

INDUSTRIAL ARBITRATION.

No. 79 of 1975.

**AN ACT to amend the Industrial Arbitration Act,
1912-1973.**

[Assented to 17th November, 1975.]

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, 1975*.

(2) In this Act the Industrial Arbitration Act, 1912-1973 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Industrial Arbitration Act, 1912-1975.

Short title
and
citation.

Reprinted
as
approved
for reprint
16th May,
1974.

2. The provisions of this Act shall come into operation on a date to be fixed by proclamation.

3. Subsection (1) of section 38 of the principal Act is amended by deleting the words "filed in" in line three and substituting the passage "lodged at and, subject to section seventy-one A of this Act, filed in,".

Section 71A
added.

4. The principal Act is amended by adding after section 71 the following section—

Commission
may refuse
to
authorise
filing of
agreements,
etc.

71A. (1) Notwithstanding the provisions of this Act contained elsewhere than in this section but subject to the provisions of this section, the Commission may—

- (a) refuse to authorise the filing of an agreement made pursuant to section thirty-seven of this Act;
- (b) refuse to certify an agreement made pursuant to section sixty-five of this Act; or
- (c) refuse to make an award or order under any provision of this Act,

if, in the opinion of the Commission, the agreement or the award or order would, or any provision of it would, if in force—

- (d) be contrary to or inconsistent with any decision of the Commission in Court Session, whether made before or after the date of commencement of this section, expressed, subject to its terms, to be intended for general application; or
- (e) be otherwise contrary to the public interest.

(2) Before acting pursuant to subsection (1) of this section the Commission shall afford to the parties to the agreement or, as the case may be, to the proceedings in which the award or order is sought, an opportunity to be heard.

(3) For the purposes of this section every agreement made pursuant to section thirty-seven of this Act shall, upon being lodged with the Registrar for filing and before it is filed, be referred by the Registrar to the Commission, and the Registrar shall not allow the agreement to be filed in his office until he is authorised in writing to do so by the Commission.

(4) An agreement which is presented to the Registrar within sixty days after the making thereof may, notwithstanding the provisions of subsection (1) of section thirty-eight of this Act, be filed in his office after the expiry of that period upon authorisation given pursuant to subsection (3) of this section.

(5) A refusal by the Commission under subsection (1) of this section is a decision for the purposes of section one hundred and eight C of this Act.

(6) The provisions of this section do not derogate from any other provision of this Act by which the Commission is authorised or empowered to refuse to make an order or award.
