

SNOWY MOUNTAINS HYDRO-ELECTRIC  
POWER.

No. 35 of 1952.

An Act to amend the *Snowy Mountains Hydro-  
electric Power Act 1949-1951.*

[Assented to 17th June, 1952.]

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

Short title  
and citation.

1.—(1.) This Act may be cited as the *Snowy Mountains Hydro-  
electric Power Act 1952.*

(2.) The *Snowy Mountains Hydro-electric Power Act 1949-1951\** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Snowy Mountains Hydro-electric Power Act 1949-1952*.

2. This Act shall come into operation on a date to be fixed by Proclamation. Commencement.

3. Section twenty-four A of the Principal Act is amended— Definitions.

(a) by inserting after the definition of “ sub-contractor with the Authority ” the following definition :—

“ ‘ the Chief Judge ’ means the Chief Judge of the Court and includes a Judge of the Court acting as Chief Judge by virtue of section twenty of the *Conciliation and Arbitration Act 1904-1952*; ” ; and

(b) by inserting after the definition of “ the Court ” the following definition :—

“ ‘ the Full Court ’ means the Court constituted by not less than three Judges ; ”.

4. Section twenty-four B of the Principal Act is amended by adding at the end thereof the following sub-section :— Jurisdiction of Court.

“ (2.) Where the hearing of a dispute or matter has been commenced before a Judge exercising the powers of the Court under this Part, another Judge may complete the hearing and determine the dispute or matter and for that purpose shall have regard to the evidence given and arguments adduced before the first-mentioned Judge.”.

5. After section twenty-four c of the Principal Act the following sections are inserted :—

“ 24CA.—(1.) In this section, ‘ industrial question ’ means—

(a) a dispute in relation to the salaries, wages, rates of pay or other terms or conditions of service or employment of employees ;

(b) such a dispute so far as it relates to a matter in dispute ;

(c) a matter submitted to the Court relating to the salaries, wages, rates of pay or other terms or conditions of service or employment of employees ; and

(d) a question arising in relation to such a matter.

“ (2.) Upon application by a party to proceedings before him in relation to an industrial question, a Judge exercising the powers of the Court under this Part may, if he is of opinion that the industrial question is of such importance that the industrial question should, in the public interest, be dealt with by the Full Court and, if that Judge is not the Chief Judge, with the concurrence of the Chief Judge, refer the industrial question to the Full Court.

Reference of industrial questions to the Full Court.

\* Act No. 25, 1949, as amended by No. 47, 1951.

“(3.) An appeal lies to the Chief Judge from a refusal of a Judge (not being the Chief Judge) to grant an application under the last preceding sub-section.

“(4.) An appeal under the last preceding sub-section shall be instituted within fourteen days after the date of the refusal of the Judge.

“(5.) The Chief Judge may hear the appeal and, if he is of opinion that the industrial question is of such importance that the industrial question should, in the public interest, be dealt with by the Full Court, shall refer the industrial question to the Full Court.

Hearing by the  
Full Court.

“24CB.—(1.) Subject to the next succeeding sub-section, the Full Court shall hear and determine an industrial question which has been referred to it under the last preceding section and for that purpose may make such order or award as might have been made by a Judge exercising the powers of the Court under this Part.

“(2.) Where an industrial question, being a dispute relating to the salaries, wages, rates of pay or other terms or conditions of service or employment of employees, has been referred to the Full Court under the last preceding section, the Full Court may refer the industrial question, so far as it relates to a matter in dispute, back to a Judge exercising the powers of the Court under this Part, who shall hear and determine the industrial question so far as it relates to that matter.

“(3.) Where an industrial question, being a matter relating to the salaries, wages, rates of pay or other terms or conditions of service or employment of employees, has been referred to the Full Court under the last preceding section, the Full Court may refer a question arising in relation to that matter back to a Judge exercising the powers of the Court under this Part, who shall hear and determine the industrial question so far as it relates to that question.

“(4.) The Full Court shall hear and determine the industrial question so far as it relates to matters and questions not referred back to a Judge exercising the powers of the Court under this Part.

Appeals to  
the Court.

“24CC.—(1.) Upon application by a person aggrieved by an order or award made by a Judge exercising the powers of the Court under this Part, the Chief Judge may grant leave to that person to appeal against the order or award and may, on such terms and conditions as he thinks fit, make an order that the operation of the whole or a part of the order or award be stayed pending the determination of the appeal or until further order of the Chief Judge.

“(2.) An application under the last preceding sub-section for leave to appeal shall be made within fourteen days after the date of the order or award.

“(3.) Leave to appeal shall not be granted under sub-section (1.) of this section unless, in the opinion of the Chief Judge, the order or award deals with a matter of such importance that leave to appeal should, in the public interest, be granted.

“(4.) The Full Court shall hear and determine an appeal with respect to which leave has been granted under this section.

“(5.) Upon the hearing of an appeal under this section, the Full Court may admit further evidence and shall—

- (a) confirm, quash or vary the order or award under appeal; or
- (b) make an order or award dealing with the subject-matter of the order or award under appeal.”.

6. Section twenty-four E of the Principal Act is repealed.

Standard hours,  
basic wage,  
&c.

7. Section twenty-four G of the Principal Act is amended—

Reference to  
Full Court.

- (a) by omitting the words “ Court constituted by not less than three Judges ” (wherever occurring) and inserting in their stead the words “ Full Court ”; and
- (b) by omitting the words “ Court so constituted ” (wherever occurring) and inserting in their stead the words “ Full Court ”.

8. Section twenty-four H of the Principal Act is amended—

Powers of the  
Court.

- (a) by omitting the word “ industrial ” (first occurring); and
- (b) by adding at the end thereof the following sub-section :—

“(2.) The Court also has, in relation to disputes referred to in section twenty-four c of this Act, the powers, duties and functions which a Conciliation Commissioner has under sections fourteen and fifteen of the *Conciliation and Arbitration Act* 1904-1952.”.

9. After section twenty-four J of the Principal Act the following section is inserted in Part IVA. :—

“ 24K. An order or award made by a Judge exercising the powers of the Court under this Part shall not, unless the order or award otherwise provides, have effect until after the expiration of twenty-one days from the date of the order or award.”.

Commencement  
of orders  
and awards.