28 (3)	Before "association" insert "industrial".
34 (2)	For "organization association or body" substitute "industrial association".
37 (1) (b) (i)	Before "associations" insert "industrial".

SCHEDULE 2—*continued*

<i>Section</i>	<i>Amendment</i>
37 (1) (b) (ii)	Before "associations" insert "industrial".
44 (1)	Before "association" (wherever occurring) insert "industrial".
47 (5) (ii)	Before "association" (wherever occurring) insert "industrial".
49	For "association of persons" substitute "industrial association".
50 (1) (d)	Before "association" (wherever occurring) insert "industrial".
53	For "association of employers or employes" substitute "industrial association".
54	Before "association" insert "industrial".
55 (2)	Before "association" insert "industrial".
55 (3)	Before "association" insert "industrial".
55 (5)	Before "association" insert "industrial".
55A	For "an association" (wherever occurring) substitute "an industrial association".
55B	For "an association" substitute "an industrial association".
56 (2)	For "an association recognized" substitute "a recognized association".
56 (3)	For "an association recognized" substitute "a recognized association".
99 (1) (b)	For "of the association" substitute "of the industrial association".
99 (2) (b)	For "that association" substitute "that industrial association".
99 (15)	Before "association" (wherever occurring) insert "industrial".
102 (6)	Before "association" (wherever occurring) insert "industrial".
104	Before "association" (wherever occurring except before "industrial") insert "industrial".
106 (1) (b)	Before "association" insert "industrial".





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