

AUSTRALIAN CAPITAL TERRITORY.

No. 38 of 1938.

AN ORDINANCE

To amend the Industrial Board Ordinance 1936-1938.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1933*, as follows:—

1.—(1.) This Ordinance may be cited as the *Industrial Board Ordinance (No. 3) 1938*. Short title and citation.

(2.) Section one of the *Industrial Board Ordinance (No. 2) 1938* is amended by omitting sub-section (4.).

(3.) The *Industrial Board Ordinance 1936-1937*, as amended by the *Industrial Board Ordinance 1938*, the *Seat of Government (Designation) Ordinance 1938*, and the *Industrial Board Ordinance (No. 2) 1938*, is in this Ordinance referred to as the *Principal Ordinance*.

(4.) The *Principal Ordinance*, as amended by this Ordinance, may be cited as the *Industrial Board Ordinance 1936-1938*.

2. After section nine of the *Principal Ordinance* the following section is inserted:—

“9A.—(1.) Without prejudice to any of the foregoing provisions of this Ordinance, if a person, while a member or a deputy of a member of the Board— Member or deputy not to act for organization in certain cases.

(a) acts in any way as the representative of any organization for the purpose of ascertaining whether the provisions of any determination of the Board or the provisions of any industrial agreement are or are not being observed;

(b) exercises the power conferred by paragraph (d) of sub-section (2.) of section nineteen of this Ordinance; or

(c) exercises any right, power or privilege conferred by any determination of the Board or by any industrial agreement with a view to securing the observance of the determination or industrial agreement,

his office of member or deputy of a member of the Board may, in accordance with this section, be declared vacant.

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“(2.) Where the Attorney-General has reason to believe that any member or deputy of a member of the Board has, since the commencement of this section, acted in contravention of sub-section (1.) of this section, the Attorney-General may call on him to show cause why an order declaring his office vacant should not be made.

“(3.) If the member or deputy of a member fails so to show cause to the satisfaction of the Attorney-General, the Attorney-General may make an order declaring his office vacant, and, upon publication of the order in the *Gazette*, the office shall become vacant.”.

Constitution
of Board for
exercise of
its powers.

3.—(1.) Section fourteen of the Principal Ordinance is amended—

(a) by omitting the words “one affecting” (wherever occurring) and inserting in their stead the words “certified to affect”; and

(b) by adding at the end thereof the following sub-section:—

“(2.) For the purposes of this section, the term ‘certified’ means certified in accordance with the requirements of section sixteen of this Ordinance.”.

(2.) The amendments made by sub-section (1.) of this section shall not have any application in relation to matters submitted for determination prior to the commencement of this section.

Submission
of matters
to Board.

4. Section sixteen of the Principal Ordinance is amended by inserting, after sub-section (1.), the following sub-sections:—

“(1A.) The Minister of any Department of State, the Public Service Board or an organization, when submitting any matter for determination in pursuance of paragraph (c) of sub-section (1.) of this section, shall certify to the Board in writing as to whether the matter affects—

(a) Commonwealth employees;

(b) private employees; or

(c) both Commonwealth employees and private employees, in actual employment at the date of the submission.

“(1B.) A certificate to be furnished by an organization under sub-section (1A.) of this section may be signed by the secretary of the organization or by some person thereto authorized by the committee of management of the organization.”.

Dated this seventeenth day of December, 1938.

GOWRIE

Governor-General.

By His Excellency's Command,

ROBERT G. MENZIES

for Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.