

INDUSTRIAL ARBITRATION (No. 2).

No. 61 of 1966.

AN ACT to amend the Industrial Arbitration Act,
1912-1963.

[Assented to 12th December, 1966.]

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 *Industrial Arbitration Act Amendment Act (No. 2), 1966.*

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Acts.

(2) In this Act the Industrial Arbitration Act, 1912-1963, is referred to as the principal Act.

Approved for
Reprint, 22nd
January, 1964.

(3) The principal Act as amended by this Act may be cited as the *Industrial Arbitration Act, 1912-1966.*

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on a date to be fixed by proclamation. Commence-
ment.

(2) It shall not be necessary to proclaim that the whole of this Act shall come into operation on one date but the several sections of this Act may be proclaimed to come into operation on such dates as are respectively fixed by proclamation.

3. Section three of the principal Act is repealed. S. 3
repealed.

4. Section six of the principal Act is amended— S. 6
amended.

(a) by substituting for the interpretation, “Employer”, the following interpretation—

“Employer” includes—

(a) persons, firms, companies and corporations;

(b) the Crown and any Minister of the Crown, or body corporate acting on behalf of the State; and

(c) any employer within the meaning of the Public Service Arbitration Act, 1966,

employing one or more workers; ;
and

(b) by deleting paragraph (a) immediately following the passage, “The term does not include—” in line twenty-eight of the interpretation. “Worker”.

S. 11A
added.

5. The principal Act is amended by adding after section eleven, the following section—

Registration
of Civil
Service
Association
as an
industrial
union.

11A. (1) In this section—

“Government officer” includes—

- (a) every person employed as an officer or temporary employee under and within the meaning of the Public Service Act, 1904;
- (b) every person employed on the salaried staff of—
 - (i) the Commissioner of Main Roads appointed under the Main Roads Act, 1930;
 - (ii) the Forests Department under the Forests Act, 1918;
 - (iii) the Commissioner of Transport constituted under the State Transport Co-ordination Act, 1933;
 - (iv) the Metropolitan Market Trust under the Metropolitan Market Act, 1926;
 - (v) any public hospital that is managed and controlled by a Minister of the Crown under and for the purposes of the Hospitals Act, 1927; or
 - (vi) any port authority, harbour trust or harbour board; and
- (c) every person who is employed in any Government department, State Trading Concern,

State instrumentality or State agency named in an order of the Commission in Court Session made pursuant to subsection (6) of this section, and who is declared by that order to be a Government officer,

and who is or is eligible to become a member of the Association;

“the Association” means the Civil Service Association of Western Australia Incorporated.

(2) After the coming into operation of the Public Service Arbitration Act, 1966, the Commission in Court Session shall, subject to the provisions of this section, direct the Registrar to register the Association as an industrial union under this Act, notwithstanding that the Association has not complied with the requisitions of this Act relating to registration of a society as an industrial union under this Act.

(3) Before directing the Registrar as referred to in subsection (2) of this section, the Commission in Court Session—

- (a) shall give notice of its intention so to direct the Registrar by publishing a notice to that effect in the *Western Australian Industrial Gazette* and in a newspaper published and circulating generally within the State; and
- (b) may direct the Association to make such amendments to its rules as the Commission in Court Session thinks fit.

(4) The notice referred to in paragraph (a) of subsection (3) of this section shall state that any industrial union the rules of which, so far

as they relate to qualifications of persons for membership of the union, include workers having the same calling as those to which the rules of the Association relate, and any employer who employs or usually employs or is likely to employ members of the Association, may upon giving to the Registrar and the Association notice in the prescribed form be heard in objection to or to the registration of any rules of the Association that relate to the qualification of persons for membership of the Association, the area and the industry or calling in respect of which it is intended to register the Association as an industrial union, and shall appoint a date and place for the hearing of any such objections.

(5) The Association may appear and be heard in relation to any objections made pursuant to subsection (4) of this section.

(6) When in pursuance of the provisions of subsection (2) of this section the Commission in Court Session directs the Registrar to register the Association as an industrial union under this Act, the Commission in Court Session shall make an order declaring that such persons as are employed in any Government department, State Trading Concern, State instrumentality or State agency named in that order, and as are therein described, are Government officers within the meaning of this section.

(7) The Commission in Court Session may at any time and from time to time, on application made by the Association or by any employer or industrial union and after consulting the Public Service Arbitrator appointed under the Public Service Arbitration Act, 1966, make an order amending or varying the order made by it under subsection (6) of this section.

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(8) Notwithstanding the provisions of subsection (1) of this section, the following persons are deemed not to be Government officers, namely—

- (a) any officer of either House of Parliament under the separate control of the President or Speaker or under their joint control;
- (b) any officer employed on the teaching staff of the Education Department under the Education Act, 1928, or the regulations made under that Act;
- (c) any officer within the meaning of the term “officer” in the Railways Classification Board Act, 1920.

6. Section sixty-one of the principal Act is amended— S. 61
amended.

- (a) by deleting the word, “or” in the last line of paragraph (d) of subsection (2);
- (b) by substituting for the passage, “industries.” in line two of paragraph (e) of subsection (2), the passage, “industries; or”; and
- (c) by adding after paragraph (e) of subsection (2), the following paragraph—
 - (f) regulate the rates of salary or wages, or the conditions of employment, of any worker who is a Government officer within the meaning of section eleven A of this Act. .

7. Part X of the principal Act is repealed.

Part X
repealed.