

Rules made by the Court of Arbitration under Section 104 of the Industrial Conciliation and Arbitration Act, 1908, in respect of Applications for Interpretation of Awards, &c.

RULES for the guidance of Clerks of Awards, Inspectors of Awards, and parties to awards and industrial agreements, in respect of applications for interpretation of awards and industrial agreements, have been made from time to time. The first rules on the subject are dated the 16th day of November, 1903.

In view of the Court's settled practice with regard to such applications, it is thought desirable to amend and consolidate the rules on the subject.

Dated this 30th day of June, 1914.

T. W. STRINGER,
Judge.

RULES.

MATTERS WHICH MAY BE THE SUBJECT OF AN APPLICATION.

1. An Inspector of Awards, or any industrial union or association of workers or of employers, or any person, firm, or company who is a party to an award or industrial agreement, may, upon application being made to the Clerk of Awards in manner hereinafter provided, obtain the opinion of the Court upon any question connected with the construction of such award or industrial agreement, or upon any particular determination or direction of the Court, or upon the construction of any statute relating to matters within the jurisdiction of the Court, subject to the following conditions:—

- (a.) The Court will not consider any such application if any of the facts are in dispute.
- (b.) The Court will not consider any such application when the same is based upon a hypothetical case or set of facts.
- (c.) The Court will, without considering itself obliged to give reasons, decline to give such advice or opinion where, in the opinion of the Court, it is inadvisable to do so.
- (d.) Parties who are unwilling to seek or concur in seeking an opinion under these rules may resort to a test case in the ordinary way.
- (e.) The Court may refuse to consider itself bound by any opinion so given, even in the matter so submitted, if the Court is satisfied that it has not been fully informed, or that the matter affects parties other than those immediately interested, or where the asking for and obtaining of such opinion has a tendency to defeat or avoid penalties which ought not to be avoided, or to protect parties from the consequences of wilful breaches.

PROCEDURE.

2. An Inspector of Awards desiring to obtain an interpretation of an award or industrial agreement shall file with the Clerk of Awards for the industrial district in which the award or industrial agreement in question has been filed four (4) copies of the application for interpretation, which shall be in the form prescribed in the Schedule hereto (Form I.C.—G 2), and shall be headed "Inspector's Application for Interpretation." To each such copy the Inspector shall attach a typewritten copy of the views and contentions (if any) of the parties concerned, and also a typewritten copy of his own views and contentions (if any). The Clerk of Awards shall thereupon immediately forward to the Court three (3) copies of such application, and shall file the remaining copy. No filing fee shall be payable in respect of any such application by an Inspector of Awards.

3. Parties to an award or industrial agreement, as the case may be, who desire to obtain an interpretation thereof shall file four (4) copies of their application in the manner prescribed by Rule 2 hereof, and the party filing the same shall pay to the Clerk of Awards a filing fee of 3s. in respect of each application so filed. Such application shall be in the form prescribed in the Schedule hereto (Form I.C.—G 3), and shall be headed "Application by Parties for Interpretation." The Clerk of Awards shall thereupon immediately forward to the Court three copies of such application.

4. An application for interpretation may be initiated by any party to an award or industrial agreement, but it is necessary