

INDUSTRIAL ARBITRATION (No. 2).

14° Geo. VI., No. XX.

No. 20 of 1950.

AN ACT to amend Part VII of the Industrial Arbitration Act, 1912-1949.

[Assented to 23rd November 1950.]

BE it enacted by the King'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:—

1. This Act may be cited as the *Industrial Arbitration Act Amendment Act (No. 2), 1950*, and shall be read as one with the Industrial Arbitration Act, 1912-1949 (Act No. 57 of 1912, as reprinted, with amendments to and including Act No. 49 of 1941, pursuant to the provisions of the Amendments Incorporation Act, 1938, and incorporated in Volume 2 of the Reprinted Acts of the Parliament of Western Australia, 1943, and further amended by Acts Nos. 46 of 1948 and 42 of 1949), hereinafter referred to as the principal Act.

Short title.
Cf. No. 42 of
of 1949, s. 2.

s. 123
amended.

2. Section one hundred and twenty-three of the principal Act is repealed and the following section substituted therefor:—

Declaration
of basic
wage.

123. (1) The Court shall have jurisdiction at any time and from time to time to determine and declare—

- (a) a basic wage to be paid to male workers;
- (b) a basic wage to be paid to female workers; and
- (c) wherever and whenever necessary differential basic wages to be paid in respect of special or defined areas of the State.

(2) In this Act the expression “basic wage” means a wage which the Court considers to be just and reasonable for the average worker to whom it applies.

(3) In determining the basic wage, the Court shall take into consideration—

- (a) the amount which the Court deems sufficient to enable such average worker to live in reasonable comfort, having regard to any domestic obligation to which such average worker would be ordinarily subject; and
- (b) the economic capacity of industry and any other matters which the Court deems relevant and advisable but so as not to reduce the basic wage below an amount deemed necessary by the Court to meet the requirements of paragraph (a) of this subsection and determined without regard being had to the matters mentioned in this paragraph.

(4) In the application of the basic wage to industrial agreements and awards so far as a wage is thereby determined for workers who receive from their employer without charge

board and lodging, or lodging, or board, or partial board, or other allowances which are deemed by the Court to be a just set-off, the monetary value thereof as assessed by the Court shall be deemed, pro tanto, payment of a portion of the wage received by the worker.

(5) In determining the basic wage the Court shall not deem itself bound by any previous decision of the Court or any other Court determining a minimum or basic wage.

(6) The Court may exercise its jurisdiction under subsection (1) of this section on its own motion, and shall exercise such jurisdiction if and whenever requested so to do either by a majority of industrial unions of workers for the time being or by the Western Australian Employers' Federation (Incorporated).

Provided that no new determination pursuant to any such request shall be made by the Court until the expiration of twelve months from the commencement of its then last preceding determination.

(7) By leave of the Court any party concerned may be represented at and take part in any inquiry which may be held by the Court when determining the basic wage. The Court may allow such reasonable costs to the parties as it may deem to be sufficient, and such shall be payable from moneys appropriated by Parliament for the purposes of this Act.

(8) The determination of the Court shall be presented to the Minister, who shall cause it to be published forthwith in the *Gazette*.

(9) Subject to section one hundred and twenty-seven, the basic wage so declared shall operate and have effect from such date as the Court declares and shall remain in force until the day before the date from which the next declaration of the basic wage under this section operates and has effect.

(10) Subject to section one hundred and twenty-seven, after the declaration of the basic wage as aforesaid, no award or industrial agreement shall be made which prescribes a lesser wage than the basic wage, except in the case of junior, infirm or aged workers, or apprentices.

s. 124
repealed.

3. Section one hundred and twenty-four of the principal Act is repealed.

s. 126
amended.

4. Section one hundred and twenty-six of the principal Act is amended by deleting the words "subject to section one hundred and twenty-four" in line one.

s. 127
amended.

5. Section one hundred and twenty-seven of the principal Act is amended by—

- (a) deleting from subsection (1) the words "for the unexpired term of such basic wage or until the same is again reviewed under this section" in lines twelve, thirteen and fourteen;
- (b) deleting from subsection (3) all words after the word "Court" in line six to the end of the subsection.