

INDUSTRIAL ARBITRATION.

10° Elizabeth II., No. LXII.

No. 62 of 1961.

AN ACT to amend the Industrial Arbitration Act, 1912-1952.

[Assented to 28th November, 1961.]

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:—

1. (1) This Act may be cited as the *Industrial Arbitration Act Amendment Act, 1961.*

Short title.
and
citation.

(2) In this Act the Industrial Arbitration Act, 1912-1952, is referred to as the principal Act.

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Acts.

(3) The principal Act as amended by this Act may be cited as the Industrial Arbitration Act, 1912-1961.

S. 143 am.

2. Section one hundred and forty-three of the principal Act is amended by substituting for subparagraphs (iv) and (v) of the proviso to paragraph (2) of the interpretation, "Government officer", the following subparagraphs—

(iv) any person who is a member or eligible and qualified to become a member of an industrial union that is, on the coming into operation of the Industrial Arbitration Act Amendment Act, 1961, registered under the provisions of Part II. of this Act; or

(v) any person who is a member of a class of persons the members of which the Court under the provisions of section one hundred and fifty A of this Act declares are not Government Officers for the purposes of this Part of this Act.

S. 150A
added.

3. The principal Act is amended by adding after section one hundred and fifty the following section—

Power of
Court to
declare that
certain
persons
are not
Government
officers.

150A. (1) The Court may at any time upon application made in accordance with the provisions of this section declare that persons who are members of a class of persons in respect of which the application is made are not Government Officers for the purposes of this Part of this Act.

(2) An application to the Court under this section shall be made by a person who satisfies the Court that he is authorised in that behalf by not less than two-thirds in number of the persons who are members of the class of persons in respect of which a declaration is sought pursuant to subsection (1) of this section, and if the Court is not so satisfied it shall refuse to hear the application.

(3) Every application under this section shall be lodged with the clerk of the Court, and shall be accompanied by—

- (a) a statutory declaration made by the applicant stating the total number of persons who are members of the class of persons in respect of which the application is made, and that he is authorised to make the application in accordance with subsection (2) of this section; and
- (b) a statement in writing verified by the statutory declaration of the applicant setting out the full name and address of, and the position occupied by, each member of the class of persons who has authorised the applicant to make the application, and signed by each of those members.

(4) The clerk of the Court shall fix a time and place for the hearing by the Court of the application and give not less than fourteen days' previous notice in writing thereof to the applicant and to the Civil Service Association, and that Association shall be entitled to appear at the hearing by its officer or by solicitor and to be heard thereat.

(5) The Court shall not grant the application unless it is satisfied that the persons who are members of the class of persons in respect of which the application is made cannot conveniently be members of the Civil Service Association.
