

INDUSTRIAL ARBITRATION.

14° and 15° Geo. VI., No. LVI.

No. 56 of 1950.**AN ACT to amend the Industrial Arbitration Act, 1912-1949.**

[Assented to 18th December, 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:—

Short title.

1. This Act may be cited as the *Industrial Arbitration Act Amendment Act, 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, incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938, 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.

2. The principal Act, as amended by this Act, may be cited as the Industrial Arbitration Act, 1912-1950.

Citation of principal Act as amended by this Act.

3. The proviso to section one hundred and three of the principal Act is repealed.

S. 103 amended.

4. The following section is inserted after section one hundred and three of the principal Act:—

S. 103A added.

103A. (1) In this section—

“appeal” means an appeal brought pursuant to the provisions of this section;

Appeal from decision of Industrial Magistrate.

“decision” includes a conviction, penalty, order, order of dismissal and any other determination of an Industrial Magistrate;

“Industrial Magistrate” means an Industrial Magistrate exercising the powers and duties of the Court, referred to in the last preceding section;

“process” means a complaint, conviction, order, warrant, or other procedural document, record or proceeding before the Industrial Magistrate relating to the subject matter of an appeal.

(2) A party to proceedings before an Industrial Magistrate may appeal to the Court in manner prescribed in respect of the whole or part of the Industrial Magistrate’s decision.

(3) Jurisdiction is conferred upon the Court to hear and determine appeals.

(4) In exercising the jurisdiction conferred by the last preceding subsection, the Court may—

(a) hear and determine the appeal upon the evidence and proceedings before the Industrial Magistrate solely or upon that evidence and those proceedings and in addition upon such evidence, either oral or by affidavit, as the Court thinks fit to call or admit;

- (b) make findings of fact and draw inferences from fact;
- (c) adjourn the hearing and determination of the appeal from time to time;
- (d) rectify or cause to be rectified any defects in substance or in form, variance, deficiency, excess or other defect or error in the processes and proceedings before, and the exercise or purported exercise of any power by, the Industrial Magistrate;
- (e) confirm, reverse, vary, amend, rescind, set aside, or quash the decision the subject of the appeal;
- (f) remit the whole or part of the case to the Industrial Magistrate or another Industrial Magistrate for hearing or rehearing with or without the observations or opinion of the Court or such directions in law as the Court thinks fit;
- (g) exercise any power, which the Industrial Magistrate might have exercised, and any order of the Court made for the purpose shall be enforceable as if made by him;
- (h) make such orders as to terms, costs and all other matters as the Court thinks desirable and just.

S. 108C
amended.

5. Section one hundred and eight C of the principal Act is amended by adding thereto a subsection as follows:—

(2) On the hearing of an appeal under this section, the Court may confirm, reverse, vary, amend, rescind, set aside or quash the decision the subject of the appeal and may remit the whole or part of the case to the Conciliation Commissioner with or without the observations or opinion of the Court and whether for report to the Court or for determination.

6. Section one hundred and forty-three of the principal Act is amended by— S. 143
amended.

- (a) substituting for the words “six hundred and ninety-nine pounds a year” in lines five and six of paragraph (3) of the interpretation “Government officer,” the words, “the justiciable salary”;
- (b) adding after the interpretation “Minister,” the following interpretation—

“justiciable salary” means a salary which corresponds at the time when it is determined, to the then current equivalent—

after taking into account basic wage variations and any other variations authorised by this Act, or by an agreement entered into, or an award promulgated pursuant to the provisions of this Act—

of a total salary at the first day of July, one thousand nine hundred and fifty, of one thousand and five pounds a year payable to a Government officer who is regarded, for the purpose of the classification or reclassification of the office occupied by him, as located in the area determined by the Court for the purpose of fixing the basic wage as the Metropolitan Area.

7. Paragraph (i) of the proviso to section one hundred and fifty of the principal Act is amended by substituting for the words “a maximum rate of salary of six hundred and ninety-nine pounds a year” in lines five, six and seven, the words “the justiciable salary”. S. 150
amended.

8. The proviso to section one hundred and sixty-four of the principal Act is amended by— S. 164
amended.

- (a) substituting for the words “is less than seven hundred pounds” in lines three and four of paragraph (i), the words “does not exceed the justiciable salary”;

- (b) deleting the word "not" in line two of paragraph (ii);
- (c) substituting for the words "unless and until the aggregate amount of the variations in" in lines three and four of paragraph (ii), the words "by the variation in the annual equivalent calculated to the nearest one pound of";
- (d) deleting all words in lines five and six.

S. 179
amended.

9. Section one hundred and seventy-nine of the principal Act is amended by—

- (a) adding after the word "its" in line two of paragraph (iv) of subsection (1), the words "original and appellate";
- (b) deleting paragraphs (i) and (ii) of subsection (2);
- (c) deleting subsections (3), (4) and (5).

Cf. No. 30
of 1918, s. 36,
as amended
by No. 28 of
1938, and
No. 8 of 1948