



ANNO DECIMO QUINTO

# GEORGI V REGIS.

A.D. 1924.

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## No. 1648.

An Act to amend the Industrial Code, 1920, and for other purposes.

[Assented to, December 24th, 1924.]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited alone as the "Industrial Code Amendment Act, 1924." Short titles.

(2) The Industrial Code, 1920 (hereinafter called "the principal Act"), the Industrial Code Amendment Act, 1921, and this Act may be cited together as the "Industrial Acts, 1920 to 1924."

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation.

3. (1) The operation of Part II. of the principal Act is hereby extended so as to apply to— Extension of principal Act to Public Servants and others.

(a) all persons who are employed in the Public Service of the State whether on wages or salary or otherwise, and whether under the provisions of the Public Service Act, 1916, or not (including teachers appointed under the Education Act, 1875, or the Education Act, 1915, and members of the Police Force), as if all those persons were Public Service employes within the meaning of the said Part of the principal Act ;

(b) all persons who are employed by the South Australian Railways Commissioner whether on wages or salary or otherwise, as if all those persons were railway employes within

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within the meaning of the said Part of the principal Act; and

(c) to all persons who are employed by the Board of Trustees of the State Bank of South Australia, or by the Board of Trustees of the Savings Bank of South Australia, whether on wages or salary or otherwise as if all those persons were employes within the meaning of the said Part of the principal Act.

(2) For the purpose of giving effect to this section, the principal Act is amended in the manner set out in the First Schedule.

Amendment of  
principal Act,  
s. 54—  
Persons entitled  
to appeal.

4. Section 54 of the principal Act is amended by striking out the words "in the event of such representatives having voted against the making of such determination, or the portion thereof appealed against" where occurring in paragraphs (c) and (d) of subsection (1) of the said section.

Amendment of  
principal Act,  
s. 63—  
Non-employé  
members of  
association.

5. Section 63 of the principal Act is amended by adding after the word "industry" in the third line thereof the words "together with such other persons (if any), whether employes in the industry or not, as have been appointed officers of the association and admitted as members thereof".

Amendment of  
principal Act, Part  
II.  
Power for  
registered asso-  
ciation to change  
name.

6. Division VI. of Part II. of the principal Act is amended by adding after section 68 therein the following section:—

68A. (1) Any registered association which has changed its name in the manner prescribed by its rules, or if it has no rules relating to change of name, pursuant to a resolution passed by a majority of the members present and voting at a meeting of the association specially called for the purpose, of which meeting not less than fourteen days notice was given to all the members, may apply to the Registrar to register the change of name.

(2) No change of name shall have any effect until registered.

(3) The application to register a change of name shall be made by the secretary or some other prescribed officer of the association, and shall be made in such form and accompanied by such evidence as is prescribed.

(4) Upon registering the change of name of an association the Registrar shall make an indorsement upon the certificate of registration of the association stating that the name of the association has been changed, and specifying the new name.

(5) No association shall change its name so that the name when changed is identical with that of any other registered association, or with the name under which any other trade union is for the time being registered under The Trade Union Act, 1876, or so nearly resembles any such name as to be likely to deceive members of any such registered association, trade union, or the public.

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7. Division II. of Part III. of the principal Act is amended by inserting after section 153 the following new section :—

Amendment of  
principal Act,  
Part III.—

Alteration of ambit  
of Board.

153A. If at any time the Board of Industry reports to the Minister, pursuant to sections 259 or 260 of this Act, that any employés or any class of employés for the time being bound, or about to become bound by the determination of a Board, should be transferred to the jurisdiction of another Board, the Minister shall publish in the *Gazette* a notice containing the report of the Board of Industry and a statement that the report will become operative forthwith upon the expiration of fourteen days from the date of the notice ; and after the expiration of fourteen days from the publication of the notice, the industries or division, subdivision, combination, or arrangement or grouping of industries in respect of which each Board mentioned in the report is appointed, shall be deemed to have been altered according to the tenor of the report :

Provided that no existing rights shall be affected by anything done under this section, nor shall the publication of any such notice as aforesaid affect any Board otherwise than in respect of the industry or division, subdivision, combination, arrangement, or grouping of industries in respect of which the Board is appointed.

8. Section 156 of the principal Act is amended—

Amendment of  
principal Act,  
s. 156—

Vacancy in office  
of chairman.

- (a) by inserting after the word "member" in the first line the words "or the chairman" ; and
- (b) by inserting after the word "member" in the fourth line thereof, the words "or chairman" .
- (c) by striking out the word "seven" in the fifth line and inserting in lieu thereof the word "fourteen" ; and
- (d) by inserting after the words "may be" in the seventh line the words "or in cases where the vacancy is a vacancy in the office of chairman a majority of all the representatives on the Board."

9. Section 189 of the principal Act is amended by adding at the end thereof the following new subsection (the first part of the said section being read as subsection (1) thereof) :—

Amendment of  
principal Act,  
s. 189—

Period of operation  
of determination.

(2) After the expiration of the period specified in the determination of a Board, the determination shall remain in force as regards the employés in any industry or calling to which it relates, until a new determination for the same industry or calling has been made by the same or a subsequent Board, unless the determination has been previously cancelled by the Minister, rescinded by the Court, or suspended by the Governor, as mentioned in subsection (1) of this section.

10. Section 278 of the principal Act is amended by striking out the words "or to any factory connected therewith" at the end of the said section.

11. Division

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Amendment of  
Division XXIV. of  
Part V. of principal  
Act.

Regulations.

**11.** Division XXIV. of Part V. of the principal Act is amended by adding at the end thereof the following section :—

374A. The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Part of this Act are required or permitted to be prescribed, or which may be necessary or convenient for giving effect to this Part of this Act, and may by any regulation impose a penalty not exceeding Ten Pounds for breach of the same or any other regulation.

Minor amendments  
of principal Act

**12.** The principal Act is further amended in the manner set forth in the Second Schedule to this Act.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

TOM BRIDGES, Governor.

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## SCHEDULES.

## THE FIRST SCHEDULE.

*Amendments under Section 3 of this Act.*

Section of Industrial Code, 1920.	How Amended.
Section 5.....	<p>At the end of the definition of the word "employé" insert the following passage:—"but when used with reference to Public Service employés or persons employed by the Board of Trustees of the State Bank of South Australia, or by the Board of Trustees of the Savings Bank of South Australia, or by the South Australian Railways Commissioner, shall include persons employed on salary."</p> <p>At the end of the definition of "employer" insert the following new sub-paragraphs to paragraph (b):—</p> <p>VIII. The Board of Trustees of the State Bank of South Australia :</p> <p>IX. The Board of Trustees of the Savings Bank of South Australia.</p> <p>Strike out the words "at daily or weekly wages or at piece-work rates of payment except" in the third and fourth lines of the definition of "Public Service employés" and insert in lieu thereof "whether under the provisions of the Public Service Act, 1916, or not, and includes teachers appointed under the Education Act, 1875, or the Education Act, 1915, and members of the Police Force but does not include".</p> <p>Strike out the letter "(a)" in the second line, and the whole of paragraph (b) of the last-mentioned definition.</p> <p>Strike out the words "employed at daily or weekly wages or at piece-work rates of payment" in the definition of "Railway employés" and insert in lieu thereof the word "Commissioner".</p>
Section 62.....	<p>Strike out the word "or" in the second line of paragraph (b) of subsection (2); insert after the numeral "VII." in the third line of the said paragraph the passage "VIII. or IX."</p>

## THE SECOND SCHEDULE.

*Amendments under Section 12 of this Act.*

Section of Industrial Code, 1920.	How Amended.
Section 3.....	<p>Strike out "145" in the third line of paragraph IV. of subsection (2), and insert in lieu thereof "143".</p> <p>After the words "Industrial Court" in the fifth line of the said paragraph IV. insert the words "or any industrial agreement filed in the office of the Registrar".</p> <p>Strike out the word "with" in the last line of the said paragraph IV., and insert in lieu thereof the word "under".</p>
Section 5.....	<p>Strike out the words "prescribed by regulations" in the last two lines of the definition of "Allowances" and insert in lieu thereof the words "declared by regulation not to be included in the term "allowances."</p>

*Industrial Code Amendment Act.—1924.**Amendments under Section 12 of this Act—continued.*

Section of Industrial Code, 1920.	How Amended.
Section 5— <i>continued.</i>	<p>After the word "employé" in the first line of the definition of the term "improver" insert the words "(not being an apprentice)".</p> <p>Insert after the definition of the word "Lock-out" the following definition:—</p> <p>"Metropolitan Area" comprises the whole of the area contained in the present Electoral Districts of Adelaide, North Adelaide, West Torrens, East Torrens, Sturt, and Port Adelaide, and so much of the hundreds of Port Adelaide and Yatala as is necessary to include the Metropolitan Abattoirs.</p>
Section 7 . . . .	Strike out the words "this Part of" in the third line of the section.
Section 17 . . . .	<p>Strike out subparagraph iv. of paragraph (b) of subsection (1).</p> <p>Insert after word "paragraphs" in the third line of subsection (2) the letter "(d)"; insert after the letter "(h)" the word "and"; strike out the passage "and (j)" in the said line.</p> <p>Strike out subsection (3).</p>
Section 25 . . . .	Strike out "192" in the seventh line, and insert in lieu thereof "193".
Section 45 . . . .	Strike out the words "an award" in the first line, and insert in lieu thereof the words "a declaration".
Section 47 . . . .	At the end of the section insert the words "or until a determination of a Board comes into effect with respect to any of the employés covered by the award or order, in which case the award or order shall cease to have any effect as regards those employés."
Section 54 . . . .	Strike out the word "shall" in the second line of subsection (3), and insert in lieu thereof the word "may"; after the word "records" in the second line of the said subsection insert the words "(if any)".
Section 57 . . . .	Insert after the word "published" in the second line of subsection (7) the words "by the Minister".
Section 67 . . . .	Strike out "(3)" in the first line, and insert in lieu thereof "(4)".
Section 78 . . . .	Strike out the words "registration of" in the fourth line, and insert in lieu thereof the word "resignation".
Section 85 . . . .	Strike out "61" in the last line of paragraph (g) of subsection (1), and insert in lieu thereof "63".
Section 112 . . . .	Strike out "113" in the last line, and insert in lieu thereof "115".
Section 115 . . . .	Strike out "111" and "112" in the first line, and insert in lieu thereof "112" and "113" respectively.
Section 116 . . . .	Strike out "21" in the first line thereof, and insert in lieu thereof "24".
Section 140 . . . .	<p>Strike out the words "prescribed by regulations" in the last line of the definition of "Allowances" and insert in lieu thereof the words "declared by regulation not to be included in the term "allowances"."</p> <p>Insert after the word "employé" in the first line of the definition of "Improver" the words "(not being an apprentice)".</p> <p>After the definition of "Minister" insert the following definition: "President" or "the President" means the President of the Industrial Court, and includes a Deputy President.</p>

*Industrial Code Amendment Act.—1924.**Amendments under Section 12 of this Act—continued.*

Section of Industrial Code, 1920.	How Amended.
Section 148....	Strike out the word "President" in the second line, and insert in lieu thereof the word "Court". Strike out the word "he" in the third line, and insert in lieu thereof the word "it".
Section 149....	Strike out the word "President" in the last line, and insert in lieu thereof the word "Court".
Section 150....	Strike out the word "President" in the first line, and insert in lieu thereof the word "Court". Strike out the words "the time within" in the first line of paragraph (b), and insert in lieu thereof the words "a date upon".
Section 151....	Strike out the word "seven" in the second line, and insert in lieu thereof the word "fourteen". Insert after the word "posting" in the third line the words "to the representatives." At the end of subsection (1) add the following passage :— "The nomination shall be forwarded to the Minister."
Section 152....	Strike out the words "President of the Board of Industry" in paragraph (b) and the word "President" in paragraph (c), and in either case insert in lieu thereof the word "Court."
Section 153....	Strike out the word "President" in the second line of paragraph (d) of subsection (1), and insert in lieu thereof the word "Court".
Section 154....	Strike out "(4)" after the word "subsection" in the penultimate line of paragraph (b) of subsection (2), and insert in lieu thereof "(5)".
Section 164....	Strike out "185" in the third line of subsection (2), and insert in lieu thereof "187".
Section 176....	Strike out paragraph (d) of subsection (2).
Section 190....	Strike out the words "or association of employés" in the second and third lines.
Section 194....	Strike out the words "an award" in the second line, and insert in lieu thereof the words "a declaration".
Section 196....	Insert after the word "made" in the first line of subsection (2) the word "to".
Section 200....	Strike out "185" in the last line of subsection (3) and insert in lieu thereof "187".
Section 221....	Strike out "221" in the last line, and insert in lieu thereof "220".
Section 268....	Strike out the proviso to this section and insert in lieu thereof the following proviso :— Provided that upon the laying before both Houses of Parliament of the determination, or in the case of a determination the effect of which is to provide for the payment to Public Service employés of increased wages prices or rates, upon the appropriation aforesaid, the determination shall take effect as from the date of the coming into operation thereof, as provided by section 267.

*Industrial Code Amendment Act.—1924.**Amendments under Section 12 of this Act—continued.*

Section of Industrial Code, 1920.	How Amended.
Section 274....	Strike out the word "rules" in the first and tenth lines, and in either case insert in lieu thereof the word "regulations".
Section 290....	Strike out "301" in subparagraph III. of paragraph (c), and insert in lieu thereof "291".
Section 291....	Strike out "300" in the first line, and insert in lieu thereof "290".
Section 307....	Strike out "264" in the tenth line, and insert in lieu thereof "306."
Section 350....	After the numeral "xiv." in the second line insert the numeral "xv."
Section 377....	After the numeral "xiv." in the first line insert the numeral "xv."