

STEVEDORING INDUSTRY.

No. 93 of 1957.

An Act relating to the Stevedoring Industry.

[Assented to 12th December, 1957.]

BE it enacted by the Queen'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 *Stevedoring Industry Act 1957*.

(2.) The *Stevedoring Industry Act 1956** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Stevedoring Industry Act 1956-1957*.

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. Commencement.

(2.) Sections four and five of this Act shall come into operation on such dates as are respectively fixed by Proclamation.

3. Section thirty-three of the Principal Act is amended— Employers' obligations.

(a) by omitting from paragraph (a) of sub-section (1.) the word "and" and inserting in its stead the word "or"; and

(b) by inserting in paragraph (b) of sub-section (1.), after the word "shall", the words ", at all times,".

4. Section thirty-five of the Principal Act is repealed and the following section inserted in its stead:—

" 35.—(1.) If the Commission, on the application of the Authority, is satisfied that an employer registered at a port— Cancellation or suspension of registration of employers.

(a) does not have the means of carrying out stevedoring operations at the port in an expeditious, safe and efficient manner or of discharging the duties and obligations of an employer under this Act;

(b) has (whether before or after the commencement of this section) failed to comply with an order or direction of the Authority under this Act or an award of the Commission; or

(c) has (whether before or after the commencement of this section) been convicted of an offence against this Act,

the Commission may, if it thinks it appropriate to do so in the circumstances, direct the Authority to cancel the registration of the employer or to suspend his registration until the expiration of such period as the Commission directs, and thereupon the Authority shall cancel or suspend the registration of the employer accordingly.

" (2.) The powers of the Commission under the last preceding sub-section are not affected by, and do not affect, any power of the Court to impose a pecuniary penalty upon a registered employer in respect of an offence.

* Act No. 53, 1956.

“(3.) The powers of the Commission under this section in relation to an application of the Authority shall be exercised by the President of the Commission or by a Deputy President of the Commission assigned by the President to deal with applications under this section or, if the President nominates a Deputy President other than such a Deputy President to deal with that application, by the Deputy President so nominated.”.

5.—(1.) Section thirty-seven of the Principal Act is repealed and the following section inserted in its stead:—

Appeals.

“37.—(1.) Where the registration of a person as a waterside worker is or has been cancelled or suspended under the last preceding section (whether before or after the commencement of this section), that person may, within fourteen days after the date of the cancellation or suspension or within such further period as the Commission allows, appeal to the Commission, by filing a notice of appeal in the prescribed form with the prescribed person, against the cancellation or suspension and, upon consideration of any such appeal, the Commission may, according as it thinks appropriate in the circumstances, confirm, vary or set aside the cancellation or suspension.

“(2.) Where a person appeals to the Commission against the suspension of his registration as a waterside worker, the suspension shall, subject to the next succeeding sub-section, continue in operation.

“(3.) The Authority may postpone the operation of the suspension, pending the determination of the appeal, for such period as it thinks fit and the registration shall not be deemed to have been suspended during the period of postponement.

“(4.) The powers of the Commission under this section in relation to an appeal shall be exercised by the President of the Commission or by a Deputy President of the Commission assigned by the President to deal with appeals under this section or, if the President nominates a Deputy President other than such a Deputy President to deal with that appeal, by the Deputy President so nominated.”.

(2.) Where, before the commencement of this section, an appeal to the Commonwealth Industrial Court under the section repealed by this section had been commenced but had not been determined, the cancellation or suspension to which the appeal related shall, for the purpose of determining the time within which an appeal against that cancellation or suspension may be instituted under the section inserted in the Principal Act by this section, be deemed to have been effected on the date of commencement of this section.

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6. After section thirty-seven of the Principal Act the following section is inserted:—

“ 37A. Where the Authority is satisfied that a waterside worker whose registration has been suspended intends to appeal under the last preceding section against the suspension, the provisions of sub-section (3.) of the last preceding section apply as if the waterside worker had already so appealed.”

Postponement
of suspension
pending
appeal.