

# INDUSTRIAL ARBITRATION.

11° GEO. V., No. XLV.

No. 45 of 1920.

**AN ACT to amend the Industrial Arbitration Act, 1912.**

*[Assented to 24th December, 1920.]*

**B**E 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, 1920*, and shall be read as one with the Industrial Arbitration Act, 1912, hereinafter referred to as the principal Act. Short title.

2. Section forty-three of the principal Act is hereby amended by inserting after the word "absence," in line three, the words "and may from time to time appoint a judge as deputy President of the Court, and in that capacity to exercise the powers and functions of the President." Amendment of section 43.

3. Section one hundred and twenty of the principal Act is hereby amended by inserting after the word "dispute," in line three of subsection (1), the words, "and notwithstanding that a lockout or strike may exist," and the addition thereto of subsections, as follows:— Amendment of section 120.

(5.) Whenever a conference has been held under this section and an agreement has been reached as to the whole or some portion of the matters in dispute, an industrial agreement between the parties to the conference shall be made accordingly, and the provisions of Part III. of this Act shall apply.

*See* 1912, No. 57, s. 53.  
*Com.* 1911, No. 6, s. 10.

(6.) Whenever a conference has been held and no agreement has been reached as to the whole or some portion of the matters in dispute, the President may, in the prescribed manner, refer all matters in dispute on which no agreement has been arrived at to the Court, and the Court shall have jurisdiction to hear and determine any matter so referred to it as an industrial dispute under this Act.

*Special Commissioner.*  
*See* N.S.W. No. 17 of 1912, s. 43.

4. A section is hereby inserted in the principal Act, and shall have effect as follows:—

120A. (1.) The Minister may from time to time appoint a special commissioner.

*Conference.*

(2.) Such commissioner may require the attendance of any persons to meet in conference whenever any question has arisen that in his opinion may lead to a lock-out or strike, or whenever a lock-out or a strike has occurred. At such conference the commissioner shall preside and endeavour to induce the parties to come to an agreement.

*See* *Com.*, No. 6 of 1911, s. 6.

(3.) The commissioner may require any person, whether connected with an industrial dispute or not, whose presence at the conference the commissioner thinks is likely to conduce to the prevention or settlement of an industrial dispute, to attend at the conference.

*Penalty.*

(4.) If any person does not attend in conference when required so to do as aforesaid, he shall be liable to a penalty not exceeding fifty pounds.

(5.) Whenever a conference has been held under this section and an agreement has been reached as to the whole or some portion of the matters in dispute, an industrial agreement between the parties to the conference shall be made accordingly, and the provisions of Part III. of this Act shall apply.

*See* 1912, No. 57, s. 58.  
*Com.* 1911, No. 6, s. 10.

(6.) Whenever a conference has been held under this section and no agreement has been reached as to the whole or some portion of the matters in dispute, the special commissioner may, in the prescribed manner, refer all matters in dispute in which no agreement has been arrived at to the Court, and the Court shall have jurisdiction to hear and determine any matter so referred to it as an industrial dispute under this Act.

5. A section is hereby inserted in the principal Act, and shall have effect as follows:—

120b. When a conference has been held under section one hundred and twenty or one hundred and twenty a, and an agreement has been reached as to some portion of the matters in dispute, but not as to the whole of the matters in dispute, and an industrial agreement is not made between the parties and registered within fourteen days after the close of the conference, the President or Commissioner, as the case may be, shall sign and cause to be filed with the Clerk of the Court a memorandum of the matters upon which an agreement was reached, and the terms and conditions agreed upon; and such memorandum shall thereupon have the force and effect of an industrial agreement between the parties for a period to be therein specified.

Partial adjust-  
ment of dispute  
after conference.

6. Section forty-eight of the principal Act is hereby amended by omitting the words "four hundred pounds," and inserting "six hundred pounds" in place thereof.

Amendment of  
section 48.

---