

Stevedoring Industry (Temporary Provisions)

No. 109 of 1967

An Act relating to the Stevedoring Industry.

[Assented to 14 November 1967]

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. This Act may be cited as the *Stevedoring Industry (Temporary Provisions) Act 1967*. Short title.

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

Incorporation.

3. This Act shall be incorporated and read as one with the Stevedoring Industry Act.

Cessation of operation of Act.

4. This Act, unless sooner repealed, ceases to be in force on the first day of July, One thousand nine hundred and seventy, and shall be deemed to have been repealed on that date.

Definitions.

5. In this Act, unless the contrary intention appears—

“ the Fund ” has the same meaning as in the *Stevedoring Industry Charge Assessment Act 1947–1967*;

“ the holding company ” means the company registered under the law of the State of New South Wales under the name “ Stevedoring Employers of Australia Limited ”;

“ the Stevedoring Industry Act ” means the *Stevedoring Industry Act 1956–1966*.

Permanent ports.

6.—(1.) Where the Minister is satisfied that, as from a particular date, not being a date before the commencement of this Act, employment as waterside workers on a weekly hiring has been available at a port for all registered regular waterside workers at the port, the Minister may, by instrument in writing, declare the port to be, and to be deemed to have been as from that date, a permanent port for the purposes of this Act.

(2.) A declaration under this section shall be notified in the *Gazette*.

Payments by the Authority to the holding company.

7. Subject to any direction of the Minister, the Authority may make payments to the holding company for the purpose of meeting the cost to the holding company of—

(a) wages payable to registered regular waterside workers at permanent ports in respect of shifts during which the waterside workers are available for work but are not required to work;

(b) payments in respect of waterside workers whose registration under the Stevedoring Industry Act at a port is cancelled on the ground that the number of waterside workers at the port is more than the number required for the proper and effective conduct of stevedoring operations at the port;

(c) wages payable in respect of any period during which a registered regular waterside worker at a permanent port is absent from work on annual leave, being leave—

(i) to which the waterside worker became entitled before the date as from which the port is to be deemed to have been a permanent port; and

(ii) which commenced on or after that date and before the next thirtieth day of June after that date; and

- (d) contributions to the Fund paid, or to be paid, by the holding company on behalf of the Association of Employers of Waterside Labour.

8.—(1.) The Governor-General may make regulations, not inconsistent with this Act— Regulations.

- (a) making such provision as is necessary or convenient to take account of any changes in the organization of the stevedoring industry consequent upon the introduction at permanent ports of a scheme of employment for waterside workers on a weekly hiring or of the establishment or operation of the Fund, being provision—
- (i) with respect to the performance of stevedoring operations;
 - (ii) to ensure that a sufficient number of waterside workers of the necessary physical fitness, and with the necessary competence and efficiency, is available for the performance of stevedoring operations;
 - (iii) to ensure that the labour of waterside workers available for stevedoring operations is used to the best advantage; or
 - (iv) with respect to disciplinary measures applicable to registered waterside workers;
- (b) making provision in relation to long service leave for registered waterside workers; and
- (c) making such provision as is necessary or convenient to be made to complement, or as is incidental to the operation of, any provision made under either of the last two preceding paragraphs.

(2.) Without limiting the generality of the last preceding sub-section, regulations under that sub-section may—

- (a) make provision with respect to—
- (i) the registration of waterside workers, or the cancellation or suspension of the registration of registered waterside workers, at permanent ports or continuous ports; or
 - (ii) the transfer of the names of registered waterside workers from Part A of the register of waterside workers at a permanent port or continuous port to Part B of that register;
- (b) confer powers on the Authority; and
- (c) prohibit the Authority from exercising a specified power conferred on it by the Stevedoring Industry Act.

(3.) Where regulations made under this Act are inconsistent with the Stevedoring Industry Act or with regulations made under that Act, the regulations made under this Act prevail and the Stevedoring Industry Act or the regulations made under that Act, as the case may be, cease, to the extent of the inconsistency, to have any force or effect.