

PUBLIC SERVICE ARBITRATION.

No. 41 of 1959.

An Act to amend the *Public Service Arbitration Act 1920-1957*.

[Assented to 22nd May, 1959.]

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

1.—(1.) This Act may be cited as the *Public Service Arbitration Act 1959*. Short title and citation.

F.5294/59.—8

(2.) The *Public Service Arbitration Act 1920-1957** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Public Service Arbitration Act 1920-1959*.

Commence-
ment.

2.—(1.) Subject to the next succeeding sub-section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2.) Sub-section (2.) of section three of this Act shall be deemed to have come into operation on the fourteenth day of August, One thousand nine hundred and fifty-six.

Reference
to the
Commission.

3.—(1.) Section fifteen A of the Principal Act is amended by inserting in sub-section (1.), after the word “Commission” (last occurring), the words “nominated by the President”.

(2.) Section fifteen A of the Principal Act is amended—

- (a) by omitting from sub-section (3.) the words “claim or application” (last occurring) and inserting in their stead the words “claim, application or matter”;
- (b) by omitting from sub-section (5.) the words “claim or application” and inserting in their stead the words “claim, application or matter”; and
- (c) by inserting in sub-section (6.), after the word “purpose”, the words “may have regard to any evidence given and any arguments adduced in relation to the claim, application or matter before the Commission commenced to hear the claim, application or matter and”.

(3.) Section fifteen A of the Principal Act is amended—

- (a) by omitting sub-section (8.);
- (b) by adding at the end of sub-section (9.) the words “, and, for the purpose of the exercise by the Commission of the powers of the Arbitrator under the last preceding section, the presidential members of the Commission and the Arbitrator shall be deemed to be persons authorized by the Governor-General for the purposes of that section”; and
- (c) by adding at the end thereof the following sub-section:—

“(10.) At any time before the Commission has been constituted under this section for the purpose of hearing and determining a claim, application or matter in respect of which the President has, whether before or after the commencement of this sub-section, given a direction under this section, the President may (if, after taking account of any views expressed by the Board or any Minister or organization concerned in the claim or application, he considers that

* Act No. 28, 1920, as amended by No. 1, 1928; No. 25, 1929; No. 45, 1934; No. 52, 1947; Nos. 51 and 80, 1950; No. 36, 1952; Nos. 2 and 18, 1955; Nos. 51 and 104, 1956; and No. 39, 1957.

it is desirable so to do for the purpose of facilitating the hearing and determination of the claim, application or matter by the Commission) exercise the power that, if the Commission were so constituted, the Commission would have under the last preceding section to refer the claim, application or matter to a person for investigation and report and to delegate its powers to that person, but the President shall not, by virtue of this sub-section, refer a claim, application or matter to any person other than the Arbitrator or a presidential member of the Commission.”.

4. Section fifteen c of the Principal Act is amended by inserting in sub-section (1.), after the word “ Commission ” (last occurring), the words “ nominated by the President ”. Appeals to the Commission.

5. Where, immediately before the date of commencement of this section, a claim, application or matter was before the Commonwealth Conciliation and Arbitration Commission as constituted under sub-section (1.) of section fifteen A of the Principal Act, or an appeal was before the Commission as constituted under sub-section (1.) of section fifteen c of the Principal Act, the Commission as so constituted shall, on and after that date, be deemed to be constituted in accordance with sub-section (1.) of section fifteen A of the Principal Act as amended by this Act or sub-section (1.) of section fifteen c of the Principal Act as so amended, as the case may be. Saving.
