

FREMANTLE HARBOUR TRUST.

6° Elizabeth II., No. XLII.

No. 42 of 1957.

AN ACT to amend the Fremantle Harbour Trust Act, 1902-1954.

[Assented to 22nd November, 1957.]

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

Short title
and citation.

1. (1) This Act may be cited as the *Fremantle Harbour Trust Act Amendment Act, 1957.*

(2) In this Act the Fremantle Harbour Trust Act, 1902-1954,

Reprinted
in the
Appendix
to the
Sessional
Volume of
Statutes,
1934.

Act No 17 of 1902, as reprinted with amendments to and including Act No. 4 of 1913 incorporated and further amended by Acts Nos. 54 of 1950, 17 of 1951, 39 of 1952, and 73 of 1954, and as affected by Acts Nos. 38 of 1928 and 1 of 1952, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Fremantle Harbour Trust Act, 1902-1957.

2. This Act shall come into operation on a day to be fixed by proclamation. Commence-
ment.

3. The principal Act is amended by adding after section thirty-one and before the heading "Pilotage", the following section:— S. 31A
added.

31A. (1) In this section,

"casual work" means

- (a) work which is referred to in the constitution of The Federated Ship Painters and Dockers Union of Australia (West Australian Branch) Union of Workers, as registered pursuant to the provisions of the Industrial Arbitration Act, 1912; and
- (b) any other work which the Governor declares by proclamation to be casual work to which this section applies; and

"casual worker" means a person who carries out, or is willing to carry out casual work.

(2) Power is conferred on the Governor to declare by proclamation that work is casual work to which this section applies, and by subsequent proclamation to cancel, or, from time to time, vary any declaration so proclaimed.

(3) In order to render an additional service available, the Commissioners shall take all reasonable steps to arrange with casual workers or their employers, subject to the regulations, that sufficient casual workers attend at places, within the boundaries of the harbour, for which purpose the slipways at the western end of the Fremantle inner harbour, known respectively as

the South Slipway and the Rous Head Slipway shall be deemed to be included within the boundaries of the harbour, so as to be available to carry out casual work if required to do so.

(4) In order to ensure attendance of casual workers so as to be available to carry out casual work, the Commissioners shall prescribe for the service mentioned in subsection (3) of this section, a service charge assessed at such rate per man hour worked as the Commissioners estimate to be necessary and to be paid by persons actually employing casual workers as defined in section thirty-one A of this Act

(a) to pay attendance money required to be paid under any award or agreement duly made and effective under the Industrial Arbitration Act, 1912-1952; and

(b) to pay administrative expenses of giving effect to this section.

S. 41
amended.

4. Section forty-one of the principal Act is amended by—

(a) adding after the word, “wharfage” in line one, the words, “and service”;

(b) adding a proviso as follows:—

Provided that service charges prescribed under section thirty-one A of this Act shall be levied on and payable by only those persons who actually employ casual workers as defined by and provided under that section. Contributions shall be made as directed from time to time by such employers of casual workers after the employment of such workers.

5. Section fifty-eight of the principal Act is ^{S. 58} amended—

- (a) by adding after the section designation, “58”, the subsection designation, “(1)” and the passage, “Except to the extent that subsection (2) of this section provides otherwise,”;
- (b) by substituting for the paragraph designations, “(1)”, “(2)” and “(3)”, the paragraph designations, “(a)”, “(b)” and “(c)”; and
- (c) by adding the following subsections:—

(2) Service charges collected by the Commissioners for attendance money and administration expenses under section thirty-one A of this Act shall be paid by the Commissioners into the Treasury to the credit of an account to be called, “Fremantle Harbour Trust Attendance Money Account”; and shall be used for payment of attendance money payable under an award or agreement referred to in that section.

(3) Where there is, or is likely to be, a deficiency in the Fremantle Harbour Trust Attendance Money Account, the Commissioners may, in order to make good, or to avoid, the deficiency, borrow from the Treasurer who may lend to the Commissioners from the Consolidated Revenue Fund, such sums, on such terms and conditions, including terms and conditions as to repayment, and as to payment of interest, as the Treasurer specifies, and is hereby authorised to specify.

S. 65
amended.

6. Section sixty-five of the principal Act is amended by adding after paragraph (48) the following paragraph:—

(48a) Any purpose necessary or desirable for giving effect to section thirty-one A of this Act, including without derogating from the generality of this paragraph—

- (a) the registration of casual workers and their employers;
- (b) the discipline of casual workers and their employers;
- (c) the attendance, roster, quota, and direction of casual workers;
- (d) the direction of employers of casual workers;
- (e) the administration of all matters related or incidental to giving effect to that section;
- (f) any matter related or incidental to a service charge mentioned in that section; and
- (g) any matter related or incidental to any of the matters referred to in subparagraphs (a) to (f) inclusive of this paragraph;

but so that any regulation made under this paragraph is not inconsistent with any award or agreement referred to in subsection (4) of section thirty-one A of this Act and effective under the Industrial Arbitration Act, 1912.
