



ANNO DECIMO QUINTO

**ELIZABETHAE II REGINAE**

A.D. 1966

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**No. 24 of 1966**

An Act to amend the Industrial Code, 1920-1965.

[Assented to 17th March, 1966.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

- Short titles.** 1. (1) This Act may be cited as the "Industrial Code Amendment Act, 1966".
- (2) The Industrial Code, 1920-1965, as amended by this Act, may be cited as the "Industrial Code, 1920-1966".
- (3) The Industrial Code, 1920-1965, is hereinafter referred to as "the principal Act".
- Incorporation.** 2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.
- Commencement.** 3. This Act shall come into operation on a day to be fixed by the Governor by proclamation.
- Amendment of principal Act, s. 2—  
Arrangement of Act.** 4. Section 2 of the principal Act is amended—
- (a) by inserting after the word "Powers" in the line commencing "DIVISION III." under the heading "PART II." therein the words "of Court";
- (b) by inserting after the said line the following lines:—
- DIVISION IIIA.—Constitution of Commission (section 29a) :
- DIVISION IIIB.—General Powers and Jurisdiction of Commission (sections 29b to 29m) ; ;

- (c) by inserting after the word "Evidence" in the line commencing "DIVISION IV." therein the passage "~~—Court and Commission~~";
- (d) by inserting after the said line commencing "DIVISION IV." the line "DIVISION IVA.—Procedure of Commission (sections 52a to 52c):";
- (e) by striking out the lines "Division V.—Powers of Court in Relation to Determinations of Industrial Boards (sections 53 to 62):" therein and inserting in lieu thereof the line "DIVISION V.—Powers of Commission in relation to Appeals and References (sections 53 to 62):";
- (f) by inserting after the word "Awards" in the line commencing "DIVISION IX." therein the words "and Orders";
- (g) by striking out the line "PART III.—Industrial Boards (sections 138 to 249)—" and inserting in lieu thereof the line "PART III.—Conciliation Committees and Commissioners (sections 138 to 249)—";
- (h) by striking out the line "DIVISION I.—Operation and Interpretation (sections 139 to 142):";
- (i) by striking out the line "DIVISION II.—Constitution of Industrial Boards (sections 143 to 159):" and inserting in lieu thereof the line "DIVISION II.—Constitution of Conciliation Committees (sections 144 to 157a):";
- (j) by striking out the word "Boards" in each of the lines commencing "DIVISION IV." and "DIVISION V." under the heading of PART III and inserting in lieu thereof in each case the words "Conciliation Committees";
- (k) by striking out the word "Determinations" in each of the lines commencing "DIVISION VI." and "DIVISION VIII." under the heading of the said PART III and inserting in lieu thereof in each case the words "Awards of Conciliation Committees";
- (l) by striking out the three lines commencing "DIVISION VII." under the heading of the said PART III. and inserting in lieu thereof the passage "DIVISION VII.—Appeals and References (sections 196 to 200):";
- (m) by striking out the lines "DIVISION XVI.—Industrial Boards for Outside Areas (section 249).";

- (n) by striking out the line "PART IV.—The Board of Industry (sections 250 to 275)—" and inserting in lieu thereof the lines "PART IV.—General Provisions relating to Commission Constituted by President and Two Commissioners (sections 250 to 269e)—"; and
- (o) by striking out the lines "DIVISION II.—Constitution and Functions of Board of Industry (sections 252 to 258)."; "DIVISION IVA.—Demarcation of Callings (section 269d)", and "DIVISION V.—General Provisions (sections 270 to 275).".

Amendment of  
principal Act,  
s. 5—  
Interpretation.

5. Section 5 of the principal Act is amended—

- (a) by striking out the definitions of "award", "board", "Board of Industry" and "chairman" therein ;
- (b) by inserting after the definition of "club" therein the following definitions :—
- "commission" means the Industrial Commission of South Australia constituted under this Act ;
- "Commissioner" means a Commissioner of the Industrial Commission of South Australia ;
- "committee" means a Conciliation Committee constituted under Part III of this Act ; ;
- (c) by striking out the definitions of "determination" and "industrial board" therein ;
- (d) by inserting after the word "Court" in the definition of "industrial dispute" therein the words "or the commission" ;
- (e) by striking out from the definition of "industrial matters" therein—
- (i) the words "of Part II." in the first line ;
- (ii) the words "of the Court, a determination of a board," in sub-paragraph (h) of paragraph (2) ;
- (iii) sub-paragraphs (j) and (k) of the said paragraph (2) ;
- (iv) the passages "of Part 11" and "of the court or of the President" in paragraph (3) ;

- (v) all of the words, figures and symbols from and including the passage "for the purposes of Part III" to the end of the said definition ;  
and
- (f) by striking out the passage ", and includes a Deputy President" in the definition of "President" therein.

**6. Section 5a of the principal Act is amended—**

Amendment of  
principal Act,  
s. 5a—  
Arrangement.

- (a) by inserting after the word "powers" in the line commencing "DIVISION III" the words "of Court" ;
- (b) by inserting after the said line the following lines :—  
DIVISION IIIA.—Constitution of Commission :  
DIVISION IIIB.—General powers and jurisdiction  
of Commission :
- (c) by inserting after the word "evidence" in the line commencing "DIVISION IV." the passage "—Court and Commission" ;
- (d) by inserting after the said line commencing "DIVISION IV." the line "DIVISION IVA.—Procedure of Commission" ;
- (e) by striking out the lines "DIVISION V.—Powers of Court in relation to determinations of industrial boards : " and inserting in lieu thereof the lines "DIVISION V.—Powers of Commission in relation to appeals and references : " ; and
- (f) by inserting after the word "awards" in the line commencing "DIVISION IX." the words "and orders".

**7. Subsection (2) of section 7 of the principal Act is repealed.**

Amendment of  
principal Act,  
s. 7—  
Industrial  
Court  
continued.

**8. Section 12 of the principal Act is repealed.**

Repeal of  
s. 12 of  
principal Act—  
Appointment  
and powers  
of Deputy  
Presidents.

**9. Section 12a of the principal Act is amended to read as follows :—**

Amendment of  
principal Act,  
s. 12a—

12a. The President shall be the Judge of the Court and shall not be removed from office before reaching the retiring age except upon the address of both Houses of Parliament.

President  
and Deputy  
President  
to be Judges of  
Court.

Amendment of  
principal Act,  
s. 12b—

Retirement of  
President and  
Deputy  
President.

**10.** Section 12b of the principal Act is amended by striking out the words “and Deputy President”, “or Deputy President” and “or Deputy President, as the case may be” in subsection (1) thereof and by striking out the words “or a Deputy President” in subsection (2) thereof.

Amendment of  
principal Act  
s. 12c—

Pensions.

**11.** Section 12c of the principal Act is amended—

- (a) by striking out the words “or a Deputy President” in subsection (1) thereof;
- (b) by striking out the words “or Deputy President” in subsection (2) thereof; and
- (c) by inserting at the end of the said subsection (2) thereof the passage “A notice given by any President when holding office as Deputy President shall be deemed to be valid for all purposes and shall not be invalidated by any provisions of the Industrial Code Amendment Act, 1966.”.

Amendment of  
principal Act,  
ss. 12d, 12e  
and 12ea.

**12.** Sections 12d, 12e and 12ea of the principal Act are amended by striking out the words “or Deputy President” wherever occurring therein.

Amendment of  
principal Act,  
s. 12g—

Service to  
be taken  
into account.

**13.** Section 12g of the principal Act is amended by striking out the words “or Deputy President” therein and by inserting therein after the words “acting President” therein the passage “Deputy President,”.

Amendment of  
principal Act,  
s. 13—

Salary of  
President  
and Deputy  
President.

**14.** Section 13 of the principal Act is amended—

- (a) by striking out subsection (2) thereof; and
- (b) by striking out the word “salaries” in subsection (3) thereof and inserting in lieu thereof the word “salary”.

Amendment of  
principal Act,  
s. 14—

Constitution  
of Court.

**15.** Section 14 of the principal Act is amended by striking out all the words, figures and symbols therein after the word “President” (first occurring) therein.

Repeal of  
s. 15 of  
principal Act—

On hearing of  
industrial  
matters  
assessors  
to assist  
President.

**16.** Section 15 of the principal Act is repealed.

**17. Section 16 of the principal Act is amended—**

- (a) by striking out the words "this Part" in subsection (1) thereof and inserting in lieu thereof the words "Parts II, III and IV" ;
- (b) by striking out the word "industrial" in paragraph (b) of subsection (2) thereof ;
- (c) by inserting after the word "court" (first and second occurring) in the said paragraph (b) of subsection (2) thereof the words "or commission or a conciliation committee" in each case ;
- (d) by striking out the word "court" (third occurring) in the said paragraph (b) and inserting in lieu thereof the word "President" ; and
- (e) by striking out subsection (3) thereof.

Amendment of principal Act, s. 16—  
Appointment, powers, and duties of Registrar and other officers.

**18. The heading "DIVISION III.—JURISDICTION AND POWERS" and section 17 of the principal Act are repealed and the following heading and section are inserted in lieu thereof :—**

Repeal and re-enactment of s. 17 of principal Act—

**DIVISION III.—JURISDICTION AND POWERS OF COURT.**

**17. The court shall have jurisdiction—**

Jurisdiction of Court.

- (a) to hear appeals from courts of summary jurisdiction in respect of proceedings under this Act pursuant to the Justices Act, 1921-1960 ;
- (b) to hear and determine questions of law and determine cases stated to it by courts of summary jurisdiction in respect of proceedings under this Act ;
- (c) to hear and determine any question of law arising out of or involving the interpretation of this Act ;
- (d) to interpret an award or order of the commission or of a conciliation committee or an industrial agreement ;
- (e) to hear and determine any question of law or case stated to it by the commission or a conciliation committee ;

(f) to deal with prosecutions required by this Act to be dealt with by the court.

Repeal of  
ss. 18, 19  
and 20 of  
principal Act.

19. Sections 18, 19 and 20 of the principal Act are repealed.

Amendment of  
principal Act,  
s. 21—  
Powers of  
Court.

20. Section 21 of the principal Act is amended—

- (a) by striking out the word “industrial” in subsection (1) thereof;
- (b) by striking out the words “award or” in paragraph (a) of the said subsection (1) thereof;
- (c) by inserting after the word “purpose” in paragraph (c) of the said subsection (1) thereof the words “and to make such order as it thinks fit”;
- (d) by striking out paragraphs (e), (g) and (h) thereof;
- (e) by striking out the word “industrial” in paragraph (i) of the said subsection (1) thereof;
- (f) by striking out paragraph (n) thereof;
- (g) by striking out the passage “subject to the provisions of sub-section (2) of section 36,” and the word “awards” and the words “or appointments” in paragraph (o) of the said sub-section (1) thereof;
- (h) by striking out the passage “, other than the time for appealing prescribed by subsection (1) of section 57” in paragraph (r) of the said subsection (1) thereof;
- (i) by striking out paragraph (t) of the said subsection (1) thereof; and
- (j) by striking out the passage “paragraphs (d), (q), (r), and (s) of” in subsection (2) thereof.

Repeal of  
s. 21a of  
principal Act—  
Consolidating  
awards.

21. Section 21a of the principal Act is repealed.

Amendment of  
principal Act,  
s. 22—  
Powers of  
President  
in inter-  
locutory  
matters.

22. Section 22 of the principal Act is amended by striking out the word “industrial” therein.

- 23.** Subsection (1) of section 23 of the principal Act is amended by striking out the word "industrial" therein.
- Amendment of principal Act, s. 23—  
Power to issue orders to take evidence.
- 24.** Sections 25 and 26 of the principal Act are repealed.
- Repeal of ss. 25 and 26 of principal Act.
- 25.** Section 27 of the principal Act is amended to read as follows :—
- Amendment of principal Act, s. 27—
- 27.** In proceedings before the Court any party may be represented by a solicitor or agent.
- Representation on proceedings in respect of offences.
- 26.** Section 28 of the principal Act is amended by striking out the passage ", subject to sections 25 and 26," therein.
- Amendment of principal Act, s. 28—  
Costs may be ordered in all proceedings.
- 27.** The following section is enacted and inserted in the principal Act immediately after section 28 thereof :—
- Enactment of s. 28a of principal Act—
- 28a.** For the purposes of this Division the President or any officer of the court or any person authorized by the President shall have and may exercise the powers specified in section 30 of this Act. Subsection (2) of that section shall with the necessary modifications apply in relation to the exercise of such powers under this section.
- Powers of entry.
- 28.** Section 29 of the principal Act is amended by inserting after the word "Registrar" therein the words "not being an act or decision done or given by him as a member of the commission on the hearing of an appeal".
- Amendment of principal Act, s. 29—  
President may review decision of Registrar.
- 29.** The following headings and sections are enacted and inserted in the principal Act immediately after section 29 thereof :—
- Enactment of Divisions IIIA and IIIB of principal Act—

DIVISION IIIA.—CONSTITUTION OF COMMISSION.

**29a.** (1) There shall be an Industrial Commission of South Australia.

Constitution of Industrial Commission.

(2) (a) All judgments, awards and orders of the Industrial Court in force on the date of commencement of the Industrial Code Amendment Act, 1966, (except in matters concerning which the court continues to have jurisdiction under this Act) shall be deemed to be, and shall have effect as, judgments, awards and orders of the



commission ; and all determinations and recommendations of the Board of Industry in force on the said date shall be deemed to be and shall have effect as determinations or recommendations of the commission, and all determinations of industrial boards in force on the said date shall be deemed to be and have effect as awards of the appropriate conciliation committees.

(b) Notwithstanding section 29b of this Act, any award or order of the Industrial Court in force on the said date which dealt with matters which were then within the jurisdiction of the Court but which, after the commencement of the Industrial Code Amendment Act, 1966, become within the jurisdiction of conciliation committees, shall continue in operation until rescinded or revised by the commission or until an award is made by the committee constituted for the industry relating to the matters in the award or order.

(3) The commission shall have a seal which shall be judicially noticed.

(4) The President of the court shall be the President of the commission.

(5) The commission shall be constituted as prescribed by section 52a of this Act.

(6) The Governor shall in addition to the President appoint Commissioners who shall be two in number and who shall, unless lawfully removed from office, be entitled to hold office until reaching the age of sixty-five years, but shall cease to hold office on reaching that age, provided that a Commissioner who ceases to hold office under this section on reaching the age of sixty-five years may nevertheless, after reaching that age, with the approval of the President, complete the hearing and determination of any proceedings part heard by him before reaching that age, and for the purpose of such hearing and determination shall be deemed to continue to be a Commissioner.

(7) A Commissioner may retire at any time.

(8) One Commissioner shall be a person experienced in industrial affairs by reason of having been associated with the interests of employers. The other Commissioner shall be a person experienced in industrial affairs by reason of having been associated with trade union affairs.

(9) Each Commissioner shall be paid such remuneration and allowances as the Governor determines. Such Commissioners shall be subject to the provisions of the

Public Service Act, 1936-1958, as amended, other than the provisions relating to remuneration and the appointment of officers, and shall be "employees" within the meaning of the Superannuation Act, 1926-1965.

(10) Every Commissioner shall as soon as practicable after his acceptance of office take the prescribed oath, which shall be taken before the President.

(11) In the case of illness or absence of a Commissioner the Governor may appoint an acting Commissioner during such absence and whilst acting in that capacity such person shall have all the jurisdiction and powers of a Commissioner.

(12) The President shall decide whether he or which one of the Commissioners shall deal with any matter.

#### DIVISION III.B.—GENERAL POWERS AND JURISDICTION OF COMMISSION.

29b. (1) The commission shall have jurisdiction—

Jurisdiction of  
Commission.

(a) to deal with all industrial matters pursuant to this Part of this Act;

(b) over all industrial matters which are submitted to it—

i. by the Minister as being proper, in the public interest, to be dealt with by the commission; or

ii. by an employer or employers of not less than twenty employees in the industry concerned or of not less than seventy-five per cent of the employees in the industry concerned whichever is the lesser; or

iii. by not less than twenty employees in the industry concerned or by not less than seventy-five per cent of the employees in the industry concerned whichever is the lesser; or

iv. by a registered association of employees of which association—

(i) not less than twenty members are employees in the industry concerned; or

(ii) not less than seventy-five per cent of all the employees in the industry concerned are members,

whichever is the lesser;

- 
- (c) over any industrial matter as to which a conference has been held under section 29e and which, not having been finally and completely dealt with or settled at such conference, has been referred to the commission ;
- (d) to hear and determine pursuant to section 57 appeals against awards of Commissioners or conciliation committees ;
- (e) to deal pursuant to section 58 with awards referred to the commission by the Minister ;
- (f) to exercise the functions conferred upon it by section 180 ;
- (g) to deal with any matter referred to the commission under section 185 ;
- (h) to hear and determine applications under section 62 to refer an award back to a conciliation committee for re-consideration ;
- (i) to deal with any matter referred to the commission pursuant to section 199.
- (j) to hear and determine applications pursuant to section 260 ;
- (k) to hear and determine applications, pursuant to section 29c to fix the value of allowances to employees ;
- (l) to—
- (i) appoint in any award a board of reference of one or more members to deal with any matters prescribed by that award ;  
or
  - (ii) provide in any award for the appointment of a board of reference of one or more members to deal with any matters prescribed by the award and to appoint the chairman of such board of reference ;
- Provided that there shall be an appeal to the President from any decision or order of any board of reference appointed under this paragraph, and provided further that the jurisdiction of any such board of reference shall not include any matter referred to in section 132c.
- (m) to hear and determine applications pursuant to section 29g for employees in specified callings to do certain work in an industry to the exclusion of other employees.

(2) Notwithstanding anything contained in subsection (1) of this section the commission shall not (except in respect of the matters referred to in paragraphs (d), (e), (f), (g), (h), (i) and (m) of that subsection) have jurisdiction over any industrial matter concerning any industry for which, at the time, a conciliation committee is or is in the course of being constituted, and as to which matter such committee has or will have jurisdiction : Provided that the alteration of the area of the State within which a committee shall have jurisdiction or the constitution of a new committee shall not affect the validity of an award or order of the commission in operation at the time when such alteration or constitution becomes effective and every such award or order shall continue in force, subject to the provisions of section 47, until a committee makes an award dealing with the same matter or, if the committee makes an award dealing with some only of such matters, every such award or order of the commission shall continue in force as regards matters not dealt with by that committee.

29c. (1) Whenever the commission, for the purpose of making an award or order, is considering the wages or rates, or piece-work prices or rates to be paid to employees, it shall, upon application made in the prescribed manner, inquire into and determine, and include in its award or order, a declaration of the monetary value, per week or per diem, as the case may require, of any allowances made by the employers and enjoyed or received by such employees.

Value to be placed on allowances to employees.

(2) Application under subsection (1) of this section may be made by—

- (a) the Public Service Commissioner as regards Public Service employees ; or
- (b) the Railways Commissioner as regards railway employees ; or
- (c) any employer interested.

(3) Notwithstanding anything in this Part of this Act contained, such declaration shall authorize the deduction from the wages or piece-work prices or rates of payment payable to such employees under such award or order of an amount equal to the value of such allowances as so determined.

29d. The President or a Commissioner shall have power as a mediator to deal with all industrial matters in all cases in which it appears to him that his mediation is desirable in the public interest, and such matter would, if submitted to the commission, be within its jurisdiction.

President to act whenever his mediation desirable.

President  
may convene  
compulsory  
conference.

29e. (1) The President may, whenever in his opinion it is desirable for the purpose of dealing with an industrial matter, summon any person to attend, at a time and place specified in the summons, at a conference presided over by himself or by a Commissioner.

(2) Any person may be so summoned notwithstanding that he is not engaged in or connected with the industrial matter, if the President thinks that such person's presence at the conference is likely to assist in dealing with or settling such matter.

(3) Any person so summoned shall attend the conference and continue his attendance thereat as directed by the President, and in default shall be liable to a penalty not exceeding one thousand dollars, to be recovered and enforced in the same way as penalties for offences under Division VIII of this Part of this Act.

(4) The conference may be held partly or wholly in public or in private, at the discretion of the President or the Commissioner concerned.

(5) Any person summoned under this section, who attends pursuant to the summons and continues his attendance as directed by the President, shall be entitled to be paid by the Crown such (if any) amount as the President, having regard to the conduct of such person both before and at the conference, certifies to be a reasonable recompense for his expenses and loss of time.

(6) A summons under this section may be sent by registered letter or certified mail or by telegram and need not be in the form elsewhere prescribed.

(7) The President or the Commissioner concerned may, whenever in his opinion it is desirable so to do, determine and settle any industrial matter dealt with at a conference under this section and if the matter is not within the jurisdiction of a conciliation committee may for that purpose exercise all or any powers of the commission: Provided that any award or order made by the President or the Commissioner concerned under this subsection shall be binding only upon the parties represented before him.

Powers of  
commission.

29f. (1) The commission shall, as regards every industrial matter over which it has original or appellate jurisdiction have power—

(a) at or before the hearing to take steps to ascertain whether all persons who ought, in its opinion, to be bound by its award or order have been summoned to attend the proceedings ;

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- (b) to direct that persons not summoned to attend the proceedings shall be so summoned, if the commission is of opinion, whether from the suggestion of parties or otherwise, that such persons should be so summoned ;
- (c) to hear and determine such matter in such manner in all respects as the commission, in its discretion, thinks best suited for that purpose ;
- (d) to allow the amendment of the submissions, reference, notice of appeal, report, or application or any subsequent proceedings ;
- (e) to make any award or order, and, without being restricted to the specific relief claimed by the parties to such matter, to include in any award or order any matter or thing which the commission thinks necessary or expedient for the purpose of dealing with such matters : Provided that the commission shall not have power to order or direct that, as between members of associations of employers or employees and other persons offering or desiring service or employment at the same time, preference shall in any circumstances or manner be given to members of such association or to persons who are not members thereof ;
- (f) to give any direction in pursuance of the hearing or determination ;
- (g) to declare, by award or order, that any practice, regulation, rule, custom, term of agreement, condition of employment or dealing whatsoever determined by an award or order in relation to any industrial matter shall be a common rule of any industry :

Provided that the commission, before declaring a common rule, shall pay due regard to the extent to which the industries or the persons affected, enter or are likely to enter into competition with one another :

Provided also that before any common rule is so declared, the commission shall, by notification published once at least in one or more daily newspapers circulating in the metropolitan area and, unless the commission otherwise orders, once at least in the *Gazette*, specifying the industry and the industrial matter in relation to which it is proposed to declare a common rule,

make known that all persons and associations interested and desirous of being heard may, on or before a day named, appear or be represented before the commission; and the commission shall hear all such persons and associations so appearing or represented;

- (h) to direct with due regard to local circumstances within what limits of area (if any) and subject to what conditions and exceptions (if any), a common rule so declared shall be binding upon the persons engaged in the industry whether as employers or employees, and whether members of an association or not;
- (i) to dismiss any industrial matter, or to refrain from further hearing or from determining the matter if it appears that such matter is trivial, or that, in the public interest, further proceedings by the commission are not necessary or desirable;
- (j) to order any party to such matter to pay to any other party such costs and expenses, including expenses of witnesses, as are approved by the President and specified in the order;
- (k) to proceed to hear and determine such matter in the absence of any party thereto or other person who has been summoned or served with notice to appear therein;
- (l) to sit in any place for the hearing and determination of such matter;
- (m) to adjourn its sittings to any time and place;
- (n) to refer any technical matters or matters of account to an expert, and to accept his report as evidence;
- (o) subject to the provisions of subsection (2) of section 36, to rescind or vary its awards, orders, decisions, directions, or appointments, or any reference or act made or done by it, and to re-open any question;
- (p) to direct parties to be joined or struck out;
- (q) to correct, amend, or waive any error, defect, or irregularity whether in substance or in form;
- (r) to extend any prescribed time, other than the time for appealing prescribed by subsection (1) of section 57;
- (s) to waive compliance with any rule made pursuant to section 133 which applies to the commission;

- (t) to give such retrospective effect to an award or order or any part thereof as the commission may consider right, fair and proper :

Provided that this power shall not be exercised—

- I. in any case where the employees concerned or any of them, or any association of which such employees or any of them are members, have or has done any act or thing in the nature of a strike, or taken part in a strike, or been guilty of an offence under section 104 ; or
  - II. in such a manner as to operate prior to the date when the commission first took cognizance of the matter in question.
- (2) The commission may exercise the powers conferred by paragraphs (d), (q), (r) and (s) of subsection (1) of this section upon such terms as it thinks fit.

29g. Where it appears to the commission that a question of substance has arisen as to the rights of employees in a specified craft occupation or calling to do certain work or a certain kind of work in an industry to the exclusion of employees in all or some specified crafts occupations or callings, the commission may, on application made by any employees concerned or a registered association whose members are concerned or the employer or employers of any of the employees concerned, decide such question. In considering such question the commission shall also have the power to decide whether employees in certain specified crafts occupation or callings shall have similar rights to perform certain work or a certain kind of work in such industry. The commission shall have power to incorporate its decision in an order and such order shall operate and have effect as an award.

29h. (1) Where an award has been varied by one or more orders and as so varied is in force, the commission may at any time either of its own motion, or on the application of any association or person interested, make an award consolidating the award and orders first mentioned.

Consolidating  
awards.

(2) Before making a consolidating award the commission shall give such notice (if any) of its intention to make that award as the commission deems proper.

(3) By a consolidating award the commission—

- (a) may fix the day on which that award or any provision thereof shall come into force and the period for which it shall remain in force ;



(b) may rescind any award and orders included in the consolidating award ;

(c) shall specify the persons and associations bound by the consolidating award.

(3a) Notwithstanding the provisions of subsections (1), (2) and (3) of this section the Registrar may at any time of his own motion consolidate an award and any such consolidation shall by him be published in the *Gazette*.

(4) Notwithstanding section 51 of this Act a consolidating award shall be binding on the persons and associations specified therein.

Powers of  
President in  
interlocutory  
matters.

29i. In any industrial matter, or any appeal, reference, or application over which the commission has jurisdiction, the President may make any order which he thinks fit as to—

(a) any interlocutory proceeding to be taken before the hearing, the costs thereof, the issues to be submitted to the commission, the persons and associations to be served with the notice of proceedings, particulars of the claims of the parties, admissions, discovery, interrogatories, inspection of documents or of real or personal property, examination of witnesses, and the place, time, and mode of hearing ; and

(b) any matter which the President or the commission is empowered to hear or deal with when sitting in chambers.

Power to  
issue orders  
to take  
evidence.

29j. (1) The President may, with the consent of the parties, issue an order appointing any person to take evidence on behalf of the commission in relation to any industrial matter over which it has jurisdiction.

(2) The person so appointed shall have all the powers of the commission in relation to the summoning of witnesses, the production of books and documents, and the taking of evidence on oath or affirmation or declaration.

Special  
mode of  
service may be  
directed.

29k. When it is made to appear to the President or the Commissioner concerned with the matter that personal or other service of any summons, notice, or other document in connection with or for the purposes of any proceeding before or intended to be brought before the commission cannot promptly be effected in manner prescribed, the President or that Commissioner may in his discretion make any order for substituted or other service or the substitution for service

of notice by letter, telegram, public advertisement, or otherwise, which he deems necessary or convenient; and in such case compliance with such order shall be sufficient service.

29l. (1) The commission may give such directions as it deems proper, in respect of the representation of parties at any sitting of the commission in its original jurisdiction relating to industrial matters, or when a Commissioner is exercising the jurisdiction of a conciliation committee pursuant to Part III or dealing with a reference by the Minister.

Representation  
of parties  
at hearing.

(2) With the consent of both parties to such matter, but not otherwise, either party may, at its or his own cost, be represented by a solicitor or agent.

29m. On the hearing of appeals against awards of the commission or a conciliation committee, either party may, at its or his own cost, be represented by a solicitor or agent.

Representation  
on appeals.

30. Section 30 of the principal Act is amended—

- (a) by inserting after the word "President" (wherever occurring) therein the passage "or a Commissioner";
- (b) by inserting after the word "court" (wherever occurring) therein the words "or of the commission" in each case.

Amendment of  
principal Act,  
s. 30—  
Powers of  
entry by  
Court for  
examination.

31. Section 31 of the principal Act is amended by striking out the word "court" wherever occurring therein and inserting in lieu thereof the word "commission" in each case.

Amendment of  
principal Act,  
s. 31—  
Aged, slow,  
inexperienced,  
or infirm  
workers.

32. The heading "DIVISION IV.—PROCEDURE AND EVIDENCE." immediately preceding section 33 of the principal Act is amended by inserting after the word "EVIDENCE" therein the passage "—COURT AND COMMISSION".

Amendment of  
heading.

33. Section 33 of the principal Act is amended—

- (a) by inserting therein after the word "court" (wherever occurring) the words "or the commission"; and
- (b) by striking out the passage "the assessors," in subsection (2) thereof.

Amendment of  
principal Act,  
s. 33—  
Proceedings of  
court to be in  
public unless  
otherwise  
directed.

34. Section 34 of the principal Act is amended by inserting after the word "court" (twice occurring) therein the words "or the commission".

Amendment of  
principal Act,  
s. 34—  
Intervention  
by the Crown.

35. Sections 35 and 36 of the principal Act are amended by striking out the word "court" (wherever occurring) therein and inserting in lieu thereof the word "commission" in each case.

Amendment of  
principal Act,  
ss. 35 and 36.

Amendment of  
principal Act,  
s. 37—  
Reserved  
decision.

**36.** Section 37 of the principal Act is amended—

- (a) by inserting after the word “court” (wherever occurring) therein the words “or the commission”;
- (b) by inserting after the word “President” in subsection (2) thereof the words “or the Commissioner concerned”; and
- (c) by inserting after the word “President” in subsection (3) thereof the words “or a Commissioner as the case may be”.

Amendment of  
principal Act,  
s. 38—  
Adjournments  
of Court.

**37.** Section 38 of the principal Act is amended—

- (a) by inserting after the word “President” therein the words “or as the case may be a Commissioner”; and
- (b) by inserting after the word “court” therein the words “or the commission”.

Amendment of  
principal Act,  
s. 39—  
Conciliation.

**38.** Section 39 of the principal Act is amended—

- (a) by striking out the word “court” (thrice occurring) therein and inserting in lieu thereof the word “commission”; and
- (b) by inserting after the word “President” in subsection (2) thereof the words “or a Commissioner”.

Amendment of  
principal Act,  
s. 40—  
Court to be  
guided by  
equity and  
good  
conscience.

**39.** Section 40 of the principal Act is amended by inserting after the word “court” twice occurring therein the words “or the commission” in each case.

Amendment of  
principal Act,  
s. 41—  
Evidence.

**40.** Section 41 of the principal Act is amended—

- (a) by inserting after the word “court” (wherever occurring) therein except in paragraph (f) thereof the words “or the commission” in each case ;
- (b) by striking out the figures “17” in paragraph (k) thereof and inserting in lieu thereof the figures and letter “29b”.

Amendment of  
principal Act,  
s. 42—  
Evidence of  
award.

**41.** Section 42 of the principal Act is amended by inserting after the word “court” (wherever occurring) therein the words “or the commission”.

**42.** Section 43 of the principal Act is amended by striking out the word "court" therein and inserting in lieu thereof the word "commission".

Amendment of principal Act, s. 43—  
Living wage to be absolutely secured.

**43.** Section 44 of the principal Act is amended—

- (a) by striking out the word "court" in subsections (1) and (2) thereof and inserting in lieu thereof the word "commission" in each case;
- (b) by striking out the passage "From and after the expiration of the period of one month from the date of the passing of the Act, the" and inserting in lieu thereof the word "The"; and
- (c) by striking out subsection (3) thereof.

Amendment of principal Act, s. 44—  
Declaration as to terms of contract.

**44.** Section 45 of the principal Act is amended—

- (a) by striking out the words "Board of Industry" in subsection (1) thereof and inserting in lieu thereof the words "commission constituted by the President and two Commissioners"; and
- (b) by striking out the word "court" (wherever occurring) therein and inserting in lieu thereof the word "commission".

Amendment of principal Act, s. 45—  
Variation of awards and orders of court in accordance with variations in living wage.

**45.** Section 46 of the principal Act is amended—

- (a) by striking out the words "Board of Industry" (first occurring) in subsection (1) thereof and inserting in lieu thereof the words "commission constituted by the President and two Commissioners";
- (b) by striking out the words "quarterly computation" in the said subsection (1) thereof and inserting in lieu thereof the word "proclamation";
- (c) by striking out the word "court" in the said subsection (1) thereof and inserting in lieu thereof the word "commission"; and
- (d) by striking out the words "Board of Industry" (second occurring) in the said subsection (1) thereof and in subsection (2) thereof and the words "Industrial Court" in the said subsection (2) thereof and inserting in lieu thereof in each case the word "commission".

Amendment of principal Act, s. 46—  
Provision as to awards in areas for which living wage not declared.

**46.** Section 46a of the principal Act is amended by striking out the word "court" therein and inserting in lieu thereof the word "commission".

Amendment of principal Act, s. 46a—  
Provision as to certain employees of the Crown.

Amendment of  
principal Act,  
s. 46c—  
Interpretation.

**47.** Section 46c of the principal Act is amended—

- (a) by striking out the word “court” in paragraph (b) of subsection (1) thereof and inserting in lieu thereof the word “commission”; and
- (b) by striking out subsection (2) thereof.

Amendment of  
principal Act,  
s. 47—  
Form, operation, and  
continuance of  
award.

**48.** Section 47 of the principal Act is amended—

- (a) by striking out the word “court” (wherever occurring) therein and inserting in lieu thereof the word “commission” in each case; and
- (b) by striking out the words “or until a determination of a board comes into effect” in subsection (2) thereof.

Amendment of  
principal Act,  
ss. 48, 49 and  
51.

**49.** Sections 48, 49 and 51 of the principal Act are amended by striking out the word “court” (wherever occurring) therein and inserting in lieu thereof in each case the word “commission”.

Amendment of  
principal Act,  
s. 52—  
Decision to be  
final.

**50.** Section 52 of the principal Act is amended—

- (a) by striking out the passage “subsection (o) of section 21” in subsection (1) thereof and inserting in lieu thereof the passage “paragraph (o) of subsection (1) of section 21, paragraph (o) of subsection (1) of section 29f and section 196”;
- (b) by inserting after the word “court” (first occurring) in the said subsection (1) thereof the words “or the commission as the case may be”;
- (c) by inserting after the word “court” (first occurring) in subsection (2) thereof the words “or the commission”; and
- (d) by inserting after the word “him” in subsection (3) thereof the words “or before the commission when the President is a member of the commission hearing those proceedings”.

Enactment of  
Division IVA  
of principal  
Act—

**51.** The following heading and sections are enacted and inserted in the principal Act immediately after section 52 thereof:—

DIVISION IVA.—PROCEDURE OF COMMISSION.

Constitution of  
Commission.

**52a.** Except where otherwise provided by this Act the commission shall be constituted by the President or a Commissioner or by the President and two Commissioners as directed by the President.

52b. Except where otherwise provided by this Act an industrial matter shall be dealt with by the commission constituted by the President, or a Commissioner, or the President and two Commissioners, as directed by the President.

Industrial matters.

52c. Where the commission is constituted by the President and two Commissioners the decision of the majority shall be the decision of the commission.

Majority decision.

52. The heading immediately preceding section 53 of the principal Act and the said section 53 are repealed and the following heading and section are enacted and inserted in lieu thereof :—

Repeal and re-enactment of s. 53 of principal Act.

DIVISION V.—POWERS OF COMMISSION IN RELATION TO  
APPEALS AND REFERENCES.

53. (1) There shall be an appeal against an award or order or an omission, failure or refusal of a commissioner or a conciliation committee, as prescribed by section 196.

Provision for appeal.

(2) The commission constituted by the President, the Commissioner who was not concerned in the matter the subject of the appeal, and the Industrial Registrar, shall hear and determine all appeals made in pursuance of this section or section 196 against the award or order made by a Commissioner or a conciliation committee or the omission, failure or refusal of a Commissioner or committee. On any such hearing the decision of the majority shall be the decision of the commission.

53. Section 54 of the principal Act is amended—

- (a) by striking out the passage “court, under section 196,” therein and inserting in lieu thereof the word “commission”;
- (b) by striking out the word “determination” (wherever occurring) therein and inserting in lieu thereof the word “award” in each case ; and
- (c) by striking out the word “board” in paragraphs (c) and (d) of subsection (1) thereof and inserting in lieu thereof the words “conciliation committee” in each case.

Amendment of principal Act, s. 54—  
Who may appeal.

54. Section 55 of the principal Act is amended—

- (a) by striking out the words “a determination” therein and inserting in lieu thereof the words “an award of a Commissioner or a conciliation committee”;

Amendment of principal Act, s. 55—  
Stay of operation of award.

- (b) by striking out the word "court" (twice occurring) therein and inserting in lieu thereof the word "commission" in each case ; and
- (c) by striking out the word "determination" (second occurring) therein and inserting in lieu thereof the word "award".

Repeal of  
s. 56 of  
principal Act—  
Documents to  
be forwarded.

**55.** Section 56 of the principal Act is repealed.

Amendment of  
principal Act,  
s. 57—  
Appeals.

**56.** Section 57 of the principal Act is amended—

- (a) by striking out the word "determination" (wherever occurring) therein and inserting in lieu thereof the word "award" in each case ;
- (b) by striking out the word "board" (wherever occurring) therein and inserting in lieu thereof in each case the words "Commissioner or conciliation committee";
- (c) by striking out the word "court" (wherever occurring) therein and inserting in lieu thereof the word "commission" in each case ;
- (d) by striking out the words "a determination or" in paragraph (e) of the said subsection (3) thereof ;
- (e) by inserting after the word "operation" in subsection (6) thereof the words "and the period of operation";
- (f) by striking out the passages "forwarded to the Minister and" and "by the Minister" in subsection (7) thereof ; and
- (g) by striking out subsection (8) thereof and inserting in lieu thereof the following subsection :—

(8) When any award or order of the commission confirms or quashes the award of a Commissioner or conciliation committee, a notice of such confirmation or quashing shall be published in the *Gazette*.

Amendment of  
heading.

**57.** The heading immediately preceding section 58 of the principal Act is amended by striking out the words "*Determinations referred to Court*" therein and inserting in lieu thereof the words "*Awards referred to commission*".

Amendment of  
principal Act  
s. 58—  
Powers of  
court on  
reference.

**58.** Section 58 of the principal Act is amended—

- (a) by striking out the words "a determination" in the first line thereof and inserting in lieu thereof the words "an award of a conciliation committee";

- (b) by striking out the word "determination" (elsewhere occurring) therein and inserting in lieu thereof the word "award" in each case ;
- (c) by striking out the word "court" (wherever occurring) therein and inserting in lieu thereof the word "commission" in each case ;
- (d) by striking out the word "board" (wherever occurring) therein and inserting in lieu thereof the words "conciliation committee" in each case ;
- (e) by striking out the passage "determination, or any" in paragraph (d) of subsection (2) thereof ; and
- (f) by inserting after the word "operation" in the said paragraph (d) thereof the words "and its period of operation".

**59.** The following section is enacted and inserted in the principal Act immediately after section 58 thereof :—

Enactment of  
s. 58a of  
principal Act—

58a. The commission, constituted by the President and the two Commissioners shall hear and determine all matters referred to the commission in pursuance of section 199. On such hearing the commission shall have the powers referred to in section 199 and all the powers and jurisdiction which would have been exercisable by the Commissioner or conciliation committee had the matter not been referred to the commission.

Commission to  
hear matters  
referred under  
s. 199.

**60.** The heading immediately preceding section 60 and sections 60 and 61 of the principal Act are repealed.

Repeal of  
ss. 60 and 61  
of principal  
Act.

**61.** The heading immediately preceding section 62 of the principal Act is amended by striking out the word "*Board*" therein and inserting in lieu thereof the word "*Committee*".

Amendment of  
heading.

**62.** Section 62 of the principal Act is amended—

Amendment of  
principal Act,  
s. 62—

- (a) by striking out the passage "a determination of an Industrial Board" in the first line of subsection (1) thereof and inserting in lieu thereof the words "an award of a conciliation committee" ;
- (b) by striking out the word "court" (twice occurring) in the said subsection (1) and inserting in lieu thereof the word "commission" ;
- (c) by striking out the word "board" (second occurring) in the said subsection (1) and inserting in lieu thereof the word "committee" ; and

Reference of  
award for  
reconsideration.



- (d) by striking out the word "determination" (wherever occurring) in subsections (1), (2) and (4) therein and inserting in lieu thereof the word "award" in each case; and
- (e) by striking out the word "court" in subsection (3) thereof and inserting in lieu thereof the word "commission".

Amendment of  
principal Act,  
ss. 64, 65, 66,  
67 and 77.

**63.** Sections 64, 65, 66, 67 and 77 of the principal Act are amended by striking out the word "court" (wherever occurring) therein and inserting in lieu thereof the word "President" in each case.

Amendment of  
principal Act,  
s. 85—  
Cancellation of  
registration of  
association.

**64.** Section 85 of the principal Act is amended—

- (a) by striking out the word "court" (first occurring) therein and inserting in lieu thereof the words "commission constituted by the President and two Commissioners"; and
- (b) by striking out the word "court" (wherever elsewhere occurring) therein and inserting in lieu thereof the word "commission" in each case.

Amendment of  
principal Act,  
s. 85a—  
Rules of  
registered  
association.

**65.** Section 85a of the principal Act is amended—

- (a) by striking out the word "court" in subsection (2) thereof and inserting in lieu thereof the words "commission constituted by the President and two Commissioners"; and
- (b) by striking out the word "court" in subsections (3), (4) and (6) thereof and inserting in lieu thereof in each case the word "commission".

Amendment of  
principal Act,  
s. 85b—  
Power to  
direct  
performance  
of rules.

**66.** Subsection (1) of section 85b of the principal Act is amended by striking out the word "court" therein and inserting in lieu thereof the words "commission constituted by the President and two Commissioners".

Amendment of  
principal Act,  
s. 86—  
Amalgamation  
of registered  
associations.

**67.** Subsection (2) of section 86 of the principal Act is amended by striking out the word "court" therein and inserting in lieu thereof the word "commission".

Amendment of  
principal Act,  
s. 92—  
Effect of  
industrial  
agreement.

**68.** Subsection (2) of section 92 of the principal Act is amended—

- (a) by striking out the words "into court" therein and inserting in lieu thereof the words "for hearing before the commission";
- (b) by inserting after the word "thereafter" therein the words "the commission"; and

(c) by striking out the words "of the court" at the end thereof.

**69.** Section 94 of the principal Act is amended by striking out the word "court" therein and inserting in lieu thereof the word "commission".

Amendment of principal Act, s. 94—  
Rescinding or varying agreement.

**70.** Section 95 of the principal Act is amended—

- (a) by striking out the word "court" (wherever occurring) therein and inserting in lieu thereof the word "commission";
- (b) by striking out paragraph (a) thereof and inserting in lieu thereof the following paragraph:—  
(a) an award of a conciliation committee;
- (c) by striking out paragraph (b) thereof; and
- (d) by striking out the passage "determination, agreement," therein and inserting in lieu thereof the word "award".

Amendment of principal Act, s. 95—  
Variation of agreement by court.

**71.** Section 103 of the principal Act is amended by striking out the passage "court, a determination of a board" and inserting in lieu thereof the words "commission or a conciliation committee".

Amendment of principal Act, s. 103—  
Lock-out or strike.

**72.** Section 120a of the principal Act is amended by striking out the word "court" in paragraph I thereof and inserting in lieu thereof the word "commission".

Amendment of principal Act, s. 120a—  
Legal proceedings.

**73.** Section 120b of the principal Act is amended—

- (a) by striking out the passage "a determination (or determinations)" in paragraph (i) of subsection (1) thereof and inserting in lieu thereof the passage "an award (or awards) of a conciliation committee (or committees)";
- (b) by inserting after the word "awards" in paragraph (ii) of the said subsection (1) thereof the words "of the commission";
- (c) by inserting after the passage "(or awards)" in paragraph (iii) of the said subsection (1) the words "of the commission";
- (d) by striking out the passage "a determination (or determinations)" in the said paragraph (iii) and inserting in lieu thereof the passage "an award (or awards) of a committee (or committees)";
- (e) by striking out the passage "or determination" (twice occurring) in the said subsection (1) thereof;

Amendment of principal Act, s. 120b—  
Payment to employes engaged in different classes of work.

- (f) by striking out the words "or determination" in paragraph (i) of subsection (2) thereof and inserting in lieu thereof the words "of the commission or of a committee";
- (g) by striking out the words "or determinations" in paragraphs (ii) and (iii) of the said subsection (2) and inserting in lieu thereof the words "of the commission or of committees" in each case;
- (h) by striking out the words "or determination" (second occurring) in the said subsection (2); and
- (i) by striking out the words "or determination" (wherever occurring) in paragraphs (a) and (b) of the said subsection (2).

Amendment of principal Act, s. 121—

Remedies for not paying wages fixed by award or order.

74. Subsection (1) of section 121 of the principal Act is amended—

- (a) by striking out the word "court" therein and inserting in lieu thereof the word "commission"; and
- (b) by striking out the expression "section 18" therein and inserting in lieu thereof the expression "section 29c".

Amendment of principal Act, s. 121c—

Allowable deductions from wages.

75. Section 121c of the principal Act is amended by striking out the word "court" therein and inserting in lieu thereof the word "commission".

Amendment of principal Act, s. 122—

Non-dismissal for taking benefit.

76. Paragraph (c) of subsection (1) of section 122 of the principal Act is amended—

- (a) by striking out the word "court" therein and inserting in lieu thereof the words "commission or conciliation committee"; and
- (b) by striking out the passage " , a determination of a board, or an agreement under section 98 of this Act" therein.

Amendment of principal Act, s. 123—

Employee not to cease work on account of employer taking benefit under the Act.

77. Paragraph (c) of subsection (1) of section 123 of the principal Act is amended by striking out the passage " , a determination of a board, or an agreement under section 98 of this Act" therein.

Repeal and re-enactment of s. 124 of principal Act—  
Contempt.

78. Section 124 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof :—

124. (1) No person shall—

- (a) wilfully insult the President, or a Commissioner, or the Registrar, or any other officer of the court or the commission, during his sitting or

attendance in the court or commission, or in going to or returning from the court or the commission ; or

- (b) wilfully disturb or interrupt the proceedings of the court or the commission ; or
- (c) otherwise misbehave himself in court or before the commission, or be guilty in any manner, of contempt of the court or the commission.

Penalty : One hundred dollars or imprisonment for three months.

(2) Proceedings in respect of offences under this section may be taken and prosecuted and be heard and determined by the court.

**79.** Section 125 of the principal Act is amended by inserting after the word "court" (wherever occurring) therein the words "or the commission".

Amendment of principal Act s. 125—  
Contempt by witness.

**80.** The following section is enacted and inserted in the principal Act immediately after section 132b thereof :—

Enactment of s. 132c of principal Act—

132c (1) Where any person or a registered association of which such person is a member alleges that such person has not been paid any amount due to such person pursuant to any award or order of the commission or of a conciliation committee, such person or registered association may apply to the commission for an order directing the employer to pay such amount to the person concerned. Such application shall be made in the manner prescribed and shall be dealt with either (a) by the commission constituted by the President or a Commissioner or (b) by the Industrial Registrar. The commission or the registrar as the case may be may make an order directing the employer to pay to such person such amount as is proved to be owing. An amount shall not be recoverable under this section unless it first became payable within twelve months immediately prior to the commencement of proceedings under this section.

Recovery of amounts due under awards and orders.

(2) Notwithstanding any other provision in this Act—

- (a) Where a person or a registered association of which such person is a member has made an application under this section neither the person concerned nor a registered association of which he is a member shall institute proceedings in any court, other than as provided by subsection (6) of this section, for the recovery of the amount alleged to be due or for breach of the award for non-payment of the amount alleged to be due :

(b) Where such person or such association has already instituted proceedings in any court for the recovery of the amount alleged to be due, or for breach of the award for non-payment of the amount alleged to be due, an application shall not be made or dealt with under this section.

(3) No costs shall be allowed in any proceedings before the commission or the Industrial Registrar under this section but either party may, at his or its own cost, be represented by a solicitor or agent. No cost shall be recoverable by such solicitor or agent in excess of the amount approved by the commission or Industrial Registrar.

(4) Where the amount of the claim exceeds sixty dollars if the person or association seeking an order under this section, or the employer concerned, is dissatisfied with the decision of the commission when constituted by a Commissioner or of the Industrial Registrar, he or it may, within fourteen days of the giving of such decision, appeal to the President. On such appeal the President may take fresh evidence and may confirm, quash or vary the order which is under appeal or may refer the order back to a Commissioner or to the Industrial Registrar, or may dismiss the appeal. The order of the President shall be deemed to be the order of the commission.

(5) Except as provided by subsection (4) of this section the order of the commission or of the Industrial Registrar shall be final and shall not be challenged, appealed against, reviewed, quashed, or called in question in any court or tribunal on any account whatsoever other than excess of or want of jurisdiction.

(6)—

(a) If the commission or the Industrial Registrar makes an order directing the employer to pay a sum to such person, and such sum, or any part thereof, is not paid within fourteen days of the date of the order, or such other time as the commission or Industrial Registrar may have allowed, such person may obtain from the Industrial Registrar a certificate of that order containing the following particulars:—

(i) the name, place of residence and occupation or description of the person to whom the money was ordered to be paid.

(ii) the name and place of residence or place of business or the person ordered to pay the money,

- (iii) the date of the order.
- (iv) the amount ordered to be paid.
- (b) The Industrial Registrar shall, on application duly made in writing, grant such a certificate under his hand and the seal of the commission.
- (c) Upon production of the certificate to the Clerk of a local court, the Clerk shall forthwith register the certificate by entering the particulars contained in it in a book to be kept by him and to be called the "Register of Industrial Commission Orders".
- (d) From the date of registration the certificate shall be a record of the local court in which it is registered and shall have the same force and effect in all respects as a judgment or order of that court, and the like proceedings may be taken upon the certificate as if the order mentioned therein were a judgment or order of that court and the person against whom it was made were the defendant and the person to whom the money was ordered to be paid were the plaintiff.
- (e) The costs of and incidental to registering a certificate and of any proceedings under a certificate shall be added to the amount payable under the certificate and payment thereof shall be enforceable accordingly.
- (f) No execution shall be issued or other proceedings taken upon any such certificate unless there is first filed in the local court an affidavit made within thirty days immediately before the execution is issued or the proceedings are taken or within such further time as a special magistrate may order stating that the amount for which it is proposed to issue execution or to take other proceedings is actually due and unpaid. Any such order of a special magistrate may be made *ex parte*. The affidavit shall be made by the person to whom the money was ordered to be paid or by some other person cognizant of the facts.
- (g) The local court in which any such certificate has been registered shall, in respect of execution upon the certificate, and the enforcement of the order, have the same control and jurisdiction over the order as if it were a judgment or order of that Local Court.

(h) The local court in which any such certificate has been registered may, on the application of any person against whom the order has been made, order a stay of proceedings upon that certificate. Such order may be given on such terms as to giving security or otherwise as the local court thinks fit.

(i) The powers conferred by section 28 of the Local Courts Act, 1926-1964, shall include power to make rules for regulating the practice and procedure relating to the registration of certificates under this section and proceedings subsequent thereto, and the court fees payable thereon.

(7) For the purposes of this section the word "employer" includes a former employer.

(8) Where an employer alleges that an employee, or a former employee, is indebted to him pursuant to an award or order of the commission or of a conciliation committee such employer shall have the same rights as are given to an employee by the other provisions of this section and the other provisions of this section shall, *mutatis mutandis*, apply.

Amendment of  
principal Act,  
s. 133—  
Rules of court  
and procedure.

**81.** Section 133 of the principal Act is amended—

- (a) by inserting after the figure "III" therein the passage "or Part IV";
- (b) by inserting after the word "court" (wherever occurring) therein the words "or the commission" in each case; and
- (c) by striking out paragraph (f) of subsection (1) thereof.

Amendment of  
principal Act,  
s. 134—  
Regulations  
made by the  
Governor.

**82.** Subsection (1) of section 134 of the principal Act is amended—

- (a) by inserting after the word "court" (first occurring) therein the words "or the commission";
- (b) by striking out the words "of court" at the end thereof.

Amendment of  
heading.

**83.** The heading "INDUSTRIAL BOARDS" immediately preceding section 138 of the principal Act is struck out and the heading "CONCILIATION COMMITTEES AND COMMISSIONERS" is inserted in lieu thereof.

Amendment of  
principal Act,  
s. 138—  
Division of  
this Part of  
Act.

**84.** Section 138 of the principal Act is amended—

- (a) by striking out the whole of the line commencing "DIVISION I.":

- (b) by striking out the words "industrial boards" in the line commencing "DIVISION II." and inserting in lieu thereof the words "conciliation committees";
- (c) by striking out the word "boards" in each of the lines commencing "DIVISION IV." and "DIVISION V." and inserting in lieu thereof in each case the words "conciliation committees";
- (d) by striking out the word "determinations" occurring in each of the lines commencing "DIVISION VI." and "DIVISION VIII." and inserting in lieu thereof in each case the words "awards of conciliation committees";
- (e) by striking out the two lines commencing "DIVISION VII." and inserting in lieu thereof the passage "DIVISION VII.—Appeals and references"; and
- (f) by striking out the line commencing "DIVISION XVI." therein.

**85.** The heading immediately preceding section 139 and section 139 of the principal Act are repealed.

Repeal of  
Division I of  
Part III of  
principal Act.

**86.** The heading preceding section 144 and section 144 of the principal Act are repealed and the following heading and section are enacted and inserted in lieu thereof:—

Repeal and  
re-enactment  
of heading and  
s. 144 of  
principal Act—

#### DIVISION II.—CONSTITUTION OF CONCILIATION COMMITTEES.

144. The Minister shall, on the recommendation in writing of the commission constituted by the President and two Commissioners, made pursuant to the power conferred by Part IV of this Act, constitute conciliation committees for any industry or division of any industry, or any combination arrangement or grouping of industries as may be recommended by the commission as so constituted, and in relation to such area of the State as may be recommended by the commission as so constituted in each instance.

Minister to  
constitute  
Conciliation  
Committees.

**87.** Section 146 of the principal Act is amended—

- (a) by striking out the word "board" in subsections (1) and (3) thereof and inserting in lieu thereof the words "conciliation committee" in each case; and
- (b) by striking out the words "Board of Industry" in the said subsection (1) and inserting in lieu thereof the passage "commission constituted by the President and two Commissioners".

Amendment of  
principal Act,  
s. 146—  
Members.



Amendment of  
principal Act,  
s. 147—

Public sitting  
of court for  
selection of  
members of  
Committee.

**88.** Subsection (1) of section 147 of the principal Act is repealed and the following subsection is inserted in lieu thereof :—

(1) When the commission has recommended the appointment or constitution of a new conciliation committee the Registrar shall give notice in the prescribed manner calling for nominations of representative members on such committee.

Amendment of  
principal Act,  
s. 147a—

Appointment  
of additional  
members.

**89.** Section 147a of the principal Act is amended—

(a) by striking out subsection (1) thereof and inserting in lieu thereof the following subsection :—

(1) If the commission constituted by the President and two Commissioners recommends the appointment of additional members of a conciliation committee, the President shall select the required number of additional members in the same way as the members of a committee are selected in the first instance, and cause to be forwarded to the Minister and to each of such members a notice containing the names and addresses of all the selected additional members.

; and

(b) by striking out the word “board” (wherever occurring) in subsection (2) and (3) thereof and inserting in lieu thereof in each case the words “conciliation committee”.

Amendment of  
principal Act,  
s. 148.

**90.** Section 148 of the principal Act is amended—

(a) by striking out the word “court” (wherever occurring) therein and inserting in lieu thereof in each case the word “President”; and

(b) by striking out the word “it” (wherever occurring) therein and inserting in lieu thereof in each case the word “he”.

Amendment of  
principal Act,  
s. 149.

**91.** Section 149 of the principal Act is amended—

(a) by striking out the word “court” in subsection (1) thereof and inserting in lieu thereof the word “President”; and

(b) by striking out subsection (2) thereof.

Amendment of  
principal Act,  
s. 150.

**92.** Section 150 of the principal Act is amended by striking out the word “court” therein and inserting in lieu thereof the word “President”.

**93.** Sections 151 and 152 of the principal Act are repealed and the following sections are inserted in the principal Act in lieu thereof :—

Repeal and re-enactment of ss. 151 and 152 of principal Act—

151. (1) As soon as possible after the selection of the representative members of a conciliation committee the President shall allocate a Commissioner to act as chairman of the committee for the period determined by the President, not being a period in excess of three years and shall cause notice of the allocation to be forwarded to the Minister.

Allocation of Commissioner to act as chairman.

(2) Upon the receipt of such notice the Minister shall proceed to constitute the committee in accordance with the recommendations of the President.

152. The conciliation committee shall be constituted as follows :—

Constitution of Committee.

- (a) The chairman shall be the Commissioner allocated as chairman of the committee by the President pursuant to the provisions of section 151 :
- (b) The representative members of such committee shall be the persons named in the notice forwarded by the President to the Minister pursuant to section 150.

**94.** Section 153 of the principal Act is amended—

Amendment of principal Act, s. 153—

- (a) by striking out the words “Board of Industry” therein and inserting in lieu thereof the words “commission constituted by the President and two Commissioners”;
- (b) by striking out the word “board” (wherever occurring) therein and inserting in lieu thereof in each case the words “conciliation committee”; and
- (c) by inserting at the end of subsection (1) thereof the following :—
  - (d) shall in accordance with the report specify the area of the State in relation to which the committee shall have jurisdiction to act.

Publication of notice constituting Conciliation Committee.

**95.** Section 153a of the principal Act is amended—

Amendment of principal Act, s. 153a—  
Alteration of jurisdiction.

- (a) by striking out the words “Board of Industry” (first occurring) therein and inserting in lieu thereof the words “commission constituted by the President and two Commissioners”;

- (b) by striking out the words "Board of Industry" in paragraph (a) thereof and inserting in lieu thereof the word "commission";
- (c) by striking out the word "board" (wherever occurring) therein and inserting in lieu thereof in each case the words "conciliation committee"; and
- (d) by striking out the word "determination" (twice occurring) in paragraph (c) thereof and inserting in lieu thereof in each case the word "award".

Enactment of  
s. 153b of  
principal Act—

96. The following section is enacted and inserted in the principal Act immediately after section 153a thereof:—

Alteration of  
area of  
jurisdiction.

153b. (1) If the commission constituted by the President and two Commissioners reports to the Minister that the area of the State in relation to which any existing conciliation committee shall have jurisdiction to make awards shall be altered—

(a) the Minister shall publish in the *Gazette* and in a newspaper circulating in the City of Adelaide and another newspaper circulating in the area of the State affected by the report of the commission a notice containing the report of the commission; and

(b) thereafter the committee shall have jurisdiction to make awards extending throughout such area.

(2) Until the Minister has published notices in accordance with subsection (1) of this section a committee shall continue to have jurisdiction to make awards within the metropolitan area and as regards Public Service employees and Railways employees and employees of any council of a municipality or any district council within the State.

Amendment of  
principal Act,  
s. 154—  
Period of  
office.

97. Section 154 of the principal Act is amended—

(a) by striking out subsection (1) thereof and inserting in lieu thereof the following subsection:—

(1) Subject to the provisions of subsections (2), (3) and (4) of this section, the members of a conciliation committee other than the chairman shall hold office until the expiration of three years from the date of their appointment, and then shall cease to hold office. The chairman shall hold office until the expiration of the period specified by the President when allocating him to the committee and then shall cease to hold office. ;

- (b) by striking out the words "Board of Industry" in subsection (2) thereof and inserting in lieu thereof the words "commission constituted by the President and two Commissioners";
- (c) by striking out the word "board" (wherever occurring) in the said subsection (2) thereof and inserting in lieu thereof in each case the word "committee";
- (d) by striking out the word "determination" in the said subsection (2) and inserting in lieu thereof the words "award of a committee"; and
- (e) by inserting at the end thereof the following subsection :—

(4) If the chairman ceases at any time to hold office as a Commissioner he shall *ipso facto* cease to hold office as chairman.

**98.** Section 155 of the principal Act is amended by striking out the word "board" wherever occurring therein and inserting in lieu thereof in each case the words "conciliation committee".

Amendment of principal Act, s. 155—  
Effect of vacancy.

**99.** Section 156 of the principal Act is amended—

Amendment of principal Act, s. 156.

- (a) by striking out the passage "member or the chairman" in the first and second lines of subsection (1) thereof and inserting in lieu thereof the words "representative member";
- (b) by striking out the words "or chairman" therein ;
- (c) by striking out the word "board" (wherever occurring) therein and inserting in lieu thereof in each case the words "conciliation committee";
- (d) by striking out the passage "or in cases where the vacancy is a vacancy in the office of chairman a majority of all the representatives on the board," therein ;
- (e) by striking out the word "court" (wherever occurring) therein and inserting in lieu thereof in each case the word "President"; and
- (f) by inserting therein after subsection (1) thereof the following subsection :—

(1a) Where from any cause the chairman of the committee ceases to hold office the President shall allocate another Commissioner as chairman of the committee, and shall advise the Minister accordingly.

Amendment of  
principal Act,  
s. 157—  
New  
Committee.

**100.** Section 157 of the principal Act is amended by striking out the word "board" wherever occurring and the word "boards" therein and inserting in lieu thereof in each case the words "committee" and "committees" respectively.

Enactment of  
s. 157a of  
principal Act—

**101.** The following section is enacted and inserted in the principal Act after section 157 thereof :—

Transitional  
provision.

157a. (1)—

- (a) After the commencement of the Industrial Code Amendment Act, 1966, the Minister shall constitute conciliation committees in place of industrial boards, for the respective industries for which industrial boards were constituted by the Minister in accordance with the recommendations of the Board of Industry prior to the said commencement ;
- (b) Each committee shall be constituted for the same industry or calling as that for which the corresponding industrial board was constituted, and shall have jurisdiction in relation to the same area of the State as that of the corresponding industrial board ;
- (c) The employers' representatives and the employees' representatives on each committee shall be the same representatives as those who were representative members of the corresponding industrial board at the commencement of the Industrial Code Amendment Act, 1966 and shall hold office for the remainder of the term for which they were appointed to that board ;
- (d) The chairman of each committee shall be the Commissioner allocated as chairman of such committee by the President, and shall, subject to subsection (4) of section 154, hold office for the period determined by the President.

(2) The constitution of the committee and the area of the State in relation to which it has jurisdiction may be altered from time to time in accordance with the provisions of this Act, following recommendations of the commission constituted by the President and two Commissioners.

(3) Every determination of an industrial board which is in force at the date of commencement of the Industrial Code Amendment Act, 1966, shall continue in force and shall be deemed to be an award of the corresponding committee until rescinded, varied or replaced by an award of the committee concerned, or until cancelled pursuant to section 154.

(4) All records and minutes of each industrial board shall be deemed to be and shall become the records and minutes of the corresponding committee.

**102.** The heading "DIVISION IV.—JURISDICTION AND DUTIES OF BOARDS" and section 167 of the principal Act are repealed and the following heading and section are enacted and inserted in lieu thereof :—

Repeal and re-enactment of heading and s. 167 of principal Act—

**DIVISION IV.—JURISDICTION AND DUTIES OF CONCILIATION COMMITTEES.**

167. (1) A conciliation committee, on any reference or application to it, shall, with respect to the industries or callings and in the area of the State in relation to which it has been constituted, have jurisdiction to make an award determining any industrial matter and may rescind or vary any award made in respect of any of the industries or callings for which it has been constituted : Provided that a committee shall not have jurisdiction to deal with or include in an award any provision or matter which the commission if the matter were before it would not be empowered to include in its award or order, or which is not included in the reference or application, nor may a committee determine annual salaries.

Jurisdiction of Committees.

(2) A committee shall have the same power to appoint a board of reference as that exercisable by the commission pursuant to paragraph (l) of subsection (1) of section 29b.

**103.** Section 168 of the principal Act is amended—

Amendment of principal Act, s. 168.

- (a) by striking out the word "board" (wherever occurring) therein and inserting in lieu thereof in each case the words "conciliation committee";
- (b) by striking out the word "determination" (twice occurring) in subsection (1) thereof and inserting in lieu thereof the word "award" in each case ;

(c) by striking out the passage "From and after the expiration of the period of one month from the date of the passing of this Act the" in subsection (2) thereof and inserting in lieu thereof the word "The"; and

(d) by striking out subsection (3) thereof.

Amendment of  
principal Act,  
s. 169—  
Living wage  
to be secured.

**104.** Section 169 of the principal Act is amended by striking out the word "board" therein and inserting in lieu thereof the words "conciliation committee".

Amendment of  
principal Act,  
s. 170—  
Value on  
allowances.

**105.** Section 170 of the principal Act is amended—

(a) by striking out the word "board" therein and inserting in lieu thereof the words "conciliation committee";

(b) by striking out the word "determination" (wherever occurring) therein and inserting in lieu thereof in each case the word "award".

Amendment of  
principal Act,  
s. 171.

**106.** Section 171 of the principal Act is amended—

(a) by striking out the word "board" (wherever occurring) therein and inserting in lieu thereof in each case the words "conciliation committee";

(b) by striking out the figures "279" in paragraph (c) thereof and inserting in lieu thereof the figure "5";

(c) by striking out the word "determination" in paragraph (d) thereof and inserting in lieu thereof the word "award".

Amendment of  
principal Act,  
s. 172—  
Piece-work  
rate fixed by  
employer.

**107.** Section 172 of the principal Act is amended by striking out the word "board" therein and inserting in lieu thereof the words "conciliation committee".

Amendment of  
principal Act,  
ss. 173, 174  
and 175.

**108.** Sections 173, 174 and 175 of the principal Act are amended—

(a) by striking out the word "determination" (wherever occurring) therein and inserting in lieu thereof in each case the word "award"; and

(b) by striking out the word "board" (wherever occurring) therein and inserting in lieu thereof in each case the words "conciliation committee".

Amendment of  
heading.

**109.** The heading "DIVISION V.—PROCEDURE OF BOARDS" immediately preceding section 176 of the principal Act is struck out and the heading "DIVISION V.—PROCEDURE OF CONCILIATION COMMITTEES" is inserted in lieu thereof.

**110.** Section 176 of the principal Act is amended—Amendment of  
principal Act,  
s. 176.

- (a) by striking out the word “court” in subsection (1) thereof and inserting in lieu thereof the word “President”; and
- (b) by striking out the word “board” (wherever occurring) therein and inserting in lieu thereof in each case the words “conciliation committee”.

**111.** Sections 177 and 178 of the principal Act are amended by striking out the word “board” wherever occurring therein and inserting in lieu thereof in each case the words “conciliation committee”.Amendment of  
principal Act,  
s. 177 and 178.**112.** Section 179 of the principal Act is amended—Amendment of  
principal Act,  
s. 179—  
Failure of  
member to  
attend.

- (a) by striking out the word “board” (wherever occurring) in subsection (1) thereof and inserting in lieu thereof in each case the words “conciliation committee”; and
- (b) by striking out the word “court” in subsection (2) thereof and inserting in lieu thereof the word “President”.

**113.** Section 179a of the principal Act is amended—Amendment of  
principal Act,  
s. 179a.

- (a) by striking out the word “board” (wherever occurring) therein and inserting in lieu thereof in each case the words “conciliation committee”;
- (b) by striking out the word “court” (wherever occurring) therein and inserting in lieu thereof in each case the word “President”;
- (c) by striking out the words “a determination” (wherever occurring) therein and inserting in lieu thereof in each case the words “an award”; and
- (d) by striking out the word “itself” in subsection (2) thereof and inserting in lieu thereof the word “himself”.

**114.** Section 180 of the principal Act is amended—Amendment of  
principal Act,  
s. 180—  
Quorum and  
voting at  
meeting.

- (a) by striking out the word “board” (wherever occurring) therein and inserting in lieu thereof in each case the words “conciliation committee”;
- (b) by striking out the word “court” in paragraph (d) thereof and inserting in lieu thereof the word “President”; and



(c) by striking out paragraph (f) thereof and inserting in lieu thereof the following paragraph :—

(f) if the chairman has been unable to bring the majority of the members of the committee to agreement with respect to any matter referred to in an application or reference to the committee, he shall refer the matter for hearing before himself as a Commissioner, and shall appoint a time, date and place for the hearing of the matter. At the hearing of such matter the Commissioner shall, subject to section 180a have all the powers which a Commissioner would have if the matter were within the jurisdiction of the commission and not within the jurisdiction of a committee: Provided that the Commissioner shall not have power pursuant to this paragraph to deal with any matter which would not be within the jurisdiction of a committee.

Enactment of  
ss. 180a and  
180b of  
principal Act—  
Committee to  
make award.

**115.** The following sections are inserted in the principal Act immediately after section 180 thereof :—

180a. When the Commissioner or the commission pursuant to a reference under section 199 has decided the matters in dispute, the conciliation committee shall make an award incorporating the matters agreed upon before the committee, and those decided by the Commissioner pursuant to section 180, or by the commission, as the award of the committee.

Meetings of  
Committee.

180b. A conciliation committee shall meet at the times, dates and places fixed by the chairman, and any member of a committee shall, on making application in the prescribed form, be reimbursed such fares and out-of-pocket expenses as are approved by the Minister.

Repeal of  
ss. 181, 182  
and 183 of  
principal Act.

**116.** Sections 181, 182 and 183 of the principal Act are repealed.

Repeal and  
re-enactment  
of s. 184 of  
principal Act—

**117.** Section 184 of the principal Act is repealed and the following section is enacted and inserted in the principal Act in lieu thereof :—

Inability of  
Committee to  
act.

184. A conciliation committee may report to the President that it is unable to exercise or discharge some or

any of its powers and duties under section 167, in which case such powers and duties may be exercised by the commission constituted as directed by the President.

**118.** Section 185 of the principal Act is amended—

Amendment of  
principal Act,  
s. 185—  
Matters of  
urgency.

(a) by striking out the word “board” in subsection (1) thereof and inserting in lieu thereof the words “conciliation committee” in each case and by striking out the word “court” in the said subsection (1) thereof and inserting in lieu thereof the word “commission”; and

(b) by striking out subsection (2) thereof and inserting in lieu thereof the following subsection:—

(2) Any matter referred to the commission pursuant to the powers in this section contained shall be dealt with by the commission in the same manner as any other application before the commission, and any award of the commission concerning the matter shall be deemed to be an award of the committee concerned,

**119.** The heading immediately preceding section 186 of the principal Act is amended by striking out the word “DETERMINATIONS” therein and inserting in lieu thereof the words “AWARDS OF CONCILIATION COMMITTEES”.

Amendment of  
heading.

**120.** Section 186 of the principal Act is amended—

Amendment of  
principal Act  
s. 186.

(a) by striking out the word “determination” (wherever occurring) therein and inserting in lieu thereof in each case the word “award”;

(b) by striking out the word “board” (wherever occurring) therein and inserting in lieu thereof in each case the words “conciliation committee”;

(c) by inserting therein before paragraph (a) of subsection (1) thereof the following paragraph:—

(aa) incorporate the matters agreed upon during the proceedings before the committee, and the matters decided upon by the chairman acting as a Commissioner or by the commission pursuant to section 199 ;;

(d) by striking out the word “Minister” in paragraphs (a) and (b) of the said subsection (1) thereof and inserting in lieu thereof the word “Registrar” in each case ; and

(e) by striking out subsection (3) thereof and inserting in lieu thereof the following subsection :—

(1a) The award of any committee appointed under this Part of this Act shall be binding on all employers and employees in the industry or calling specified therein within the area of the State prescribed by the award, which however shall not extend outside the area in relation to which the Minister has constituted the committee.

Amendment of  
principal Act,  
s. 187.

**121.** Section 187 of the principal Act is amended—

- (a) by striking out the words “a determination” therein and inserting in lieu thereof the words “an award”;
- (b) by striking out the word “determination” wherever else occurring therein and inserting in lieu thereof the word “award” in each case ;
- (c) by striking out the word “board” therein and inserting in lieu thereof the words “conciliation committee”;  
and
- (d) by striking out the word “Court” therein and inserting in lieu thereof the word “commission”.

Amendment of  
principal Act,  
s. 189.

**122.** Section 189 of the principal Act is amended—

- (a) by striking out the word “determination” (wherever occurring) therein and inserting in lieu thereof in each case the word “award”;
- (b) by striking out the word “board” (wherever occurring) therein and inserting in lieu thereof in each case the words “conciliation committee”;
- (c) by striking out the word “court” (wherever occurring) therein and inserting in lieu thereof in each case the word “commission” ;
- (d) by striking out the passage “Division V of” in paragraph (a) of subsection (1) thereof ;
- (e) by striking out paragraph (b) of the said subsection (1) ;  
and
- (f) by striking out the passage “or suspended by the Governor, as mentioned in subsection (1) of this section” at the end of subsection (2) thereof.

**123.** Section 189a of the principal Act is amended—Amendment of  
principal Act,  
s. 189a.

- (a) by striking out the word “board” (twice occurring) therein and inserting in lieu thereof in each case the words “conciliation committee”; and
- (b) by striking out the words “a determination” therein and inserting in lieu thereof the words “an award”.

**124.** Section 190 of the principal Act is amended—Amendment of  
principal Act,  
s. 190—  
Provisions for  
preventing  
overlapping.

- (a) by striking out the word “determination” (first and fourth occurring) therein and inserting in lieu thereof in each case the words “award of a conciliation committee”; and
- (b) by striking out the words “a determination” (twice occurring) therein and inserting in lieu thereof in each case the words “an award of a committee”.
- (c) by striking out the words “Court of Conciliation and Arbitration” therein and inserting in lieu thereof the words “Conciliation and Arbitration Commission”.
- (d) by striking out the word “Court” second and third occurring therein and inserting in lieu thereof the word “Commission” in each case.

**125.** Section 191 of the principal Act is amended—Amendment of  
principal Act,  
s. 191.

- (a) by striking out the word “board” (wherever occurring) therein and inserting in lieu thereof in each case the words “conciliation committee”;
- (b) by striking out the passage “its determination, a determination” therein and inserting in lieu thereof the words “its award, an award”;
- (c) by striking out the word “Minister” therein and inserting in lieu thereof the word “Registrar”; and
- (d) by striking out the word “determination” (last occurring) therein and inserting in lieu thereof the word “award”.

**126.** Section 193 of the principal Act is amended—Amendment of  
principal Act,  
s. 193—  
Application to  
court in  
urgent matters.

- (a) by striking out the words “a determination” (wherever occurring) therein and inserting in lieu thereof in each case the words “an award”;
- (b) by striking out the word “determination” (second occurring) therein and inserting in lieu thereof the word “award”;

- (c) by striking out the word "board" (wherever occurring) therein and inserting in lieu thereof in each case the words "conciliation committee";
- (d) by striking out the word "court" (wherever occurring) therein and inserting in lieu thereof in each case the word "commission"; and
- (e) by striking out subsection (4) thereof and inserting in lieu thereof the following subsection :—
  - (4) The commission shall forthwith cause its decision to be published in the *Gazette*. ;
- (f) by striking out the word "report" in subsection (6) thereof and inserting in lieu thereof the word "decision".

Amendment of  
principal Act,  
s. 194.

**127.** Section 194 of the principal Act is amended—

- (a) by striking out the words "Board of Industry" in subsection (1) thereof and inserting in lieu thereof the words "commission constituted by the President and two Commissioners";
- (b) by striking out the passage "a determination" (second occurring) in the said subsection (1) thereof and inserting in lieu thereof the words "an award" in each case ;
- (c) by striking out the word "determination" wherever occurring in paragraphs (a), (b) and (d) of the said subsection (1) thereof and inserting in lieu thereof in each case the word "award" ;
- (d) by striking out the passage "an industrial board" (wherever occurring) in the said subsection (1) and inserting in lieu thereof in each case the words "a conciliation committee" ;
- (e) by striking out the words "industrial board" (second and third occurring) in paragraph (d) of the said subsection (1) and inserting in lieu thereof in each case the words "conciliation committee".

Amendment of  
principal Act,  
s. 195.

**128.** Section 195 of the principal Act is amended—

- (a) by striking out the words "Board of Industry" (wherever occurring) therein and inserting in lieu thereof in each case the words "commission constituted by the President and two Commissioners" ;

- (b) by striking out the word "determination" (second and third occurring) therein and inserting in lieu thereof in each case the word "award";
- (c) by striking out the passage "an industrial board" (twice occurring) in subsection (1) thereof and inserting in lieu thereof in each case the words "a conciliation committee";
- (d) by striking out the words "industrial board" in subsection (2) thereof and inserting in lieu thereof the word "committee"; and
- (e) by striking out the words "quarterly computation" in subsection (1) thereof and inserting in lieu thereof the word "proclamation".
- (f) by striking out the word "determinations" in subsection (2) thereof and inserting in lieu thereof the word "awards".

**129.** Section 195a of the principal Act is amended—

Amendment of  
principal Act,  
s. 195a.

- (a) by striking out the word "Minister" in subsection (1) thereof and inserting in lieu thereof the word "Registrar";
- (b) by striking out the word "determination" (first and third occurring) therein and inserting in lieu thereof in each case the word "award";
- (c) by striking out the words "an industrial board" in subsection (1) thereof and inserting in lieu thereof the words "a conciliation committee"; and
- (d) by striking out the words "a determination" in subsection (2) thereof and inserting in lieu thereof the words "an award".

**130.** Section 195b of the principal Act is amended—

Amendment of  
principal Act,  
s. 195b—  
Interpretation.

- (a) by striking out the words "a determination" therein and inserting in lieu thereof the words "an award";
- (b) by striking out the word "determination" (second and third occurring) therein and inserting in lieu thereof in each case the word "award";
- (c) by striking out the words "industrial board" therein and inserting in lieu thereof the words "conciliation committee"; and
- (d) by striking out the word "court" therein and inserting in lieu thereof the word "commission", and
- (e) by striking out subsection (2) thereof.

Repeal and  
re-enactment  
of s. 196 of  
principal Act—

**131.** The heading immediately preceding section 196 and the said section 196 of the principal Act are repealed and the following heading and section are enacted and inserted in the principal Act in lieu thereof :—

**DIVISION VII.—APPEALS AND REFERENCES.**

Appeal.

196. (1) There shall be an appeal—

- (a) against an award of a conciliation committee or of a Commissioner, whether he is exercising the jurisdiction of the commission under Part II of this Act or that of the chairman of a conciliation committee ;
- (b) in respect of the omission, failure, or refusal of a conciliation committee or a Commissioner to include in its or his award any matter which if included would have been within its or his jurisdiction ; and
- (c) against the award of a conciliation committee or a Commissioner challenging or disputing the award or part of the award for the illegality thereof.

(2) Such appeal shall be made to and shall be heard by the commission constituted by the President, the Commissioner not concerned in the matter the subject of the appeal and the Industrial Registrar in the manner prescribed by section 57.

(3) No award of a conciliation committee or a Commissioner shall be, in any other manner, challenged or disputed for the illegality thereof.

Repeal and  
re-enactment  
of ss. 198, 199  
and 200 of  
principal Act—

**132.** The heading immediately preceding section 198, the said section 198, the heading preceding section 199, the said section 199, the heading preceding section 200 and the said section 200 are repealed and the following sections are enacted and inserted in the principal Act in lieu thereof :—

Reference by  
Minister to  
Commission.

198. (1) The Minister may refer any award of a conciliation committee or any part thereof for consideration by the commission.

(2) Upon any such reference the commission shall deal with the same in the manner prescribed by section 58.

Reference to  
matters to  
Commission.

199. (1) A Commissioner, whether exercising the jurisdiction of the commission under Part II of this Act or dealing with an industrial matter as the chairman of a conciliation committee, may, upon his own motion, and

shall, on the application of any party to an industrial matter being dealt with by him or by the committee, consult with the President as to whether the matter should be dealt with by that Commissioner or by the commission constituted by the President and the two Commissioners.

(2) If the President is of opinion that the matter should be dealt with by the commission constituted by himself and the two Commissioners, he shall direct accordingly.

(3) If the President so directs, the commission as so constituted shall hear and determine the matter.

(4) The commission may, for the purposes of this section, direct a Commissioner to furnish a report with respect to a specified matter, and the Commissioner to whom the direction is given shall, after making such investigation as is necessary, furnish a report accordingly.

(5)—

(a) Where the industrial matter was before the commission under Part II of this Act, the commission may dismiss the application or may order the Commissioner to deal with it in accordance with such directions or suggestions as the commission may think fit or the commission may make an award dealing with the matter.

(b) Where the industrial matter was before a committee the commission may dismiss the application or may order the committee to deal with it in accordance with such directions or suggestions as the commission shall think fit or may itself decide the matter. If the commission decides the matter otherwise than by dismissing the application the committee concerned shall make an award incorporating the decision of the commission.

200. A Commissioner may whether acting as the commission under Part II of this Act or as chairman of a conciliation committee refer any question of law arising in any proceedings before him to the court for determination.

Reference to  
questions of  
law to court.

133. The heading immediately preceding section 201 of the principal Act is amended by striking out the word "DETERMINATIONS" therein and inserting in lieu thereof the words "AWARDS OF CONCILIATION COMMITTEES".

Amendment of  
heading.



Amendment of  
principal Act,  
s. 201—  
Payment of  
employee  
engaged in two  
or more classes  
of work.

**134.** Section 201 of the principal Act is amended—

- (a) by striking out paragraphs (i), (ii) and (iii) of the said subsection (1) and inserting in lieu thereof the following paragraphs :—
- (i) by an award (or awards) of a conciliation committee (or committees) ;
  - (ii) by two or more awards of the commission ; or
  - (iii) partly by an award (or awards) of the commission and partly by an award (or awards) of a committee (committees), ;
- (b) by striking out the words “award or determination” in the said subsection (1) and inserting in lieu thereof the word “awards”;
- (c) by striking out the words “or determination” (last occurring) in the said subsection (1) ;
- (d) by striking out the words “or determination” in paragraph (i) of the said subsection (2) and inserting in lieu thereof the words “of the commission or a conciliation committee”;
- (e) by striking out the words “or determinations” in paragraphs (ii) and (iii) of the said subsection (2) and inserting in lieu thereof in each case the words “of the commission or conciliation committees”; and
- (f) by striking out the words “or determination” wherever occurring in the said subsection (2) except in paragraph (i) thereof.

Repeal of  
s. 202 of  
principal Act.

**135.** Section 202 of the principal Act is repealed.

Amendment of  
principal Act,  
s. 203—  
Effect of  
fixing wages  
only.

**136.** Section 203 of the principal Act is amended by striking out the word “board” (twice occurring) therein and inserting in lieu thereof in each case the words “conciliation committee”.

Amendment of  
principal Act,  
s. 204—  
Effect of  
fixing piece-  
work rates  
only.

**137.** Section 204 of the principal Act is amended by striking out the word “board” therein and inserting in lieu thereof the words “conciliation committee”.

Amendment of  
principal Act,  
s. 205.

**138.** Section 205 of the principal Act is amended by striking out the word “determination” therein and inserting in lieu thereof the word “award”.

**139.** Subsection (1) of section 206 of the principal Act is amended—

- (a) by striking out the words “a determination” therein and inserting in lieu thereof the words “an award”; and
- (b) by striking out the word “determination” second and third occurring therein and inserting in lieu thereof the word “award” in each case.

Amendment of principal Act, s. 206—  
Employees to be paid in money.

**140.** Section 209a of the principal Act is amended by striking out the words “a determination” in subsection (1) thereof and the word “determination” in subsection (2) thereof and inserting in lieu thereof respectively the words “an award” and “award”.

Amendment of principal Act, s. 209a—  
Penalty for breach.

**141.** Section 209b of the principal Act is amended by striking out the words “a determination” therein and inserting in lieu thereof the words “an award”.

Amendment of principal Act, s. 209b—  
Penalty.

**142.** Subsection (1) of section 210 of the principal Act is amended—

- (a) by striking out the word “board” wherever occurring in paragraphs I., II., III. and v. thereof and inserting in lieu thereof in each case the words “conciliation committee”; and
- (b) by striking out the passage “or being summoned or called as a witness before any board,” in paragraph iv thereof.

Amendment of principal Act, s. 210.

**143.** Section 211 of the principal Act is amended by striking out the words “a determination” and “determination” therein and inserting in lieu thereof respectively the words “an award” and “award”.

Amendment of principal Act, s. 211—  
Effect on legal proceedings.

**144.** Section 211a of the principal Act is repealed.

Repeal of s. 211a of principal Act.

**145.** Section 215 of the principal Act is amended by striking out the words “a determination” and “determination” therein and inserting in lieu thereof respectively the words “an award” and “award”.

Amendment of principal Act, s. 215—  
Penalty for excessive deductions.

Amendment of  
principal Act,  
s. 216—  
Records and  
notices by  
employers.

**146.** Section 216 of the principal Act is amended—

- (a) by striking out the word “board” (twice occurring) therein and inserting in lieu thereof in each case the words “conciliation committee”; and
- (b) by striking out the words “a determination” and “determination” therein and inserting in lieu thereof respectively the words “an award” and “award”.

Amendment of  
principal Act,  
s. 217—  
Notice by  
employers.

**147.** Section 217 of the principal Act is amended—

- (a) by striking out the word “board” (twice occurring) therein and inserting in lieu thereof in each case the words “conciliation committee”; and
- (b) by striking out the words “a determination” (twice occurring) therein and inserting in lieu thereof in each case the words “an award”.

Amendment of  
principal Act,  
s. 224—  
Aged, slow,  
inexperienced,  
or infirm  
workers.

**148.** Section 224 of the principal Act is amended by striking out the word “board” twice occurring therein and inserting in lieu thereof in each case the words “conciliation committee”.

Amendment of  
principal Act,  
s. 235—  
Onus of  
proof.

**149.** Section 235 of the principal Act is amended by striking out the words “determination of a board” therein and inserting in lieu thereof the words “award of a conciliation committee”.

Amendment of  
principal Act,  
s. 237—  
Evidence.

**150.** Section 237 of the principal Act is amended—

- (a) by striking out the word “determination” (twice occurring) therein and inserting in lieu thereof in each case the word “award”;
- (b) by striking out the word “board” therein and inserting in lieu thereof the words “conciliation committee”; and
- (c) by striking out the figures “197” therein and inserting in lieu thereof the figures “196”.

Repeal of  
s. 249 of  
principal Act.

**151.** The headings immediately preceding section 249 and the said section 249 of the principal Act are repealed.

Amendment of  
heading.

**152.** The heading immediately preceding section 250 of the principal Act is repealed and the heading “GENERAL PROVISIONS RELATING TO COMMISSION CONSTITUTED BY PRESIDENT AND TWO COMMISSIONERS” is inserted in lieu thereof.

Amendment of  
principal Act,  
s. 250—  
Division of  
Part.

**153.** Section 250 of the principal Act is amended by striking out the lines commencing “DIVISION II.”, “DIVISION IVA.” and “DIVISION V.” therein.

**154.** The heading immediately preceding section 252 of the principal Act and sections 252 to 258 of the principal Act are repealed.

Repeal of  
Division III  
of principal  
Act.

**155.** Section 259 of the principal Act is amended—

Amendment of  
principal Act,  
s. 259—  
Inquiries.

- (a) by striking out the words "Board of Industry" in the first line thereof and inserting in lieu thereof the words "commission constituted by the President and two Commissioners";
- (b) by striking out the word "boards" (wherever occurring) therein and inserting in lieu thereof in each case the words "conciliation committees";
- (c) by striking out the words "Board of Industry" (second occurring) therein and inserting in lieu thereof the words "commission as so constituted";
- (d) by striking out the word "board" (thrice occurring) therein and inserting in lieu thereof in each case the words "conciliation committee"; and
- (e) by inserting at the end thereof the following paragraph:—
  - (e) in relation to what area of the State a committee should have jurisdiction to make orders and awards.

**156.** Section 260 of the principal Act is amended—

Amendment of  
principal Act,  
s. 260—  
Inquiry on  
application of  
persons  
interested.

- (a) by striking out the words "Board of Industry" (first occurring) therein and inserting in lieu thereof the words "commission constituted by the President and two Commissioners";
- (b) by striking out the words "and report" therein;
- (c) by striking out the words "and with the sanction of the court first had and obtained"; and
- (d) by striking out the words "Board of Industry" in paragraphs (a), (b) and (c) thereof and inserting in lieu thereof in each case the words "commission as so constituted."

**157.** Section 261 of the principal Act is repealed.

Repeal of  
s. 261 of  
principal Act.

**158.** Section 262 of the principal Act is amended—

Amendment of  
principal Act,  
s. 262—  
Governing  
principles.

- (a) by striking out the words "Board of Industry" (twice occurring) therein and inserting in lieu thereof in each case the words "commission constituted by the President and two Commissioners";

- (b) by striking out the word "board" (wherever occurring) therein and inserting in lieu thereof in each case the words "conciliation committee"; and
- (c) by striking out the word "boards" therein and inserting in lieu thereof the word "committees".
- (d) by inserting at the end thereof the following subsection:—

(3) The Commission, before recommending that the area of the State in relation to which a conciliation committee should have jurisdiction to make orders and awards should extend beyond the metropolitan area, shall determine whether the general interests of the community and of the employers and employees engaged in the process, trade, business or undertaking in the area concerned will be best and most conveniently served by so extending such jurisdiction, and in making its recommendation shall give effect to such determination.

Amendment of  
principal Act,  
s. 263—  
Operation of  
report.

**159.** Section 263 of the principal Act is amended—

- (a) by striking out the words "Board of Industry" (twice occurring) therein and inserting in lieu thereof in each case the words "commission constituted by the President and two Commissioners"; and
- (b) by striking out the word "board" therein and inserting in lieu thereof the words "conciliation committee".

Amendment of  
principal Act,  
s. 264—  
Living wage.

**160.** Section 264 of the principal Act is amended by striking out the words "Board of Industry" therein and inserting in lieu thereof the words "commission constituted by the President and two Commissioners".

Repeal and  
re-enactment  
of s. 264a of  
principal Act—

**161.** Section 264a of the principal Act is repealed and the following section is enacted and inserted in the principal Act in lieu thereof:—

Weekly living  
wages to be  
declared.

264a. Every living wage declared by the commission constituted as provided in section 264 shall be a weekly living wage.

Amendment of  
principal Act,  
s. 265—  
Inquiries.

**162.** Section 265 of the principal Act is amended—

- (a) by striking out the words "Board of Industry" therein and inserting in lieu thereof the words "commission constituted by the President and two Commissioners"; and

(b) by striking out the word "Board" (second and third occurring) therein and inserting in lieu thereof in each case the words "commission as so constituted".

**163.** Sections 266 and 267 of the principal Act are amended by striking out the words "Board of Industry" therein and inserting in lieu thereof in each case the words "commission constituted as provided in section 264".

Amendment of principal Act, ss. 266 and 267.

**164.** Section 268 of the principal Act is amended by striking out the words "Board of Industry" therein and inserting in lieu thereof the words "commission constituted by the President and two Commissioners".

Amendment of principal Act, s. 268—  
Operation in certain cases to be postponed.

**165.** Section 269b of the principal Act is amended by striking out the words "Board of Industry" wherever occurring therein and inserting in lieu thereof in each case the word "commission".

Amendment of principal Act, s. 269b—  
Power of Governor to declare living wage.

**166.** Section 269c, the heading immediately preceding section 269d and the said section 269d of the principal Act are repealed.

Repeal of ss. 269c and 269d of principal Act.

**167.** The following section is enacted and inserted in the principal Act at the end of Division IV of Part IV thereof:—

Enactment of s. 269e of principal Act—

269e. The commission constituted by the President and two Commissioners shall also have jurisdiction—

Additional jurisdiction of Commission.

- (a) regarding industrial matters referred to the commission as so constituted in accordance with this Act ;
- (b) regarding applications pursuant to section 85 of this Act for cancellation of registration of registered associations ;
- (c) regarding applications concerning rules of registered associations pursuant to section 85a of this Act ; and
- (d) regarding applications for orders giving directions for the performance or observance of the rules of registered organizations pursuant to section 85b of this Act.

**168.** The heading immediately preceding section 270 of the principal Act and sections 270 to 275 inclusive of the principal Act are repealed.

Repeal of Division V of principal Act.

Amendment of  
principal Act,  
s. 340—  
Working hours  
for females  
and young  
persons.

**169.** Section 340 of the principal Act is amended by striking out the words “or determination” therein.

Amendment of  
principal Act,  
s. 379—  
Powers of  
inspectors.

**170.** Section 379 of the principal Act is amended by striking out the passage “award or order of the court or a determination of a board” therein and inserting in lieu thereof the passage “order of the court or award or order of the commission or a conciliation committee”.

Amendment of  
principal Act,  
s. 383—  
Duty of  
inspectors.

**171.** Section 383 of the principal Act is amended by striking out the passage “awards and orders of the court, and determinations of boards” therein and inserting in lieu thereof the passage “orders of the court and awards and orders of the commission and of conciliation committees”.

Transitional  
provision.

**172.** (1) All notices of motion, appeals and other applications to the court and all references and applications to industrial boards made prior to the day on which this Act comes into operation but not finally disposed of on that day shall be deemed to have been made to the court, the commission or the conciliation committee as may be appropriate and shall be dealt with accordingly.

(2) The hearing of all industrial matters part heard by the court on the day on which this Act comes into operation may be continued by the commission constituted by the President and all evidence and submissions presented to the court shall be deemed to have been made to the commission as so constituted.

(3) All matters pending before an industrial board and not finally disposed of on the day on which this Act comes into operation shall be recommenced before the appropriate conciliation committee.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.