

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

3. All duties of Excise demanded or collected (whether before or after the commencement of this Act) pursuant to the Excise Tariff Proposals introduced into the House of Representatives on the fourteenth day of November, One thousand nine hundred and forty-six, shall be deemed to have been lawfully imposed and lawfully demanded or collected. Validation of collections under Excise Tariff Proposals.

## COMMONWEALTH CONCILIATION AND ARBITRATION.

### No. 10 of 1947.

An Act to amend the *Commonwealth Conciliation and Arbitration Act 1904-1946*, and for other purposes.

[Assented to 20th May, 1947.]

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

1.—(1.) This Act may be cited as the *Commonwealth Conciliation and Arbitration Act 1947*. Short title and citation.

(2.) The *Commonwealth Conciliation and Arbitration Act 1904-1946\** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Commonwealth Conciliation and Arbitration Act 1904-1947*.

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

3.—(1.) A Conciliation Commissioner shall continue the hearing of and determine all matters the hearing of which by a Conciliation Commissioner had been commenced prior to the commencement of this Act as if this Act had not been passed. Pending proceedings.

(2.) A Conciliation Commissioner shall continue the hearing of and determine all matters (not being matters in relation to which a Conciliation Commissioner is not empowered to make an order or

\* Act No. 13, 1904; as amended by No. 28, 1909; No. 7, 1910; No. 6, 1911; No. 5, 1914; No. 18, 1914; No. 35, 1915; No. 39, 1918; No. 31, 1920; No. 29, 1921; No. 22, 1926; No. 8, 1927; No. 18, 1928; No. 43, 1930; Nos. 45 and 54, 1934; and Nos. 14 and 30, 1946.

award) the hearing of which had been commenced by the Court prior to the commencement of this Act, and the Court shall continue the hearing of and determine all other matters the hearing of which had been so commenced, as if this Act had not been passed.

(3.) In the continuance of the hearing of any matter to which either of the last two preceding sub-sections applies, the Court or Conciliation Commissioner shall have regard to any evidence given or reports made in the hearing of that matter prior to the commencement of this Act.

(4.) All other matters pending before the Court or a Conciliation Commissioner immediately prior to the commencement of this Act shall be heard and determined in accordance with the Principal Act as amended by this Act.

Saving.

4.—(1.) Notwithstanding the repeal by this Act of Part III. of the Principal Act, the Commonwealth Court of Conciliation and Arbitration existing immediately prior to the commencement of this Act shall not cease to exist but shall continue as the Commonwealth Court of Conciliation and Arbitration referred to in the Principal Act as amended by this Act.

(2.) All orders and awards made under the Principal Act, and all agreements filed and certified under that Act, which were in force immediately prior to the commencement of this Act shall continue to have effect in accordance with the Principal Act as amended by this Act but may be set aside, varied or suspended under the Principal Act as amended by this Act.

5. Sections two and three of the Principal Act are repealed and the following sections inserted in their stead:—

Objects of Act.

“2. The chief objects of this Act are—

- (a) to establish an expeditious system for preventing and settling industrial disputes by the methods of conciliation and arbitration;
- (b) to promote good will in industry and to encourage the continued and amicable operation of orders and awards made in settlement of industrial disputes;
- (c) to provide for the appointment of Conciliation Commissioners having power to prevent and settle industrial disputes by conciliation and arbitration;
- (d) to provide means whereby a Conciliation Commissioner may promptly and effectively, whether of his own motion or otherwise, prevent and settle threatened, impending, probable or existing industrial disputes;
- (e) to provide for the observance and enforcement of such orders and awards;
- (f) to constitute a Commonwealth Court of Conciliation and Arbitration having exclusive appellate jurisdiction in matters of law arising under this Act and limited jurisdiction in relation to industrial disputes; and

(g) to encourage the organization of representative bodies of employers and of employees and their registration under this Act.

“ 3. This Act is divided into Parts, as follows :—

Parts.

Part I.—Introductory.

Part II.—Conciliation Commissioners.

Division 1.—Appointment of Conciliation Commissioners.

Division 2.—Powers of Conciliation Commissioners.

Part III.—The Commonwealth Court of Conciliation and Arbitration.

Part IIIA.—General Powers of the Court and Conciliation Commissioners.

Part IV.—The Enforcement of Orders and Awards.

Part V.—Organizations.

Part VI.—Industrial Agreements.

Part VII.—Miscellaneous.”

6. Section four of the Principal Act is amended—

Definitions.

(a) by inserting after the definition of “ Association ” the following definitions :—

“ ‘ Award ’ means an award made under this Act ;

“ ‘ Conciliation Commissioner ’ means a Conciliation Commissioner appointed under this Act ; ” ;

(b) by omitting the definitions of “ Industrial dispute ” and “ Industrial matters ” and inserting in their stead the following definitions :—

“ ‘ Industrial dispute ’ means—

(a) a dispute (including a threatened, impending or probable dispute) as to industrial matters which extends beyond the limits of any one State ; and

(b) a situation which is likely to give rise to a dispute as to industrial matters which so extends,

and includes any such dispute in relation to employment in an industry carried on by, or under the control of, the Commonwealth or a State or an authority of the Commonwealth or a State ;

“ ‘ Industrial matters ’ means all matters pertaining to the relations of employers and employees and, without limiting the generality of the foregoing, includes—

(a) all matters or things affecting or relating to work done or to be done ;

(b) the privileges, rights and duties of employers and employees ;

- (c) the wages, allowances and remuneration of persons employed or to be employed ;
- (d) the piece-work, contract or other reward paid or to be paid in respect of employment ;
- (e) the question whether piece-work or contract work or any other system of payment by results shall be allowed, forbidden or exclusively prescribed ;
- (f) the question whether monetary allowances shall be made by employers in respect of any time when an employee is not actually working ;
- (g) the hours of employment, sex, age, qualifications and status of employees ;
- (h) the mode, terms and conditions of employment ;
- (i) the employment of children or young persons, or of any persons or class of persons ;
- (j) the preferential employment or the non-employment of any particular person or class of persons or of persons being or not being members of an organization ;
- (k) the right to dismiss or to refuse to employ, or the duty to reinstate in employment, a particular person or class of persons ;
- (l) any custom or usage in an industry, whether general or in a particular locality ;
- (m) any shop, factory or industry dispute, including any matter which may be a contributory cause of such a dispute ;
- (n) any question arising between two or more organizations or within an organization as to the rights, status or functions of the members of those organizations or of that organization or otherwise, in relation to the employment of those members ;
- (o) any claim that the same wage shall be paid to persons of either sex performing the same work or producing the same return of profit or value to their employer ;
- (p) any question as to the demarcation of functions of employees or classes of employees, whether as between employers and employees or between members of different organizations ; and

- (g) the provision of first-aid equipment, medical attendance, ambulance facilities, rest rooms, sanitary and washing facilities, canteens, cafeteria, dining rooms and other amenities for employees,  
and includes all questions of what is right and fair in relation to an industrial matter having regard to the interests of the persons immediately concerned and of society as a whole ;” ;
- (c) by omitting from the definition of “ Industry ” the words “, on land or water ” (wherever occurring) ; and
- (d) by inserting after the definition of “ Judge ” the following definition :—  
“ ‘ Order ’ means an order made under this Act ;”.

7. Section nine of the Principal Act is amended—

- (a) by adding after paragraph (d) of sub-section (1.) the following word and paragraph :—

Injuring  
employee or  
employer on  
account of  
industrial  
action.

“ ; or (e) has absented himself from work without leave if—

(i) his absence was for the purpose of carrying out his duties or exercising his rights as an officer or delegate of an organization ; and

(ii) he applied for leave before he absented himself and leave was unreasonably refused or withheld.” ; and

- (b) by omitting sub-section (5.) and inserting in its stead the following sub-section :—

“ (5.) Where an employer has been convicted of an offence against this section the Court may order that the employee be reimbursed any wages lost by him and may also direct that the employee be reinstated in his old position or in a similar position.”.

8. Part III. of the Principal Act is repealed and the following Parts are inserted in its stead :—

“ PART II.—CONCILIATION COMMISSIONERS.

“ *Division 1.—Appointment of Conciliation Commissioners.*

“ 10.—(1.) The Governor-General may appoint Conciliation Commissioners for the purposes of this Act.

Conciliation  
Commissioners.

“ (2.) The Governor-General may appoint a Conciliation Commissioner to be the Chief Conciliation Commissioner.

“ (3.) Each Conciliation Commissioner shall, before proceeding to discharge the duties of his office, take before a Judge an oath or affirmation in accordance with the form in Schedule A.

“(4.) Each Conciliation Commissioner shall give his whole time to the duties of his employment.

“(5.) Where a Conciliation Commissioner was, immediately prior to his appointment, an officer of the Public Service of the Commonwealth, his service as a Conciliation Commissioner shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth and the *Officers' Rights Declaration Act 1928-1940* shall apply as if this Act and section had been specified in the Schedule to that Act.

“(6.) An officer of the Public Service of a State who becomes a Conciliation Commissioner shall, subject to the next succeeding sub-section, retain all his existing and accruing rights.

“(7.) An officer of the Public Service of a State who, immediately prior to his appointment as a Conciliation Commissioner, was a contributor to the Superannuation Fund of that State, shall not be entitled to retain any existing or accruing rights in respect of superannuation unless he pays to the Commonwealth the contributions (if any) refunded to him from that Fund upon his resignation from the Public Service of that State.

**Tenure of  
Conciliation  
Commissioners.**

“11.—(1.) Subject to this Act, a Conciliation Commissioner shall hold office until he attains the age of sixty-five years.

“(2.) When a Conciliation Commissioner has attained, or is about to attain, the age of sixty-five years and, in the opinion of the Governor-General, it is desirable in the public interest that the Conciliation Commissioner should continue in the performance of the duties of his office and the Commissioner is able and willing to do so, the Governor-General may direct that the Conciliation Commissioner shall continue in his office until he attains the age of sixty-six years.

“(3.) When any Conciliation Commissioner in respect of whom a direction has been given under the last preceding sub-section has attained, or is about to attain, the age of sixty-six years and, in the opinion of the Governor-General, it is desirable in the public interest that the Conciliation Commissioner should continue in the performance of the duties of his office and the Commissioner is able and willing to do so, the Governor-General may direct that the Conciliation Commissioner shall continue in his office until he attains the age of sixty-seven years.

**Removal or  
suspension from  
office of  
Conciliation  
Commissioner.**

“12.—(1.) The Governor-General may remove a Conciliation Commissioner from office on an address praying for his removal on the ground of proved misbehaviour or incapacity being presented to the Governor-General by each House of the Parliament in the same session of the Parliament.

“(2.) The Governor-General may suspend a Conciliation Commissioner from office on the ground of misbehaviour or incapacity.

“(3.) A full statement of the grounds of the suspension shall be laid before each House of the Parliament within seven sitting days of that House after the suspension.

“(4.) The Conciliation Commissioner shall be restored to office unless each House of the Parliament, within forty days after the statement has been laid before it, presents to the Governor-General an address praying for the removal of the Conciliation Commissioner on the ground of proved misbehaviour or incapacity.

“13. The office of a Conciliation Commissioner shall be vacated if—

Vacation of  
office of  
Conciliation  
Commissioner.

- (a) he engages in any paid employment outside the duties of his office ;
  - (b) he becomes bankrupt or insolvent, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit ;
  - (c) he becomes permanently incapable of performing his duties ;
  - (d) except on leave granted by the Chief Judge, he absents himself from duty for fourteen consecutive days or for twenty-eight days in any twelve months ; or
  - (e) he resigns his office by writing under his hand addressed to the Governor-General and his resignation has been accepted,
- and the Governor-General declares, by notice in the *Gazette*, that the office has become vacant.

“14.—(1.) The salary of a Conciliation Commissioner shall be at the rate of One thousand five hundred pounds a year and the Consolidated Revenue Fund is, to the necessary extent, hereby appropriated accordingly.

Salary and  
allowances of  
Conciliation  
Commissioners.

“(2.) A Conciliation Commissioner shall be paid travelling allowance at the prescribed rate.

“15.—(1.) The Chief Judge may assign a Conciliation Commissioner to a particular industry or group of industries and that Conciliation Commissioner shall, so far as is practicable, deal with industrial disputes relating to that industry or to that group of industries.

Assignment of  
Conciliation  
Commissioners  
to particular  
industries, &c.

“(2.) The Chief Judge may assign a Conciliation Commissioner to a particular industrial dispute.

“(3.) The exercise of any power or function by a Conciliation Commissioner in relation to any industrial dispute shall not be questioned on the ground that that Conciliation Commissioner was not the Conciliation Commissioner assigned to the industry or group of industries to which that industrial dispute relates or to that individual dispute.

“16.—(1.) Subject to the last preceding section, it shall be the duty of the Chief Conciliation Commissioner to organize and allocate the work of all the Conciliation Commissioners.

Functions of  
the Chief  
Conciliation  
Commissioner.

“(2.) Each Conciliation Commissioner shall comply with any direction given for the purpose of the last preceding sub-section which is applicable to him.

“*Division 2.—Powers of Conciliation Commissioners.*

**Limitation of jurisdiction of Conciliation Commissioners.**

“17. A Conciliation Commissioner shall not be empowered to make an order or award altering—

- (a) the standard hours of work in an industry ;
- (b) the basic wage or the principles upon which it is computed ;
- (c) the period which shall be granted as annual leave with pay ;
- or
- (d) the minimum rate of remuneration for adult females in an industry.

**Action to be taken by Commissioners in respect of disputes.**

“18.—(1.) It shall be the duty of each Conciliation Commissioner to keep himself acquainted with industrial affairs and conditions.

“(2.) Subject to sections fifteen and sixteen of this Act, if it appears to a Conciliation Commissioner that an industrial dispute has occurred or is likely to occur, he shall (whether he has been notified under this section or not) immediately ascertain the parties to the industrial dispute and the matters which form the subject of that dispute and shall take such steps as he thinks fit for the prompt prevention or settlement of that dispute by conciliation or arbitration.

“(3.) As soon as an organization or employer becomes aware of the existence of an industrial dispute or of an industrial situation which is likely to give rise to an industrial dispute, the organization or employer shall forthwith notify a Conciliation Commissioner or the Registrar accordingly.

“(4.) A Minister who is aware of the existence of an industrial dispute or of an industrial situation which is likely to give rise to an industrial dispute may notify a Conciliation Commissioner or the Registrar accordingly.

“(5.) Upon any notification being given under either of the last two preceding sub-sections, it shall, subject to sections fifteen and sixteen of this Act, be the duty of a Conciliation Commissioner to examine whether an industrial dispute exists or is threatened, impending or probable, and, if so, to ascertain the parties to the industrial dispute and the matters which form the subject of that dispute.

“(6.) It shall be the duty of the Conciliation Commissioner to do all such things as he thinks fit for the prompt prevention or settlement of the industrial dispute by conciliation or arbitration.

“ 19.—(1.) A Conciliation Commissioner may, whenever in his opinion it is desirable for the purpose of preventing or settling an industrial dispute, or upon application made by any party to the dispute, direct a person to attend, at a time and place specified in the summons, at a conference presided over by himself or by such other person as the Conciliation Commissioner directs.

Compulsory  
conferences.

“(2.) In determining the persons to whom directions are given under the last preceding sub-section, the Conciliation Commissioner shall take into consideration the persons having the highest degree of authority, on behalf of the parties to the industrial dispute, to negotiate for the settlement of that dispute.

“(3.) A direction under sub-section (1.) of this section may be given orally, in writing signed by the Conciliation Commissioner or by telegram sent by him.

“(4.) A direction may be given under sub-section (1.) of this section not only to a person engaged in or connected with an industrial dispute but also to—

- (a) a person engaged in or connected with a dispute relating to industrial matters (whether extending beyond the limits of a State or not) and related in any way to an industrial dispute ; and
- (b) a person, whether connected with an industrial dispute or not, whose presence at the conference the Conciliation Commissioner thinks is likely to conduce to the prevention or settlement of an industrial dispute.

“(5.) A person directed under sub-section (1.) of this section shall attend the conference and continue his attendance at the conference as directed by the Conciliation Commissioner or other person presiding over the conference.

Penalty : Five hundred pounds.

“(6.) The conference may be held wholly or partly in public or in private, at the discretion of the Conciliation Commissioner or other person presiding over the conference.

“ 20.—(1.) An award or order of a Conciliation Commissioner shall not be challenged, appealed against, reviewed, quashed, or called in question, or be subject to prohibition, mandamus or injunction, in any Court on any account whatever.

Award not to  
be challenged  
or questioned.

“(2.) A Conciliation Commissioner may, if he thinks fit, at any stage of a matter before him, and upon such terms as he thinks fit, refer any question of law arising in relation to that matter, or any question as to whether he has jurisdiction under this Act in relation to that matter, for the opinion of the Court.

“(3.) The Court shall hear and determine any question referred to it under this section.

“(4.) Notwithstanding the reference of a question to the Court under this section, the Commissioner may make an order or award in the matter in which the question arose.

“(5.) Upon the determination by the Court of a question referred to it under this section—

- (a) if the Commissioner has not made an order or award in the matter in which the question arose, the Commissioner may make an order or award not inconsistent with the opinion of the Court; or
- (b) if the Commissioner has made an order or award in the matter in which the question arose, the Commissioner shall vary that order or award in such a way as will make it consistent with the opinion of the Court.

“PART III.—THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

Constitution of Court.

“21.—(1.) There shall be a Commonwealth Court of Conciliation and Arbitration.

“(2.) The Court shall consist of a Chief Judge and such other Judges as are appointed in pursuance of this Act.

“(3.) The Court shall be a Superior Court of Record.

Appointment of Chief Judge and other Judges.

“22.—(1.) The Chief Judge and each other Judge—

(a) shall be appointed by the Governor-General; and

(b) shall not be removed except by the Governor-General, on an address from both Houses of the Parliament in the same session, praying for his removal on the ground of proved misbehaviour or incapacity.

“(2.) For the purposes of this Act, the Judges shall have seniority according to the dates of their commissions.

Qualifications of Chief Judge and other Judges.

“23. The qualifications of the Chief Judge and of each other Judge shall be as follows:—

He must be a barrister or solicitor of the High Court or of the Supreme Court of a State of not less than five years' standing.

Absence, &c., of Chief Judge.

“24. During the absence on leave of the Chief Judge, or during a vacancy in the office of Chief Judge, the next Senior Judge not absent on leave shall act as Chief Judge and shall have and may exercise all the powers and functions of the Chief Judge.

Salaries and travelling expenses.

“25.—(1.) The Chief Judge shall receive salary at the rate of Three thousand pounds a year and each other Judge shall receive salary at the rate of Two thousand five hundred pounds a year and the Consolidated Revenue Fund is, to the necessary extent, hereby appropriated accordingly.

“(2.) The salaries of the Chief Judge and of the other Judges shall grow due from day to day but shall be payable monthly.

“(3.) The Chief Judge and each other Judge shall be paid such travelling expenses as are prescribed.

“ 26.—(1.) Where a Judge has served in that office for not less than fifteen years, he shall, on retiring, be entitled to an annual pension at the rate of one-half of his salary. Pensions.

“ (2.) If a Judge retires on permanent disability or infirmity, he shall, if he has served in that office for not less than five years, be entitled, on retiring, to an annual pension at the rate of twenty one-hundredths of his salary and at the additional rate of three one-hundredths of his salary for each complete year of his service after the expiration of the said five years to the date of his retirement, but so that the rate of his pension shall not exceed one-half of his salary.

“ (3.) Where a Judge has, prior to his appointment, served in any other judicial office under the Commonwealth, pension shall not be payable to him except in pursuance of this Act, but the term of his prior service shall, for the purposes of this section, be added to, and be deemed to be part of, his service as a Judge.

“ (4.) Where a Judge has, prior to his appointment, served in any judicial office under a State—

(a) the period of his service in that office ; or

(b) the period of ten years,

whichever is the less, shall, for the purposes of sub-section (1.) of this section, be added to, and be deemed to be part of, his service as a Judge.

“ (5.) The pensions of the Judges—

(a) shall grow due from day to day ; and

(b) shall be payable monthly out of the Consolidated Revenue Fund which is, to the necessary extent, hereby appropriated accordingly.

“ 27. Each Judge shall, before proceeding to discharge the duties of his office, take before a Justice of the High Court or a Judge of the Supreme Court of a State an oath or affirmation in accordance with the form in Schedule A. Oath to be taken by Judge.

“ 28.—(1.) The jurisdiction of the Court shall, subject to the next succeeding sub-section, be exercised by not less than three Judges. Exercise of Court's jurisdiction.

“ (2.) The jurisdiction of the Court may be exercised by a single Judge with respect to any prescribed matter of practice or procedure.

“ (3.) Where the members of the Court are divided in opinion on any question, the question shall be decided according to the decision of the majority, if there is a majority, but if the members of the Court are equally divided in opinion the question shall be decided according to the opinion of the Chief Judge, or, if the Chief Judge is not a member of the Court or there is a vacancy in the office of Chief Judge, according to the opinion of the next senior Judge present.

Jurisdiction  
of Court with  
respect to  
certain matters.

“ 29. The Court may, for the purpose of preventing or settling an industrial dispute, make an order or award altering—

- (a) the standard hours of work in an industry ;
  - (b) the basic wage or the principles upon which it is computed ;
  - (c) the period which shall be granted as annual leave with pay ;
- or
- (d) the minimum rate of remuneration for adult females in an industry.

Intervention by  
the Attorney-  
General.

“ 30.—(1.) The Attorney-General may, on behalf of the Commonwealth, by giving to the Registrar a notice in writing of his intention so to do, intervene in the public interest in any matter before the Court to which the last preceding section applies or in the hearing of any matter involving the interpretation of a provision of an award, being a provision dealing with a matter specified in paragraph (a), (b), (c) or (d) of the last preceding section.

“ (2.) Upon a notice being given in accordance with the last preceding sub-section, the Registrar shall cause the notice to be published in the *Gazette*.

“ (3.) Upon publication of the notice in the *Gazette*, any person or organization may apply to the Court for liberty to be heard and the Court may, if it is of opinion that it is desirable that the applicant should be heard, permit the applicant to be heard.

“ (4.) Upon intervention by the Attorney-General in accordance with this section, the Court shall fix a day for hearing the matter in which he has intervened.

State authority  
to cease dealing  
with dispute on  
order of the  
Court.

“ 31.—(1.) If it appears to the Court that a State Industrial Authority is dealing or about to deal with an industrial dispute, with part of an industrial dispute or with a matter which is provided for in an award or is the subject of proceedings under this Act, the Court may make such order restraining the State Industrial Authority from dealing with that dispute or any part thereof, or with that matter, as the Court thinks fit, and thereupon the Authority shall, in accordance with that order, cease to proceed in the dispute or part thereof or in that matter.

“ (2.) An order, award, decision or determination of a State Industrial Authority made in contravention of an order made under this section shall, to the extent of the contravention, be void.

Validity of  
State orders  
and awards.

“ 32.—(1.) Any person interested may apply to the Court for a declaration that a State law dealing with an industrial matter or an order, award, decision or determination of a State Industrial Authority, is invalid under section forty-three M of this Act.

“ (2.) Fourteen days' notice of the application shall be given by the applicant to the Attorney-General of the State concerned, who shall have the right to appear upon the application.

“ (3.) The Court shall hear and determine the application and may make such declaration as it thinks just.

“ 33. The Court shall have power—

Powers of  
Court.

- (a) to impose penalties, not exceeding the maximum penalties fixed (or, if maximum penalties have not been fixed, not exceeding the maximum penalties which could have been fixed) under paragraph (c) of section forty-three A of this Act, for a breach or non-observance of an order or award proved to the satisfaction of the Court to have been committed ;
- (b) to order compliance with an order or award proved to the satisfaction of the Court to have been broken or not observed ;
- (c) to enjoin any organization or person from committing or continuing any contravention of this Act ;
- (d) to give an interpretation of an order or award ;
- (e) to grant leave to appeal to the Court from any act or decision of the Registrar and to hear and determine any appeal in respect of which leave is so granted ; and
- (f) to make such orders as the Court thinks just as to the costs and expenses (including expenses of witnesses) of any proceedings before the Court other than an industrial dispute as to the costs and expenses of which an order may be made under paragraph (e) of section forty-three A of this Act.

“ 34. The Registrar may refer any matter before him to the Court for decision.

Reference of  
matter to  
Court by  
Registrar.  
Appeals.

“ 35.—(1.) There shall be an appeal to the Court from a judgment or order of any other Court—

- (a) in proceedings arising under this Act (including proceedings under section forty-four of this Act or proceedings for an offence against this Act) or involving the interpretation of this Act ; and
- (b) in proceedings arising under an order or award or involving the interpretation of an order or award,

and the Court shall have jurisdiction to hear and determine any such appeal.

“ (2.) Except as provided in the last preceding sub-section, there shall be no appeal from a judgment or order from which an appeal may be brought to the Court under that sub-section.

“ 36.—(1.) A judgment, order or award of the Court in any proceedings under this Act (including an appeal under the last preceding section)—

Decisions of  
Court to be  
final.

- (a) shall be final and conclusive ;
- (b) shall not be subject to an appeal to the High Court ;
- (c) shall not be challenged, appealed against, reviewed, quashed or called in question in any Court on any account whatever ; and

(d) shall not be subject to prohibition, mandamus or injunction in any Court on any account whatever.

“(2.) A determination or finding of the Court upon any question as to the existence of an industrial dispute shall, in all courts and for all purposes, be conclusive and binding on all persons affected by that question.

Cancellation  
of award.

“37.—(1.) If it appears to the Court on the application of the Attorney-General or of any organization or person interested or of the Registrar—

- (a) that an organization entitled to the benefit of an order or award has committed a breach or non-observance of this Act or of an order or award ;
- (b) that any number of members of an organization, sufficiently large to form a substantial part of the organization, refuses to accept employment either at all or in accordance with existing orders or awards ; or
- (c) that for any other reason an order or award ought to be suspended or cancelled in whole or in part,

the Court may, by order, subject to such conditions as it thinks fit, suspend or cancel for such period as it thinks fit, all or any of the terms of any order or award in force so far as the order or award applies to, or is in favour of, the organization or its members.

“(2.) During the period of suspension or cancellation, no person affected as a present or past member of the organization by the suspension or cancellation shall be entitled to the benefit of any other order or award in force, and every such order or award shall cease to apply to the employment of those persons.

“(3.) The order for suspension or cancellation may be limited to persons named therein, to classes of persons, to any branch of the organization, or to particular localities.

#### “ PART IIIA.—GENERAL POWERS OF THE COURT AND CONCILIATION COMMISSIONERS.

Powers may be  
exercised by  
Court or  
Conciliation  
Commissioner  
on own motion.

“38. The Court or a Conciliation Commissioner may exercise any of its or his powers, duties or functions under this Act of its or his own motion or on the application of any party to an industrial dispute, or of any organization or person bound by an order or award.

Certificate of  
Registrar.

“39. A certificate by the Registrar that an industrial dispute exists, or is threatened or impending or probable, as an industrial dispute extending beyond the limits of any one State shall be *prima facie* evidence that the fact is as stated.

Inquiry by  
Court or  
Conciliation  
Commissioner.

“40.—(1.) The Court or a Conciliation Commissioner shall, in such manner as it or he thinks fit, carefully and expeditiously hear, inquire into and investigate every industrial dispute which is before it or him and all matters affecting the merits of the dispute and the right settlement thereof.

“(2.) The Court or the Conciliation Commissioner shall make all such suggestions and do all such things as appear to it or him to be right and proper for reconciling the parties and for inducing the settlement of the dispute by amicable agreement.

“(3.) The Court or the Conciliation Commissioner shall determine the periods which are reasonably necessary for the fair and adequate presentation of the respective cases of the parties to the industrial dispute and require that those cases be presented within the respective periods so determined.

“(4.) The Court or the Conciliation Commissioner may require evidence or argument to be presented in writing and may decide the matters upon which the Court or Conciliation Commissioner will hear oral evidence or argument.

“41.—(1.) If an agreement between all or any of the parties as to the whole or any part of the dispute is arrived at, a memorandum of its terms shall be made in writing and certified by the Court or by the Conciliation Commissioner, and the memorandum shall when so certified, be filed in the office of the Registrar, and, unless otherwise ordered, and subject to any direction of the Court or Conciliation Commissioner, shall, as between the parties to the agreement or any successor, or any assignee or transmittee of the business of a party bound by the agreement, including any corporation which has acquired or taken over the business of such a party, have the same effect as, and be deemed to be, an award for all the purposes of this Act.

Agreements to have effect of award.

“(2.) The Court or a Conciliation Commissioner may refuse to certify any such memorandum if it or he is of opinion that—

- (a) the agreement is not in settlement of an industrial dispute ;
- (b) the agreement contains clauses which the Court or a Conciliation Commissioner has no power to insert in awards ; or
- (c) it is not in the public interest that the agreement should be certified.

“42. If no agreement between the parties as to the whole of the dispute is arrived at, the Court or Conciliation Commissioner shall, by an order or award, determine the dispute, or (if an agreement has been arrived at as to a part of the dispute) so much of the dispute as is not settled by the agreement.

Order or award in default of agreement.

“43. In the hearing and determination of an industrial dispute—

- (a) the procedure of the Court or Conciliation Commissioner shall, subject to this Act and the regulations, be within the discretion of the Court or Commissioner ;
- (b) the Court or Commissioner shall not be bound to act in a formal manner and shall not be bound by any rules of evidence but may inform its or his mind on any matter in such manner as it or he thinks just ; and

Procedure of Court and Conciliation Commissioners.

Powers of  
Court and  
Conciliation  
Commissioner.

(c) the Court or Conciliation Commissioner shall act according to equity, good conscience and the substantial merits of the case, without regard to technicalities and legal forms.

“ 43A. The Court or a Conciliation Commissioner may, in relation to an industrial dispute, and the Court may, in relation to any other proceedings before it—

- (a) take evidence on oath or affirmation ;
- (b) make an order or award (including a provisional or interim order or award relating to any or all of the matters in dispute) or give a direction in pursuance of the hearing or determination ;
- (c) fix maximum penalties for any breach or non-observance of any term of an order or award, not exceeding One hundred pounds in the case of an organization or an employer who is not a member of an organization bound by the order or award, or Ten pounds in the case of a member of an organization ;
- (d) dismiss any matter or part of a matter or refrain from further hearing or from determining the dispute or part of the dispute if it appears that the dispute or part is trivial, or has been dealt with, or is being dealt with, or is proper to be dealt with, by a State Industrial Authority, or that further proceedings are not necessary or desirable in the public interest ;
- (e) order any party to the dispute to pay to any other party such costs and expenses (including expenses of witnesses) as are specified in the order, but so that no costs shall be allowed for the services of any counsel, solicitor or agent ;
- (f) hear and determine the dispute in the absence of any party thereto who has been summoned or served with notice to appear therein ;
- (g) sit in any place for the hearing and determination of the dispute ;
- (h) conduct its or his proceedings or any part thereof in private ;
- (i) adjourn its or his sittings to any time and place ;
- (j) refer any matters to an expert and accept his report as evidence ;
- (k) direct parties to be joined or struck out ;
- (l) allow the amendment, on such terms as it or he thinks fit, of any proceedings ;
- (m) correct, amend or waive any error, defect or irregularity whether in substance or in form ;
- (n) extend any prescribed time ;
- (o) summon before it or him the parties to the dispute, and witnesses, and compel the production before it or him of books, documents, and things for the purpose of reference to such entries or matters only as relate to the dispute ; and

(p) generally give all such directions and do all such things as are necessary or expedient for the expeditious and just hearing and determination of the dispute.

“ 43B.—(1.) The Court or a Conciliation Commissioner may, if it appears to be necessary or expedient for the purpose of preventing or settling an industrial dispute which comes before it or him or of preventing further industrial disputes, declare by an order or award that any term of an order or award shall be a common rule of any industry in connexion with which the dispute arose.

Common rules.

“(2.) The Court or a Conciliation Commissioner may, in relation to any dispute which comes before it or him, declare, by an order or award, that an order or award shall, in a Territory of the Commonwealth, be a common rule of any industry in connexion with which the dispute arose.

“(3.) Before any common rule is declared under this section, the Court or Conciliation Commissioner shall, by notification published in the *Gazette* and in such other publications (if any) as the Court or Conciliation Commissioner directs, 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 organizations interested and desiring to be heard may, on or before a specified day, appear or be represented before the Court or Conciliation Commissioner and the Court or Conciliation Commissioner shall hear all such persons and organizations so appearing or represented.

“ 43C. In making an order or award in relation to an industrial dispute, the Court or a Conciliation Commissioner shall not be restricted to the specific relief claimed by the parties to the industrial dispute, or to the demands made by the parties in the course of the dispute, but may include in the order or award any matter or thing which the Court or Commissioner thinks necessary or expedient for the purpose of preventing or settling the dispute or of preventing further industrial disputes.

Relief not limited to claim.

“ 43D. In determining an industrial dispute under this Act, the Court or a Conciliation Commissioner shall provide, so far as possible, and so far as the Court or Conciliation Commissioner thinks proper, for uniformity throughout an industry carried on by employers in relation to hours of work, holidays and general conditions in that industry.

Uniformity in relation to hours, holidays, &c.

“ 43E. In determining an industrial dispute in which the rates of pay or conditions of employment applying to apprentices in an industry are in question, the Court or a Conciliation Commissioner shall take into consideration any scheme of apprenticeship provided by or under the law of any State or Territory of the Commonwealth.

Schemes of apprenticeship.

“ 43F. In determining an industrial dispute, the Court or a Conciliation Commissioner shall take into consideration the provisions of any law of a State or Territory of the Commonwealth relating to the safety, health and welfare of employees (including children) in relation to their employment.

Safety, health and welfare of employees.

**Representation  
of parties.**

“ 43G.—(1.) In any proceedings before the Court or a Conciliation Commissioner—

- (a) an organization may be represented by a member or officer of that organization ; and
- (b) a party (not being an organization) may be represented by—
  - (i) an employee of that party ; or
  - (ii) a member or officer of an organization of which that party is a member.

“ (2.) No party shall, in any proceedings before the Court, be represented by counsel, solicitor or paid agent, except by leave of the Court and with consent of all the parties. In any proceedings before a Conciliation Commissioner, no party shall be represented by counsel, solicitor or paid agent.

“ (3.) This section shall not apply to judicial proceedings before the Court.

**Form of  
awards.**

“ 43H. An award shall be framed in such a manner as best to express the decision of the Court or Conciliation Commissioner and to avoid unnecessary technicality.

**Continuance of  
awards.**

“ 43J.—(1.) An award shall, subject to the next succeeding section, continue in force for a period to be specified in the award, not exceeding five years from the date upon which the award comes into force.

“ (2.) After the expiration of the period so specified, the award shall, subject to the next succeeding section, and unless the Court, in the case of an award made by the Court, or a Conciliation Commissioner, in the case of an award made by a Conciliation Commissioner, otherwise orders, continue in force until a new award has been made.

“ (3.) Where, in pursuance of the last preceding sub-section, an award has continued in force after the expiration of the period specified in the award, any award made by the Court or a Conciliation Commissioner for the settlement of a new industrial dispute between the parties may be made to operate from a date not earlier than the date upon which the dispute arose.

“ (4.) The fact that an award has been made and is in force shall not prevent an award being made for the settlement of a further dispute between all or any of the parties to the first-mentioned award, with or without additional parties, and whether or not the subject matter of the further dispute is the same in whole or in part as the subject matter of the dispute determined by the first-mentioned award.

**Setting aside  
and variation  
of awards.**

“ 43K. The Court may, with respect to a matter referred to in section twenty-nine of this Act, and a Conciliation Commissioner may, subject to section seventeen of this Act, if for any reason it or he considers it desirable to do so—

- (a) set aside an award or any of the terms of an award ; or
- (b) vary any of the terms of an award.

“ 43L. An award of the Court or of a Conciliation Commissioner shall be binding on— On whom award to be binding.

- (a) all parties to the industrial dispute who appear or are represented before the Court or a Conciliation Commissioner ;
- (b) all parties to the industrial dispute who have been summoned or notified, either personally or as prescribed, to appear as parties to the dispute, whether they have appeared or not ;
- (c) all persons who, having been notified, either personally or as prescribed, of the industrial dispute and of the fact that they are alleged to be parties thereto, do not, within the time prescribed, satisfy the Court or the Conciliation Commissioner that they are not parties to the dispute ;
- (d) in the case of employers, any successor, or any assignee or transmittee of the business of a party to the dispute or of a party bound by the award, including any corporation which has acquired or taken over the business of such a party ;
- (e) all organizations and persons on whom the award is at any time declared by the Court or a Conciliation Commissioner to be binding as a common rule ; and
- (f) all members of organizations bound by the award.

“ 43M. When a State law, or an order, award, decision or determination of a State Industrial Authority, is inconsistent with, or deals with any matter dealt with in, an order or award, the latter shall prevail, and the former shall, to the extent of the inconsistency, or in relation to the matter dealt with, be invalid. Awards and orders to prevail over State awards and orders.

“ 43N. Where it appears to the Court or a Conciliation Commissioner to be desirable, in relation to an industrial matter, that a conference should be held with a State Industrial Authority, it or he may, if that Authority is willing, confer with that Authority with a view to securing co-ordination between any orders or awards made or to be made under this Act and any orders, awards, decisions or determinations made or given or to be made or given by that Authority. Conference with State Authorities.

“ 43P.—(1.) The Court or a Conciliation Commissioner may refer the whole or part of an industrial dispute which is before it or him, or any matter arising out of the dispute, to a Local Industrial Board for investigation and report, and may delegate to that Board such of its or his powers, including all powers of the Court or Conciliation Commissioner in relation to conciliation and the settlement of the dispute by amicable agreement as it or he deems desirable and may at any time revoke such reference. Reference of dispute to a Local Board for report.

“ (2.) On the report of the Local Industrial Board, the Court or Conciliation Commissioner may, with or without hearing further evidence or argument or both, decide the dispute and make its or his award.

“(3.) In this section, ‘Local Industrial Board’ means—

- (a) any State Industrial Authority willing to act; or
- (b) any Local Board constituted as prescribed or as directed by the Court or Conciliation Commissioner, and consisting of equal numbers of representatives of employers and of employees and a Chairman appointed by the Court or Conciliation Commissioner.

Orders to take evidence.

“43Q. The Court or a Conciliation Commissioner may authorize any person to take evidence on its or his behalf, with such limitations (if any) as the Court or Conciliation Commissioner directs, in relation to an industrial dispute and that person shall have all the powers of the Court or Conciliation Commissioner to secure the attendance of witnesses, the production of books and documents, and the taking of evidence on oath or affirmation.

Certain matters not to be included in awards.

“43R. The Court or a Conciliation Commissioner shall not include in an order or award a provision—

- (a) requiring a person claiming the benefit of an award to notify his employer that he is a member of an organization bound by the award; or
- (b) authorizing an employer—
  - (i) to forfeit or refrain from paying any wages to which an employee has become entitled under his contract or under an award; or
  - (ii) to impose any penalty on an employee.

Power to grant minimum wage and preference for members of organization.

“43S.—(1.) A Conciliation Commissioner may, by an award, or by an order made on the application of any organization or person bound by an award, direct that preference shall, in relation to such matters, in such manner and subject to such conditions as are specified in the order or award, be given to such organizations or members thereof as are specified in the order or award.

“(2.) Whenever, in the opinion of a Conciliation Commissioner, it is necessary, for the prevention or settlement of an industrial dispute, or for the maintenance of industrial peace, or for the welfare of society, to direct that preference shall be given to members of organizations as provided by the last preceding sub-section, the Commissioner shall so direct.

“(3.) Where the Court or a Conciliation Commissioner, by an order or award, prescribes a minimum rate of wages, the Court or Conciliation Commissioner may provide for the payment of a lower rate for an employee who is unable to earn the minimum wage so prescribed, in which case the Court or Conciliation Commissioner shall provide that the lower rate shall not be paid unless a person or authority specified by the Court or Conciliation Commissioner has certified that the employee is unable to earn the minimum wage.

“ 43T.—(1.) The Court or a Conciliation Commissioner may, by an award, or by order made on the application of any organization or persons bound by an award—

Boards of Reference.

(a) appoint, or give power to appoint, for the purposes of the award, a Board of Reference consisting of one or more persons ; and

(b) assign to the Board of Reference the function of allowing, approving, fixing, determining, or dealing with, in the manner and subject to the conditions specified in the award or order, any matters or things which under the award or order may require from time to time to be allowed, approved, fixed, determined, or dealt with by the Board.

“ (2.) A Board of Reference appointed under this section may consist of or include a Conciliation Commissioner.

“ 43U.—(1.) A Judge or a Conciliation Commissioner, and a person authorized in writing by a Judge, a Conciliation Commissioner or the Registrar, may at any time during working hours enter any building, mine, mine working, ship, vessel, place, or premises of any kind wherein or in respect of which any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking or has taken place in relation to which any industrial dispute is pending, or any award has been made, or any offence against this Act is suspected, and may, to the extent and for the purposes named in the authority, inspect and view any work, material, machinery, appliances, articles, book or document therein and may interview any employee engaged therein.

Power of inspection.

“ (2.) A person shall not hinder or obstruct a Judge, a Conciliation Commissioner or any other person so authorized in the exercise of any power conferred by the last preceding sub-section or make to a Judge, a Conciliation Commissioner or any other person so authorized, in exercising any power conferred by that sub-section, a statement, whether orally or in writing, which is false or misleading in any particular.

Penalty : Ten pounds.”.

9. Section forty-four of the Principal Act is amended by adding at the end thereof the following sub-section :—

Imposition and recovery of penalties.

“ (3.) Where, in any proceedings against an employer before a Court specified in sub-section (1.) of this section, it appears to the Court that an employee of that employer has not been paid an amount to which he is entitled under an order or award, that Court may order that the employer shall pay to the employee the amount of the underpayment but no order shall be made in respect of so much of the underpayment as relates to any period more than twelve months prior to the commencement of the proceedings.”.

Enforcement of penalties imposed by the Court.

10. Section forty-six of the Principal Act is amended by inserting after the word "award," the words "has, in pursuance of sub-section (3.) of section forty-four of this Act, ordered the payment of an amount,".

Recovery of wages.

11. Section forty-nine A of the Principal Act is amended by omitting the word "nine" and inserting in its stead the word "twelve".

Inspectors.

12. Section fifty A of the Principal Act is amended—

(a) by adding at the end of sub-section (5.) the words "and may interview any employee engaged therein"; and

(b) by inserting in sub-section (7.), after the word "duties", the words "or makes to an Inspector, in the course of his duties, a statement, whether orally or in writing, which is false or misleading in any particular,".

13. After section fifty A of the Principal Act the following section is inserted :—

Directions that proceedings be instituted.

"50AA. The Registrar or an Inspector appointed under the last preceding section shall, whenever so directed by a Judge or a Conciliation Commissioner, and such an Inspector shall, whenever so directed by the Registrar, institute proceedings for an offence against this Act or for the recovery of a penalty under section forty-four of this Act."

Power of Court to award costs.

14. Section fifty B of the Principal Act is repealed.

Disallowance of rules.

15. Section fifty-eight D of the Principal Act is amended by adding at the end thereof the following sub-section :—

"(3.) The Court may, in its discretion, instead of disallowing the rule, direct the organization concerned to alter that rule, within a specified time, so as to bring it into conformity with the requirements of this Act and, if, at the expiration of that time, the rule has not been so altered, the Court may then disallow the rule and the rule shall be void."

Privileges of organizations.

16. Section sixty-five of the Principal Act is repealed.

17. After section seventy-two A of the Principal Act the following sections are inserted in Part V. :—

Certificate as to membership of organization.

"72B. A certificate of the Registrar that a specified person was at a specified time a member or officer of a specified organization or of a specified branch of an organization shall, in all courts and proceedings, be *prima facie* evidence that the facts are as stated.

List of members and officers to be evidence.

"72C. A list of the members and officers of an organization or association or of a branch of an organization or association filed with the Registrar on behalf of the organization or association, or a copy of any such list certified by the Registrar, shall be evidence

that the persons named in the list were, at the date when the list was filed, members and officers of the association or of the branch, and that those officers were duly appointed.

“72D. In all proceedings under this Act, a copy of the rules of an organization certified by the Registrar to be a true and correct copy shall be *prima facie* evidence of the rules of that organization.

Rules to be evidence.

“72E.—(1.) A person shall not, either expressly or by implication, falsely represent that he is authorized to collect money on behalf of an organization.

Unauthorized collection of moneys.

“(2.) A person shall not, unless he has lawful authority (proof whereof shall lie upon him), collect money on behalf of an organization.

Penalty : Fifty pounds.”

18. Before section eighty-one A of the Principal Act the following sections are inserted in Part VII. :—

“81AA.—(1.) For the purposes of this Act there shall be an Office of Economic and Industrial Research.

Office of Economic and Industrial Research.

“(2.) The functions of the Office shall be—

- (a) to collect and compile, in accordance with the directions of the Chief Judge, information which may be of assistance to the Court and to Conciliation Commissioners in the exercise of their powers and functions under this Act ;
- (b) to keep information so collected and compiled up to date ; and
- (c) to carry out research in respect of such matters as the Chief Judge directs.

“(3.) Information collected and compiled, and the results of research carried out, under this section shall be furnished, as prescribed, to any person or organization desiring to obtain that information or those results.

“81AB. The Chief Judge shall summon, not less frequently than once in every four months, a conference of Conciliation Commissioners to discuss questions relating to the operation of this Act, and in particular means for ensuring expedition in the settlement of industrial disputes.

Conferences of Conciliation Commissioners.

“81AC. The Chief Judge and the Chief Conciliation Commissioner shall, once in each year, each furnish to the Attorney-General, for presentation to the Parliament, a report on the working of this Act and, in particular, the extent to which the objects of this Act have been achieved.

Annual report.

“81AD. Subject to this Act and the regulations, the duties of the Industrial Registrar, the Deputy Industrial Registrars and the other officers of the Court shall be as the Chief Judge directs.”

Duties of Registrar, &c.

19. Section eighty-three of the Principal Act is repealed and the following section inserted in its stead :—

Offences in relation to Conciliation Commissioners.

“ 83. A person shall not—

- (a) wilfully insult or disturb a Conciliation Commissioner when exercising powers and functions under this Act ;
  - (b) interrupt the proceedings of a Conciliation Commissioner ;
  - (c) use insulting language towards a Conciliation Commissioner ;
- or
- (d) by writing or speech use words calculated—
    - (i) to influence improperly a Conciliation Commissioner or a witness before a Conciliation Commissioner ;
    - or
    - (ii) to bring a Conciliation Commissioner into disrepute.

Penalty : One hundred pounds.”

Attempts to commit offences.

20. Section eighty-eight of the Principal Act is repealed.

21. Sections eighty-nine B and ninety of the Principal Act are repealed and the following sections inserted in their stead :—

Court may impose penalties for offences.

“ 89B. A person who has committed an offence against this Act may be charged accordingly before the Court and the Court may impose the penalty provided by this Act in respect of that offence.

Awards to be available at Registries.

“ 90. Copies of every award and of every order varying an award or affecting the operation of an award shall be sent to each Registry as soon as possible after the making thereof and shall be open for inspection.”

22. After section ninety-one A of the Principal Act the following section is inserted :—

Contracts entered into by agents of employers.

“ 91B. A person carrying on the business of an employment agency shall not, as agent for an employer, make a contract or agreement for the employment of an employee on terms and conditions less favorable to the employee than the terms and conditions of an order or award binding on the employer and employee.

Penalty : One hundred pounds.”

23. Section ninety-two of the Principal Act is repealed and the following section inserted in its stead :—

Regulations.

“ 92.—(1.) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular—

- (a) for regulating the practice and procedure of the Court and of Conciliation Commissioners ;

- (b) for prescribing the fees to be charged in respect of proceedings under this Act ;
- (c) for prescribing the duties of the Industrial Registrar, the Deputy Industrial Registrars and any other officers of the Court ; and
- (d) for providing for the exhibiting, on the premises of an employer bound by an order or award, of any of the terms of the order or award.

“(2.) The power conferred by the last preceding sub-section to make regulations with respect to the practice and procedure of the Court shall include power to make regulations with respect to any jurisdiction conferred upon the Court by any other Act, whether passed before or after this Act.”

**24.** Schedule A to the Principal Act is repealed and the following Schedule inserted in its stead :— Schedule A.

“ SCHEDULE A.

I, A.B., do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His heirs and successors according to law, that I will well and truly serve Him in the office of Chief Judge (or Judge as the case may be) of the Commonwealth Court of Conciliation and Arbitration (or Conciliation Commissioner, as the case may be) and that I will faithfully and impartially perform the duties of that office. So HELP ME GOD !

Or, I, A.B., do solemnly and sincerely promise and declare that (&c., as above, omitting the words ‘ So HELP ME GOD.’ )”.

**25.** The Principal Act is amended as set out in the First Schedule to this Act. Additional amendments.

**26.**—(1.) Any Part or section of the Principal Act, as amended by the foregoing provisions of this Act, the number of which is specified in the column headed “ Existing Number ” in the Second Schedule to this Act, is re-numbered as specified opposite to that number in the column headed “ New Number ” in that Schedule. Re-numbering.

(2.) Any reference in any law of the Commonwealth or of any Territory of the Commonwealth, or in any instrument or document, to any Part or section of the Principal Act shall, if that Part or section has been re-numbered in pursuance of this section, be read as a reference to that Part or section as so re-numbered.

**27.** The sections of the Principal Act, as amended by the foregoing provisions of this Act (other than the provisions of the last preceding section), which are specified in the first column of the Third Schedule to this Act are amended as respectively specified opposite thereto in the second column of that Schedule. Consequential amendments.

28.—(1.) Section six of the *Northern Territory (Administration) Act* 1910–1940 is repealed and the following section inserted in its stead :—

Application of  
Conciliation  
and Arbitration  
Act.

“ 6. The *Commonwealth Conciliation and Arbitration Act* 1904–1947 shall apply to industrial disputes in the Territory as if—

- (a) from paragraph (a) of the definition of ‘ industrial dispute ’ in section four of that Act the words ‘ which extends beyond the limits of any one State ’ were omitted ; and
- (b) from paragraph (b) of that definition the words ‘ which so extends ’ were omitted.”.

(2.) The *Northern Territory (Administration) Act* 1910–1940, as amended by this section, may be cited as the *Northern Territory (Administration) Act* 1910–1947.

29.—(1.) Section five of the *Seat of Government (Administration) Act* 1910–1940 is repealed and the following section inserted in its stead :—

Application of  
Conciliation  
and Arbitration  
Act.

“ 5. The *Commonwealth Conciliation and Arbitration Act* 1904–1947 shall apply to industrial disputes in the Territory as if—

- (a) from paragraph (a) of the definition of ‘ industrial dispute ’ in section four of that Act the words ‘ which extends beyond the limits of any one State ’ were omitted ; and
- (b) from paragraph (b) of that definition the words ‘ which so extends ’ were omitted.”.

(2.) The *Seat of Government (Administration) Act* 1910–1940, as amended by this section, may be cited as the *Seat of Government (Administration) Act* 1910–1947.

## THE SCHEDULES.

Sec. 25.

### FIRST SCHEDULE.

Sections amended.	Amendments.
9	After “ officer ” (wherever occurring), insert “, delegate ”
58C	Omit from sub-section (3.) “ of the Court ”
69	Omit “ of the Court ”
70	Omit “ by rules of Court ”
72	At the end of sub-section (2.) add “ Penalty for an offence against sub-section (1.) or sub-section (2.) of this section : Two pounds for each week in default.”
72A	Add at the end “ Penalty : Fifty pounds.”
78	Omit from sub-section (2.) “ of the Court ”
80	After “ Court ” (wherever occurring), insert “ or a Conciliation Commissioner ”.

FIRST SCHEDULE—continued.

Sections amended.	Amendments.
81A	Omit from sub-section (1.) " returned soldiers or sailors ", insert " a person who is required to be engaged in employment under section twenty-seven of the <i>Re-establishment and Employment Act 1945</i> "
83A	Omit sub-section (2.)
85	After " Court " insert " or a Conciliation Commissioner "
	After " Court " (first occurring) in sub-section (1.), insert " or a Conciliation Commissioner "
	After " Court " (second and third occurring) in sub-section (1.), insert " or Conciliation Commissioner "
	After " Court " in sub-section (2.), insert " or a Conciliation Commissioner "
	After " Court " in sub-section (3.), insert " or a Conciliation Commissioner "
	After " it " in sub-section (3.), insert " or him "
86B	Omit " of the Court "
91	Before " award " (wherever occurring), insert " order or "

Sec. 26.

SECOND SCHEDULE.

Existing Number.	New Number.	Existing Number.	New Number.	Existing Number.	New Number.
Section No.—	Section No.—	Part No.— IIIA.	Part No.— IV.	Section No.—	Section No.—
9 ..	5	Section No.—	Section No.—	44 ..	59
10 ..	6	38 ..	34	45 ..	60
11 ..	7	39 ..	35	46 ..	61
12 ..	8	40 ..	36	49 ..	62
13 ..	9	41 ..	37	49A ..	63
14 ..	10	42 ..	38	50A ..	64
15 ..	11	43 ..	39	50AA	65
16 ..	12	43A ..	40	Part No.— V.	Part No.— VI.
17 ..	13	43B ..	41	Section No.—	Section No.—
18 ..	14	43C ..	42	51 ..	66
19 ..	15	43D ..	43	52 ..	67
20 ..	16	43E ..	44	53 ..	68
21 ..	17	43F ..	45	54 ..	69
22 ..	18	43G ..	46	55 ..	70
23 ..	19	43H ..	47	56 ..	71
24 ..	20	43J ..	48	56D ..	72
25 ..	21	43K ..	49	56G ..	73
26 ..	22	43L ..	50	57 ..	74
27 ..	23	43M ..	51	58 ..	75
28 ..	24	43N ..	52	58A ..	76
29 ..	25	43P ..	53	58B ..	77
30 ..	26	43Q ..	54	58BA	78
31 ..	27	43R ..	55	58C ..	79
32 ..	28	43S ..	56	58D ..	80
33 ..	29	43T ..	57		
34 ..	30	43U ..	58		
35 ..	31	Part No.— IV.	Part No.— V.		
36 ..	32				
37 ..	33				

## SECOND SCHEDULE—continued.

Existing Number.	New Number.	Existing Number.	New Number.	Existing Number.	New Number.
Section No.—	Section No.—	Section No.—	Section No.—	Section No.—	Section No.—
58E ..	81	73 ..	97	81AC	108
59 ..	82	74 ..	98	81AD	109
60 ..	83	75 ..	99	81A ..	110
61 ..	84	76 ..	100	83 ..	111
66 ..	85	77 ..	101	83A ..	112
67 ..	86	78 ..	102	84 ..	113
68 ..	87	79 ..	103	85 ..	114
69 ..	88	80 ..	104	86 ..	115
70 ..	89	81 ..	105	86B ..	116
71 ..	90			89 ..	117
72 ..	91	Part No.—	Part No.—	89A ..	118
72A ..	92	VII:	VIII.	89B ..	119
72B ..	93			90 ..	120
72C ..	94	Section	Section	91 ..	121
72D ..	95	No.—	No.—	91A ..	122
72E ..	96	81AA	106	91B ..	123
		81AB	107	92 ..	124
Part No.—	Part No.—				
VI.	VII.				

## Sec. 27.

## THIRD SCHEDULE.

First Column. Sections amended.	Second Column. Amendments.
3	Omit " Part IIIA.", insert " Part IV." Omit " Part IV.", insert " Part V." Omit " Part V.", insert " Part VI." Omit " Part VI.", insert " Part VII." Omit " Part VII.", insert " Part VIII."
18	Omit " fifteen and sixteen " (wherever occurring), insert " eleven and twelve "
32	Omit from sub-section (1.) " forty-three m ", insert " fifty-one "
33	Omit " forty-three A " (wherever occurring), insert " forty "
35	Omit from paragraph (a) of sub-section (1.) " forty-four ", insert " fifty-nine "
43E	Omit " twenty-nine ", insert " twenty-five "
	Omit " seventeen ", insert " thirteen "
45	Omit " forty-nine ", insert " sixty-two "
46	Omit " forty-four ", insert " fifty-nine "
50AA	Omit " forty-four ", insert " fifty-nine "
60	Omit from paragraph (h) of sub-section (1.) " fifty-five ", insert " seventy "