

# Stevedoring Industry (Temporary Provisions)

No. 146 of 1968

An Act to amend the *Stevedoring Industry (Temporary Provisions) Act 1967*.

[Assented to 9 December 1968]

**B**E 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 *Stevedoring Industry (Temporary Provisions) Act 1968*. Short title and citation.

(2.) The *Stevedoring Industry (Temporary Provisions) Act 1967\** 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 (Temporary Provisions) Act 1967–1968*.

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\* Act No. 109, 1967.

Commence-  
ment.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Definitions.

3. Section 5 of the Principal Act is amended—

(a) by inserting before the definition of “ the Fund ” the following definitions:—

“ ‘ annual leave ’, in relation to a waterside worker, means annual leave to which the waterside worker has become entitled under an award of the Commission;

‘ casual employment ’, in relation to a waterside worker, means employment of the waterside worker as a waterside worker otherwise than on a weekly hiring;

‘ class A waterside worker ’ has the same meaning as in the *Stevedoring Industry Charge Assessment Act 1947–1967*;

‘ special agreement for weekly hiring ’, in relation to waterside workers, means a special agreement between the employer of the waterside workers and the Waterside Workers’ Federation of Australia with respect to the employment, on a weekly hiring, of the waterside workers in respect of particular ships at particular terminals or wharves, being an agreement that—

(a) was entered into before the operative date; or

(b) was entered into on or after the operative date and was, in the opinion of the Minister, intended by the parties to it to take the place of an agreement that was entered into before the operative date;

‘ the Association ’ means The Association of Employers of Waterside Labour, an association registered as an organization under the *Conciliation and Arbitration Act 1904–1968*;” ; and

(b) by inserting after the definition of “ the holding company ” the following definition:—

“ ‘ the operative date ’ means the twenty-seventh day of November, One thousand nine hundred and sixty-seven;” .

4. Section 7 of the Principal Act is repealed and the following sections are inserted in its stead:—

Payments by  
the Authority  
to the holding  
company.

“ 7. Subject to any direction of the Minister, the Authority may make payments to the holding company for the purpose of meeting the cost to the holding company of—

(a) wages paid, on or after the operative date, to a registered regular waterside worker at a permanent port (other than a waterside worker employed in accordance with a special agreement for weekly hiring) in respect of shifts during which the waterside worker was available for work but was not required to work;

- (b) wages paid to a registered regular waterside worker at a permanent port in respect of any period during which the waterside worker was absent from work on annual leave, being leave—
  - (i) to which the waterside worker became entitled before the date as from which the port is to be deemed to have been a permanent port; and
  - (ii) that commenced on or after that date and before the next thirtieth day of June after that date;
- (c) wages paid to a registered regular waterside worker at a permanent port in respect of any period during which the waterside worker was absent from work on annual leave, being leave that is attributable to a period of casual employment of the waterside worker that commenced on or after the date as from which the port is to be deemed to have been a permanent port;
- (d) such part, if any, of any amount in lieu of annual leave paid, on or after the operative date, to a person whose registration under the Stevedoring Industry Act as a registered regular waterside worker at a permanent port has been cancelled within one year after the date as from which the port is to be deemed to have been a permanent port as is attributable to a period of casual employment of the waterside worker; and
- (e) contributions to the Fund paid, or to be paid, on or after the operative date, by the holding company on behalf of the Association.

“7A. Subject to any direction of the Minister, the Authority may make payments to the Association for the purpose of meeting the cost to the Association of payments made, or to be made, in accordance with the regulations in respect of waterside workers whose registration under the Stevedoring Industry Act at a port has been or is cancelled on the ground that the number of waterside workers at the port is more than the number required for the proper and effective conduct of stevedoring operations at the port.

Payments by Authority to the Association.

“7B. Subject to any direction of the Minister, where the Authority is satisfied that—

Refund of part of charge.

- (a) an employer has, on or after the operative date, employed class A waterside workers in accordance with a special agreement for weekly hiring; and
- (b) the employer has paid the charge imposed by the *Stevedoring Industry Charge Act 1947–1967* in respect of that employment,

the Authority may pay to the employer an amount equal to such part of the charge so paid as the Authority considers appropriate having regard to the proportion of the amounts paid to the Authority under section 46 of the Stevedoring Industry Act that, from time to time, is applied by the Authority for the purpose of meeting the cost to the holding company of the wages referred to in paragraph (a) of section 7 of this Act.”