SNOWY MOUNTAINS HYDRO-ELECTRIC POWER.

**No. 47 of 1951.**

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

[Assented to 8th December, 1951.]

[Date of commencement, 5th January, 1952.]

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

**Short title and citation.**

**1.**—(1.) This Act may be cited as the *Snowy Mountains Hydro-electric Power Act* 1951.

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

(3.) The Principal Act, as amended by this Act, may be cited as the *Snowy Mountains Hydro-electric Power Act* 1949–1951.

**Parts.**

**2.** Section three of the Principal Act is amended by inserting after the words—

“Part IV.—Officers and Employees of the Authority.”

the words—

“Part IVa.**—**Industrial Matters.”.

**Definitions.**

**3.** Section four of the Principal Act is amended—

(*a*)by adding at the end of the definition of “officer” the words “, but does not include a temporary officer “; and

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

“‘temporary officer’ means a temporary officer of the Authority;”.

**Particular powers of the Authority.**

**4.** Section eighteen of the Principal Act is amended by inserting in paragraph (*i*)*,* after the word “officers” the words “, temporary officers”.

**Power to enter land and take levels, &c.**

**5.**Section nineteen of the Principal Act is amended by inserting after the word “officer” the words temporary officer”.

**6.** Sections twenty-three and twenty-four of the Principal Act are repealed and the following sections inserted in their stead:—

**Temporary officers.**

“22a.—(1.) The Authority may appoint such temporary officers as it thinks necessary for the purposes of this Act.

“(2.) Temporary officers shall hold office on such terms and conditions as the Authority determines.

“(3.) A person shall not be employed as a temporary officer unless, when required by the Authority so to do, he makes and subscribes an oath or affirmation of allegiance in accordance with the form in the Schedule to the Constitution.

**Temporary and casual employees.**

“23.—(1.) The Authority may employ such temporary or casual employees as it thinks necessary for the purposes of this Act.

“(2.) Temporary and casual employees shall, subject to Part IVa., be employed on such terms and conditions as the Authority determines.

“(3.) A person shall not be employed as a temporary or casual employee unless, when required by the Authority so to do, he makes and subscribes an oath or affirmation of allegiance in accordance with the form in the Schedule to the Constitution.

**Preservation of industrial awards.**

“24. Nothing in this Act prevents the making of an industrial award, order, determination or agreement under any other Act in relation to officers or temporary officers or affects the operation of such an award, order, determination or agreement in relation to officers or temporary officers.”.

**7.** After Part IV. of the Principal Act the following Part is inserted:—

“Part IVa.—Industrial Matters.

**Definitions.**

“24a. In this Part, unless the contrary intention appears—

‘contractor with the Authority’ means a person between whom and the Authority there is in force an agreement for the performance of work for or on behalf of the Authority in the specified area, but does not include a State, an authority of a State or a local governing body;

‘employee’ means—

(*a*) a temporary or casual employee employed by the Authority under section twenty-three of this Act;

(*b*)a person employed by a contractor with the Authority and working in the specified area in connexion with the work the subject of the agreement between that contractor and the Authority; and

(*c*) a person employed by a sub-contractor with the Authority and working in the specified area in connexion with the work the subject of the agreement between that sub-contractor and the contractor with the Authority;

‘sub-contractor with the Authority’ means a person between whom and a contractor with the Authority there is in force an agreement for the performance of work for or on behalf of that contractor in the specified area, being work in connexion with the work the subject of the agreement between that contractor and the Authority, but does not include a State, an authority of a State or a local governing body;

‘the Court’ means the Commonwealth Court of Conciliation and Arbitration;

‘the specified area’ means—

(*a*)the Snowy Mountains Area; and

(*b*) such other areas as are prescribed, being areas in which works referred to in section seventeen of this Act are being constructed, maintained, operated, protected, managed or controlled.

**Jurisdiction of Court.**

“24b. Subject to this Part, the powers of the Court under this Part shall be exercised by a single Judge.

**Settlement of industrial disputes and determination of industrial matters.**

“24c.—(1.) The Court has power—

(*a*) to prevent or settle, by conciliation or arbitration, disputes in relation to the salaries, wages, rates of pay or other terms or conditions of service or employment of employees; and

(*b*)to hear and determine matters submitted to it relating to the salaries, wages, rates of pay or other terms or conditions of service or employment of employees.

“(2.) In the exercise of its powers under this section, the Court has power to make orders and awards.

**Interpretation.**

“24d. The Court has power to give an interpretation of an order or award of the Court under this Part.

**Standard hours basic wage, &c.**

“24e. In the exercise of its powers under this Part with respect to—

(*a*) standard hours;

(*b*) the basic wage for adult males and the principles upon which it is computed;

(*c*) the basic wage for adult females and the principles upon which it is computed; and

(*d*)annual or other periodical leave with pay, sick leave with pay or long service leave with pay,

the Court shall have regard to the orders and awards of the Court with respect to those matters under the *Commonwealth Conciliation and Arbitration Act* 1904, or under that Act as amended.

**Limitation of jurisdiction of certain industrial authorities.**

“24f.—(1.) The Public Service Arbitrator, a Conciliation Commissioner and, except as provided by this Part, the Court, is not empowered to make a determination, order or award in relation to the salaries, wages, rates of pay or other terms or conditions of service or employment of employees.

“(2.) Except as provided by this Part, the Court is not empowered to give an interpretation of an order or award referred to in section twenty-four d of this Act.

**Reference to Full Court.**

“24g.—(1.) A Judge exercising the powers of the Court under this Part may, if he thinks fit, refer a question of law arising in proceedings before him for the opinion of the Court constituted by not less than three Judges.

“(2.) The Court so constituted shall hear and determine a question referred to it under the last preceding sub-section.

“(3.) Notwithstanding the reference under sub-section (1.) of this section of a question of law for the opinion of the Court constituted by not less than three Judges, a Judge exercising the powers of the Court under this Part may make an order or award in relation to the matter in connexion with which the question arose.

“(4.) Upon the determination by the Court constituted by not less than three Judges of a question of law referred to it under sub-section (1.) of this section, a Judge exercising the powers of the Court under this Part may make an order or award not inconsistent with the opinion of the Court so constituted or may vary an existing order or award in such a way as will make it consistent with that opinion.

**Powers of Court.**

“24h. The Court has, in relation to industrial disputes and other proceedings before it under this Part, the same powers, duties and functions as the Court has under the *Conciliation and Arbitration Act* 1904–1951 in relation to industrial disputes and other proceedings before it under that Act.

**Application of certain provisions of Conciliation and Arbitration Act.**

“24j.—(1.) The provisions of the *Conciliation and Arbitration Act* 1904–1951 which apply to or in relation to judgments, orders and awards of the Court under that Act apply to and in relation to judgments, orders and awards of the Court under this Part.

“(2.) The provisions of section twenty-seven of the *Conciliation and Arbitration Act* 1904–1951 have effect as if the reference in that section to awards and proceedings under that Act included a reference to awards and proceedings under this Part.

“(3.) The provisions of sub-section (3.) of section twenty-nine of the *Conciliation and Arbitration Act* 1904–1951 have effect as if the reference in that sub-section to orders or awards made by the Court under the *Stevedoring Industry Act* 1949 included a reference to orders or awards made by the Court under this Part.

“(4.) The provisions of section forty-six of the *Conciliation and Arbitration Act* 1904–1951 extend to proceedings before the Court under this Part.”.

**Preservation of rights.**

**8.** Section thirty-four of the Principal Act is amended—

(*a*)by omitting the words “or an officer” and inserting in their stead the words “,an officer or a temporary officer”; and

(*b*)by omitting the words “or as an officer of the Authority” and inserting in their stead the words “as an officer or as a temporary officer”.

**Application of Commonwealth Employees’ Compensation Act.**

**9.** Section thirty-five of the Principal Act is amended by inserting after the word “officers” the words “, temporary officers”.