

INDUSTRIAL ARBITRATION.

12° and 13° Geo. VI., No. XLVI.

No. 46 of 1948.

AN ACT to amend the Industrial Arbitration Act, 1912-1941.

[Assented to 7th January, 1949.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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, 1948*, and shall be read as one with the Industrial Arbitration Act, 1912-1941 (No. 57 of 1912 as reprinted pursuant to the Amendments Incorporation Act, 1938, with all amendments up to and including No. 49 of 1941, in Volume 2 of the Reprinted Acts of the Parliament of Western Australia), hereinafter referred to as the principal Act.

Short title.
Of No. 49 of
1941, s. 14.

2. The principal Act, as amended by this Act, may be cited as the Industrial Arbitration Act, 1912-1948.

Citation of
principal Act
as amended.

3. (1) Section fifty of the principal Act is amended by deleting the word "three" in line two of subsection (2) and inserting in lieu thereof the word "five".

Amendment
of s. 50.

(2) This amendment shall apply only to future appointments under the said section.

New Part
IVA.

4. A new Part is inserted in the principal Act after section one hundred and eight thereof as follows:—

PART IVA.—CONCILIATION COMMISSIONER.

Conciliation
Commissioner.
Cl. No. 2 of
1940 of
N.S.W., s. 15.

108A. (1) The Governor may appoint a person to be the Conciliation Commissioner.

(2) The rate of salary of the Conciliation Commissioner shall be fixed by the Governor.

(3) Subject to this section, the Conciliation Commissioner shall be appointed for a term expiring on his attaining the age of sixty-five years.

(4) The Conciliation Commissioner may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except in manner following, that is to say:—

(a) The Minister shall cause to be laid before Parliament a full statement of the ground of suspension within seven sitting days after such suspension if Parliament is in session, or if not, then within seven sitting days after the commencement of the next session.

(b) The Commissioner suspended under this subsection shall be restored to office unless each House of Parliament within twenty-one sitting days from the time when such statement has been laid before it declares by resolution that the Commissioner ought to be removed from office and if within the time aforesaid each House of Parliament so declares the Commissioner shall be removed by the Governor accordingly.

(5) The Conciliation Commissioner shall be deemed to have vacated his office—

(a) if he resigns his office by writing under his hand addressed to the Governor;

(b) if he becomes bankrupt, compounds with his creditors, or makes an assignment of his salary or estate for their benefit;

(c) is or becomes of unsound mind; or

(d) is proved to be guilty of inciting any industrial union or any worker or employer to commit any breach of this Act or of an industrial agreement or award.

(6) The Conciliation Commissioner shall, while he holds such office, be deemed to be an employee appointed for a term of years to a statutory office under the Government of the State within the meaning and for the purposes of the Superannuation and Family Benefits Act, 1938-1947, and he shall be entitled to have his services as Conciliation Commissioner reckoned as service for the purposes of leave and allowances under the Public Service Act, 1904-1947, and the regulations made thereunder.

Cf. No. 34
of 1938, s. 3
(3) and (4).

(7) The Conciliation Commissioner shall, upon his appointment, take the oath of allegiance and the judicial oath.

108B. The Conciliation Commissioner shall, in relation to any industrial matter or dispute remitted to him by the Court, have, and may exercise the jurisdiction, powers, and authorities of an industrial board duly constituted by the Governor under section one hundred and nine of this Act, and shall have and may exercise the following further jurisdiction, powers and authorities:—

Jurisdiction
and powers
of Concilia-
tion Com-
missioner.

(a) Those of the chairman of any industrial board duly constituted by the Governor under section one hundred and nine of this Act.

(b) Such further and other jurisdiction, powers and authorities of the Court and of the President as may be respectively delegated to him from time to time by the Court or by the President, as the case may be:

Provided that the Court or the President, as the case may be, may at any time revoke or vary any such delegation.

108C. Any party to any proceedings before the Conciliation Commissioner may, within the time and in the manner prescribed, appeal to the Court from any decision, award, or order made by the Conciliation Commissioner and the Court shall have jurisdiction to hear and determine the appeal.

Appeals.

Amendment
of s. 166.

5. Section one hundred and sixty-six of the principal Act is amended by deleting subsection (1) and inserting in lieu thereof the subsections following:—

(1) The Governor shall from time to time appoint some person to be Registrar of Industrial Unions, and may also appoint some person to be Assistant Registrar of Industrial Unions, who—

(a) shall have and may exercise all or any of the powers and authorities, and shall discharge the duties under this Act of the Registrar during the illness, temporary incapacity, or temporary absence from office of the Registrar;

(b) shall have and may exercise such powers and authorities of the Registrar as the President or the Registrar may from time to time assign to him in writing, either generally or in any particular case.

(1A) In the absence of proof to the contrary, it shall be presumed that anything done by the Assistant Registrar in purported exercise of any power conferred by this Act on the Registrar is lawfully authorised under this section.

Amendment
of s. 166.

6. Section one hundred and sixty-eight of the principal Act is amended by inserting in paragraph (a) after the word "President" in line two, the words "Conciliation Commissioner", and after the word "Registrar" in line three, the words "Assistant Registrar".

Amendment
of s. 170.

7. Section one hundred and seventy of the principal Act is amended as follows:—

(a) By inserting in subsection (1), after the word "Registrar" where it occurs in line one of paragraph (b), line two of paragraph (c), and line one of paragraph (d), the words "Assistant Registrar".

(b) By inserting in subsection (1), after the word "in" in line three of paragraph (e), the words "the Assistant Registrar or".

(c) By inserting after the word "Registrar" where it occurs in line one of subsection (2), and in line two of subsection (3), the words "Assistant Registrar".