

PUBLIC SERVICE ARBITRATION.

No. 2 of 1955.

An Act to amend the *Public Service Arbitration Act 1920-1952*.

[Assented to 18th May, 1955.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *Public Service Arbitration Act 1955*.

Short title
and citation.

(2.) The *Public Service Arbitration Act 1920-1952** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Public Service Arbitration Act 1920-1955*.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. After section fourteen of the Principal Act the following section is inserted :—

“ 14A. If it appears to the Arbitrator—

(a) that the subject-matter of a claim or application made to him under this Act, or a matter forming part of or arising out of such a claim or application—

(i) is trivial ; or

(ii) has been dealt with, is being dealt with or is proper to be, and can be, dealt with by another industrial authority ; or

(b) that it is unnecessary or undesirable in the public interest to deal with a claim or application made to him under this Act or a matter forming part of or arising out of such a claim or application,

the Arbitrator may refrain from hearing, or further hearing, and from determining, the claim, application or matter.”

Arbitrator may refuse to hear and determine certain claims, applications and matters.

4. Section fifteen A of the Principal Act is amended by inserting in sub-section (1.), after the word “ matter ” (first occurring), the words “ forming part of or ”.

Reference to the Full Court.

5. Section fifteen B of the Principal Act is amended by omitting sub-sections (2.) and (3.) and inserting in their stead the following sub-section :—

Hearing by the Full Court.

“ (2.) Where a claim, application or matter has been referred to the Full Court under the last preceding section—

(a) the Full Court may refer the claim, application or matter back to the Arbitrator, who shall hear and determine it ; or

(b) the Full Court may refer a matter forming part of or arising out of the claim, application or matter back to the Arbitrator, and, in that case—

(i) the Arbitrator shall hear and determine the matter referred back ; and

(ii) the Full Court shall hear and determine the claim, application or matter with the exception of the matter referred back to the Arbitrator.”

6. Section nineteen of the Principal Act is repealed and the following section inserted in its stead :—

“ 19.—(1.) Subject to this section, a person or organization shall not be represented in proceedings under this Act by counsel or solicitor.

Representation.

* Act No. 28, 1920, as amended by No. 1, 1928 ; No. 25, 1929 ; No. 45, 1934 ; No. 52, 1947 ; Nos. 51 and 80, 1950 ; and No. 36, 1952.

“(2.) The last preceding sub-section does not prevent the representation, in proceedings under this Act—

- (a) of an organization by—
 - (i) a member or officer of that organization ; or
 - (ii) a member or officer of another organization who is representing that other organization in proceedings being heard at the same time as the first-mentioned proceedings ;
- (b) of a Minister by—
 - (i) an officer of the Public Service Board ; or
 - (ii) an officer of the Public Service of the Commonwealth who is employed in the Department administered by the Minister ;
- (c) of the Public Service Board by an officer of the Public Service Board ; or
- (d) of a public institution or authority of the Commonwealth by—
 - (i) a person employed by that public institution or authority ; or
 - (ii) an officer of the Public Service Board.

“(3.) In proceedings under this Act before the Court the Chief Judge, a person or organization may, with the leave of the Court or the Chief Judge, as the case may be, be represented by counsel or solicitor.

“(4.) In this section, ‘ officer of the Public Service Board ’ means an officer of the Public Service of the Commonwealth who is employed under the direct control of the Public Service Board.”.

Determination to be laid before Parliament.

7. Section twenty-one of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-section :—

“(1.) Subject to this Act, a determination of the Arbitrator shall come into operation upon the expiration of a period of thirty days, or of such longer period as the Arbitrator specifies in the determination, after the determination has been laid before both Houses of the Parliament.”.

Determination inconsistent with Commonwealth law or regulations.

8. Section twenty-two of the Principal Act is amended by omitting from sub-section (7.) the word “ later ” and inserting in its stead the word “ longer ”.

Application of this Act to existing claims, &c.

9. The application of the Principal Act as amended by this Act extends to and in relation to—

- (a) claims and applications made to the Arbitrator under the Principal Act before the commencement of this Act ; and
- (b) claims, applications and matters referred to the Full Court under the Principal Act before the commencement of this Act.