



ANNO DECIMO SEXTO

GEORGI V REGIS.

A.D. 1925.

No. 1720.

An Act to amend the Industrial Acts, 1920 to 1924, and for other purposes.

[Assented to, January 6th, 1926.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :—

1. (1) This Act may be cited as the “ Industrial Code Amendment Act, 1925.” Short titles.
(2) The Industrial Acts, 1920 to 1924, and this Act may be cited together as the “ Industrial Acts, 1920 to 1925.”
(3) The Industrial Code, 1920, is hereinafter referred to as “ the principal Act.” No. 1453 of 1920.
2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation.
3. For the purposes of and within the meaning of Parts II., III., and IV. of the principal Act, a club shall be deemed to be an employer, and, any person employed by a club shall be deemed to be an employé, and the club shall be deemed to be engaged in an industry : Provided that if any person employed by any club, other than a racing or trotting club, is employed only for the purposes of the preparation or maintenance of grounds or premises used for the purpose of any outdoor sport, then such person shall not be deemed to be an employé and the club shall not be deemed to be an employer or to be engaged in an industry in respect of such person. Extension of principal Act to clubs and their employés.

Industrial Code Amendment Act.—1925.

Amendment of
principal Act, s. 71—

Change of rules and
constitution of
associations.

4. Section 71 of the principal Act is repealed and the following section is hereby enacted in lieu thereof:—

(1) A registered association may, in the prescribed manner and on compliance with the prescribed conditions—

(a) add to its rules or alter or rescind any of its rules :

(b) change its constitution, including the description of the industry in connection with which it is registered.

(2) No addition to, alteration of, or rescission of any rules, and no change of constitution shall have any effect until registered.

(3) The Registrar shall, upon application made to him for the purpose in manner prescribed, and on being satisfied that all the prescribed conditions and requirements have been complied with, register any addition to, alteration or rescission of the rules of any association, or any change of constitution of an association: Provided that the Registrar shall not be required to register any such addition, alteration, rescission, or change which in his opinion would prejudicially affect the members of the applicant association or of any other association.

Amendment of
principal Act,
Division II.—

Appointment of
additional members
to Board.

5. Division II. of Part III. of the principal Act is amended by inserting therein the following section:—

147A. (1) The Court, upon receiving from the Board of Industry a copy of any report recommending the appointment of additional members of a Board, shall select the required number of additional members in the same way as the members of the Board 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.

(2) The Minister shall, upon receipt of the said notice, publish in the *Gazette* a notice setting out the names and addresses of the additional members, and upon publication of the notice the members shall be deemed to be duly appointed to the Board.

(3) Any additional members appointed to a Board under this section shall hold office until the expiration of the term of office of the original members of the Board.

Amendment of
principal Act,
s. 149—

6. Section 149 of the principal Act is amended by adding at the end thereof the following subsection (the first part thereof being read as subsection (1)).

Report to Board of
Industry when Court
unable to select
representatives.

(2) If the Court is unable to select the representatives required to constitute any Board it shall report the fact to the Board of Industry.

Amendment of
principal Act,
s. 150—

Time for making
determination.

7. Section 150 of the principal Act is amended—

(a) by striking out the letter (a) in the fourth line thereof ; and
(b) by striking out the whole of paragraph (b).

8. Section

Industrial Code Amendment Act.—1925.

8. Section 153A of the principal Act is repealed and the following provision is enacted in lieu thereof :—

Amendment of principal Act, s. 153A—

153A. If the Board of Industry reports to the Minister that any particular class of employers or employes should for the future be subject to an existing Board, the following provisions shall apply :—

Alteration of jurisdiction of Boards.

- (a) The Minister shall publish in the *Gazette* a notice containing the report of the Board of Industry :
- (b) Upon the expiration of fourteen days from the publication of the notice the industries in respect of which the existing Board referred to in the report is constituted shall be added to according to the tenor of the report, and if the class of employers or employes dealt with in the report was previously dealt with by some other Board, then the industries in respect of which that Board was constituted shall be altered according to the tenor of the report :
- (c) The employers or employes to whom the report relates shall, until fourteen days after the publication in the *Gazette* of a new determination relating to them, be subject to the existing determination (if any) relating to them.

9. Section 158 of the principal Act is repealed.

Repeal of section 158, principal Act.

10. Section 189 of the principal Act is amended—

Amendment of principal Act, s. 189—

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

Period of operation of determinations.

“(a) during the period specified therein, which period shall in no case extend beyond three years from the date of the constitution of the Board, unless the determination is previously cancelled by the Minister, pursuant to section 154, or varied or rescinded by the Board or by the Court under Division V. of Part II. of this Act or ” ; and

(b) by striking out the words “ has been ” in the fourth line of subsection (2) of the said section ; and

(c) by inserting after the word “ Board ” in the fifth line of subsection (2) the words “ comes into force ”.

11. Division VI. of Part III. of the principal Act is amended by inserting after section 189 therein the following section :—

Amendment of principal Act, Division VI.—

189A. If all the members of a Board resign or cease to hold office, and there is at the time in operation a determination of that Board the specified period of operation of which has not yet terminated, such specified period shall be deemed to

Effect on determination when Board ceases to exist.

have

Industrial Code Amendment Act.—1925.

have terminated upon the resignation or cessation of office of the members: Provided that this provision shall not affect the operation of subsection (2) of section 189.

Amendment of principal Act, s. 193.

12. Section 193 of the principal Act is amended—

- (a) by striking out subsection (5) thereof; and
- (b) by striking out the word “thereafter” in the first line of subsection (6) thereof and inserting in lieu of that word the words “come into operation fourteen days after the publication of the report in the *Gazette*, as mentioned in subsection (4) of this section, and”.

Amendment of principal Act, Part III.—

Penalty for any breach of determination.

13. Division VIII. of Part III. of the principal Act is amended by inserting therein the following new section—

209a. If any employer commits any breach or non-observance of a determination (which breach or non-observance is not an offence under any other section of this Act), such employer shall be guilty of an offence against this Act.

Penalty—Twenty Pounds.

Amendment of principal Act, s. 259—

Inquiries by Board of Industry as to Industrial Boards.

14. Section 259 of the principal Act is amended—

- (a) by adding thereto the following paragraph :—
 - (b1) whether the number of members of any existing Board composed of less than nine members should be increased to any number not exceeding nine by the addition to the Board of equal numbers of representatives of employers and employés; and
- (b) by striking out paragraph (d) thereof and inserting in lieu thereof the following paragraph :—
 - (d) to which (if any) duly constituted Board any class of employers or employés should for the future be subject.

Further amendments of principal Act.

15. The principal Act is further amended in the manner set out in the Schedule to this Act.

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

TOM BRIDGES, Governor,

Industrial Code Amendment Act.—1925.

THE SCHEDULE.

Section of Principal Act.	How Amended.
25 (1) (b)	Strike out the words " or by the Minister".
60 (1)	Strike out the word " or " at the end of paragraph (a), and the whole of paragraph (b).
60 (3) (c)	Strike out the words " or the fourteenth day from the date specified in the notice of the appointment of the Board in pursuance of subsection (d) of section 153 whichever shall be the earlier."
60 (3) (d)	Strike out in the last line the words " or subsection (2)."
61	Add a new paragraph, viz.— (7) The award or order shall be deemed to be and shall have the same force, effect, and application as if it were the determination of a Board.
153 (1)	Strike out paragraph (d).
154 (1)	Strike out the words and figures " and of section 158 " in the second line.
157 (1)	Strike out the words and figures " sections 154 or 158 " and insert in lieu thereof " section 154 ".
184	Strike out subsection (2). Strike out " by the Minister " in the first line of subsection (3).
186 (1)	Strike out all the words in subparagraph II. of paragraph (c) after the word " publication " in the fourth line of the said subparagraph.
268	In the fourth line of the proviso to this section inserted by the schedule to the Industrial Code Amendment Act, 1924, insert after the word " employés " the words " or/Railway employés ".