

**INDUSTRIAL ARBITRATION.**

5° and 6° GEO. VI., No. XLIX.

**No. 49 of 1941.****AN ACT to amend the Industrial Arbitration Act, 1912-1935.**

[Assented to 15th January, 1942.]

**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*, 1941, and shall be read as one with the Industrial Arbitration Act, 1912-1935 (No. 57 of 1912 as reprinted in the Appendix to the Sessional Volume of Statutes for the year 1935 and amended by the Industrial Arbitration Act Amendment Act (No. 2) of 1937), hereinafter referred to as the principal Act. Short title.

2. Section twenty-six of the principal Act is amended by inserting therein after the word "shall" in line one the words "once in every year cause the accounts of the union to be properly audited by a duly qualified public accountant, and shall." Amendment of s. 26 of the principal Act.

3. Section sixty-three of the principal Act is amended by inserting at the beginning of subsection (1) the words "At any time after an industrial dispute has been referred into the Court by any party, or when." Amendment of s. 63 of the principal Act.

4. Section sixty-nine of the principal Act is amended by adding thereto paragraphs as follows:— Amendment of s. 69 of the principal Act.

(xv) to consolidate or divide references and all or any matters before the Court;

(xvi) generally to give all such directions and do all such things as it deems necessary or expedient in the premises.

Amendment  
of s. 87 of the  
principal Act.

5. Section eighty-seven of the principal Act is amended as follows:—

- (a) by inserting after the word “award” in line three the words “or by any industrial agreement;”
- (b) by inserting after the word “award” in line five the words “or the industrial agreement, as the case may be:”
- (c) by adding to the section a new subsection as follows:—

(2) An appeal shall lie to the Court against any determination, decision, or finding of any board appointed under this section, upon such conditions as may be prescribed.

Amendment  
of s. 88 of the  
principal Act.

6. Section eighty-eight of the principal Act is amended by deleting the words “during the term of the award” in the third line of the section and substituting in their place the words “while the award is in force.”

Amendment  
of s. 90 of the  
principal Act.

7. Section ninety of the principal Act is amended—

- (a) by striking out the words “to vary or rescind” in the seventh line and substituting the following words in their place “to add to, vary, or rescind;”
- (b) by adding the following—

Provided further the Court may, when delivering an award or any amendment to an award, reserve liberty to apply to any party to the award to amend the award in regard to any matters to be specifically stated in the order conferring such leave, and such order may state the period of time (which may be less than twelve months) within which an application may be made under such order.

Amendment  
of s. 94 of  
the principal  
Act.

8. Section ninety-four of the principal Act is amended by inserting in line three before the word “Clerk” the words “Registrar or the.”

Amendment  
of s. 105 of  
the principal  
Act.

9. Section one hundred and five of the principal Act is amended by adding thereto a new subsection as follows:—

- (5) The provisions of this section shall not apply to any counter proposals or counter claims

made by the party or parties respondent to the dispute.

10. Section one hundred and twenty-seven of the principal Act is amended—

Amendment  
of s. 127 of  
the principal  
Act.

- (a) by deleting the words "Clerk of the Court" in line four of subsection (1), and substituting the word "Registrar;"
- (b) by deleting the words "Clerk of the Court" in line three of subsection (2) and substituting the word "Registrar;"
- (c) by deleting the words "Clerk of the Court" in lines two and three, and in line seven of subsection (5) and substituting the word "Registrar;"
- (d) by deleting the words "The Clerk shall refer the matter to the Court and" in lines ten and eleven of subsection (5) and substituting "the Registrar shall refer the matter to the Court, and the Clerk of the Court;"
- (e) by deleting the words "Clerk of the Court" in lines four and five of subsection (6) and substituting the word "Registrar;"
- (f) by deleting the words "Clerk of the Court" in lines four and five of subsection (8) and substituting the word "Registrar."

11. Section one hundred and sixty-four of the principal Act is hereby amended—

Amendment  
of s. 164 of  
the principal  
Act.

- (a) by adding the following words at the end of subsection (1):—

all such industrial agreements, awards, and orders, and, in addition, all the various notices and matters set out in the Schedule to the Act shall be published in the *Western Australian Industrial Gazette*;

- (b) by deleting the whole of subsection (2) and inserting in lieu thereof a new subsection as follows:—

(2) The production of the *Gazette* or the *Western Australian Industrial Gazette* in which is published any industrial agreement,

award, or any order of the Court as aforesaid, or any notification made under the authority of this Act, or any of the notices or matters set out in the Schedule to the Act shall, before all Courts and persons acting judicially, be *prima facie* evidence of such agreement, award, order, notification, notice or matter and of any of the matters stated therein;

(c) by adding a further subsection as follows:—

(3) The production of the *Statistical Register* compiled by the Government Statistician or by the Government Statistician's Office, containing any statistical information relevant to the consideration of any matter before the Court, or a copy of the same purporting to have been printed by the Government Printer, shall be *prima facie* evidence of the correctness of the matters therein stated.

New sections.

12. The following new section is hereby inserted after section one hundred and seventy-four of the principal Act:—

Prohibition on obtaining premiums in respect to employment.

174A. (1) No employer or worker or person acting on behalf of an employer or worker shall ask, demand or receive or pay or provide or offer to pay or provide any premium, payment or reward for or in respect of the employment or engagement of any worker in any industry which is the subject of an award or industrial agreement: Provided that nothing in this subsection contained shall apply to an employment or engagement through the agency of an employment broker acting in the ordinary course of his business under the Employment Brokers Act, 1909-1918.

(2) No person shall accept for publication or publish in a newspaper, periodical or otherwise any advertisement of an offer to accept or receive any premium, payment or reward of the kind referred to in the preceding subsection.

Penalty for breach of either of the above subsections shall not exceed fifty pounds.

(3) Notwithstanding the penalty provided by this section, any sum or payment made in contravention of this section by or on behalf of any

person in respect of the employment or engagement of any worker may be recovered back by action at suit of any industrial inspector, or at suit of the person by whom or on whose behalf such payment was made in any Court of competent jurisdiction.

13. A Second Schedule is hereby inserted in the principal Act as follows:—

Insertion of  
second  
Schedule.

### SECOND SCHEDULE.

*Notices and Matters for Publication in the "Western Australian Industrial Gazette."*

1. Retirements from industrial agreements.
2. Notices of concurrence in industrial agreements.
3. Any determination of the basic wage under Part VII. of this Act.
4. Any order of the Court in the nature of a mandamus or injunction to compel compliance with an award or industrial agreement.
5. Decisions of the Court relating to the enforcement of awards and industrial agreements or to breaches of the Act or regulations or to the interpretation of awards or industrial agreements.
6. Decisions of industrial magistrates.
7. Any order of the Court or President validating the registration of any rules or amendments of rules of a society or industrial union.
8. Any order of the President adding to, amending, or rescinding any rule of a union which has or may have the effect of altering the constitution of the union.
9. Any order of the Court consenting to the change of name of a union.
10. A list of industrial unions registered in pursuance of the provisions of the Act, together with the registered offices of such unions.
11. Any order of the Court, appointing a special board and any member or chairman thereof, and all decisions of any such board.
12. Any order of the Court appointing a board of reference, and/or assigning any matter thereto, and any decision of such a board.
13. Notification of the constitution or dissolution of any industrial board, and the appointment or removal of the members and chairman thereof, or any order of the Court remitting any industrial dispute or industrial matter thereto.
14. Any matter which is prescribed or which is directed by the Court or the President to be published or which the Registrar may deem expedient to publish.

14. The principal Act as amended by this Act may be cited as the Industrial Arbitration Act, 1912-1941.

Citation of  
principal Act  
as amended.