

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 15 March, 1918.*

New South Wales.



ANNO OCTAVO

GEORGI V REGIS.

Act No. 16, 1918.

An Act to amend the law for the regulation of the conditions of industries and industrial arbitration; to provide for the establishment of a Board of Trade; to provide for the better organisation of the labour market; to modify the provisions for the repression of lock-outs and strikes; to establish special and deputy Courts of Industrial Arbitration; to provide for secret compulsory ballots in certain cases; to enlarge the powers of trade unions, and to extend the rights and responsibilities of their members; to amend the Industrial Arbitration Act, 1912, the Industrial Arbitration (Amendment) Act, 1916, the Trade Union Act, 1881, the Apprentices Act, 1901, and the Apprentices (Amendment) Act, 1915, and certain other Acts; and for purposes consequent thereon or incidental thereto. [Assented to, 22nd March, 1918.] BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

DANIEL LEVY,
Chairman of Committees of the Legislative Assembly.

Industrial Arbitration (Amendment).

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1918," and shall be construed with the Industrial Arbitration Act, 1912, hereinafter referred to as the Principal Act, and the Industrial Arbitration (Amendment) Act, 1916.

Amendment
of s. 5.
Definitions.

2. Section five of the Principal Act is amended as follows:—

- (a) in the definitions of "Apprentice" and "Improver" omit the word "twenty-one" and insert the word "twenty-two";
- (b) in the definition of "Employer" after "includes" insert the words "the Crown (except as to any employees employed under the Public Service Act, 1902, and the Police Regulation Act, 1899, or any statute passed in substitution for or amendment of the same)";
- (c) insert at the end of paragraph (a) of the definition of "industrial matters" the words "and the question whether piece-work or contract work or any other system of payment by results shall be allowed, forbidden, or exclusively prescribed in and for an industry or calling, and whether monetary allowance shall be made by employers in respect of standing back or waiting time";
- (d) insert after the definition of the word "Magistrate" a further definition to read as follows:—
"Managerial position" means the position of an employee who is principally engaged in the direction and control of other employees.

Amendment
of s. 8 (3).
Registration.

3. (1) Subsection three of section eight of the Principal Act is amended by omitting the words "or if it appears that another trade union to which the members of the applicants' union might conveniently belong has already been registered as an industrial union," and by inserting the words "or to the extent to which

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which in his opinion the interests under this Act of persons represented by the applicant union may be protected by a previously registered industrial union which has not since the passing of the Industrial Arbitration (Amendment) Act, 1918, taken part in, aided, or abetted an illegal strike."

(2) Within six months after the passing of this Act the Minister may, with the concurrence of the senior judge of the court, direct that one or more or all of the unions which suffered cancellation of registration as industrial unions at the hands of the court for complicity in the general strike of the year one thousand nine hundred and seventeen, shall be reinstated as industrial unions, and upon a notification by him to such effect being filed in the office of the registrar, any union affected by such notification shall be deemed to be a registered industrial union. The concurrence of the senior judge shall be obtained by application in open court, and any union registered in the same industry as the union with respect to which the application is made shall have notice of the application, and shall be entitled to appear thereon.

Reinstatement of industrial unions.

(3) Section ten of the Principal Act is amended by omitting the words "with the consent of all other parties bound by such award or industrial agreement."

Amendment of s. 10.

4. The following new sections are inserted next after section thirteen of the Principal Act:—

New sections.

13A. The court may elect to sit with assessors representing the interests of each of the parties before it. Such assessors shall be appointed by the court from persons nominated as prescribed.

Court may sit with assessors.

The court may commit to such assessors sitting without a judge for determination or for consideration and report any issue of fact or the items of any log of prices or other basis for the payment of work by results or any other matter prescribed.

13B. The court shall when sitting for the hearing and determination of applications, references, and other matters exclusively affecting the Crown as employer or affecting persons exclusively employed in

Special court for Crown matters.

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in any industry by the Crown or by any Minister, trust, commission, or board exercising executive or administrative functions on behalf of the Government, including the Railway Commissioners for New South Wales, Metropolitan Meat Industry Board, Sydney Harbour Trust Commissioners, Board of Water Supply and Sewerage, Water Conservation and Irrigation Commission, The Board of Fire Commissioners of New South Wales, and the Hunter District Board of Water Supply and Sewerage, or by the employees of any city, shire, or municipal council, sit as a special court with assessors appointed as prescribed in the last preceding section.

Special court:
coal mining.

13C. The court shall, when sitting for the hearing and determination of applications, references, and other matter affecting employers and employees in the coal-mining industry, sit as a special court with assessors appointed in the same manner as prescribed in section 13A of this Act.

Deputy
court.

13D. The Governor may, from time to time, proclaim districts of the State in and in respect of which the powers and jurisdiction of the court may, subject to general or special orders of the court made in that regard, be exercised by a deputy court to be constituted by a judge or a chairman nominated by the court and appointed by the Governor with or without assessors appointed in the same manner as is prescribed in section 13A of this Act.

Appeal from
single judge.

13E. The senior judge may grant to any party affected by an award of the court made by a single judge (with or without assessors) the right to appeal against such award to the court to be constituted by three judges, and the court, on the hearing of such appeal, may vary any such award as it thinks fit.

Application
of certain
sections to
assessors.

13F. The provisions of sections nineteen, twenty-two, and twenty-three of the Principal Act shall apply, mutatis mutandis, to assessors of the court and of a deputy court.

Industrial Arbitration (Amendment).

5. Section twenty-four of the Principal Act is amended as follows:—

- (a) The following words are inserted at the end of subsection (1) (a): "Provided that no award shall be made for the payment of wages or remuneration of persons occupying managerial positions except by the special court for Crown matters exercising jurisdiction under section 13B of this Act or of any wages or remuneration in excess of ten pounds per week."

The following words are added to subsection (1) (b): "Provided that after the first day of October, one thousand nine hundred and eighteen, the hours for cessation of employment of persons employed in shops coming under the provisions of the Early Closing Act, 1899, and the Acts amending the same shall be the hours fixed by such Acts for the closing of such shops."

- (b) Strike out of subsection (1) (g) the words "to members of any industrial union of employees over other persons offering their labour at the same time, other things being equal" and substitute the words "to the members of any trade union or industrial union of employees upon such terms and conditions as the court may prescribe so long as the members thereof shall not after the passing of the Industrial Arbitration (Amendment) Act, 1918, have taken part in, aided or abetted any illegal strike."
- (c) The following words are added after the word "Industrial" in the proviso to subsection (1) (g) of section twenty-four of the Principal Act: "or trade".

6. Insert after section twenty-four of the Principal Act the following sections:—

24A. (1) The court or a board may in prescribing minimum wages fix the quantity of work or services to be done.

(2)

Court or Board may fix quantity of work to be done.

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(2) Whenever an award relating to any skilled occupation fixes minimum wages higher than the living wage, the amount of the excess of such minimum wages above the living wage shall be the same in the case of males and females doing the same class of work.

(3) The court or a board shall, as far as is consistent with the maintenance of industrial peace, deal only with wages and hours of employment, leaving all other matters to shop committees, conciliation committees, industrial councils, or voluntary committees formed for the purpose of adjusting the industrial relationship of employer and employee. A judge or deputy judge of the court may act as the chairman of any industrial council.

Employees
in rural
industries.

24B. All employees engaged in rural industries shall be entitled to be paid the living wages declared in their regard by the Board of Trade, but with the exception of employees whose conditions of employment have been regulated by any award, shall not be otherwise subject to the provisions of this Act.

Amendment
of s. 25.

7. Section twenty-five of the Principal Act is amended by omitting the word "on" where first occurring therein and inserting in its place the words "fourteen days after," and by adding at the end of subsection one thereof the words "and after such period until varied or rescinded by the board."

Repeal of s. 26.

8. Section twenty-six of the Principal Act is repealed, and the following section is inserted in its place:—

Wages of
Government
employees.

26. The court or an industrial board shall not fix rates of wages for persons employed by the Crown, the Railway Commissioners for New South Wales, the Sydney Harbour Trust Commissioners, the Board of Water Supply and Sewerage, the Water Conservation and Irrigation Commission, the Board of Fire Commissioners of New South Wales, the Metropolitan Meat Industry Board, and the Hunter District Board of Water Supply and Sewerage, less than those paid to other employees not employed by the Government or its departments doing substantially

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substantially the same class of work, but the fact that employment is permanent or that additional privileges are allowed in the service of the Government or its departments shall not of itself be regarded as a substantial difference in the nature of the work.

9. Section twenty-seven of the Principal Act is Amendment of s. 27. amended by adding thereto the following subclause:—

(6) Any such permit for a period not exceeding Permits. three months may be issued by any inspector or other person appointed by the Minister.

10. Section twenty-nine of the Principal Act is Amendment of s. 29. amended by adding at the end thereof the words “and after such period until varied or rescinded by the board.”

11. The heading to Part V of the Principal Act is Amendment of heading to Part V and s. 38. amended by substituting the word “industrial” for the word “colliery” therein, and section thirty-eight of the Principal Act is amended by substituting the word “industrial” for the word “colliery” wherever therein occurring; section thirty-nine is amended by the omission of subsection two, and section forty is amended by omitting the words “in connection with coal-mining or metalliferous mining as the case may be.”

12. Section forty-two of the Principal Act is Amendment of s. 42. amended by omitting the word “five” and inserting the word “one.”

13. Section forty-three of the Principal Act is Amendment of s. 43. Special Commissioner. amended by inserting after the word “strike” the words “or where a strike has occurred” and by omitting the words “and either no board has been constituted which would have jurisdiction in the matter or he is of opinion that a preliminary or temporary agreement should be made before the matter is submitted to a board”.

14. Section forty-four of the Principal Act is Amendment of s. 44. Lock-outs. amended by inserting after the word “acts” the words “unless the employees working in the industry concerned are taking part in an illegal strike.”

15.

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Repeal of sec.
45-48 and
substituted
sections.

15. Sections forty-five to forty-eight inclusive of the Principal Act are repealed, and the following sections are inserted in place of them :—

Illegal
strikes.

45. The following strikes and no others shall be illegal :—

- (a) Any strike by employees of the Crown or of any Minister, trust, commission, or board exercising executive or administrative functions on behalf of the Government of the State (including the Railway Commissioners for New South Wales, the Sydney Harbour Trust, the Board of Water Supply and Sewerage, the Water Conservation and Irrigation Commission, the Board of Fire Commissioners of New South Wales, the Metropolitan Meat Industry Board, the Hunter District Board of Water Supply and Sewerage) or by the employees of any city, shire, or municipal council or of a statutory board or committee representing the interests in any combination of shires or municipalities, or by employees engaged in any contracts for military or naval purposes.
- (b) Any strike by the employees in an industry, the conditions of which are for the time being wholly or partially regulated by an award or by an industrial agreement: Provided that any union of employees may render an award which has been in operation for a period of at least twelve months no longer binding on its members by the vote of a majority of its members at a secret ballot taken in accordance with the provisions for ballots contained in this Act and the regulations thereunder in which not less than two-thirds of the members of such union take part.

(c)

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- (c) Any strike which has been commenced prior to the expiry of fourteen clear days' notice in writing of intention to commence the same, or of the existence of such conditions as would be likely to lead to the same given to the Minister by or on behalf of the persons taking part in such strike.

46. In the event of an illegal strike occurring in any industry, the court may order any trade union, whose executive or members are taking part in or aiding or abetting the strike, to pay a penalty not exceeding five hundred pounds. Penalty for illegal strike.

47. It shall be a defence in any proceedings for an order or direction under the last preceding section that the union by the enforcement of its rules and by other means reasonable under the circumstances endeavoured to prevent its members from taking part in or aiding or abetting or continuing to take part in, aid or abet the illegal strike. Defence to proceedings for illegal strike.

48. (1) The Minister may at any time or from time to time during the progress of any strike, or whenever he has reason to believe that a strike is contemplated by the members of any industrial or trade union, or association of employees, direct that a secret ballot or secret ballots of such members or employees shall be taken in the manner prescribed for the purpose of determining whether a majority of such members or employees is or is not in favour of the institution or continuance respectively of the strike. Secret ballot when strike contemplated.

(2) Where the Minister has made a direction for the taking of a ballot he shall—

- (a) appoint a returning officer and all necessary deputy returning officers, who shall have power to supervise, direct, and control, subject to the provisions of this Act and the regulations thereunder, all arrangements for the taking of such ballot; and
- (b) appoint a sufficient number of scrutineers, who shall be officers or members of the union or association affected.

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Additional powers of court to take evidence.

48A. The court shall for the purpose of this Act have all the powers of a Royal Commission under the Royal Commissioners Evidence Act, 1901, or any Act passed in substitution for or amendment of that Act.

Penalties for illegal strike or obstructing ballot.

48B. If any person—

- (i) aids or instigates an illegal strike; or
- (ii) obstructs the taking of a ballot under this Act; or
- (iii) counsels persons who are entitled to vote at such ballot to refrain from so voting; or
- (iv) being an officer of a union or association refuses to assist in the taking of such a ballot by acting as a scrutineer or providing for the use of the returning officer and his assistants such registers and other lists of the members of the union or association as the returning officer may require or otherwise; or
- (v) directs or assists in the direction of an illegal strike or acts or purports to act upon or in connection with a strike committee in connection with an illegal strike;

he shall be deemed guilty of a default of public duty, and upon being so found by the court shall be liable to a penalty not exceeding fifty pounds or imprisonment for a period not exceeding six months.

Penalty for newspaper publishing matter encouraging strike.

48C. The proprietor and publisher of any newspaper which advises, instigates, aids or abets an illegal strike, shall for each offence be liable to a penalty not exceeding one hundred pounds.

Penalty for illegal picketing.

48D. Any person who induces or attempts to induce any person to take part in an illegal strike shall be liable to a penalty not exceeding ten pounds or to imprisonment, with or without hard labour, for a term not exceeding one month.

Penalty for declaring any commodity black.

48E. (1) No person or trades union shall, during the currency of any strike, do any act or thing to induce or compel any person to refrain from handling

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handling or dealing with any article or commodity in the course of transit thereof or in the process of the manufacture, sale, supply, or use thereof.

(2) The penalty for any breach of this section shall as against any trades union be a sum not exceeding one hundred pounds and as against any individual a sum not exceeding ten pounds, or imprisonment for a period not exceeding one month.

16. Section forty-nine of the Principal Act is amended by adding the following subsection:—

(5) Any person who enters into a contract with a contractor for the carrying out by the contractor of any work involving the payment of wages shall be liable for the payment of such wages unless upon final payment made by him to the contractor in relation to the contract he receives a statement in writing signed by the contractor that no wages are due and owing by the contractor in respect of the work at the time of such payment. Any person who knowingly makes or signs a false statement that no wages are due or owing by him in respect of any work shall be liable to a penalty of one hundred pounds or to imprisonment for not more than six months.

17. The following Part No. VIIA is inserted next after section fifty-two, and shall be deemed to be included as a separate Part of the Principal Act:—

PART VIIA.

TRADES UNIONS.

52A. (1) Section seven of the Trade Union Act of 1881 is repealed.

(2) A trade union shall have power to apply and use the moneys and other property of the union for or in connection with any lawful object or purpose for the time being authorised by its rules, and without limiting the generality of this provision may—

(a) acquire, purchase, take on lease, hold, sell, lease, mortgage, exchange, and otherwise own

Amendment
of s. 49.

Recovery of
wages.

New sections.

Repeal of
s. 7 of Trade
Union Act.

Powers of
trade union
with regard
to its funds.

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own, possess, and deal with in the names of the trustees for the time being of such union any real or personal property (including shares in any registered company, whether registered in New South Wales or not), and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire whether the trustees have authority for any sale, exchange, mortgage, or letting, and the receipt of the trustees shall be a discharge for the money arising therefrom ;

- (b) subject to the provisions of the next succeeding subsection hereof apply to the court or to any District Court or Court of Petty Sessions having jurisdiction in the locality for and obtain an order directing the payment by any of its members of any fine, levy, penalty, call, or subscription in pursuance of the rules of the union ;
- (c) provide for the application of its money and property to the furtherance of political objects so long as rules of the union are in force providing—
 - (i) that any payments in the furtherance of such objects are to be made out of a separate fund ;
 - (ii) that contribution to such separate fund shall not be a condition of admission to or membership of the said union ;
 - (iii) that a member who does not contribute to such separate fund shall not be excluded from any benefits of the union or placed under any disability or at any disadvantage as compared with other members of the union by reason of his failure to so contribute.

(3) The expression "political objects" in the last preceding subsection means the payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election to Parliament or to any public office, before, during,

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during, or after the election in connection with his candidature or election; or the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or the maintenance of any person who is a member of Parliament or who holds a public office; or the registration of electors, or the selection of a candidate for Parliament or any public office; or the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind, unless the main purpose of the meeting or of the distribution of the literature or documents is the furtherance of the objects set out in the definition of "Trade Union" in section thirty-one of the Trade Union Act of 1881, or the maintenance and publication of a newspaper other than a non-political trade journal.

(4) The expression "public office" in the last preceding subsection means the office of member of any shire or municipal council, or the Municipal Council of Sydney, or of any public body which has power to raise money, either directly or indirectly, by means of a rate.

52B. The provisions of the last preceding section shall apply to a union which is in whole or in part an association or combination of other unions, as if the individual members of the component unions were the members of that union and not the unions.

Application
of last preced-
ing section to
unions.

52c. If any member of a trade union alleges that he is aggrieved by a breach of any rule relating to any of the matters mentioned in section 52A subsection (2) (b) of this Act, he may complain to the court, which court, after giving the complainant and any representative of the union the opportunity of being heard, may, if it considers that such a breach has been committed, make such an order for remedying the breach as it thinks just under the circumstances, and any such order shall be binding and conclusive on all parties without appeal.

Right of
appeal.

52D.

Industrial Arbitration (Amendment).

Attachment
of union
funds.

52D. No such separate fund established for political purposes or any property in which such fund may be invested shall be liable to attachment in the enforcement of any order for payment of any penalty made against the union.

Powers of
court to
enforce
certain
agreements.

52E. The court may entertain and adjudicate upon any legal proceedings instituted for the purpose of directly enforcing or recovering damages for a breach of any of the following agreements:—

- (a) The constitution or rules of the trade union.
- (b) Any agreement between members of a trade union as such concerning the conditions on which any members for the time being of the trade union shall or shall not sell their goods, transact business, employ or be employed.
- (c) Any agreement for the regulation of any business or industry as between employers and employees made by a trade union with an employer or employers.
- (d) Any agreement made between one trade union and another; or
- (e) Any bond to secure the performance of any of the above mentioned agreements.

Provided that such agreements shall be in writing, and that copies of them, verified as prescribed, shall have been filed with the court.

Powers of
court.

52F. For the purpose of exercising the jurisdiction and powers conferred upon it by this part the court shall have all the powers of the Supreme Court and shall hear and determine according to equity and good conscience all questions arising for its determination hereunder and the judgment of the court upon such questions shall have force and effect as judgments, orders, or decrees of the Supreme Court in its common law or equitable jurisdiction according to the substance thereof, and shall be so recorded by the Prothonotary of the Supreme Court or Master in Equity as the case may require.

52G.

Industrial Arbitration (Amendment).

52G. Where any trade union fails within the time prescribed by the court to pay any penalty imposed by the court the trade union shall be wound up. The court shall appoint a receiver of the assets of the trade union, who shall forthwith proceed to collect such assets and wind up the union's affairs, and shall, after paying the costs, charges, and expenses of the winding-up, pay the penalties due to the Crown and other debts of the trade union and thereafter shall distribute the residue of such proceeds amongst the persons including members of the union who appear to be entitled to the same.

Enforcement
of order of
court
imposing
penalty.

Any receiver so appointed shall, in respect of the property and affairs of the union, have all the powers, rights and duties of a liquidator in the voluntary winding-up of a company under the Companies Act, 1899.

52H. After service of an order for the payment of any penalty by any trade union it shall not be lawful for any bank, corporation, company, or person, whether as principal or agent, to account for or cash cheques, or orders on the funds or account of the union, or to deal in any way with its property, or to lend moneys to the union except at the direction of the receiver appointed by the court; and any person who with knowledge or notice of any such order receives, expends, or otherwise deals with such funds or property, except in accordance with an order of the court shall be liable to make good to the receiver any loss occasioned to the assets of the union by the receipt, expenditure, or dealing, and to a penalty not exceeding five hundred pounds.

Penalty :
stop-order.

Provided that any person, bank, or corporation shall be relieved of all liability under this section on publication in the Government Gazette of a notice to that effect under the hand of the Minister.

52I. (1) All persons who are, by the nature of their occupation or employment, of the class of which a trade union is constituted, and who are not of general bad character, shall be entitled to be admitted

Persons
entitled to
membership
of union.

Industrial Arbitration (Amendment).

admitted to membership of the union, and to remain members thereof and enjoy all advantages of membership so long as they shall comply with the rules of the union.

(2) Any question or dispute as to the character of any applicant or the reasonableness of any admission fee, subscription, fine or levy or other requirements of the rules of any trade union, shall be determined by the court, which shall also have power to direct that the rules of a trade union shall be altered or annulled in any particular in order to bring them into conformity with what it declares to be reasonable in the circumstances, and upon any such direction being given the rules affected shall be deemed to have been altered or annulled accordingly.

Illegal rules.

52J. No trade union shall register any rule which is contrary to any term or provision of an award.

Returns by trade unions.

52K. Every trade union shall within three months of the passing of this Act and thereafter annually make returns to the Registrar of Trade Unions with respect to its rules, the names and the addresses recorded in the books of such trade union of its members and the persons occupying executive and other offices in the union in the manner and at the times prescribed; and the court may order any union which fails to make full and proper returns as aforesaid, or to amend its rules in accordance with any order made by the court, or to admit to membership any person whom the court declares is entitled to such admission to pay a penalty not exceeding one hundred pounds.

Amendment of s. 68.

18. Section sixty-eight of the Principal Act is amended—

Time-sheets and pay-sheets.

(a) by omitting from subsection one thereof the words "and at the place where his employees in such industry are working" and inserting in their place the words "at the workshop or factory where he carries on his business";

(b)

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- (b) by omitting from subsection two thereof the words "at the place where the industry is carried on" and inserting in their place the same words as inserted in the said subsection one.

19. Section sixty-nine of the Principal Act is repealed. Repeal of s. 69.

20. Section seventy-two of the Principal Act is amended by the omission of the words "Act and the Clerical Workers Act, 1910," and the substitution therefor of the words "and the preceding Parts of this Act." Amendment of s. 72.

21. The following Parts are inserted next after section seventy-three, and shall be deemed to be included as separate Parts of the Principal Act:— New sections.

PART IX.

THE BOARD OF TRADE.

74. There is hereby constituted a body corporate to be known as "The New South Wales Board of Trade," which shall have perpetual succession and a common seal. The Board of Trade.

75. (1) The Board of Trade shall comprise a president, and four commissioners. Constitution of Board.

(2) The Minister shall be an associate commissioner of the Board of Trade, and may take part in its deliberations, but shall not cast a vote in connection with the determinations of the board.

(3) The president shall have a casting as well as an original vote upon any proceedings of the board in connection with which the vote taken is otherwise equally divided.

(4) The president shall sit with the Board of Trade whenever it is exercising the powers and functions conferred upon it by sections 79 and 80 of this Act.

76. The Governor shall, as soon as practicable after the passing of this Act, make all necessary appointments to the Board of Trade; the members of such Board of Trade, other than the president and the Minister, shall be paid such fees or salaries and allowances as may be prescribed; and such fees or salaries and allowances shall become a charge upon the Consolidated Revenue. Appointment of Commissioners.

Industrial Arbitration (Amendment).

Period of
appointment.

77. (1) The members of the Board of Trade shall be appointed for a period of five years, provided that any member may be suspended from office for misbehaviour or incapacity.

(2) The Minister shall, within seven days after the suspension of any member of the Board of Trade, if Parliament is then sitting, or if Parliament is not then sitting, within seven days after the next meeting of Parliament, cause to be laid before both Houses of Parliament a full statement of the grounds of suspension. A member who has been suspended shall be restored to office unless each House of Parliament, within forty days after the statement has been laid before it in the same session, pass an address praying for his removal on the grounds of proved misbehaviour or incapacity.

Casual
vacancies.

78. On the happening of any vacancy in the office of Commissioner of the Board of Trade the Governor shall appoint a person to fill the vacant office.

In the case of illness, absence, or suspension of any Commissioner of the Board of Trade the Governor may appoint a person to act as a deputy-commissioner during such illness, absence, or suspension, and the deputy so appointed shall have all the powers and perform all the duties of the position.

Living wage.

79. (1) The Board of Trade shall from year to year after public inquiry as to the increase or decrease in the average cost of living declare what shall be the living wages to be paid to adult male employees and to adult female employees in the State or any defined area thereof. In declaring such living wages the Board of Trade shall make a separate public inquiry into the cost of living of employees engaged in rural occupations, and shall make a separate declaration as to the living wages to be paid to such employees and shall declare what deductions may be made from such wages for board or residence or board and residence—and for any customary privileges or payments in kind conceded to or made to such employees.

(2) No industrial agreement shall be entered into and no award made for wages lower than such living wages.

(3)

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(3) Any aged, infirm, or slow worker engaged in any rural occupation who may deem himself unable to earn the living wages declared by the Board of Trade may apply to the registrar or to any person appointed by such board for a permit in writing to work for less than the living wage. Copies of all such permits shall be forwarded to the registrar, who may at any time cancel or amend the same.

80. Notwithstanding the provisions of the Apprentices Act, 1901, the Apprentices (Amendment) Act, 1915, and this Act, and notwithstanding the effect of any custom of or against apprenticeship, the Board of Trade shall—

Functions of
Board of
Trade.

- (a) determine in what occupations and industries apprenticeship shall be a condition of employment of minors ;
- (b) prescribe the hours of employment, wages, and conditions of apprenticeship ;
- (c) determine whether and to what extent there shall be a limitation of the number of apprentices indentured in any trade or calling ;
- (d) determine to what extent technical education if procurable shall be obligatory upon apprentices and their masters ;
- (e) co-operate with the Department of Education in encouraging young persons to attend technical, trade, and continuation schools ;
- (f) establish and maintain an apprenticeship register and record therein all indentures or other contracts of apprenticeship, and protect the contracts and interests of apprentices and all workers of minor age who are learners, and ensure the attendance of apprentices and learners at technical or trade schools ;
- (g) prescribe standard forms of apprenticeship for different trades and callings, and the manner in which and the persons by whom the making, carrying out, and transfer of indentures or other contracts of apprenticeship shall be supervised ;
- (h) control and direct the conditions in all respects of apprenticeship in any industry.

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Powers of
Board of
Trade.

81. (1) Upon the exercise by the Board of Trade of the powers and functions specified in the two preceding sections the Governor may make regulations incorporating the determinations and directions of such board and any matters necessary or convenient to be prescribed for carrying such determinations and directions into effect.

(2) Upon the publication of any such regulations the provisions of awards relating to the matters dealt with by the Board of Trade shall cease to have effect.

Further
powers of
Board of
Trade.

82. The Board of Trade is further empowered to exercise the following functions and perform the following duties :—

- (a) To encourage and create councils of employers and employees for the purpose of encouraging the proper apprenticeship of all minors and provide for the welfare of juvenile labour.
- (b) To acquire and disseminate knowledge on all matters connected with industrial occupations with a view to improving the industrial relationship between employers and workers and to combat the evils of unemployment.
- (c) To collect and publish information relating to or affecting industrial conditions.
- (d) To propound schemes for welfare work, and report to the Governor on all matters relating to such work and to the insurance of employees against loss or injury caused by unemployment, sickness, or accident, or industrial diseases.
- (e) To report on any matter referred to as to the prices of commodities, and as to whether or not monopolies or trade rings exist for the purpose of unfairly keeping up the prices of commodities.
- (f) To investigate and report on the existence of sweating in an industry.
- (g) To report upon the productivity of industries, the number of employees in any industry, and the effect or probable effect of the regulation of the conditions of any industry upon such productivity.

(h)

Industrial Arbitration (Amendment).

- (h) To consider and report upon the industrial efficiency of the community, the organisation of the labour market and opportunities of employment, and all questions relating to unemployment.
- (i) To collect and publish from time to time statistics of vital, social, and industrial matters, and on labour employment and unemployment in specific industries, and on other prescribed matters.
- (j) To encourage and assist in the establishment in different industries of mutual welfare committees and industrial councils, and of subsidiary shop committees for individual enterprises.
- (k) To encourage and assist schemes for mutual co-operation and profit sharing between employers and employees.
- (l) To encourage and assist in the establishment of hostels for women workers and workmen's clubs and libraries.
- (m) To report and advise on schemes for the better housing of the people.
- (n) To consider and report upon any other matter referred to it by the Minister.

83. The Board of Trade shall, in investigating any matter for the purposes of this Act, have all the powers of a Royal Commission under the Royal Commissioners' Evidence Act, 1901, or any Act passed in substitution for or any amendment of that Act.

Board to have powers of Royal Commission.

84. For the purpose of enabling the statistics referred to in this Act to be collected, all prescribed persons shall to the best of their knowledge and belief when required by the Board of Trade so to do, fill up and supply in accordance with the instructions contained in or accompanying the prescribed form, the particulars specified in that form.

Collection of statistics.

85. Every person shall to the best of his knowledge and belief answer all questions asked him by the Board of Trade, or by its duly authorised officers, necessary to obtain any information required for the purpose of any statistics authorised by this Act to be collected.

Information to be supplied.

Industrial Arbitration (Amendment).

Power of one or more members. 86. The Board of Trade is authorised to appoint any one or more of its members to conduct inquiries into specified matters.

Secrecy of board. 87. Each member of the Board of Trade shall upon his appointment take an oath not to disclose (except so far as may be necessary in the execution of his duties as such member) any matter or evidence before the board relating to trade secrets, or the financial position of any person, or the contents of any books or documents produced before the board, and if he violates his oath he shall be liable to a penalty not exceeding five hundred pounds, and on conviction for such offence he shall cease to be a member.

General rules. 88. The Governor may, subject to this Act, make general rules—

- (a) regulating the practice, procedure, and forms under this Part of this Act ;
- (b) prescribing the powers, duties, and rights of any officer of the Board of Trade ;
- (c) for the making and enforcement of any orders made under this Part of this Act ;
- (d) regulating the distribution of business between the members of the Board ;
- (e) providing for the payment of witnesses expenses ; and
- (f) generally for giving effect to the provisions of this part of the Act and the rules made thereunder, and may by such regulations impose penalties not exceeding fifty pounds for any breach thereof.

Penalty. 89. Any person who hinders or obstructs the board or any member or officer thereof in the exercise of any power conferred by this Act shall for every such offence be liable to a penalty not exceeding fifty pounds.

Industrial Arbitration (Amendment).

PART X.

THE ORGANISATION OF THE LABOUR MARKET.

DIVISION 1.—*State Labour Exchanges.*

90. The Minister shall establish, maintain, and conduct in the manner prescribed, in Sydney, and in such other places as he thinks fit, free employment agencies which shall be known as State Labour Exchanges. Establishment of State Labour Exchanges.

91. The functions of the State Labour Exchanges shall be to bring together intending employers and persons seeking employment; to make known the opportunities for employment and self-employment in the State; to encourage minors and others to undertake training in skilled employments; to provide industrial or agricultural training for vagrants and other persons unsuited for ordinary employments; and to carry out any other duties prescribed. For any of the above purposes a State Labour Exchange may co-operate with and assist any other labour exchange or licensed private employment agency. Duties of such exchanges.

92. (1) The Minister may authorise a State Labour Exchange to make advances by way of loan towards meeting the expenses of persons seeking to avail themselves of opportunities of employment in localities distant from those in which they find themselves. Advances to meet expenses of travelling to work.

(2) When any such advance has been made, the Minister may order that the amount of such advance shall be a charge on any moneys which are then, or which may thereafter be due to the person to whom such advance is made from his then or future employer, for wages or in respect of work done. On the making of any such order, the employer for the time being of such person, or any employer who shall not have discharged his indebtedness to such person, shall on being notified of such order pay such moneys to the Minister, when and as they become due and payable, in satisfaction of the charge imposed by the order.

(3) Such order may be for the repayment of the amount of such advance in one sum or by such instalments as the Minister may direct. (4)

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(4) No charge upon, or assignment of his wages, or moneys in respect of work done, or to be done, whenever or however made by any such person shall have any force whatever to defeat or affect any such order and such order shall have effect as if no such charge or assignment existed.

Penalty for obtaining loan by fraud. 93. (1) Any person obtaining or attempting to obtain under false pretences, or by means of any other fraud or deceit, an advance by way of loan, under the last preceding section, shall be guilty of a misdemeanour. Penalty, ten pounds, or imprisonment not exceeding six months.

Penalty for false statement. (2) If any person makes any wilfully false statement or false representation to any officer in superintendence of a State Labour Exchange, or to any person acting for or for the purposes of any such labour exchange, with intent to obtain employment or to procure labour in preference to others, or harass or molest others, he shall be guilty of a misdemeanour. Penalty, ten pounds, or imprisonment not exceeding six months.

(3) If any person knowingly—
 (a) sends, delivers, or causes to be sent or delivered to any officer any writing which purports to be signed or sent by any other person without such person's authority or in the name of any fictitious person; or
 (b) makes, sends, or delivers any written communication which purports to be a communication from any Government Department or any officer thereof, and which is not so in fact, he shall be guilty of a misdemeanour. Penalty, ten pounds, or imprisonment not exceeding six months.

DIVISION 2.—*Private employment agencies.*

Persons carrying on private employment agencies to be licensed. 94. A person shall not, after the passing of this Act open, or carry on for profit any agency for procuring or assisting to procure employment or labour or any business having as one of its purposes the bringing together of intending employers and persons seeking employment

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employment, unless he is the holder of a license under this Part of this Act. Every such license shall be in the form prescribed, and shall, subject to the provisions of this Act, remain in force for one year from the date thereof, but may be renewed.

Such license, together with a copy of this section, shall be posted in a conspicuous position in the place in which the agency or business to which it relates is carried on.

95. (1) Application for the issue or renewal of such license shall be made to the Minister in the form and in the manner prescribed, and shall be accompanied by the prescribed fee. Application for license.

(2) The Minister may refer the application to a magistrate for inquiry as to whether the applicant is from his character or previous conduct a fit person to hold a license under this Part of this Act. A license shall not be issued or renewed unless the Minister or such magistrate determines that the applicant is a fit person to hold the license. Reference for inquiry.

The magistrate shall for the purposes of any such inquiry and determination have the same powers as if he were sitting in a court of petty sessions, and the inquiry were a matter for hearing and determination therein.

The applicant and all persons who in the manner prescribed notify their objection to the issue or renewal of the license shall have notice of such inquiry and shall be entitled to be heard thereat, personally or by counsel, attorney, or agent. There shall be an appeal as prescribed by way of rehearing from the decision of a magistrate to the court.

96. It shall be the duty of every holder of a license under this Part of this Act to keep as prescribed— Licensee to keep registers.

- (a) a register in which shall be entered the age, sex, trade or occupation, name and address of every person who applies to such licensee for employment, and pays a fee in respect of his application, and the name and nature of the employment required by him; and

(b)

Industrial Arbitration (Amendment).

- (b) a separate register in which shall be entered the name and address of every person who so applies for labour, and pays a fee in respect of his application, and the name and nature of the employment which he offers;
- (c) a further separate register of all engagements made by or through such licensee; and
- (d) the originals of all letters received by such licensee, or by his agents or servants in connection with his agency or business during the next preceding two years.

Such registers and letters shall, at all reasonable hours, be open to the inspection and examination of any officer appointed by the Minister for the purpose.

Scale of fees.

97. The scale of fees chargeable by and payable to licensees in respect of agencies or businesses to which their licenses relate shall be as prescribed, and the said scale of fees shall be posted, and kept posted, in some conspicuous place in the premises in which such agencies or businesses are carried on so as to be seen by all persons entering such premises.

No fees to be received except those prescribed.

98. (1) A licensee shall not, directly or indirectly—

- (a) demand or receive for or in respect of the registration or engagement of any person any greater or other fees than those prescribed;
- (b) take or accept any goods or chattels in payment, or as security for the payment of the prescribed fees, or receive or accept any reward or other consideration in addition to the said fees;
- (c) give or pay to any employer, or to the foreman or agent of any employer, for or in respect of the hiring of any employee any share or part of the prescribed fees; nor shall any employer, foreman, or agent, directly or indirectly take or receive from a licensee any share or part of such fees;
- (d) keep as lodgers any persons seeking employment, or have any share or interest in the keeping of a lodging-house for such persons.

Licensee not to share fees with employer.

Licensee not to keep as lodgers any persons seeking employment.

(2)

Industrial Arbitration (Amendment).

(2) Any sum of money or any goods or chattels received, taken, accepted, given or paid in contravention of the provisions of the preceding subsection may, notwithstanding that a penalty for such contravention may be enforced, be ordered by a magistrate to be forfeited to the Crown, or if such money, goods, or chattels shall have been exacted under duress exercised by the person receiving or taking the same to be repaid or redelivered to the person from whom the exaction has been made.

(3) The fact that any member of the licensee's household keeps any such persons as lodgers, or keeps any lodging-house for such persons, shall be prima facie evidence that the licensee so keeps such persons or has an interest in the keeping of such lodging-house as aforesaid.

(4) Every contract or agreement made between any licensee or member of his household and any other person relating to the keeping as lodgers of persons seeking employment, or to the keeping of a lodging-house for such persons, shall be illegal and void for all purposes.

99. Where any person who applies for employment or for labour has paid to any licensee a registration fee and such person does not obtain employment or labour through such licensee within fourteen days after registration as aforesaid, then the licensee shall upon demand repay and return to such person the fee so paid, less any out of pocket expenses incurred by the licensee in respect of such person: Provided that such demand shall be made within thirty days after the expiration of the period aforesaid, and that the amount of out of pocket expenses to be charged shall in case of dispute be fixed by the Minister or any officer appointed by him for the purpose.

Registration
fee to be
repaid if
employment
or labour not
found.

100. A licensee shall not publish or cause to be published any false information or make any false promise concerning or relating to work or employment to anyone who registers for employment.

False state-
ments or
entries by
licensees.

A licensee shall not make or cause to be made any false entries in the registers to be kept as in this Act provided.

101.

Industrial Arbitration (Amendment).

Conviction to be endorsed on license. Cancellation of license. 101. Every conviction against a licensee shall be endorsed on his license by the court before or by whom such conviction is had, and, upon failure to deliver up his license for such endorsement or upon a third conviction within three years from the first conviction, the license shall be cancelled, and the clerk of the court shall notify the Minister for that purpose.

For the purpose of carrying out the provisions of this section the judge, magistrate, or justice may order the defendant to produce and deliver up his license.

Where license cancelled holder not qualified to obtain license. 102. A person whose license has been cancelled shall not be entitled to hold a license until the expiration of one year from the date of such cancellation.

Production of license. 103. A licensee shall not be entitled to maintain an action for the recovery of fees unless at the trial he produces his license.

Loss or destruction of license. 104. On satisfactory proof of loss or destruction of a license, and on the payment of one shilling, the Minister may, at the request of the licensee, issue a duplicate license bearing all endorsements, and such duplicate shall avail for all purposes as if it were the original license.

DIVISION 3.—*General provisions and penalties for the purposes of this Part.*

Penalty for contravention of Act. 105. Any person who contravenes or fails to carry out any provision of this Part of this Act shall, where no other penalty or punishment is provided, be liable on conviction to a penalty not exceeding five pounds, or imprisonment not exceeding three months.

Copy of entries in registers to be evidence. 106. A copy of any entry in any of the registers prescribed, which copy purports to be signed by the Minister or any officer of the department making the same, shall be prima facie evidence of the truth of the matters stated in such copy.

Regulations. 107. The Governor may make regulations for the purposes of this Part of this Act—

- (a) prescribing the form of registers and generally the forms to be used ;
- (b) prescribing the form of licenses which may be issued, and the form of renewals of such licenses ;
- (c)

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- (c) regulating the exhibition of licenses and other documents required to be exhibited ;
 - (d) prescribing the scale of fees chargeable by and payable to licensees ;
 - (e) generally giving effect to the purposes of this Part of this Act ;
- and may by such regulations impose a penalty not exceeding twenty pounds for any breach thereof.

PART XI.

INSURANCE AGAINST UNEMPLOYMENT.

108. The Minister may, on the recommendation of the Board of Trade, and on conditions prescribed, for the purpose of creating funds for insurance against unemployment or loss of work due to adverse weather or sickness or the casual nature of the employment offering in any industry, authorise the payment out of the Consolidated Revenue Fund, which is hereby appropriated for that purpose, to any unemployment insurance committee formed in manner prescribed for a period of not less than one year, of bonuses or subsidies which shall not exceed five per centum of the total amount of wages paid to any employees represented by such committee in the said period:

Insurance
against unem-
ployment.

Provided that no such payment shall be made unless the Board of Trade certifies that the fund is contributed to in proper proportions by the employers and employees engaged in the industry, and is administered by a suitable committee representative of employers and employees.

In the name and on behalf of His Majesty I assent to this Act.

Government House,
Sydney, 22nd March, 1918.

W. E. DAVIDSON,
Governor.

INDUSTRIAL ARBITRATION (AMENDMENT) BILL.

SCHEDULE of Amendments referred to in Message of 14th March, 1918.

- Page 1, Title. *Omit* "Masters and Servants Act of 1902" *insert* "Apprentices Act, 1901, and
"the Apprentices (Amendment) Act, 1915"
- Page 2, clause 2, line 12. *Omit* "by" *insert* "as follows:—"
- Page 2, clause 2, line 19. *After* "1902" *insert* "and the Police Regulation Act, 1899"
- Page 2, clause 2. At end of clause *add* new subclause (d).
- Page 2, clause 3, line 41. *After* "words" *omit* to end of subclause (1) *insert* "or to the extent to which
"in his opinion the interests under this Act of persons represented by the applicant union
"may be protected by a previously registered industrial union which has not since the
"passing of the Industrial Arbitration (Amendment) Act, 1918, taken part in, aided, or
"abetted any legal strike"; and also new subclause (1a).
- Page 3, clause 4, lines 45 and 46. *Omit* "Chief Commissioner for Railways and Tramways" *insert*
"Railway Commissioners for New South Wales, Metropolitan Meat Industry Board"
- Page 4, clause 4, line 2. *Omit* "Metropolitan"
- Page 4, clause 4, line 4. *After* "Commission" *insert* "The Board of Fire Commissioners of New
"South Wales"
- Page 4, clause 4, line 10. *After* "last" *insert* "preceding"
- Page 4, clause 4, line 15. *After* "assessors" *insert* "appointed in the same manner"
- Page 4, clause 4, lines 22 and 23. *Omit* "or a chairman appointed by the Governor" *insert* "or a
"chairman nominated by the court and appointed by the Governor"
- Page 4, clause 4, line 34. *Omit* "eighteen"
- Page 4, clause 5, line 40. *Omit* "subsection is inserted after" *insert* "words are inserted at the end of"
- Page 4, clause 5, line 43. *Omit* "salaries" *insert* "remuneration of persons occupying managerial
"positions except by the special court for Crown matters exercising jurisdiction under
"section 13b of this Act or of any wages or remuneration"
- Page 5, clause 5, line 5. *After* "that" *insert* "after the first day of October, one thousand nine
"hundred and eighteen"
- Page 5, clause 5. At end of clause *add* new paragraph (c).
- Page 5, clause 6, line 30. *Omit* "section" *insert* "sections"
- Page 5, clause 6, line 32. *Omit* "quantum" *insert* "quantity"
- Page 5, clause 6. At end of subclause (2) *add* "doing the same class of work"
- Page 6, clause 7, line 5. *After* "declared" *insert* "in their regard"
- Page 6, clause 6, lines 6, 7, and 8. *Omit* "excepting such as are included in any award made before the
"passing of this Act" *insert* "with the exception of employees whose conditions of employ-
"ment have been regulated by any award"
- Page 6, clause 7, 24B, lines 11 and 12. *Omit* "the Principal Act, the Industrial Arbitration (Amendment)
"Act, 1916, or of"
- Page 6, clause 8, 7. At end of clause *add* "and by adding at the end of subsection one thereof the
"words 'and after such period until varied or rescinded by the Board'"
- Page 6, clause 9, 8, lines 22 and 23. *Omit* "Chief Commissioner for Railways and Tramways" *insert*
"Crown, the Railway Commissioners for New South Wales"
- Page 6, clause 9, 8, lines 25 and 26. *Omit* "Metropolitan"
- Page 6, clause 9, 8, lines 26, 27, and 28. *Omit* "and the Hunter District Board of Water Supply and
"Sewerage" *insert* "the Water Conservation and Irrigation Commission, the Board of
"Fire Commissioners of New South Wales, the Metropolitan Meat Industry Board, and
"the Hunter District Board of Water Supply and Sewerage"
- Page 6, clause 10, 9, lines 43 and 44. *Omit* "by any"
- Page 7, clause 16, 15, lines 37 and 38. *Omit* "Chief Commissioner for Railways and Tramways" *insert*
"Railway Commissioners for New South Wales"
- Page 7, clause 16, 15, line 40. *Omit* "Metropolitan"
- Page 8, clause 16, 15, line 3. *After* "Commission" *insert* "the Board of Fire Commissioners of New
"South Wales, the Metropolitan Meat Industry Board"
- Page 8, clause 16, 15. At end of paragraph (a) *add* "or of a statutory board or committee repre-
"senting the interests in any combination of shires or municipalities, or by employees
"engaged in any contracts for military or naval purposes"

- Page 8, clause 16. 15, line 15. *Omit* "fixed" *insert* "wholly or partially regulated"
- Page 8, clause 16. 15, lines 18 and 19. *Omit* "not comprising employees of the classes mentioned in the
"previous subsection" *insert* "may render an award which has been in operation for a period
"of at least twelve months no longer binding on its members"
- Page 8, clause 16. 15, paragraph (b), line 29. *Omit* all the words from "decline" to the end of the
paragraph.
- Page 9, clause 16. 15, line 10. *Omit* "a substantial number of whose"
- Page 10, clause 16. 15, line 3. *After* "1901" *omit* to end of paragraph *insert* "or any Act passed in
"substitution for or amendment of that Act"
- Page 10, clause 16. 15. *Omit* lines 9 to 26 inclusive.
- Page 11, clause 16. 15, line 20. *Omit* "illegal"
- Page 11, clause 17. 16, line 38. *Omit* "any" *insert* "final"
- Page 12, clause 18. 17, lines 13 and 14. *Omit* "and the following section substituted"
- Page 12, clause 18. 17, line 15. *Omit* "7" *insert* "(2)"
- Page 12, clause 18. 17. *After* paragraph (a) *add* new paragraph (a1)
- Page 13, clause 18. 17, line 18. *Omit* "this" *insert* "the last preceding"
- Page 14, clause 18. 17, line 1. *Omit* "this section" *insert* "the last preceding subsection"
- Page 14, clause 18. 17, line 7. *Omit* "this subsection" *insert* "the last preceding section"
- Page 14, clause 18. 17, lines 14 and 15. *Omit* "made in pursuance of this subsection" *insert* "relating
"to any of the matters mentioned in section 52A, subsection (2) (b) of this Act"
- Page 14, clause 18. 17, lines 17 and 18. *Omit* "of Industrial Arbitration"
- Page 14, clause 18. 17. *Omit* sub-paragraph (c).
- Page 16, clause 18. 17, line 22. *Omit* "every" *insert* "Provided that any"
- Page 17, clause 18. 17, lines 3 and 4. *Omit* "constitution and"
- Page 17, clause 18. 17, line 21. *After* "prescribed" *insert* "and"
- Page 17. *At* end of clause 18. 17 *add* new clauses 17A, 17B, 17C.
- Page 18. *Omit* lines 1 and 2.
- Page 18, clause 19. 18, line 3. *Omit* "sections" *insert* "Parts"
- Page 18, clause 19. 18. *After* line 5 *insert* headings "PART IX.—The Board of Trade."
- Page 18, clause 19. 18. *Omit* paragraphs 75, 76, and 77, *insert* new paragraphs 75, 76, and 77.
- Page 19, clause 19. 18. *After* paragraph 79 *add* new paragraphs 79A and 79B.
- Page 21, clause 19. 18, line 1. *After* "is" *insert* "further"
- Page 21, clause 19. 18, paragraph 80. *Omit* sub-paragraphs (a) to (f) inclusive.
- Page 23, clause 19. 18, line 23. *Omit* "Board of Trade" *insert* "Governor"
- Page 23, clause 19. 18. *After* "under" in line 37 *add* "and may by such regulations impose penalties
"not exceeding fifty pounds for any breach thereof"
- Page 24, clause 19. 18, line 3. *Omit* (A) in sub-heading, *insert* "Division I"
- Page 26, clause 19. 18, line 1. *Omit* heading "Part XI", *insert* "Division II"
- Page 27, clause 19. 18, line 6. *After* "employment" *insert* "and pays a fee in respect of his
"application"
- Page 27, clause 19. 18, line 11. *After* "labour" *insert* "and pays a fee in respect of his application"
- Page 28, clause 19. 18, line 12. *Omit* "for" *insert* "from"
- Page 29, clause 19. 18, line 25. *Omit* heading "Part XII" *insert* "Division III"
- Page 29, clause 19. 18, line 27. *At* end of sub-heading *add* "for the purposes of this Part"
- Page 29, clause 19. 18, lines 29 to 40. *Omit* paragraph 102.
- Page 30, clause 19. 18, lines 1 and 2. *Omit* paragraph 103.
- Page 30, clause 19. 18, line 4. *After* "this" *insert* "Part of this"
- Page 30, clause 19. 18, line 5. *Omit* "by this Act"
- Page 30, clause 19. 18. *Omit* paragraph 105.
- Page 30, clause 19. 18, line 19. *Omit* "Part XI of the Principal Act" *insert* "this Part of this Act"
- Page 30, clause 19. 18, lines 22 and 23. *Omit* "in carrying out Part XI of the Principal Act"
- Page 30, clause 19. 18, line 25. *Omit* "under Part XI of the Principal Act"
- Page 30, clause 19. 18, lines 28 and 29. *Omit* "by Part XI of the Principal Act"
- Page 30, clause 19. 18, lines 32 and 33. *Omit* "Part XI of the Principal Act" *insert* "this Part of
"this Act"
- Page 31, clause 19. 18, heading. *Omit* "Part XIII" *insert* "Part XI"
- Page 31, clause 20. *Omit* clause.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 5 March, 1918.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. L. S. COOPER,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 14th March, 1918.

New South Wales.



ANNO OCTAVO

GEORGI V REGIS.

Act No. , 1918.

An Act to amend the law for the regulation of the conditions of industries and industrial arbitration; to provide for the establishment of a Board of Trade; to provide for the better organisation of the labour market; to modify the provisions for the repression of lock-outs and strikes; to establish special and deputy Courts of Industrial Arbitration; to provide for secret compulsory ballots in certain cases; to enlarge the powers of trade unions, and to extend the rights and responsibilities of their members; to amend the Industrial Arbitration Act, 1912, the Industrial Arbitration (Amendment) Act, 1916, the Trade Union Act, 1881, the ~~Masters and Servants Act of 1902,~~ **Apprentices Act, 1901, and the Apprentices (Amendment) Act, 1915,** and certain other Acts; and for purposes consequent thereon or incidental thereto.

Industrial Arbitration (Amendment).

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1918," and shall be construed with the Industrial Arbitration Act, 1912, hereinafter referred to as the Principal Act, and the Industrial Arbitration (Amendment) Act, 1916.

2. Section five of the Principal Act is amended by as follows:—

(a) in the definitions of "Apprentice" and "Improver" omit the word "twenty-one" and insert the word "twenty-two";

(b) in the definition of "Employer" after "includes" insert the words "the Crown (except as to any employees employed under the Public Service Act, 1902, and the Police Regulation Act, 1899, or any statute passed in substitution for or amendment of the same)."

(c) insert at the end of paragraph (a) of the definition of "industrial matters" the words "and the question whether piece-work or contract work or any other system of payment by results shall be allowed, forbidden, or exclusively prescribed in and for an industry or calling, and whether monetary allowance shall be made by employers in respect of standing back or waiting time".

(d) insert after the definition of the word "Magistrate" a further definition to read as follows:—
"Managerial position" means the position of an employee who is principally engaged in the direction and control of other employees.

3. (1) Subsection three of section eight of the Principal Act is amended by omitting the words "or if it appears that another trade union to which the members of the applicants' union might conveniently belong has already been registered as an industrial union", and by inserting the words "Provided that after the passing of this Act not more than one industrial union shall be registered in respect of any trade or calling unless the Registrar is satisfied that the registered industrial union whose members are engaged in such trade or calling has taken part in, aided or abetted

Short title.

Amendment of s. 5.

Definitions.

Amendment of s. 8 (3) and s. 10.

Registration.

Industrial Arbitration (Amendment).

abett~~ed~~ an illegal strike." "or to the extent to which in his opinion the interests under this Act of persons represented by the applicant union may be protected by a previously registered industrial union which has not
5 since the passing of the Industrial Arbitration (Amendment) Act, 1918, taken part in, aided, or abetted an illegal strike."

(1A) Within six months after the passing of this Act the Minister may, with the concurrence of the senior
10 judge of the court, direct that one or more or all of the unions which suffered cancellation of registration as industrial unions at the hands of the court for complicity in the general strike of the year one thousand nine hundred and seventeen shall be reinstated as industrial
15 unions, and upon a notification by him to such effect being filed in the office of the registrar any union affected by such notification shall be deemed to be a registered industrial union. The concurrence of the senior judge shall be obtained by application in open court, and any
20 union registered in the same industry as the union with respect to which the application is made shall have notice of the application, and shall be entitled to appear thereon.

(2) Section ten of the Principal Act is amended
25 by omitting the words "with the consent of all other parties bound by such award or industrial agreement."

4. The following new sections are inserted next after
section thirteen of the Principal Act:—

13A. The court may elect to sit with assessors
30 representing the interests of each of the parties before it. Such assessors shall be appointed by the court from persons nominated as prescribed.

The court may commit to such assessors sitting
35 without a judge for determination or for consideration and report any issue of fact or the items of any log of prices or other basis for the payment of work by results or any other matter prescribed.

13B. The Court shall when sitting for the hearing
40 and determination of applications, references, and other matters exclusively affecting the Crown as employer or affecting persons exclusively employed in any industry by the Crown or by any Minister, trust, commission, or board exercising executive or administrative functions on behalf of the Govern-
45 ment, including the Chief Commissioner for Railways and Tramways, Railway Commissioners for New South

Reinstatement of industrial unions.

New sections.

Court may sit with assessors.

Special court for Crown matters.

Industrial Arbitration (Amendment).

5 **South Wales, Metropolitan Meat Industry Board, Sydney Harbour Trust Commissioners, Metropolitan Board of Water Supply and Sewerage, Water Conservation and Irrigation Commission, the Board of Fire Commissioners of New South Wales, and the Hunter District Board of Water Supply and Sewerage, or by the employees of any city, shire, or municipal council, sit as a special court with assessors appointed as prescribed in the last preceding section.**

10 13c. The court shall, when sitting for the hearing and determination of applications, references, and other matter affecting employers and employees in the coal-mining industry, sit as a special court with assessors appointed in the same manner as prescribed in section 13A of this Act. Special court: coal-mining.

15 13d. The Governor may, from time to time, proclaim districts of the State in and in respect of which the powers and jurisdiction of the court may, subject to general or special orders of the court made in that regard, be exercised by a deputy court to be constituted by a judge or a chairman appointed by the Governor or a chairman nominated by the court and appointed by the Governor with or without assessors appointed in the same manner as is prescribed in section 13A of this Act. Deputy court.

20 13e. The senior judge may grant to any party affected by an award of the court made by a single judge (with or without assessors) the right to appeal against such award to the court to be constituted by three judges, and the court, on the hearing of such appeal, may vary any such award as it thinks fit. Appeal from single judge.

25 13f. The provisions of sections eighteen, nineteen, twenty-two, and twenty-three of the Principal Act shall apply, mutatis mutandis, to assessors of the court and of a deputy court. Application of certain sections to assessors.

30 **5. Section twenty-four of the Principal Act is amended as follows:—** Amendment of s. 24.

35 (a) The following subsection is inserted after words are inserted at the end of subsection (1) (a): Jurisdiction of boards.
 40 "Provided that no award shall be made for the payment of wages or salaries remuneration of persons occupying managerial positions except
 45 by the special court for Crown matters exercising
 cising

Industrial Arbitration (Amendment).

cising jurisdiction under section 13b of this Act or of any wages or remuneration in excess of ten pounds per week.

5

The following words are added to subsection (1) (b): "Provided that after the first day of October, one thousand nine hundred and eighteen, the hours for cessation of employment of persons employed in shops coming under the provisions of the Early Closing Act, 1899, and the Acts amending the same shall be the hours fixed by such Acts for the closing of such shops."

10

(b) Strike out of subsection (1) (g) the words "to members of any industrial union of employees over other persons offering their labour at the same time, other things being equal" and substitute the words "to the members of any trade union or industrial union of employees upon such terms and conditions as the court may prescribe so long as the members thereof shall not after the passing of the Industrial Arbitration (Amendment) Act, 1918, have taken part in, aided or abetted any illegal strike."

15

20

(c) The following words are added after the word "Industrial" in the proviso to subsection (1) (g) of section twenty-four of the Principal Act: "or trade".

25

6. Insert after section twenty-four of the Principal ^{New section.} Act the following sections:—

30

24A. (1) The court or a board may in prescribing minimum wages fix the ~~quantum~~ quantity of work or services to be done.

35

(2) Whenever an award relating to any skilled occupation fixes minimum wages higher than the living wage, the amount of the excess of such minimum wages above the living wage shall be the same in the case of males and females doing the same class of work.

40

(3) The court or a board shall, as far as is consistent with the maintenance of industrial peace, deal only with wages and hours of employment, leaving all other matters to shop committees, conciliation committees, industrial councils, or voluntary committees formed for the purpose of adjusting the

45

the

Industrial Arbitration (Amendment).

the industrial relationship of employer and employee. A judge or deputy judge of the court may act as the chairman of any industrial council.

5 7. **24B.** All employees engaged in rural industries Employees in rural industries. shall be entitled to be paid the living wages declared in their regard by the Board of Trade, but ~~excepting such as are included in any award made before the passing of this Act,~~ **with the exception of employees whose**
 10 **conditions of employment have been regulated by any award,** shall not be otherwise subject to the provisions of the ~~Principal Act, the Industrial Arbitration (Amendment) Act, 1916, or of this Act.~~

8. **7.** Section twenty-five of the Principal Act is amended Amendment of s. 25. by omitting the word "on" where first occurring therein
 15 and inserting in its place the words "fourteen days after." and by adding at the end of subsection one thereof the words "and after such period until varied or rescinded by the Board."

9. **8.** Section twenty-six of the Principal Act is repealed, Repeal of s. 26.
 20 and the following section is inserted in its place:—

26. The court or an industrial board shall not fix Wages of Government employees. rates of wages for persons employed by the ~~Chief Commissioner for Railways and Tramways,~~ **Crown, the**
 25 **Railway Commissioners for New South Wales, the Sydney Harbour Trust Commissioners, the Metropolitan Board of Water Supply and Sewerage, and the Hunter District Board of Water Supply and Sewerage, the Water Conservation and Irrigation**
 30 **Commission, the Board of Fire Commissioners of New South Wales, the Metropolitan Meat Industry Board, and the Hunter District Board of Water Supply and Sewerage,** less than those paid to other
 35 employees not employed by the Government or its departments doing substantially the same class of work, but the fact that employment is permanent or that additional privileges are allowed in the service of the Government or its departments shall not of itself be regarded as a substantial difference in the nature of the work.

40 10. **9.** Section twenty-seven of the Principal Act is Amendment of s. 27. amended by adding thereto the following subclause:—

(6) Any such permit for a period not exceeding Permits. three months may be issued by any inspector or by any other person appointed by the Minister.

Industrial Arbitration (Amendment).

11. **10.** Section twenty-nine of the Principal Act is amended by adding at the end thereof the words " and after such period until varied or rescinded by the board." Amendment of s. 29.
12. **11.** The heading to Part V of the Principal Act is amended by substituting the word " industrial " for the word " colliery " therein, and section thirty-eight of the Principal Act is amended by substituting the word " industrial " for the word " colliery " wherever therein occurring; section thirty-nine is amended by the omission of subsection two, and section forty is amended by omitting the words " in connection with coal-mining or metalliferous mining as the case may be." Amendment of heading to Part V and s. 38.
13. **12.** Section forty-two of the Principal Act is amended by omitting the word " five " and inserting the word " one." Amendment of s. 42.
14. **13.** Section forty-three of the Principal Act is amended by inserting after the word " strike " the words " or where a strike has occurred " and by omitting the words " and either no board has been constituted which would have jurisdiction in the matter or he is of opinion that a preliminary or temporary agreement should be made before the matter is submitted to a board." Amendment of s. 43. Special Commissioner.
15. **14.** Section forty-four of the Principal Act is amended by inserting after the word " acts " the words " unless the employees working in the industry concerned are taking part in an illegal strike." Amendment of s. 44. Lock-outs.
16. **15.** Sections forty-five to forty-eight inclusive of the Principal Act are repealed, and the following sections are inserted in place of them:— Repeal of secs. 45-48 and substituted sections.
45. The following strikes and no others shall be illegal:— Illegal strikes.
- (a) Any strike by employees of the Crown or of any Minister, trust, commission, or board exercising executive or administrative functions on behalf of the Government of the State (including the ~~Chief Commissioner for Railways and Tramways~~, **Railway Commissioners for New South Wales**, the Sydney Harbour Trust, the ~~Metropolitan~~ **Board**

Industrial Arbitration (Amendment).

5 Board of Water Supply and Sewerage, the
Water Conservation and Irrigation Com-
mission, the Board of Fire Commissioners
of New South Wales, the Metropolitan
Meat Industry Board, the Hunter District
Board of Water Supply and Sewerage) or
by the employees of any city, shire, or
municipal council, or of a statutory board
10 or committee representing the interests in
any combination of shires or municipalities,
or by employees engaged in any contracts
for military or naval purposes.

15 (b) Any strike by the employees in an
industry, the conditions of which are for
the time being fixed wholly or partially
regulated by an award or by an industrial
agreement: Provided that any union of
employees not comprising employees of the
20 classes mentioned in the previous subsection
may render an award which has been
in operation for a period of at least
twelve months no longer binding on its
members by the vote of a majority of
its members at a secret ballot taken
25 in accordance with the provisions for
ballots contained in this Act and the
regulations thereunder in which not less
than two-thirds of the members of such
union take part. ~~decline to be further~~
30 bound by the provisions of any award or
awards which shall have been in opera-
tion for a period of twelve months and
shall thereafter be unaffected by the fore-
going provisions of this paragraph.

(c)

Industrial Arbitration (Amendment).

(c) Any strike which has been commenced prior to the expiry of fourteen clear days' notice in writing of intention to commence the same, or of the existence of such conditions as would be likely to lead to the same given to the Minister by or on behalf of the persons taking part in such strike.

46. In the event of an illegal strike occurring in any industry, the court may order any trade union, whose executive or ~~a substantial number of whose~~ members are taking part in or aiding or abetting the strike, to pay a penalty not exceeding five hundred pounds.

47. It shall be a defence in any proceedings for an order or direction under the last preceding section that the union by the enforcement of its rules and by other means reasonable under the circumstances endeavoured to prevent its members from taking part in or aiding or abetting or continuing to take part in, aid or abet the illegal strike.

48. (1) The Minister may at any time or from time to time during the progress of any strike, or whenever he has reason to believe that a strike is contemplated by the members of any industrial or trade union, or association of employees, direct that a secret ballot or secret ballots of such members or employees shall be taken in the manner prescribed for the purpose of determining whether a majority of such members or employees is or is not in favour of the institution or continuance respectively of the strike.

(2) Where the Minister has made a direction for the taking of a ballot he shall—

- (a) appoint a returning officer and all necessary deputy returning officers, who shall have power to supervise, direct, and control, subject to the provisions of this Act and the regulations thereunder, all arrangements for the taking of such ballot; and
- (b) appoint a sufficient number of scrutineers, who shall be officers or members of the union or association affected.

48A.

Industrial Arbitration (Amendment).

48A. The court shall for the purpose of this Act have all the powers of a Royal Commission under the Royal Commissioners Evidence Act, 1901, and the Boorabil Commission Act, 1914, which last mentioned Act is revived for the purposes of this Act, or any Act passed in substitution for or amendments of such Acts. or any Act passed in substitution for or amendment of that Act.

Additional powers of court to take evidence.

48B. Upon the occurrence of any lock-out or strike which in the opinion of the Minister has or is likely to have the effect of depriving the public wholly or to any extent detrimental to the public interest of any commodity, public utility or service, the Governor may make regulations for the conduct of such industry, and such regulations shall have the force of law for the period to be specified therein.

Regulations in case of lock-out or strike affecting public utilities.

Regulations so made may deal with any or all of the matters or things which may be dealt with by an award, and may also—

prescribe the rates, prices, or conditions at, for, or under which the services or commodities affected shall be supplied, sold, or furnished; and

prescribe the manner in which an employer's operations or business shall be conducted in any particular.

48B. If any person—

(i) aids or instigates an illegal strike; or
(ii) obstructs the taking of a ballot under this Act; or

(iii) counsels persons who are entitled to vote at such ballot to refrain from so voting; or

(iv) being an officer of a union or association refuses to assist in the taking of such a ballot by acting as a scrutineer or providing for the use of the returning officer and his assistants such registers and other lists of the members of the union or association as the returning officer may require or otherwise; or

Penalties for illegal strike or obstructing ballot.

(v)

Industrial Arbitration (Amendment).

- (v) directs or assists in the direction of an illegal strike or acts or purports to act upon or in connection with a strike committee in connection with an illegal strike ;
- 5 he shall be deemed guilty of a default of public duty, and upon being so found by the court shall be liable to a penalty not exceeding fifty pounds or imprisonment for a period not exceeding six months.
- 10 48c. The proprietor and publisher of any newspaper which advises, instigates, aids or abets an illegal strike, shall for each offence be liable to a penalty not exceeding one hundred pounds. Penalty for newspaper publishing matter encouraging strike.
- 15 48d. Any person who induces or attempts to induce any person to take part in an illegal strike shall be liable to a penalty not exceeding ten pounds or to imprisonment, with or without hard labour, for a term not exceeding one month. Penalty for illegal picketing.
- 20 48e. (1) No person or trades union shall, during the currency of any illegal strike, do any act or thing to induce or compel any person to refrain from handling or dealing with any article or commodity in the course of transit thereof or in the process of the manufacture, sale, supply, or use thereof. Penalty for declaring any commodity black.
- 25 (2) The penalty for any breach of this section shall as against any trades union be a sum not exceeding one hundred pounds and as against any individual a sum not exceeding ten
- 30 pounds, or imprisonment for a period not exceeding one month.
17. **16.** Section forty-nine of the Principal Act is amended by adding the following subsection:— Amendment of s. 49.
- 35 (5) Any person who enters into a contract with a contractor for the carrying out by the contractor of any work involving the payment of wages shall be liable for the payment of such wages unless upon ~~any~~ **final** payment made by him to the contractor in relation to the contract he receives a statement in
- 40 writing signed by the contractor that no wages are due and owing by the contractor in respect of the

Industrial Arbitration (Amendment).

the work at the time of such payment. Any person who knowingly makes or signs a false statement that no wages are due or owing by him in respect of any work shall be liable to a penalty of one hundred pounds or to imprisonment for not more than six months.

18. **17.** The following Part No. VIIA is inserted next after section fifty-two, and shall be deemed to be included as a separate Part of the Principal Act:—

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PART VIIA.

TRADES UNIONS.

52A. (1) Section seven of the Trade Union Act of 1881 is repealed and the following section substituted:—

Repeal of
s. 7 of Trade
Union Act.

15

7. (2) A trade union shall have power to apply and use the moneys and other property of the union for or in connection with any lawful object or purpose for the time being authorised by its rules, and without limiting the generality of this provision may—

Powers of
trade union
with regard
to its funds.

20

(a) acquire, purchase, take on lease, hold, sell, lease, mortgage, exchange, and otherwise own, possess, and deal with in the names of the trustees for the time being of such union any real or personal property (including shares in any registered company, whether registered in New South Wales or not), and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire whether the trustees have authority for any sale, exchange, mortgage, or letting, and the receipt of the trustees shall be a discharge for the money arising therefrom.

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(a 1) subject to the provisions of the next succeeding subsection hereof apply to the Court or to any District Court or Court of Petty Sessions having jurisdiction in the locality for and obtain an order directing the payment by any of its members of any fine, levy, penalty, call, or subscription in pursuance of the rules of the union.

40

(b)

Industrial Arbitration (Amendment).

- (b) provide for the application of its money and property to the furtherance of political objects so long as rules of the union are in force providing—
- 5 (i) that any payments in the furtherance of such objects are to be made out of a separate fund;
- 10 (ii) that contribution to such separate fund shall not be a condition of admission to or membership of the said union;
- 15 (iii) that a member who does not contribute to such separate fund shall not be excluded from any benefits of the union or placed under any disability or at any disadvantage as compared with other members of the union by reason of his failure to so contribute.
- 20 (3) The expression "political objects" in ~~this~~ the last preceding subsection means the payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election to Parliament or to any public office, before, during, or after the election in connection with
- 25 his candidature or election; or the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or the maintenance of any person who is a member of Parliament or who holds a public office; or the registration
- 30 of electors or the selection of a candidate for Parliament or any public office; or the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind, unless the main purpose of the meeting or of
- 35 the distribution of the literature or documents is the furtherance of the objects set out in the definition of "Trade Union" in section thirty-one of the Trade Union Act of 1881, or the maintenance and publication of a newspaper other than a non-political
- 40 trade journal.

(4)

Industrial Arbitration (Amendment).

(4) The expression "public office" in this section the last preceding subsection means the office of member of any shire or municipal council, or the Municipal Council of Sydney, or of any public body which has power to raise money, either directly or indirectly, by means of a rate.

52B. The provisions of this subsection the last preceding section shall apply to a union which is in whole or in part an association or combination of other unions, as if the individual members of the component unions were the members of that union and not the unions;

52C. If any member of a trade union alleges that he is aggrieved by a breach of any rule made in pursuance of this subsection relating to any of the matters mentioned in section 52A subsection (2) (b) of this Act, he may complain to the Court of Industrial Arbitration, which court, after giving the complainant and any representative of the union the opportunity of being heard, may, if it considers that such a breach has been committed, make such an order for remedying the breach as it thinks just under the circumstances, and any such order shall be binding and conclusive on all parties without appeal.

52D. No such separate fund established for political purposes or any property in which such fund may be invested shall be liable to attachment in the enforcement of any order for payment of any penalty made against the union.

(c) subject to the last preceding clause, apply to any court of competent jurisdiction for and obtain an order directing the payment by any of its members of any fine, levy, penalty, call, or subscription in pursuance of the rules of the union;

(2) 52E. The court may entertain and adjudicate upon any legal proceedings instituted for the purpose of directly enforcing or recovering damages for a breach of any of the following agreements:—

(a) The constitution or rules of the trade union.

(b)

Powers of court to enforce certain agreements.

Industrial Arbitration (Amendment).

- 5 (b) Any agreement between members of a trade union as such concerning the conditions on which any members for the time being of the trade union shall or shall not sell their goods, transact business, employ or be employed.
- (c) Any agreement for the regulation of any business or industry as between employers and employees made by a trade union with an employer or employers.
- 10 (d) Any agreement made between one trade union and another; or
- (e) Any bond to secure the performance of any of the above mentioned agreements.

15 Provided that such agreements shall be in writing, and that copies of them, verified as prescribed, shall have been filed with the court.

20 (3) **52F.** For the purpose of exercising the jurisdiction and powers conferred upon it by this part the court shall have all the powers of the Supreme Court and shall hear and determine according to equity and good conscience all questions arising for its determination hereunder and the judgment of the court upon such questions shall have force and effect as judgments, orders, or decrees of the

25 Supreme Court in its common law or equitable jurisdiction according to the substance thereof, and shall be so recorded by the Prothonotary of the Supreme Court or Master in Equity as the case may require.

30 **52G.** Where any trade union fails within the time prescribed by the court to pay any penalty imposed by the court the trade union shall be wound up. The court shall appoint a receiver of the assets of the trade union, who shall forthwith proceed to collect such assets and wind up the union's affairs, and shall, after paying the costs, charges, and expenses of the winding-up, pay the penalties due to the Crown and other debts of the trade union and thereafter shall distribute the residue of such proceeds amongst the persons including members

35 of the union who appear to be entitled to the same.

40

Any

Enforcement
of order of
court
imposing
penalty.

Industrial Arbitration (Amendment).

Any receiver so appointed shall, in respect of the property and affairs of the union, have all the powers, rights and duties of a liquidator in the voluntary winding-up of a company under the Companies Act, 1899.

5

52H. After service of an order for the payment of any penalty by any trade union it shall not be lawful for any bank, corporation, company, or person, whether as principal or agent, to account for or cash cheques, or orders on the funds or account of the union, or to deal in any way with its property, or to lend moneys to the union except at the direction of the receiver appointed by the court; and any person who with knowledge or notice of any such order receives, expends, or otherwise deals with such funds or property, except in accordance with an order of the court shall be liable to make good to the receiver any loss occasioned to the assets of the union by the receipt, expenditure, or dealing, and to a penalty not exceeding five hundred pounds.

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~~Every~~ **Provided that** any person, bank, or corporation shall be relieved of all liability under this section on publication in the Government Gazette of a notice to that effect under the hand of the Minister.

25

52I. (1) All persons who are, by the nature of their occupation or employment, of the class of which a trade union is constituted, and who are not of general bad character, shall be entitled to be admitted to membership of the union, and to remain members thereof and enjoy all advantages of membership so long as they shall comply with the rules of the union.

30

35

(2) Any question or dispute as to the character of any applicant or the reasonableness of any admission fee, subscription, fine or levy or other

Penalty :
stop-order.Persons
entitled to
membership
of union.

Industrial Arbitration (Amendment).

5 other requirements of the rules of any trade union,
shall be determined by the court, which shall
also have power to direct that the constitution
and rules of a trade union shall be altered or
annulled in any particular in order to bring them
into conformity with what it declares to be reason-
able in the circumstances, and upon any such
direction being given the rules affected shall
be deemed to have been altered or annulled
10 accordingly.

52J. No trade union shall register any rule
which is contrary to any term or provision of an
award. Illegal rules.

15 52K. Every trade union shall within three months
of the passing of this Act and thereafter annually
make returns to the Registrar of Trade Unions with
respect to its rules, the names and the addresses
recorded in the books of such trade union of its
members and the persons occupying executive and
20 other offices in the union in the manner and at the
times prescribed; and the court may order any union
which fails to make full and proper returns as afore-
said, or to amend its rules in accordance with any
order made by the court, or to admit to membership
25 any person whom the court declares is entitled to
such admission to pay a penalty not exceeding one
hundred pounds.

17A. Section sixty-eight of the Principal Act is
amended— Amendment
of s. 68.

- 30 (a) by omitting from subsection one thereof the
words "and at the place where his employees
in such industry are working" and inserting
in their place the words "at the workshop or
factory where he carries on his business"; Time-sheets
and pay-
sheets.
- 35 (b) by omitting from subsection two thereof the
words "at the place where the industry is
carried on" and inserting in their place the same
words as inserted in the said subsection one.

17B. Section sixty-nine of the Principal Act is
40 repealed. Repeal
of s. 69.

17C. Section seventy-two of the Principal Act is
amended by the omission of the words "Act and the
Clerical Workers Act, 1910," and the substitution
therefor of the words "and the preceding Parts of this
45 Act."

Industrial Arbitration (Amendment).

PART IX.

~~The Board of Trade.~~

19. **18.** The following sections **Parts** are inserted next New sections,
after section seventy-three, and shall be deemed to be
5 included as separate **Parts** of the Principal Act:—

PART IX.

The Board of Trade.

74. There is hereby constituted a body corporate to The Board of
be known as "The New South Wales Board of Trade," Trade.
10 which shall have perpetual succession and a common seal.

75. The Board of Trade shall comprise a president
who shall be the Minister or a judge of the Industrial
Arbitration Court as the Governor may declare, a deputy
president, who shall be the Under-Secretary of Labour
15 and Industry, and four commissioners.

76. The Governor shall as soon as practicable after
the passing of this Act appoint the Commissioners of
the Board of Trade; the members of such Board of Trade
other than the president and the deputy president shall
20 be paid such fees as may be prescribed; and such fees
and allowances shall become a charge upon the Consol-
idated Revenue.

77. The members of such board shall be appointed
for a period not exceeding three years but may be
25 removed from office by the Governor.

75. (1) The Board of Trade shall comprise a president, Constitution
who shall be a judge of the court, a deputy president, of Board.
and four commissioners.

(2) The Minister shall be an associate commis-
30 sioner of the Board of Trade, and may take part in its
deliberations, but shall not cast a vote in connection
with the determinations of the board.

(3) The president shall have a casting as well as
an original vote upon any proceedings of the board in
35 connection with which the vote taken is otherwise
equally divided.

(4) The president shall sit with the Board of
Trade whenever it is exercising the powers and functions
conferred upon it by sections 79 and 79A of this Act.

40 76. The Governor shall, as soon as practicable after Appointment
the passing of this Act, make all necessary appointments of Commis-
to the Board of Trade; the members of such Board of sioners.
Trade, other than the president and the Minister, shall
be paid such fees or salaries and allowances as may be
45 prescribed; and such fees or salaries and allowances shall
become a charge upon the Consolidated Revenue. 77.

Industrial Arbitration (Amendment).

77. (1) The members of the Board of Trade shall be appointed for a period of five years, provided that any member may be suspended from office for misbehaviour or incapacity. Period of appointment.
- 5 (2) The Minister shall, within seven days after the suspension of any member of the Board of Trade, if Parliament is then sitting, or if Parliament is not then sitting, within seven days after the next meeting of Parliament, cause to be laid before both Houses of Par-
10 liament a full statement of the grounds of suspension. A member who has been suspended shall be restored to office unless each House of Parliament, within forty days after the statement has been laid before it in the same Session, pass an address praying for his removal
15 on the grounds of proved misbehaviour or incapacity.
78. On the happening of any vacancy in the office of Commissioner of the Board of Trade the Governor shall appoint a person to fill the vacant office. Casual vacancies.
- In the case of illness, absence, or suspension of any
20 Commissioner of the Board of Trade the Governor may appoint a person to act as a deputy-commissioner during such illness, absence, or suspension, and the deputy so appointed shall have all the powers and perform all the duties of the position.
- 25 79. (1) The Board of Trade shall from year to year after public inquiry as to the increase or decrease in the average cost of living declare what shall be the living wages to be paid to adult male employees and to adult female employees in the State or any defined area
30 thereof. In declaring such living wages the Board of Trade shall make a separate public inquiry into the cost of living of employees engaged in rural occupations, and shall make a separate declaration as to the living wages to be paid to such employees and shall declare what
35 deductions may be made from such wages for board or residence or board and residence—and for any customary privileges or payments in kind conceded to or made to such employees.
- (2) No industrial agreement shall be entered into
40 and no award made for wages lower than such living wages.
- (3) Any aged, infirm, or slow worker engaged in any rural occupation who may deem himself unable to earn the living wages declared by the Board of Trade may apply to the registrar or to any person appointed by
45 such Board for a permit in writing to work for less than the living wage. Copies of all such permits shall be forwarded to the registrar, who may at any time cancel or amend the same.

Industrial Arbitration (Amendment).

79A. Notwithstanding the provisions of the Apprentices Act, 1901, the Apprentices (Amendment) Act, 1915, and this Act, and notwithstanding the effect of any custom of or against apprenticeship, the Board of Trade shall—

- (a) determine in what occupations and industries apprenticeship shall be a condition of employment of minors;
- (b) prescribe the hours of employment, wages, and conditions of apprenticeship;
- (c) determine whether and to what extent there shall be a limitation of the number of apprentices indentured in any trade or calling;
- (d) determine to what extent technical education if procurable shall be obligatory upon apprentices and their masters;
- (e) co-operate with the Department of Education in encouraging young persons to attend technical trade and continuation schools;
- (f) establish and maintain an apprenticeship register and record therein all indentures or other contracts of apprenticeship and protect the contracts and interests of apprentices and all workers of minor age who are learners, and ensure the attendance of apprentices and learners at technical or trade schools;
- (g) prescribe standard forms of apprenticeship for different trades and callings, and the manner in which and the persons by whom the making, carrying out, and transfer of indentures or other contracts of apprenticeship shall be supervised;
- (h) control and direct the conditions in all respects of apprenticeship in any industry.

79B. (1) Upon the exercise by the Board of Trade of the powers and functions specified in the two preceding sections the Governor may make regulations incorporating the determinations and directions of such board and any matters necessary or convenient to be prescribed for carrying such determinations and directions into effect.

(2) Upon the publication of any such regulations the provisions of awards relating to the matters dealt with by the Board of Trade shall cease to have effect.

Industrial Arbitration (Amendment).

80. The Board of Trade is further empowered to exercise the following functions and perform the following duties:—

- 5 (a) to establish and maintain an apprenticeship register and record therein all indentures or other contracts of apprenticeship, and protect the contracts and interests of apprentices and all workers of minor ages who are learners, and ensure the attendance of apprentices and learners in the manner prescribed at technical or trade schools.
- 10 (b) To determine in what occupations and industries apprenticeship shall be a condition of employment of all minors.
- 15 (c) To prescribe the hours of employment, wages, and conditions of apprenticeship.
- (d) To determine whether and to what extent there shall be a limitation of the number of apprentices indentured in any trade or calling.
- 20 (e) To prescribe by regulation a standard form of apprenticeship in different trades and callings. Upon the exercise of the powers in this and the preceding subsections the provisions of awards relating to the matters dealt with by the Board of Trade shall cease to have effect.
- 25 (f) To co-operate with the Department of Public Instruction in encouraging young persons to attend technical, trade, and continuation schools.
- 30 (g a) To encourage and create councils of employees and employers for the purpose of encouraging the proper apprenticeship of all minors and provide for the welfare of juvenile labour.
- (h b) To acquire and disseminate knowledge on all matters connected with industrial occupations with a view to improving the industrial relationship between employers and workers and to combat the evils of unemployment.
- 35 (i c) To collect and publish information relating to or affecting industrial conditions.
- 40 (j d) To propound schemes for welfare work, and report to the Governor on all matters relating to such work, and to the insurance of employees against loss or injury caused by unemployment, sickness, or accident, or industrial diseases.
- 45 (k e)

Industrial Arbitration (Amendment).

- 5 (k e) To report on any matter referred to as to the prices of commodities, and as to whether or not monopolies or trade rings exist for the purpose of unfairly keeping up the prices of commodities.
- (l f) To investigate and report on the existence of sweating in an industry.
- 10 (m g) To report upon the productivity of industries, the number of employees in any industry, and the effect or probable effect of the regulation of the conditions of any industry upon such productivity.
- 15 (n h) To consider and report upon the industrial efficiency of the community, the organisation of the labour market and opportunities of employment, and all questions relating to unemployment.
- 20 (o i) To collect and publish from time to time statistics of vital, social, and industrial matters, and on labour employment and unemployment in specific industries, and on other prescribed matters.
- 25 (p j) To encourage and assist in the establishment in different industries of mutual welfare committees and industrial councils, and of subsidiary shop committees for individual enterprises.
- 30 (q k) to encourage and assist schemes for mutual co-operation and profit sharing between employers and employees.
- (r l) To encourage and assist in the establishment of hostels for women workers and workmen's clubs and libraries.
- 35 (s m) To report and advise on schemes for the better housing of the people.
- (t n) To consider and report upon any other matter referred to it by the Minister.

81. The Board of Trade shall, in investigating any matter for the purposes of this Act, have all the powers of a Royal Commission under the Royal Commissioners Evidence Act of 1901, or any Act passed in substitution for or any amendment of that Act.

Board to have powers of Royal Commission.

82. For the purpose of enabling the statistics referred to in this Act to be collected, all prescribed persons shall to the best of their knowledge and belief when required

Collection of statistics.

Industrial Arbitration (Amendment).

required by the Board of Trade so to do, fill up and supply in accordance with the instructions contained in or accompanying the prescribed form, the particulars specified in that form.

- 5 83. Every person shall to the best of his knowledge and belief answer all questions asked him by the Board of Trade, or by its duly authorised officers, necessary to obtain any information required for the purpose of any statistics authorised by this Act to be collected. Information to be supplied.
- 10 84. The Board of Trade is authorised to appoint any one or more of its members to conduct inquiries into specified matters. Power of one or more members.
- 15 85. Each member of the Board of Trade shall upon his appointment take an oath not to disclose (except so far as may be necessary in the execution of his duties as such member) any matter or evidence before the board relating to trade secrets, or the financial position of any person, or the contents of any books or documents produced before the board, and if he violates his 20 oath he shall be liable to a penalty not exceeding five hundred pounds, and on conviction for such offence he shall cease to be a member. Secrecy of Board.
- 25 86. The ~~Board of Trade~~ Governor may, subject to this Act, make general rules— General rules.
- 30 (a) regulating the practice, procedure, and forms under this Part of this Act;
- (b) prescribing the powers, duties, and rights of any officer of the Board of Trade;
- 35 (c) for the making and enforcement of any orders made under this Part of this Act;
- (d) regulating the distribution of business between the members of the Board;
- (e) providing for the payment of witnesses expenses; and
- 40 (f) generally for giving effect to the provisions of this part of the Act and the rules made thereunder, and may by such regulations impose penalties not exceeding fifty pounds for any breach thereof.
- 86A. Any person who hinders or obstructs the board or any member or officer thereof in the exercise of any power conferred by this Act shall for every such offence be liable to a penalty not exceeding fifty pounds.

Industrial Arbitration (Amendment).

PART X.

THE ORGANISATION OF THE LABOUR MARKET.

(A) Division (I).—*State Labour Exchanges.*

87. The Minister shall establish, maintain, and Establish-
 5 conduct in the manner prescribed, in Sydney, and in ment of
 such other places as he thinks fit, free employment State Labour
 agencies which shall be known as State Labour Exchanges.
 Exchanges.

88. The functions of the State Labour Exchanges Duties of such
 10 shall be to bring together intending employers and exchanges.
 persons seeking employment; to make known the
 opportunities for employment and self-employment in
 the State; to encourage minors and others to undertake
 15 or agricultural training for vagrants and other persons
 unsuited for ordinary employments; and to carry out
 any other duties prescribed. For any of the above
 purposes a State Labour Exchange may co-operate with
 and assist any other labour exchange or licensed private
 20 employment agency.

89. (1) The Minister may authorise a State Labour Advances to
 Exchange to make advances by way of loan towards meet
 meeting the expenses of persons seeking to avail them- expenses of
 selves of opportunities of employment in localities travelling
 25 distant from those in which they find themselves. to work.

(2) When any such advance has been made, the
 Minister may order that the amount of such advance
 shall be a charge on any moneys which are then, or which
 30 advance is made from his then or future employer, for
 wages or in respect of work done. On the making of
 any such order, the employer for the time being of such
 person, or any employer who shall not have discharged
 his indebtedness to such person, shall on being notified
 35 of such order pay such moneys to the Minister, when
 and as they become due and payable, in satisfaction
 of the charge imposed by the order.

(3) Such order may be for the repayment of the
 amount of such advance in one sum or by such instal-
 40 ments as the Minister may direct. (4)

Industrial Arbitration (Amendment).

(4) No charge upon, or assignment of his wages, or moneys in respect of work done, or to be done, whenever or however made by any such person shall have any force whatever to defeat or affect any such order and
 5 such order shall have effect as if no such charge or assignment existed.

90. (1) Any person obtaining or attempting to obtain under false pretences, or by means of any other fraud or deceit, an advance by way of loan, under the last
 10 preceding section, shall be guilty of a misdemeanour. Penalty, ten pounds, or imprisonment not exceeding six months.

Penalty for
obtaining
loan by fraud.

(2) If any person makes any wilfully false statement or false representation to any officer in
 15 superintendence of a State Labour Exchange, or to any person acting for or for the purposes of any such labour exchange, with intent to obtain employment or to procure labour in preference to others, or harass or molest others, he shall be guilty of a misdemeanour.
 20 Penalty, ten pounds, or imprisonment not exceeding six months.

Penalty for
false
statement.

(3) If any person knowingly—
 (a) sends, delivers, or causes to be sent or delivered
 25 to any officer any writing which purports to be signed or sent by any other person without such person's authority or in the name of any fictitious person; or
 (b) makes, sends, or delivers any written communication which purports to be a communication
 30 from any Government Department or any officer thereof, and which is not so in fact,
 he shall be guilty of a misdemeanour. Penalty, ten pounds, or imprisonment not exceeding six months.

*Industrial Arbitration (Amendment).***PART XI.****Division II.****PRIVATE EMPLOYMENT AGENCIES.**

91. A person shall not, after the passing of this Act
 5 open, or carry on for profit any agency for procuring
 or assisting to procure employment or labour or any
 business having as one of its purposes the bringing
 together of intending employers and persons seeking
 employment, unless he is the holder of a license under
 10 this Part of this Act. Every such license shall be in
 the form prescribed, and shall, subject to the provisions
 of this Act, remain in force for one year from the date
 thereof, but may be renewed.

Persons
 carrying on
 private
 employment
 agencies to be
 licensed.

Such license, together with a copy of this section,
 15 shall be posted in a conspicuous position in the place
 in which the agency or business to which it relates is
 carried on.

92. (1) Application for the issue or renewal of such
 license shall be made to the Minister in the form and in
 20 the manner prescribed, and shall be accompanied by the
 prescribed fee.

Application
 for license.

(2) The Minister may refer the application to a
 magistrate for inquiry as to whether the applicant is
 from his character or previous conduct a fit person to
 25 hold a license under this Part of this Act. A license
 shall not be issued or renewed unless the Minister or
 such magistrate determines that the applicant is a fit
 person to hold the license.

Reference for
 inquiry.

The magistrate shall for the purposes of any such
 30 inquiry and determination have the same powers as if
 he were sitting in a court of petty sessions, and the
 inquiry were a matter for hearing and determination
 therein.

The applicant and all persons who in the manner
 35 prescribed notify their objection to the issue or renewal of
 the license shall have notice of such inquiry and shall
 be entitled to be heard thereat, personally or by counsel,
 attorney, or agent. There shall be an appeal as pre-
 scribed by way of rehearing from the decision of a
 40 magistrate to the court.

Industrial Arbitration (Amendment).

93. It shall be the duty of every holder of a license under this Part of this Act to keep as prescribed—

Licensee to keep registers.

- 5 (a) a register in which shall be entered the age, sex, trade or occupation, name and address of every person who applies to such licensee for employment, and pays a fee in respect of his application, and the name and nature of the employment required by him; and
- 10 (b) a separate register in which shall be entered the name and address of every person who so applies for labour, and pays a fee in respect of his application, and the name and nature of the employment which he offers;
- 15 (c) a further separate register of all engagements made by or through such licensee; and
- (d) the originals of all letters received by such licensee, or by his agents or servants in connection with his agency or business during the next preceding two years.

20 Such registers and letters shall, at all reasonable hours, be open to the inspection and examination of any officer appointed by the Minister for the purpose.

94. The scale of fees chargeable by and payable to licensees in respect of agencies or businesses to which their licenses relate shall be as prescribed, and the said scale of fees shall be posted, and kept posted, in some conspicuous place in the premises in which such agencies or businesses are carried on so as to be seen by all persons entering such premises.

Scale of fees.

- 30 95. (1) A licensee shall not, directly or indirectly—
- (a) demand or receive for or in respect of the registration or engagement of any person any greater or other fees than those prescribed;
- 35 (b) take or accept any goods or chattels in payment, or as security for the payment of the prescribed fees, or receive or accept any reward or other consideration in addition to the said fees;
- 40 (c) give or pay to any employer, or to the foreman or agent of any employer, for or in respect of the hiring of any employee any share or part of the prescribed fees; nor shall any employer, foreman, or agent, directly or indirectly, take or receive from a licensee any share or part of such fees;
- 45 (d)

No fees to be received except those prescribed.

Licensee not to share fees with employer.

Industrial Arbitration (Amendment).

- (d) keep as lodgers any persons seeking employment, or have any share or interest in the keeping of a lodging-house for such persons. Licensee not to keep as lodgers any persons seeking employment.
- (2) Any sum of money or any goods or chattels received, taken, accepted, given or paid in contravention of the provisions of the preceding subsection may, notwithstanding that a penalty for such contravention may be enforced, be ordered by a magistrate to be forfeited to the Crown, or if such money, goods, or chattels shall have been exacted under duress exercised by the person receiving or taking the same to be repaid or redelivered to the person ~~for~~ from whom the exaction has been made.
- (3) The fact that any member of the licensee's household keeps any such persons as lodgers, or keeps any lodging-house for such persons, shall be prima facie evidence that the licensee so keeps such persons or has an interest in the keeping of such lodging-house as aforesaid.
- (4) Every contract or agreement made between any licensee or member of his household and any other person relating to the keeping as lodgers of persons seeking employment, or to the keeping of a lodging-house for such persons, shall be illegal and void for all purposes.
96. Where any person who applies for employment or for labour has paid to any licensee a registration fee and such person does not obtain employment or labour through such licensee within fourteen days after registration as aforesaid, then the licensee shall upon demand repay and return to such person the fee so paid, less any out of pocket expenses incurred by the licensee in respect of such person: Provided that such demand shall be made within thirty days after the expiration of the period aforesaid, and that the amount of out of pocket expenses to be charged shall in case of dispute be fixed by the Minister or any officer appointed by him for the purpose. Registration fee to be repaid if employment or labour not found.
97. A licensee shall not publish or cause to be published any false information or make any false promise concerning or relating to work or employment to anyone who registers for employment. False statements or entries by licensees.

Industrial Arbitration (Amendment).

A licensee shall not make or cause to be made any false entries in the registers to be kept as in this Act provided.

98. Every conviction against a licensee shall be endorsed on his license by the court before or by whom such conviction is had, and, upon failure to deliver up his license for such endorsement or upon a third conviction within three years from the first conviction, the license shall be cancelled, and the clerk of the court shall notify the Minister for that purpose.

Conviction to be endorsed on license.
Cancellation of license.

For the purpose of carrying out the provisions of this section the judge, magistrate, or justice may order the defendant to produce and deliver up his license.

99. A person whose license has been cancelled shall not be entitled to hold a license until the expiration of one year from the date of such cancellation.

Where license cancelled holder not qualified to obtain license.

100. A licensee shall not be entitled to maintain an action for the recovery of fees unless at the trial he produces his license.

Production of license.

101. On satisfactory proof of loss or destruction of a license, and on the payment of one shilling, the Minister may, at the request of the licensee, issue a duplicate license bearing all endorsements, and such duplicate shall avail for all purposes as if it were the original license.

Loss or destruction of license.

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PART XII.**Division III.****GENERAL PROVISIONS AND PENALTIES for the Purposes of this Part.**

~~102. Section sixty-eight of the Principal Act is~~ amended—

Amendment of s. 68.

(a) by omitting from subsection one thereof the words "and at the place where his employees in such industry are working" and inserting in their place the words "at the workshop or factory where he carries on his business";

(b) by omitting from subsection two thereof the words "at the place where the industry is carried on" and inserting in their place the same words as inserted in the said subsection one.

Time-sheets and pay-sheets.

40

103.

Industrial Arbitration (Amendment).

~~103.~~ Section ~~sixty nine~~ of ~~the~~ ~~Principal~~ ~~Act~~ is repealed. Repeal
of s. 69.

~~104.~~ **102.** Any person who contravenes or fails to carry out any provision of this **Part of this Act** shall, where no other penalty or punishment is by ~~this Act~~ provided, be liable on conviction to a penalty not exceeding five pounds, or imprisonment not exceeding three months. Penalty for
contravention
of Act.

105. Pecuniary penalties for breaches of this Act or any regulations thereunder may, except where otherwise in this Act provided, be recovered in a summary way before a magistrate in accordance with the provisions of the ~~Justices Act, 1902.~~ Recovery of
penalties.

~~106.~~ **103.** A copy of any entry in any of the registers prescribed, which copy purports to be signed by the **Minister** or any officer of the department making the same, shall be prima facie evidence of the truth of the matters stated in such copy. Copy of
entries in
registers to
be evidence.

~~107.~~ **104.** The Governor may make regulations for the purposes of ~~Part XI of the Principal Act~~ **this Part of this Act—**

- (a) prescribing the form of registers and generally the forms to be used in carrying out ~~Part XI of the Principal Act~~; Regulations.
- (b) prescribing the form of licenses which may be issued under ~~Part XI of the Principal Act~~, and the form of renewals of such licenses;
- (c) regulating the exhibition of licenses and other documents required by ~~Part XI of the Principal Act~~ to be exhibited;
- (d) prescribing the scale of fees chargeable by and payable to licensees;
- (e) generally giving effect to the purposes of ~~Part XI of the Principal Act~~ **this Part of this Act**;

and may by such regulations impose a penalty not exceeding twenty pounds for any breach thereof.

Industrial Arbitration (Amendment).~~PART XIII~~ PART XI.

INSURANCE AGAINST UNEMPLOYMENT.

108. 105. The Minister may, on the recommendation of the Board of Trade, and on conditions prescribed, for the purpose of creating funds for insurance against unemployment or loss of work due to adverse weather or sickness or the casual nature of the employment offering in any industry, authorise the payment out of the Consolidated Revenue Fund, which is hereby appropriated for that purpose, to any unemployment insurance committee formed in manner prescribed for a period of not less than one year, of bonuses or subsidies which shall not exceed five per centum of the total amount of wages paid to any employees represented by such committee in the said period:

Insurance
against unem-
ployment.

- Provided that no such payment shall be made unless the Board of Trade certifies that the fund is contributed to in proper proportions by the employers and employees engaged in the industry, and is administered by a suitable committee representative of employers and employees.

20. Within six months after the passing of this Act the Minister may direct that one or more or all of the unions which suffered cancellation of registration as industrial unions at the hands of the court for complicity in the general strike of the year one thousand nine hundred and seventeen shall be reinstated as industrial unions, and upon a notification by him to such effect being filed in the office of the registrar any union affected by such notification shall be deemed to be a registered industrial union.

Reinstate-
ment of
industrial
unions.

1. The Board of Directors shall have the authority to...
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 29. The Board of Directors shall have the authority to...
 30. The Board of Directors shall have the authority to...

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 5 March, 1918.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, March, 1918.

New South Wales.



ANNO OCTAVO

GEORGI V REGIS.

Act No. , 1918.

An Act to amend the law for the regulation of the conditions of industries and industrial arbitration; to provide for the establishment of a Board of Trade; to provide for the better organisation of the labour market; to modify the provisions for the repression of lock-outs and strikes; to establish special and deputy Courts of Industrial Arbitration; to provide for secret compulsory ballots in certain cases; to enlarge the powers of trade unions, and to extend the rights and responsibilities of their members; to amend the Industrial Arbitration Act, 1912, the Industrial Arbitration (Amendment) Act, 1916, the Trade Union Act, 1881, the ~~Masters and Servants Act of 1902~~, **Apprentices Act, 1901, and the Apprentices (Amendment) Act, 1915**, and certain other Acts; and for purposes consequent thereon or incidental thereto.

Industrial Arbitration (Amendment).

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
 5 the same, as follows:—

1. This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1918," and shall be construed with the Industrial Arbitration Act, 1912, hereinafter referred to as the Principal Act, and the
 10 Industrial Arbitration (Amendment) Act, 1916.

2. Section five of the Principal Act is amended
 by as follows:—

(a) in the definitions of "Apprentice" and "Improver" omit the word "twenty-one" and insert the word "twenty-two";

(b) in the definition of "Employer" after "includes" insert the words "the Crown (except as to any employees employed under the Public Service Act, 1902, and the Police Regulation Act, 1899, or any statute passed in substitution for or amendment of the same)."

(c) insert at the end of paragraph (a) of the definition of "industrial matters" the words "and the question whether piece-work or contract work or any other system of payment by results shall be allowed, forbidden, or exclusively prescribed in and for an industry or calling, and whether monetary allowance shall be made by employers in respect of standing back or waiting time".

(d) insert after the definition of the word "Magistrate" a further definition to read as follows:—
 "Managerial position" means the position of an employee who is principally engaged in the direction and control of other employees.

3. (1) Subsection three of section eight of the Principal Act is amended by omitting the words "or if it appears that another trade union to which the members of the applicants' union might conveniently belong has already been registered as an industrial union", and by inserting the words "~~Provided that~~ after the passing of this Act not more than one industrial union shall be registered in respect of any trade or calling unless the Registrar is satisfied that the registered industrial union whose members are engaged in such trade or calling has taken part in, aided or abetted

Short title.

Amendment
of s. 5.
Definitions.Amendment
of s. 8 (3) and
s. 10.
Registration.

Industrial Arbitration (Amendment).

abetted an illegal strike." "or to the extent to which in his opinion the interests under this Act of persons represented by the applicant union may be protected by a previously registered industrial union which has not since the passing of the Industrial Arbitration (Amendment) Act, 1918, taken part in, aided, or abetted an illegal strike."

(1A) Within six months after the passing of this Act the Minister may, with the concurrence of the senior judge of the court, direct that one or more or all of the unions which suffered cancellation of registration as industrial unions at the hands of the court for complicity in the general strike of the year one thousand nine hundred and seventeen shall be reinstated as industrial unions, and upon a notification by him to such effect being filed in the office of the registrar any union affected by such notification shall be deemed to be a registered industrial union. The concurrence of the senior judge shall be obtained by application in open court, and any union registered in the same industry as the union with respect to which the application is made shall have notice of the application, and shall be entitled to appear thereon.

Reinstatement of industrial unions.

(2) Section ten of the Principal Act is amended by omitting the words "with the consent of all other parties bound by such award or industrial agreement."

4. The following new sections are inserted next after section thirteen of the Principal Act:—

New sections.

13A. The court may elect to sit with assessors representing the interests of each of the parties before it. Such assessors shall be appointed by the court from persons nominated as prescribed.

Court may sit with assessors.

The court may commit to such assessors sitting without a judge for determination or for consideration and report any issue of fact or the items of any log of prices or other basis for the payment of work by results or any other matter prescribed.

13B. The Court shall when sitting for the hearing and determination of applications, references, and other matters exclusively affecting the Crown as employer or affecting persons exclusively employed in any industry by the Crown or by any Minister, trust, commission, or board exercising executive or administrative functions on behalf of the Government, including the Chief Commissioner for Railways and Tramways, Railway Commissioners for New South

Special court for Crown matters.

Industrial Arbitration (Amendment).

5 South Wales, Metropolitan Meat Industry Board,
 Sydney Harbour Trust Commissioners, Metropolitan
 Board of Water Supply and Sewerage, Water
 Conservation and Irrigation Commission, the Board
 of Fire Commissioners of New South Wales, and
 10 the Hunter District Board of Water Supply and
 Sewerage, or by the employees of any city, shire,
 or municipal council, sit as a special court with
 assessors appointed as prescribed in the last
 preceding section.

13C. The court shall, when sitting for the hearing
 and determination of applications, references, and
 other matter affecting employers and employees in
 the coal-mining industry, sit as a special court
 15 with assessors appointed in the same manner as
 prescribed in section 13A of this Act.

13D. The Governor may, from time to time, pro-
 claim districts of the State in and in respect of
 which the powers and jurisdiction of the court may,
 20 subject to general or special orders of the court
 made in that regard, be exercised by a deputy court
 to be constituted by a judge or a chairman appointed
 by the Governor or a chairman nominated by the court
 and appointed by the Governor with or without
 25 assessors appointed in the same manner as is pre-
 scribed in section 13A of this Act.

13E. The senior judge may grant to any party
 affected by an award of the court made by a single
 judge (with or without assessors) the right to appeal
 30 against such award to the court to be constituted
 by three judges, and the court, on the hearing
 of such appeal, may vary any such award as it
 thinks fit.

13F. The provisions of sections eighteen, nine-
 teen, twenty-two, and twenty-three of the Principal
 Act shall apply, mutatis mutandis, to assessors of
 35 the court and of a deputy court.

5. Section twenty-four of the Principal Act is
 amended as follows:—

40 (a) The following subsection is inserted after words
 are inserted at the end of subsection (1) (a):
 "Provided that no award shall be made for the
 payment of wages or salaries remuneration of
 45 persons occupying managerial positions except
 by the special court for Crown matters exer-
 cising

Special court:
 coal-mining.

Deputy
 court.

Appeal from
 single judge.

Application
 of certain
 sections to
 assessors.

Amendment
 of s. 24.

Jurisdiction
 of boards.

Industrial Arbitration (Amendment).

cising jurisdiction under section 13b of this Act or of any wages or remuneration in excess of ten pounds per week.

5 The following words are added to subsection (1) (b): "Provided that after the first day of October, one thousand nine hundred and eighteen, the hours for cessation of employment of persons employed in shops coming under the provisions of the Early Closing Act, 1899, and the Acts amending the same shall be the hours fixed by such Acts for the closing of such shops."

10 (b) Strike out of subsection (1) (g) the words "to members of any industrial union of employees over other persons offering their labour at the same time, other things being equal" and substitute the words "to the members of any trade union or industrial union of employees upon such terms and conditions as the court may prescribe so long as the members thereof shall not after the passing of the Industrial Arbitration (Amendment) Act, 1918, have taken part in, aided or abetted any illegal strike."

15 (c) The following words are added after the word "Industrial" in the proviso to subsection (1) (g) of section twenty-four of the Principal Act: "or trade".

20 **6.** Insert after section twenty-four of the Principal New section.
30 Act the following sections:—

24A. (1) The court or a board may in prescribing minimum wages fix the ~~quantum~~ quantity of work or services to be done.

35 (2) Whenever an award relating to any skilled occupation fixes minimum wages higher than the living wage, the amount of the excess of such minimum wages above the living wage shall be the same in the case of males and females doing the same class of work.

40 (3) The court or a board shall, as far as is consistent with the maintenance of industrial peace, deal only with wages and hours of employment, leaving all other matters to shop committees, conciliation committees, industrial councils, or voluntary committees formed for the purpose of adjusting
45 the

Industrial Arbitration (Amendment).

the industrial relationship of employer and employee. A judge or deputy judge of the court may act as the chairman of any industrial council.

5 ~~7.~~ **24B.** All employees engaged in rural industries Employees in rural industries. shall be entitled to be paid the living wages declared in their regard by the Board of Trade, but excepting ~~such as are included in any award made before the passing of this Act,~~ with the exception of employees whose conditions of employment have been regulated by ~~any award,~~ shall not be otherwise subject to the provisions of ~~the Principal Act, the Industrial Arbitration (Amendment) Act, 1916, or of this Act.~~

10 ~~7.~~ **7.** Section twenty-five of the Principal Act is amended by omitting the word "on" where first occurring therein Amendment of s. 25. and inserting in its place the words "fourteen days after." and by adding at the end of subsection one thereof the words "and after such period until varied or rescinded by the Board."

20 ~~8.~~ **8.** Section twenty-six of the Principal Act is repealed, Repeal of s. 26. and the following section is inserted in its place:—

25 26. The court or an industrial board shall not fix Wages of Government employees. rates of wages for persons employed by the ~~Chief Commissioner for Railways and Tramways,~~ **Crown, the Railway Commissioners for New South Wales, the Sydney Harbour Trust Commissioners, the Metropolitan Board of Water Supply and Sewerage, and the Hunter District Board of Water Supply and Sewerage, the Water Conservation and Irrigation Commission, the Board of Fire Commissioners of New South Wales, the Metropolitan Meat Industry Board, and the Hunter District Board of Water Supply and Sewerage,** less than those paid to other employees not employed by the Government or its departments doing substantially the same class of work, but the fact that employment is permanent or that additional privileges are allowed in the service of the Government or its departments shall not of itself be regarded as a substantial difference in the nature of the work.

40 ~~10.~~ **9.** Section twenty-seven of the Principal Act is Amendment of s. 27. amended by adding thereto the following subclause:—

(6) Any such permit for a period not exceeding Permits. three months may be issued by any inspector or by any other person appointed by the Minister.

Industrial Arbitration (Amendment).

11. **10.** Section twenty-nine of the Principal Act is amended by adding at the end thereof the words “ and after such period until varied or rescinded by the board.” Amendment of s. 29.
12. **11.** The heading to Part V of the Principal Act is amended by substituting the word “ industrial ” for the word “ colliery ” therein, and section thirty-eight of the Principal Act is amended by substituting the word “ industrial ” for the word “ colliery ” wherever therein occurring ; section thirty-nine is amended by the omission of subsection two, and section forty is amended by omitting the words “ in connection with coal-mining or metalliferous mining as the case may be.” Amendment of heading to Part V and s. 38.
13. **12.** Section forty-two of the Principal Act is amended by omitting the word “ five ” and inserting the word “ one.” Amendment of s. 42.
14. **13.** Section forty-three of the Principal Act is amended by inserting after the word “ strike ” the words “ or where a strike has occurred ” and by omitting the words “ and either no board has been constituted which would have jurisdiction in the matter or he is of opinion that a preliminary or temporary agreement should be made before the matter is submitted to a board.” Amendment of s. 43. Special Commissioner.
15. **14.** Section forty-four of the Principal Act is amended by inserting after the word “ acts ” the words “ unless the employees working in the industry concerned are taking part in an illegal strike.” Amendment of s. 44. Lock-outs.
16. **15.** Sections forty-five to forty-eight inclusive of the Principal Act are repealed, and the following sections are inserted in place of them:— Repeal of secs. 45-48 and substituted sections.
45. The following strikes and no others shall be illegal:— Illegal strikes.
- (a) Any strike by employees of the Crown or of any Minister, trust, commission, or board exercising executive or administrative functions on behalf of the Government of the State (including the ~~Chief Commissioner for Railways and Tramways,~~ **Railway Commissioners for New South Wales,** the Sydney Harbour Trust, the ~~Metropolitan~~ **Board**

Industrial Arbitration (Amendment).

5 Board of Water Supply and Sewerage, the
Water Conservation and Irrigation Com-
mission, the **Board of Fire Commissioners**
of **New South Wales**, the **Metropolitan**
Meat Industry Board, the Hunter District
Board of Water Supply and Sewerage) or
by the employees of any city, shire, or
municipal council, or of a statutory board
or committee representing the interests in
10 any combination of shires or municipalities,
or by employees engaged in any contracts
for military or naval purposes.

15 (b) Any strike by the employees in an
industry, the conditions of which are for
the time being ~~fixed~~ wholly or partially
regulated by an award or by an industrial
agreement: Provided that any union of
employees ~~not comprising employees of the~~
20 ~~classes mentioned in the previous subsection~~
may render an award which has been
in operation for a period of at least
twelve months no longer binding on its
members by the vote of a majority of
its members at a secret ballot taken
25 in accordance with the provisions for
ballots contained in this Act and the
regulations thereunder in which not less
than two-thirds of the members of such
union take part. ~~decline to be further~~
30 boun'd by the provisions of any award or
awards which shall have been in opera-
tion for a period of twelve months and
shall thereafter be unaffected by the fore-
going provisions of this paragraph.

(c)

Industrial Arbitration (Amendment).

(c) Any strike which has been commenced prior to the expiry of fourteen clear days' notice in writing of intention to commence the same, or of the existence of such conditions as would be likely to lead to the same given to the Minister by or on behalf of the persons taking part in such strike.

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46. In the event of an illegal strike occurring in any industry, the court may order any trade union, whose executive or ~~a substantial number of whose~~ members are taking part in or aiding or abetting the strike, to pay a penalty not exceeding five hundred pounds.

Penalty for illegal strike.

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47. It shall be a defence in any proceedings for an order or direction under the last preceding section that the union by the enforcement of its rules and by other means reasonable under the circumstances endeavoured to prevent its members from taking part in or aiding or abetting or continuing to take part in, aid or abet the illegal strike.

Defence to proceedings for illegal strike.

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48. (1) The Minister may at any time or from time to time during the progress of any strike, or whenever he has reason to believe that a strike is contemplated by the members of any industrial or trade union, or association of employees, direct that a secret ballot or secret ballots of such members or employees shall be taken in the manner prescribed for the purpose of determining whether a majority of such members or employees is or is not in favour of the institution or continuance respectively of the strike.

Secret ballot when strike contemplated.

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(2) Where the Minister has made a direction for the taking of a ballot he shall—

(a) appoint a returning officer and all necessary deputy returning officers, who shall have power to supervise, direct, and control, subject to the provisions of this Act and the regulations thereunder, all arrangements for the taking of such ballot; and

(b) appoint a sufficient number of scrutineers, who shall be officers or members of the union or association affected.

48A.

Industrial Arbitration (Amendment).

48A. The court shall for the purpose of this Act have all the powers of a Royal Commission under the Royal Commissioners Evidence Act, 1901, and the Boorabil Commission Act, 1914, which last mentioned Act is revived for the purposes of this Act, or any Act passed in substitution for or amendments of such Acts, or any Act passed in substitution for or amendment of that Act.

Additional powers of court to take evidence.

48B. Upon the occurrence of any lock-out or strike which in the opinion of the Minister has or is likely to have the effect of depriving the public wholly or to any extent detrimental to the public interest of any commodity, public utility or service, the Governor may make regulations for the conduct of such industry, and such regulations shall have the force of law for the period to be specified therein.

Regulations in case of lock-out or strike affecting public utilities.

Regulations so made may deal with any or all of the matters or things which may be dealt with by an award, and may also—

prescribe the rates, prices, or conditions at, for, or under which the services or commodities affected shall be supplied, sold, or furnished; and

prescribe the manner in which an employer's operations or business shall be conducted in any particular.

48B. If any person—

(i) aids or instigates an illegal strike; or

(ii) obstructs the taking of a ballot under this Act; or

(iii) counsels persons who are entitled to vote at such ballot to refrain from so voting; or

(iv) being an officer of a union or association refuses to assist in the taking of such a ballot by acting as a scrutineer or providing for the use of the returning officer and his assistants such registers and other lists of the members of the union or association as the returning officer may require or otherwise; or

(v)

Penalties for illegal strike or obstructing ballot.

Industrial Arbitration (Amendment).

(v) directs or assists in the direction of an illegal strike or acts or purports to act upon or in connection with a strike committee in connection with an illegal strike ;
 5 he shall be deemed guilty of a default of public duty, and upon being so found by the court shall be liable to a penalty not exceeding fifty pounds or imprisonment for a period not exceeding six months.

10 48c. The proprietor and publisher of any newspaper which advises, instigates, aids or abets an illegal strike, shall for each offence be liable to a penalty not exceeding one hundred pounds.

Penalty for newspaper publishing matter encouraging strike.

15 48d. Any person who induces or attempts to induce any person to take part in an illegal strike shall be liable to a penalty not exceeding ten pounds or to imprisonment, with or without hard labour, for a term not exceeding one month.

Penalty for illegal picketing.

20 48e. (1) No person or trades union shall, during the currency of any illegal strike, do any act or thing to induce or compel any person to refrain from handling or dealing with any article or commodity in the course of transit thereof or in the process of the manufacture, sale, supply, or use thereof.

Penalty for declaring any commodity black.

25 (2) The penalty for any breach of this section shall as against any trades union be a sum not exceeding one hundred pounds and as against any individual a sum not exceeding ten pounds, or imprisonment for a period not exceeding one month.

30 17-16. Section forty-nine of the Principal Act is amended by adding the following subsection:—

Amendment of s. 49.

35 (5) Any person who enters into a contract with a contractor for the carrying out by the contractor of any work involving the payment of wages shall be liable for the payment of such wages unless upon any final payment made by him to the contractor in relation to the contract he receives a statement in writing signed by the contractor that no wages are due and owing by the contractor in respect of
 40 the

Recovery of wages.

Industrial Arbitration (Amendment).

the work at the time of such payment. Any person who knowingly makes or signs a false statement that no wages are due or owing by him in respect of any work shall be liable to a penalty of one hundred pounds or to imprisonment for not more than six months.

18. **17.** The following Part No. VIIA is inserted next after section fifty-two, and shall be deemed to be included as a separate Part of the Principal Act:—

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PART VIIA.

TRADES UNIONS.

52A. (1) Section seven of the Trade Union Act of 1881 is repealed and the following section substituted:—

Repeal of
s. 7 of Trade
Union Act.

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~~7.~~ (2) A trade union shall have power to apply and use the moneys and other property of the union for or in connection with any lawful object or purpose for the time being authorised by its rules, and without limiting the generality of this provision may—

Powers of
trade union
with regard
to its funds.

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(a) acquire, purchase, take on lease, hold, sell, lease, mortgage, exchange, and otherwise own, possess, and deal with in the names of the trustees for the time being of such union any real or personal property (including shares in any registered company, whether registered in New South Wales or not), and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire whether the trustees have authority for any sale, exchange, mortgage, or letting, and the receipt of the trustees shall be a discharge for the money arising therefrom.

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(a1) subject to the provisions of the next succeeding subsection hereof apply to the Court or to any District Court or Court of Petty Sessions having jurisdiction in the locality for and obtain an order directing the payment by any of its members of any fine, levy, penalty, call, or subscription in pursuance of the rules of the union.

40

(b)

Industrial Arbitration (Amendment).

- (b) provide for the application of its money and property to the furtherance of political objects so long as rules of the union are in force providing—
- 5 (i) that any payments in the furtherance of such objects are to be made out of a separate fund;
- 10 (ii) that contribution to such separate fund shall not be a condition of admission to or membership of the said union;
- 15 (iii) that a member who does not contribute to such separate fund shall not be excluded from any benefits of the union or placed under any disability or at any disadvantage as compared with other members of the union by reason of his failure to so contribute.
- (3) The expression “political objects” in ~~this~~ **the last preceding** subsection means the payment of
- 20 any expenses incurred either directly or indirectly by a candidate or prospective candidate for election to Parliament or to any public office, before, during, or after the election in connection with his candidature or election; or the holding of
- 25 any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or the maintenance of any person who is a member of Parliament or who holds a public office; or the registration
- 30 of electors or the selection of a candidate for Parliament or any public office; or the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind, unless the main purpose of the meeting or of
- 35 the distribution of the literature or documents is the furtherance of the objects set out in the definition of “Trade Union” in section thirty-one of the Trade Union Act of 1881, or the maintenance and publication of a newspaper other than a non-political
- 40 trade journal.

(4)

Industrial Arbitration (Amendment).

(4) The expression "public office" in ~~this section~~ the last preceding subsection means the office of member of any shire or municipal council, or the Municipal Council of Sydney, or of any public body which has power to raise money, either directly or indirectly, by means of a rate.

52B. The provisions of ~~this subsection~~ the last preceding section shall apply to a union which is in whole or in part an association or combination of other unions, as if the individual members of the component unions were the members of that union and not the unions;

52c. If any member of a trade union alleges that he is aggrieved by a breach of any rule ~~made in pursuance of this subsection~~ relating to any of the matters mentioned in section 52A subsection (2) (b) of this Act, he may complain to the Court of Industrial Arbitration, which court, after giving the complainant and any representative of the union the opportunity of being heard, may, if it considers that such a breach has been committed, make such an order for remedying the breach as it thinks just under the circumstances, and any such order shall be binding and conclusive on all parties without appeal.

52D. No such separate fund established for political purposes or any property in which such fund may be invested shall be liable to attachment in the enforcement of any order for payment of any penalty made against the union.

(c) subject to the last preceding clause, apply to any court of competent jurisdiction for and obtain an order directing the payment by any of its members of any fine, levy, penalty, call, or subscription in pursuance of the rules of the union;

(2) 52E. The court may entertain and adjudicate upon any legal proceedings instituted for the purpose of directly enforcing or recovering damages for a breach of any of the following agreements:—

Powers of court to enforce certain agreements.

(a) The constitution or rules of the trade union.

(b)

Industrial Arbitration (Amendment).

- 5 (b) Any agreement between members of a trade union as such concerning the conditions on which any members for the time being of the trade union shall or shall not sell their goods, transact business, employ or be employed.
- (c) Any agreement for the regulation of any business or industry as between employers and employees made by a trade union with an employer or employers.
- 10 (d) Any agreement made between one trade union and another; or
- (e) Any bond to secure the performance of any of the above mentioned agreements.

15 Provided that such agreements shall be in writing, and that copies of them, verified as prescribed, shall have been filed with the court.

20 (3) 52F. For the purpose of exercising the jurisdiction and powers conferred upon it by this part the court shall have all the powers of the Supreme Court and shall hear and determine according to equity and good conscience all questions arising for its determination hereunder and the judgment of the court upon such questions shall have force and effect as judgments, orders, or decrees of the

25 Supreme Court in its common law or equitable jurisdiction according to the substance thereof, and shall be so recorded by the Prothonotary of the Supreme Court or Master in Equity as the case may require.

30 52G. Where any trade union fails within the time prescribed by the court to pay any penalty imposed by the court the trade union shall be wound up. The court shall appoint a receiver of the assets of the trade union, who shall forthwith proceed to collect such assets and wind up the union's affairs, and shall, after paying the costs, charges, and expenses of the winding-up, pay the penalties due to the Crown and other debts of the trade union and thereafter shall distribute the residue of such proceeds amongst the persons including members of the union who appear to be entitled to the same.

Enforcement
of order of
court
imposing
penalty.

Any

Industrial Arbitration (Amendment).

5 Any receiver so appointed shall, in respect of the property and affairs of the union, have all the powers, rights and duties of a liquidator in the voluntary winding-up of a company under the Companies Act, 1899.

10 52H. After service of an order for the payment of any penalty by any trade union it shall not be lawful for any bank, corporation, company, or person, whether as principal or agent, to account for or cash cheques, or orders on the funds or account of the union, or to deal in any way with its property, or to lend moneys to the union except at the direction of the receiver appointed by the court; and any person who with knowledge or notice of any such order receives, expends, or otherwise deals with such funds or property, except in accordance with an order of the court shall be liable to make good to the receiver any loss occasioned to the assets of the union by the receipt, expenditure, or dealing, and to a penalty not exceeding five hundred pounds. Penalty :
stop-order.

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20
25 ~~Every~~ **Provided that** any person, bank, or corporation shall be relieved of all liability under this section on publication in the Government Gazette of a notice to that effect under the hand of the Minister.

30 52I. (1) All persons who are, by the nature of their occupation or employment, of the class of which a trade union is constituted, and who are not of general bad character, shall be entitled to be admitted to membership of the union, and to remain members thereof and enjoy all advantages of membership so long as they shall comply with the rules of the union. Persons
entitled to
membership
of union.

35 (2) Any question or dispute as to the character of any applicant or the reasonableness of any admission fee, subscription, fine or levy or other

Industrial Arbitration (Amendment).

5 other requirements of the rules of any trade union,
shall be determined by the court, which shall
also have power to direct that the ~~constitution~~
and rules of a trade union shall be altered or
annulled in any particular in order to bring them
10 into conformity with what it declares to be reason-
able in the circumstances, and upon any such
direction being given the rules affected shall
be deemed to have been altered or annulled
accordingly.

52J. No trade union shall register any rule Illegal rules.
which is contrary to any term or provision of an
award.

15 52K. Every trade union shall within three months Returns by
trade unions.
of the passing of this Act and thereafter annually
make returns to the Registrar of Trade Unions with
respect to its rules, the names and the addresses
20 recorded in the books of such trade union of its
members and the persons occupying executive and
other offices in the union in the manner and at the
times prescribed; and the court may order any union
which fails to make full and proper returns as afore-
said, or to amend its rules in accordance with any
25 order made by the court, or to admit to membership
any person whom the court declares is entitled to
such admission to pay a penalty not exceeding one
hundred pounds.

17A. Section sixty-eight of the Principal Act is Amendment
of s. 68.
amended—

- 20 (a) by omitting from subsection one thereof the Time-sheets
and pay-
sheets.
words "and at the place where his employees
in such industry are working" and inserting
in their place the words "at the workshop or
factory where he carries on his business";
- 35 (b) by omitting from subsection two thereof the
words "at the place where the industry is
carried on" and inserting in their place the same
words as inserted in the said subsection one.

17B. Section sixty-nine of the Principal Act is Repeal
of s. 69.
40 repealed.

17C. Section seventy-two of the Principal Act is Amendment
of s. 72.
amended by the omission of the words "Act and the
Clerical Workers Act, 1910," and the substitution
therefor of the words "and the preceding Parts of this
45 Act."

Industrial Arbitration (Amendment).~~PART IX.~~~~The Board of Trade.~~

19. **18.** The following sections **Parts** are inserted next New sections.
after section seventy-three, and shall be deemed to be
5 included as separate **Parts** of the Principal Act:—

PART IX.**The Board of Trade.**

74. There is hereby constituted a body corporate to The Board of Trade.
be known as "The New South Wales Board of Trade," Trade.
10 which shall have perpetual succession and a common seal.

75. The Board of Trade shall comprise a president
who shall be the Minister or a judge of the Industrial
Arbitration Court as the Governor may declare, a deputy
president, who shall be the Under-Secretary of Labour
15 and Industry, and four commissioners.

76. The Governor shall as soon as practicable after
the passing of this Act appoint the Commissioners of
the Board of Trade; the members of such Board of Trade
other than the president and the deputy president shall
20 be paid such fees as may be prescribed; and such fees
and allowances shall become a charge upon the Conso-
lidated Revenue.

77. The members of such board shall be appointed
for a period not exceeding three years but may be
25 removed from office by the Governor.

75. (1) The Board of Trade shall comprise a president, Constitution of Board.
who shall be a judge of the court, a deputy president,
and four commissioners.

(2) The Minister shall be an associate commis-
30 sioner of the Board of Trade, and may take part in its
deliberations, but shall not cast a vote in connection
with the determinations of the board.

(3) The president shall have a casting as well as
an original vote upon any proceedings of the board in
35 connection with which the vote taken is otherwise
equally divided.

(4) The president shall sit with the Board of
Trade whenever it is exercising the powers and functions
conferred upon it by sections 79 and 79A of this Act.

40 76. The Governor shall, as soon as practicable after Appointment of Commis-
sioners.
the passing of this Act, make all necessary appointments
to the Board of Trade; the members of such Board of
Trade, other than the president and the Minister, shall
be paid such fees or salaries and allowances as may be
54 prescribed; and such fees or salaries and allowances shall
become a charge upon the Consolidated Revenue. 77.

Industrial Arbitration (Amendment).

77. (1) The members of the Board of Trade shall be appointed for a period of five years, provided that any member may be suspended from office for misbehaviour or incapacity. Period of appointment.

5 (2) The Minister shall, within seven days after the suspension of any member of the Board of Trade, if Parliament is then sitting, or if Parliament is not then sitting, within seven days after the next meeting of Parliament, cause to be laid before both Houses of Par-
10 liament a full statement of the grounds of suspension. A member who has been suspended shall be restored to office unless each House of Parliament, within forty days after the statement has been laid before it in the
15 same Session, pass an address praying for his removal on the grounds of proved misbehaviour or incapacity.

78. On the happening of any vacancy in the office of Commissioner of the Board of Trade the Governor shall appoint a person to fill the vacant office. Casual vacancies.

20 In the case of illness, absence, or suspension of any Commissioner of the Board of Trade the Governor may appoint a person to act as a deputy-commissioner during such illness, absence, or suspension, and the deputy so appointed shall have all the powers and perform all the duties of the position.

25 79. (1) The Board of Trade shall from year to year after public inquiry as to the increase or decrease in the average cost of living declare what shall be the living wages to be paid to adult male employees and to adult female employees in the State or any defined area
30 thereof. In declaring such living wages the Board of Trade shall make a separate public inquiry into the cost of living of employees engaged in rural occupations, and shall make a separate declaration as to the living wages to be paid to such employees and shall declare what
35 deductions may be made from such wages for board or residence or board and residence—and for any customary privileges or payments in kind conceded to or made to such employees.

(2) No industrial agreement shall be entered into and no award made for wages lower than such living wages.

(3) Any aged, infirm, or slow worker engaged in any rural occupation who may deem himself unable to earn the living wages declared by the Board of Trade may apply to the registrar or to any person appointed by
45 such Board for a permit in writing to work for less than the living wage. Copies of all such permits shall be forwarded to the registrar, who may at any time cancel or amend the same.

Industrial Arbitration (Amendment).

79A. Notwithstanding the provisions of the Apprentices Act, 1901, the Apprentices (Amendment) Act, 1915, and this Act, and notwithstanding the effect of any custom of or against apprenticeship, the Board of Trade shall—

- (a) determine in what occupations and industries apprenticeship shall be a condition of employment of minors;
- (b) prescribe the hours of employment, wages, and conditions of apprenticeship;
- (c) determine whether and to what extent there shall be a limitation of the number of apprentices indentured in any trade or calling;
- (d) determine to what extent technical education if procurable shall be obligatory upon apprentices and their masters;
- (e) co-operate with the Department of Education in encouraging young persons to attend technical trade and continuation schools;
- (f) establish and maintain an apprenticeship register and record therein all indentures or other contracts of apprenticeship and protect the contracts and interests of apprentices and all workers of minor age who are learners, and ensure the attendance of apprentices and learners at technical or trade schools;
- (g) prescribe standard forms of apprenticeship for different trades and callings, and the manner in which and the persons by whom the making, carrying out, and transfer of indentures or other contracts of apprenticeship shall be supervised;
- (h) control and direct the conditions in all respects of apprenticeship in any industry.

35 79B. (1) Upon the exercise by the Board of Trade of the powers and functions specified in the two preceding sections the Governor may make regulations incorporating the determinations and directions of such board and any matters necessary or convenient to be prescribed for
40 carrying such determinations and directions into effect.

Powers of
Board of
Trade.

(2) Upon the publication of any such regulations the provisions of awards relating to the matters dealt with by the Board of Trade shall cease to have effect.

Industrial Arbitration (Amendment).

89. The Board of Trade is further empowered to exercise the following functions and perform the following duties:—

- 5 (a) to establish and maintain an apprenticeship register and record therein all indentures or other contracts of apprenticeship, and protect the contracts and interests of apprentices and all workers of minor ages who are learners, and ensure the attendance of apprentices and learners in the manner prescribed at technical or trade schools.
- 10 (b) To determine in what occupations and industries apprenticeship shall be a condition of employment of all minors.
- 15 (c) To prescribe the hours of employment, wages, and conditions of apprenticeship.
- (d) To determine whether and to what extent there shall be a limitation of the number of apprentices indentured in any trade or calling.
- 20 (e) To prescribe by regulation a standard form of apprenticeship in different trades and callings. Upon the exercise of the powers in this and the preceding subsections the provisions of awards relating to the matters dealt with by the Board of Trade shall cease to have effect.
- 25 (f) To co-operate with the Department of Public Instruction in encouraging young persons to attend technical, trade, and continuation schools.
- 30 (g a) To encourage and create councils of employees and employers for the purpose of encouraging the proper apprenticeship of all minors and provide for the welfare of juvenile labour.
- (h b) To acquire and disseminate knowledge on all matters connected with industrial occupations with a view to improving the industrial relationship between employers and workers and to combat the evils of unemployment.
- 35 (i c) To collect and publish information relating to or affecting industrial conditions.
- 40 (j d) To propound schemes for welfare work, and report to the Governor on all matters relating to such work, and to the insurance of employees against loss or injury caused by unemployment, sickness, or accident, or industrial diseases.
- 45 (k e)

Industrial Arbitration (Amendment).

- 5 (k e) To report on any matter referred to as to the prices of commodities, and as to whether or not monopolies or trade rings exist for the purpose of unfairly keeping up the prices of commodities.
- (l f) To investigate and report on the existence of sweating in an industry.
- 10 (m g) To report upon the productivity of industries, the number of employees in any industry, and the effect or probable effect of the regulation of the conditions of any industry upon such productivity.
- 15 (n h) To consider and report upon the industrial efficiency of the community, the organisation of the labour market and opportunities of employment, and all questions relating to unemployment.
- 20 (o i) To collect and publish from time to time statistics of vital, social, and industrial matters, and on labour employment and unemployment in specific industries, and on other prescribed matters.
- 25 (p j) To encourage and assist in the establishment in different industries of mutual welfare committees and industrial councils, and of subsidiary shop committees for individual enterprises.
- 30 (q k) to encourage and assist schemes for mutual co-operation and profit sharing between employers and employees.
- (r l) To encourage and assist in the establishment of hostels for women workers and workmen's clubs and libraries.
- 35 (s m) To report and advise on schemes for the better housing of the people.
- (t n) To consider and report upon any other matter referred to it by the Minister.

81. The Board of Trade shall, in investigating any matter for the purposes of this Act, have all the powers of a Royal Commission under the Royal Commissioners Evidence Act of 1901, or any Act passed in substitution for or any amendment of that Act.

82. For the purpose of enabling the statistics referred to in this Act to be collected, all prescribed persons shall to the best of their knowledge and belief when required

Board to have powers of Royal Commission.

Collection of statistics.

Industrial Arbitration (Amendment).

required by the Board of Trade so to do, fill up and supply in accordance with the instructions contained in or accompanying the prescribed form, the particulars specified in that form.

- 5 83. Every person shall to the best of his knowledge and belief answer all questions asked him by the Board of Trade, or by its duly authorised officers, necessary to obtain any information required for the purpose of any statistics authorised by this Act to be collected. Information to be supplied.
- 10 84. The Board of Trade is authorised to appoint any one or more of its members to conduct inquiries into specified matters. Power of one or more members.
- 15 85. Each member of the Board of Trade shall upon his appointment take an oath not to disclose (except so far as may be necessary in the execution of his duties as such member) any matter or evidence before the board relating to trade secrets, or the financial position of any person, or the contents of any books or documents produced before the board, and if he violates his
- 20 oath he shall be liable to a penalty not exceeding five hundred pounds, and on conviction for such offence he shall cease to be a member. Secrecy of Board.
- 25 86. The ~~Board of Trade~~ **Governor** may, subject to this Act, make general rules— General rules.
- (a) regulating the practice, procedure, and forms under this Part of this Act;
- (b) prescribing the powers, duties, and rights of any officer of the Board of Trade;
- 30 (c) for the making and enforcement of any orders made under this Part of this Act;
- (d) regulating the distribution of business between the members of the Board;
- (e) providing for the payment of witnesses expenses; and
- 35 (f) generally for giving effect to the provisions of this part of the Act and the rules made thereunder, and may by such regulations impose penalties not exceeding fifty pounds for any breach thereof.
- 40 86A. Any person who hinders or obstructs the board or any member or officer thereof in the exercise of any power conferred by this Act shall for every such offence be liable to a penalty not exceeding fifty pounds.

Industrial Arbitration (Amendment).

PART X.

THE ORGANISATION OF THE LABOUR MARKET.

(A) **Division (I).**—*State Labour Exchanges.*

87. The Minister shall establish, maintain, and ^{Establish-} ^{ment of} ^{State Labour} ^{Exchanges.}
 5 conduct in the manner prescribed, in Sydney, and in such other places as he thinks fit, free employment agencies which shall be known as State Labour Exchanges.

88. The functions of the State Labour Exchanges ^{Duties of such} ^{exchanges.}
 10 shall be to bring together intending employers and persons seeking employment; to make known the opportunities for employment and self-employment in the State; to encourage minors and others to undertake training in skilled employments; to provide industrial
 15 or agricultural training for vagrants and other persons unsuited for ordinary employments; and to carry out any other duties prescribed. For any of the above purposes a State Labour Exchange may co-operate with and assist any other labour exchange or licensed private
 20 employment agency.

89. (1) The Minister may authorise a State Labour ^{Advances to} ^{meet} ^{expenses of} ^{travelling} ^{to work.}
 Exchange to make advances by way of loan towards meeting the expenses of persons seeking to avail themselves of opportunities of employment in localities
 25 distant from those in which they find themselves.

(2) When any such advance has been made, the Minister may order that the amount of such advance shall be a charge on any moneys which are then, or which may thereafter be due to the person to whom such
 30 advance is made from his then or future employer, for wages or in respect of work done. On the making of any such order, the employer for the time being of such person, or any employer who shall not have discharged his indebtedness to such person, shall on being notified
 35 of such order pay such moneys to the Minister, when and as they become due and payable, in satisfaction of the charge imposed by the order.

(3) Such order may be for the repayment of the amount of such advance in one sum or by such instal-
 40 ments as the Minister may direct. (4)

Industrial Arbitration (Amendment).

(4) No charge upon, or assignment of his wages, or moneys in respect of work done, or to be done, whenever or however made by any such person shall have any force whatever to defeat or affect any such order and 5 such order shall have effect as if no such charge or assignment existed.

90. (1) Any person obtaining or attempting to obtain under false pretences, or by means of any other fraud or deceit, an advance by way of loan, under the last 10 preceding section, shall be guilty of a misdemeanour. Penalty, ten pounds, or imprisonment not exceeding six months. Penalty for obtaining loan by fraud.

(2) If any person makes any wilfully false statement or false representation to any officer in 15 superintendence of a State Labour Exchange, or to any person acting for or for the purposes of any such labour exchange, with intent to obtain employment or to procure labour in preference to others, or harass or molest others, he shall be guilty of a misdemeanour. 20 Penalty, ten pounds, or imprisonment not exceeding six months. Penalty for false statement.

(3) If any person knowingly—
(a) sends, delivers, or causes to be sent or delivered to any officer any writing which purports to be signed or sent by any other person without 25 such person's authority or in the name of any fictitious person; or
(b) makes, sends, or delivers any written communication which purports to be a communication from any Government Department or 30 any officer thereof, and which is not so in fact, he shall be guilty of a misdemeanour. Penalty, ten pounds, or imprisonment not exceeding six months.

*Industrial Arbitration (Amendment).*PART XI.**Division II.**

PRIVATE EMPLOYMENT AGENCIES.

91. A person shall not, after the passing of this Act
 5 open, or carry on for profit any agency for procuring
 or assisting to procure employment or labour or any
 business having as one of its purposes the bringing
 together of intending employers and persons seeking
 employment, unless he is the holder of a license under
 10 this Part of this Act. Every such license shall be in
 the form prescribed, and shall, subject to the provisions
 of this Act, remain in force for one year from the date
 thereof, but may be renewed.

Persons
 carrying on
 private
 employment
 agencies to be
 licensed.

Such license, together with a copy of this section,
 15 shall be posted in a conspicuous position in the place
 in which the agency or business to which it relates is
 carried on.

92. (1) Application for the issue or renewal of such
 license shall be made to the Minister in the form and in
 20 the manner prescribed, and shall be accompanied by the
 prescribed fee.

Application
 for license.

(2) The Minister may refer the application to a
 magistrate for inquiry as to whether the applicant is
 from his character or previous conduct a fit person to
 25 hold a license under this Part of this Act. A license
 shall not be issued or renewed unless the Minister or
 such magistrate determines that the applicant is a fit
 person to hold the license.

Reference for
 inquiry.

The magistrate shall for the purposes of any such
 30 inquiry and determination have the same powers as if
 he were sitting in a court of petty sessions, and the
 inquiry were a matter for hearing and determination
 therein.

The applicant and all persons who in the manner
 35 prescribed notify their objection to the issue or renewal of
 the license shall have notice of such inquiry and shall
 be entitled to be heard thereat, personally or by counsel,
 attorney, or agent. There shall be an appeal as pre-
 scribed by way of rehearing from the decision of a
 40 magistrate to the court.

Industrial Arbitration (Amendment).

93. It shall be the duty of every holder of a license under this Part of this Act to keep as prescribed—

Licensee to keep registers.

- 5 (a) a register in which shall be entered the age, sex, trade or occupation, name and address of every person who applies to such licensee for employment, **and pays a fee in respect of his application**, and the name and nature of the employment required by him; and
- 10 (b) a separate register in which shall be entered the name and address of every person who so applies for labour, **and pays a fee in respect of his application**, and the name and nature of the employment which he offers;
- 15 (c) a further separate register of all engagements made by or through such licensee; and
- (d) the originals of all letters received by such licensee, or by his agents or servants in connection with his agency or business during the next preceding two years.

20 Such registers and letters shall, at all reasonable hours, be open to the inspection and examination of any officer appointed by the Minister for the purpose.

94. The scale of fees chargeable by and payable to licensees in respect of agencies or businesses to which their licenses relate shall be as prescribed, and the said scale of fees shall be posted, and kept posted, in some conspicuous place in the premises in which such agencies or businesses are carried on so as to be seen by all persons entering such premises.

Scale of fees.

- 30 95. (1) A licensee shall not, directly or indirectly—
- (a) demand or receive for or in respect of the registration or engagement of any person any greater or other fees than those prescribed;
- 35 (b) take or accept any goods or chattels in payment, or as security for the payment of the prescribed fees, or receive or accept any reward or other consideration in addition to the said fees;
- 40 (c) give or pay to any employer, or to the foreman or agent of any employer, for or in respect of the hiring of any employee any share or part of the prescribed fees; nor shall any employer, foreman, or agent, directly or indirectly, take or receive from a licensee any share or part of such fees;
- 45 (d)

No fees to be received except those prescribed.

Licensee not to share fees with employer.

Industrial Arbitration (Amendment).

(d) keep as lodgers any persons seeking employment, or have any share or interest in the keeping of a lodging-house for such persons.

Licensee not to keep as lodgers any persons seeking employment.

(2) Any sum of money or any goods or chattels received, taken, accepted, given or paid in contravention of the provisions of the preceding subsection may, notwithstanding that a penalty for such contravention may be enforced, be ordered by a magistrate to be forfeited to the Crown, or if such money, goods, or chattels shall have been exacted under duress exercised by the person receiving or taking the same to be repaid or redelivered to the person ~~for~~ from whom the exaction has been made.

(3) The fact that any member of the licensee's household keeps any such persons as lodgers, or keeps any lodging-house for such persons, shall be prima facie evidence that the licensee so keeps such persons or has an interest in the keeping of such lodging-house as aforesaid.

(4) Every contract or agreement made between any licensee or member of his household and any other person relating to the keeping as lodgers of persons seeking employment, or to the keeping of a lodging-house for such persons, shall be illegal and void for all purposes.

96. Where any person who applies for employment or for labour has paid to any licensee a registration fee and such person does not obtain employment or labour through such licensee within fourteen days after registration as aforesaid, then the licensee shall upon demand repay and return to such person the fee so paid, less any out of pocket expenses incurred by the licensee in respect of such person: Provided that such demand shall be made within thirty days after the expiration of the period aforesaid, and that the amount of out of pocket expenses to be charged shall in case of dispute be fixed by the Minister or any officer appointed by him for the purpose.

Registration fee to be repaid if employment or labour not found.

97. A licensee shall not publish or cause to be published any false information or make any false promise concerning or relating to work or employment to anyone who registers for employment.

False statements or entries by licensees.

Industrial Arbitration (Amendment).

A licensee shall not make or cause to be made any false entries in the registers to be kept as in this Act provided.

98. Every conviction against a licensee shall be endorsed on his license by the court before or by whom such conviction is had, and, upon failure to deliver up his license for such endorsement or upon a third conviction within three years from the first conviction, the license shall be cancelled, and the clerk of the court shall notify the Minister for that purpose.

Conviction to be endorsed on license.
Cancellation of license.

For the purpose of carrying out the provisions of this section the judge, magistrate, or justice may order the defendant to produce and deliver up his license.

99. A person whose license has been cancelled shall not be entitled to hold a license until the expiration of one year from the date of such cancellation.

Where license cancelled holder not qualified to obtain license.

100. A licensee shall not be entitled to maintain an action for the recovery of fees unless at the trial he produces his license.

Production of license.

101. On satisfactory proof of loss or destruction of a license, and on the payment of one shilling, the Minister may, at the request of the licensee, issue a duplicate license bearing all endorsements, and such duplicate shall avail for all purposes as if it were the original license.

Loss or destruction of license.

25

PART XII.

Division III.

GENERAL PROVISIONS AND PENALTIES for the Purposes of this Part.

~~102. Section sixty-eight of the Principal Act is amended—~~

Amendment of s. 68.

(a) by omitting from subsection one thereof the words "and at the place where his employees in such industry are working" and inserting in their place the words "at the workshop or factory where he carries on his business";

(b) by omitting from subsection two thereof the words "at the place where the industry is carried on" and inserting in their place the same words as inserted in the said subsection

Time-sheets and pay-sheets.

40

one.

103.

Industrial Arbitration (Amendment).

103. Section ~~sixty nine~~ of the ~~Principal Act~~ is repealed. Repeal of s. 69.
104. **102.** Any person who contravenes or fails to carry out any provision of this **Part of this Act** shall, where no other penalty or punishment is by ~~this Act~~ provided, be liable on conviction to a penalty not exceeding five pounds, or imprisonment not exceeding three months. Penalty for contravention of Act.
105. Pecuniary penalties for breaches of this Act or any regulations thereunder may, except where otherwise provided, be recovered in a summary way before a magistrate in accordance with the provisions of the ~~Justices Act, 1902~~. Recovery of penalties.
106. **103.** A copy of any entry in any of the registers prescribed, which copy purports to be signed by the Minister or any officer of the department making the same, shall be prima facie evidence of the truth of the matters stated in such copy. Copy of entries in registers to be evidence.
107. **104.** The Governor may make regulations for the purposes of ~~Part XI of the Principal Act~~ **this Part of this Act**— Regulations.
- (a) prescribing the form of registers and generally the forms to be used in ~~carrying out Part XI of the Principal Act~~;
- (b) prescribing the form of licenses which may be issued ~~under Part XI of the Principal Act~~, and the form of renewals of such licenses;
- (c) regulating the exhibition of licenses and other documents required by ~~Part XI of the Principal Act~~ to be exhibited;
- (d) prescribing the scale of fees chargeable by and payable to licensees;
- (e) generally giving effect to the purposes of ~~Part XI of the Principal Act~~ **this Part of this Act**;
- and may by such regulations impose a penalty not exceeding twenty pounds for any breach thereof.

Industrial Arbitration (Amendment).~~PART XIII~~ PART XI.

INSURANCE AGAINST UNEMPLOYMENT.

108. 105. The Minister may, on the recommendation of the Board of Trade, and on conditions prescribed, for the purpose of creating funds for insurance against unemployment or loss of work due to adverse weather or sickness or the casual nature of the employment offering in any industry, authorise the payment out of the Consolidated Revenue Fund, which is hereby appropriated for that purpose, to any unemployment insurance committee formed in manner prescribed for a period of not less than one year, of bonuses or subsidies which shall not exceed five per centum of the total amount of wages paid to any employees represented by such committee in the said period:

Insurance
against unem-
ployment.

Provided that no such payment shall be made unless the Board of Trade certifies that the fund is contributed to in proper proportions by the employers and employees engaged in the industry, and is administered by a suitable committee representative of employers and employees.

20. Within six months after the passing of this Act the Minister may direct that one or more or all of the unions which suffered cancellation of registration as industrial unions at the hands of the court for complicity in the general strike of the year one thousand nine hundred and seventeen shall be reinstated as industrial unions, and upon a notification by him to such effect being filed in the office of the registrar any union affected by such notification shall be deemed to be a registered industrial union.

Reinstatement
of
industrial
unions.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 5 March, 1918.*

New South Wales.



ANNO OCTAVO

GEORGII V REGIS.

Act No. , 1918.

An Act to amend the law for the regulation of the conditions of industries and industrial arbitration ; to provide for the establishment of a Board of Trade ; to provide for the better organisation of the labour market ; to modify the provisions for the repression of lock-outs and strikes ; to establish special and deputy Courts of Industrial Arbitration ; to provide for secret compulsory ballots in certain cases ; to enlarge the powers of trade unions, and to extend the rights and responsibilities of their members ; to amend the Industrial Arbitration Act, 1912, the Industrial Arbitration (Amendment) Act, 1916, the Trade Union Act, 1881, the Masters and Servants Act of 1902, and certain other Acts ; and for purposes consequent thereon or incidental thereto.

Industrial Arbitration (Amendment).

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
5 the same, as follows :—

1. This Act may be cited as the “ Industrial Short title.
Arbitration (Amendment) Act, 1918,” and shall be
construed with the Industrial Arbitration Act, 1912,
hereinafter referred to as the Principal Act, and the
10 Industrial Arbitration (Amendment) Act, 1916.

2. Section five of the Principal Act is amended Amendment
of s. 5.
by— Definitions.

(a) in the definitions of “ Apprentice ” and
“ Improver ” omit the word “ twenty-one ”
15 and insert the word “ twenty-two ” ;

(b) in the definition of “ Employer ” after “ in-
cludes ” insert the words “ the Crown (except
as to any employees employed under the Public
Service Act, 1902, or any statute passed in
20 substitution for or amendment of the same). ”

(c) insert at the end of paragraph (a) of the
definition of “ industrial matters ” the words
“ and the question whether piece-work or
contract work or any other system of pay-
25 ment by results shall be allowed, forbidden, or
exclusively prescribed in and for an industry
or calling, and whether monetary allowance
shall be made by employers in respect of stand-
ing back or waiting time ”.

3. (1) Subsection three of section eight of the Amendment
of s. 8 (3) and
s. 10.
Registration.
Principal Act is amended by omitting the words “ or
if it appears that another trade union to which the
members of the applicants’ union might conveniently
belong has already been registered as an industrial
35 union ”, and by inserting the words “ Provided that
after the passing of this Act not more than one
industrial union shall be registered in respect of any
trade

Industrial Arbitration (Amendment).

trade or calling unless the Registrar is satisfied that the registered industrial union whose members are engaged in such trade or calling has taken part in, aided or abetted an illegal strike."

5 (2) Section ten of the Principal Act is amended by omitting the words "with the consent of all other parties bound by such award or industrial agreement."

4. The following new sections are inserted next after section thirteen of the Principal Act:— New sections.

10 13A. The court may elect to sit with assessors representing the interests of each of the parties before it. Such assessors shall be appointed by the court from persons nominated as prescribed. Court may sit with assessors.

15 The court may commit to such assessors sitting without a judge for determination or for consideration and report any issue of fact or the items of any log of prices or other basis for the payment of work by results or any other matter prescribed.

20 13B. The court shall when sitting for the hearing and determination of applications, references, and other matters exclusively affecting the Crown as employer or affecting persons exclusively employed in any industry by the Crown or by any Minister, trust, commission, or board exercising executive or administrative functions on behalf of the Government, including the Chief Commissioner for Railways and Tramways, Sydney Harbour Trust Commissioners, Metropolitan Board of Water Supply and Sewerage, Water Conservation and Irrigation Commission, and the Hunter District Board of Water Supply and Sewerage, or by the employees of any city, shire, or municipal council, sit as a special court with assessors appointed as prescribed in the last section. Special court for Crown matters.

35 13C. The court shall, when sitting for the hearing and determination of applications, references, and other matter affecting employers and employees in the coal-mining industry, sit as a special court with assessors as prescribed in section 13A of this Act. Special court: coal mining.

40

13D.

Industrial Arbitration (Amendment).

13D. The Governor may, from time to time, pro- Deputy
claim districts of the State in and in respect of court.
which the powers and jurisdiction of the court may,
subject to general or special orders of the court
5 made in that regard, be exercised by a deputy court
to be constituted by a judge or a chairman appointed
by the Governor with or without assessors appointed
in the same manner as is prescribed in section 13A
of this Act.

10 13E. The senior judge may grant to any party Appeal from
affected by an award of the court made by a single single judge.
judge (with or without assessors) the right to appeal
against such award to the court to be constituted
15 of such appeal, may vary any such award as it
thinks fit.

13F. The provisions of sections eighteen, nine- Application
teen, twenty-two, and twenty-three of the Principal of certain
Act shall apply, mutatis mutandis, to assessors of sections to
20 the court and of a deputy court. assessors.

5. Section twenty-four of the Principal Act is Amendment
amended as follows:— of s. 24.

(a) The following subsection is inserted after sub- Jurisdiction
25 section (1) (a): "Provided that no award shall of boards.
be made for the payment of wages or salaries
in excess of ten pounds per week.

The following words are added to subsection
30 (1) (b): "Provided that the hours for cessation
of employment of persons employed in shops
coming under the provisions of the Early
Closing Act, 1899, and the Acts amending the
same shall be the hours fixed by such Acts
for the closing of such shops."

35 (b) Strike out of subsection (1) (g) the words "to
members of any industrial union of employees
over other persons offering their labour at
the same time, other things being equal" and
substitute the words "to the members of any
trade union or industrial union of employees
upon

Industrial Arbitration (Amendment).

upon such terms and conditions as the court may prescribe so long as the members thereof shall not after the passing of the Industrial Arbitration (Amendment) Act, 1918, have taken part in, aided or abetted any illegal strike.”

6. Insert after section twenty-four of the Principal Act the following section :— New section.

24A. (1) The court or a board may in prescribing minimum wages fix the quantum of work or services to be done.

(2) Whenever an award relating to any skilled occupation fixes minimum wages higher than the living wage, the amount of the excess of such minimum wages above the living wage shall be the same in the case of males and females.

(3) The court or a board shall, as far as is consistent with the maintenance of industrial peace, deal only with wages and hours of employment, leaving all other matters to shop committees, conciliation committees, industrial councils, or voluntary committees formed for the purpose of adjusting the industrial relationship of employer and employee. A judge or deputy judge of the court may act as the chairman of any industrial council.

7. All employees engaged in rural industries shall be entitled to be paid the living wages declared by the Board of Trade, but excepting such as are included in any award made before the passing of this Act shall not be otherwise subject to the provisions of the Principal Act, the Industrial Arbitration (Amendment) Act, 1916, or of this Act. Employees in rural industries.

8. Section twenty-five of the Principal Act is amended by omitting the word “on” where first occurring therein and inserting in its place the words “fourteen days after.” Amendment of s. 25.

9. Section twenty-six of the Principal Act is repealed, and the following section is inserted in its place :— Repeal of s. 26.

26. The court or an industrial board shall not fix rates of wages for persons employed by the Chief Commissioner for Railways and Tramways, the Wages of Government employees.
Sydney

Industrial Arbitration (Amendment).

5 Sydney Harbour Trust Commissioners, the Metropolitan Board of Water Supply and Sewerage, and the Hunter District Board of Water Supply and Sewerage, less than those paid to other employees
 10 not employed by the Government or its departments doing substantially the same class of work, but the fact that employment is permanent or that additional privileges are allowed in the service of the Government or its departments shall not of itself be regarded as a substantial difference in the nature of the work.

10. Section twenty-seven of the Principal Act is Amendment of s. 27. amended by adding thereto the following subclause:—

15 (6) Any such permit for a period not exceeding Permits. three months may be issued by any inspector or by any other person appointed by the Minister.

11. Section twenty-nine of the Principal Act is Amendment of s. 29. amended by adding at the end thereof the words “and after such period until varied or rescinded by the board.”

20 **12.** The heading to Part V of the Principal Act is Amendment of heading to Part V and s. 38. amended by substituting the word “industrial” for the word “colliery” therein, and section thirty-eight of the Principal Act is amended by substituting the word “industrial” for the word “colliery” wherever therein
 25 occurring; section thirty-nine is amended by the omission of subsection two, and section forty is amended by omitting the words “in connection with coal-mining or metalliferous mining as the case may be.”

30 **13.** Section forty-two of the Principal Act is Amendment of s. 42. amended by omitting the word “five” and inserting the word “one.”

35 **14.** Section forty-three of the Principal Act is Amendment of s. 43. Special Commissioner. amended by inserting after the word “strike” the words “or where a strike has occurred” and by omitting the words “and either no board has been constituted which would have jurisdiction in the matter or he is of opinion that a preliminary or temporary agreement should be made before the matter is submitted to a board”.

Industrial Arbitration (Amendment).

15. Section forty-four of the Principal Act is amended by inserting after the word "acts" the words "unless the employees working in the industry concerned are taking part in an illegal strike."

Amendment
of s. 44.
Lock-outs.

16. Sections forty-five to forty-eight inclusive of the Principal Act are repealed, and the following sections are inserted in place of them:—

Repeal of secs.
45-48 and
substituted
sections.

45. The following strikes and no others shall be illegal:—

Illegal
strikes.

- 10 (a) Any strike by employees of the Crown or
of any Minister, trust, commission, or board
exercising executive or administrative
15 functions on behalf of the Government
of the State (including the Chief Com-
missioner for Railways and Tramways,
the Sydney Harbour Trust, the Metro-
politan Board of Water Supply and Sewer-
20 age, the Water Conservation and Irriga-
tion Commission, the Hunter District
Board of Water Supply and Sewerage) or
by the employees of any city, shire, or
municipal council.
- 25 (b) Any strike by the employees in an
industry, the conditions of which are for
the time being fixed by an award or
by an industrial agreement: Provided
that any union of employees not com-
30 prising employees of the classes men-
tioned in the previous subsection may by
the vote of a majority of its members at a
secret ballot taken in accordance with the
provisions for ballots contained in this Act
and the regulations thereunder in which
35 not less than two-thirds of the members of
such union take part decline to be further
bound by the provisions of any award or
awards which shall have been in opera-
40 tion for a period of twelve months and
shall thereafter be unaffected by the fore-
going provisions of this paragraph.

(c)

Industrial Arbitration (Amendment).

5 (c) Any strike which has been commenced prior to the expiry of fourteen clear days' notice in writing of intention to commence the same, or of the existence of such conditions as would be likely to lead to the same given to the Minister by or on behalf of the persons taking part in such strike.

10 46. In the event of an illegal strike occurring in any industry, the court may order any trade union, whose executive or a substantial number of whose members are taking part in or aiding or abetting the strike, to pay a penalty not exceeding five hundred pounds. Penalty for illegal strike.

15 47. It shall be a defence in any proceedings for an order or direction under the last preceding section that the union by the enforcement of its rules and by other means reasonable under the circumstances endeavoured to prevent its members from taking part in or aiding or abetting or continuing to take part in, aid or abet the illegal strike. Defence to proceedings for illegal strike.

20 48. (1) The Minister may at any time or from time to time during the progress of any strike, or whenever he has reason to believe that a strike is contemplated by the members of any industrial or trade union, or association of employees, direct that a secret ballot or secret ballots of such members or employees shall be taken in the manner prescribed for the purpose of determining whether a majority of such members or employees is or is not in favour of the institution or continuance respectively of the strike. Secret ballot when strike contemplated.

25 (2) Where the Minister has made a direction for the taking of a ballot he shall—

30 (a) appoint a returning officer and all necessary deputy returning officers, who shall have power to supervise, direct, and control, subject to the provisions of this Act and the regulations thereunder, all arrangements for the taking of such ballot; and

35 (b) appoint a sufficient number of scrutineers, who shall be officers or members of the union or association affected. 48A.

Industrial Arbitration (Amendment).

5 48A. The court shall for the purpose of this Act have all the powers of a Royal Commission under the Royal Commissioners Evidence Act, 1901, and the Boorabil Commission Act, 1914, which last mentioned Act is revived for the purposes of this Act, or any Act passed in substitution for or amendment of such Acts.

Additional powers of court to take evidence.

10 48B. Upon the occurrence of any lock-out or strike which in the opinion of the Minister has or is likely to have the effect of depriving the public wholly or to any extent detrimental to the public interest of any commodity, public utility or service, the Governor may make regulations for the conduct of such industry, and such regulations shall have the force of law for the period to be specified therein.

Regulations in case of lock-out or strike affecting public utilities.

15 Regulations so made may deal with any or all of the matters or things which may be dealt with by an award, and may also—

20 prescribe the rates, prices, or conditions at, for, or under which the services or commodities affected shall be supplied, sold, or furnished; and

25 prescribe the manner in which an employer's operations or business shall be conducted in any particular.

48c. If any person—

30 (i) aids or instigates an illegal strike; or
(ii) obstructs the taking of a ballot under this Act; or

Penalties for illegal strike or obstructing ballot.

(iii) counsels persons who are entitled to vote at such ballot to refrain from so voting; or

35 (iv) being an officer of a union or association refuses to assist in the taking of such a ballot by acting as a scrutineer or providing for the use of the returning officer and his assistants such registers and other lists of the members of the union or association as the returning officer may require or otherwise; or

40

(v)

Industrial Arbitration (Amendment).

- (v) directs or assists in the direction of an illegal strike or acts or purports to act upon or in connection with a strike committee in connection with an illegal strike;
- 5 he shall be deemed guilty of a default of public duty, and upon being so found by the court shall be liable to a penalty not exceeding fifty pounds or imprisonment for a period not exceeding six months.
- 10 48D. The proprietor and publisher of any newspaper which advises, instigates, aids or abets an illegal strike, shall for each offence be liable to a penalty not exceeding one hundred pounds. Penalty for newspaper publishing matter encouraging strike.
- 15 48E. Any person who induces or attempts to induce any person to take part in an illegal strike shall be liable to a penalty not exceeding ten pounds or to imprisonment, with or without hard labour, for a term not exceeding one month. Penalty for illegal picketing.
- 20 48F. (1) No person or trades union shall, during the currency of any illegal strike, do any act or thing to induce or compel any person to refrain from handling or dealing with any article or commodity in the course of transit thereof or in the process of the manufacture, sale, supply, or use thereof. Penalty for declaring any commodity black.
- 25 (2) The penalty for any breach of this section shall as against any trades union be a sum not exceeding one hundred pounds and as against any individual a sum not exceeding ten
- 30 pounds, or imprisonment for a period not exceeding one month.
- 17.** Section forty-nine of the Principal Act is amended by adding the following subsection :— Amendment of s. 49.
- 35 (5) Any person who enters into a contract with a contractor for the carrying out by the contractor of any work involving the payment of wages shall be liable for the payment of such wages unless upon any payment made by him to the contractor in relation to the contract he receives a statement in writing signed by the contractor that no wages are due and owing by the contractor in respect of
- 40 the

Industrial Arbitration (Amendment).

the work at the time of such payment. Any person who knowingly makes or signs a false statement that no wages are due or owing by him in respect of any work shall be liable to a penalty of one hundred pounds or to imprisonment for not more than six months.

18. The following Part No. VIIA is inserted next after section fifty-two, and shall be deemed to be included as a separate Part of the Principal Act:—

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PART VIIA.

TRADES UNIONS.

52A. (1) Section seven of the Trade Union Act of 1881 is repealed and the following section substituted:—

Repeal of
s. 7 of Trade
Union Act.

15

7. A trade union shall have power to apply and use the moneys and other property of the union for or in connection with any lawful object or purpose for the time being authorised by its rules, and without limiting the generality of this provision may—

Powers of
trade union
with regard
to its funds.

20

(a) acquire, purchase, take on lease, hold, sell, lease, mortgage, exchange, and otherwise own, possess, and deal with in the names of the trustees for the time being of such union any real or personal property (including shares in any registered company, whether registered in New South Wales or not), and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire whether the trustees have authority for any sale, exchange, mortgage, or letting, and the receipt of the trustees shall be a discharge for the money arising therefrom.

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(b) provide for the application of its money and property to the furtherance of political objects so long as rules of the union are in force providing—

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that any payments in the furtherance of such objects are to be made out of a separate fund;

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that

Industrial Arbitration (Amendment).

that contribution to such separate fund shall not be a condition of admission to or membership of the said union ;

5 that a member who does not contribute to such separate fund shall not be excluded from any benefits of the union or placed under any disability or at any disadvantage as compared with
10 other members of the union by reason of his failure to so contribute.

15 The expression "political objects" in this subsection means the payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election to Parliament or to any public office, before, during, or after the election in connection with
20 his candidature or election ; or the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate ; or the maintenance of any person who is a member of Parliament or who holds a public office ; or the registration of electors, or the selection of a candidate for Parliament or any public office ; or the holding of political meetings of any kind, or the distribution of political literature or political
30 documents of any kind, unless the main purpose of the meeting or of the distribution of the literature or documents is the furtherance of the objects set out in the definition of "Trade Union" in section thirty-one of the Trade Union Act of 1881, or the maintenance and publication of a newspaper other than a
35 non-political trade journal.

The expression "public office" in this section means the office of member of any shire or municipal council, or the Municipal Council of Sydney,

Industrial Arbitration (Amendment).

Sydney, or of any public body which has power to raise money, either directly or indirectly, by means of a rate.

5 The provisions of this subsection shall apply to a union which is in whole or in part an association or combination of other unions, as if the individual members of the component unions were the members of that union and not the unions ;

10 If any member of a trade union alleges that he is aggrieved by a breach of any rule made in pursuance of this subsection, he may complain to the Court of Industrial Arbitration, which court, after giving the complainant and
15 any representative of the union the opportunity of being heard, may, if it considers that such a breach has been committed, make such an order for remedying the breach as it thinks just under the circumstances, and any such
20 order shall be binding and conclusive on all parties without appeal.

No such separate fund established for political purposes or any property in which such fund may be invested shall be liable to attachment in the enforcement of any order for
25 payment of any penalty made against the union.

(c) subject to the last preceding clause, apply to any court of competent jurisdiction for and obtain an order directing the payment by any of its members of any fine, levy, penalty, call, or subscription in pursuance of the rules of the union ;

30 (2) The court may entertain and adjudicate upon any legal proceedings instituted for the purpose of directly enforcing or recovering damages for a breach of any of the following agreements :—

35 (a) The constitution or rules of the trade union.
40 (b) Any agreement between members of a trade union as such concerning the conditions on which

Powers of court to enforce certain agreements.

Industrial Arbitration (Amendment).

which any members for the time being of the trade union shall or shall not sell their goods, transact business, employ or be employed.

5 (c) Any agreement for the regulation of any business or industry as between employers and employees made by a trade union with an employer or employers.

10 (d) Any agreement made between one trade union and another; or

(e) Any bond to secure the performance of any of the above mentioned agreements.

15 Provided that such agreements shall be in writing, and that copies of them, verified as prescribed, shall have been filed with the court.

20 (3) For the purpose of exercising the jurisdiction and powers conferred upon it by this part the court shall have all the powers of the Supreme Court and shall hear and determine according to equity and good conscience all questions arising for its determination hereunder and the judgment of the court upon such questions shall have force and effect as judgments, orders, or decrees of the Supreme Court in its common law or equitable jurisdiction according to the substance thereof, and shall be so recorded by the Prothonotary of the Supreme Court or Master in Equity as the case may require.

30 52B. Where any trade union fails within the time prescribed by the court to pay any penalty imposed by the court the trade union shall be wound up. The court shall appoint a receiver of the assets of the trade union, who shall forthwith proceed to collect such assets and wind up the union's affairs, and shall, after paying the costs, charges, and expenses of the winding-up, pay the penalties due to the Crown and other debts of the trade union and thereafter shall distribute the residue of such proceeds amongst the persons including members of the union who appear to be entitled to the same.

Enforcement
of order of
court
imposing
penalty.

Any

Industrial Arbitration (Amendment).

Any receiver so appointed shall, in respect of the property and affairs of the union, have all the powers, rights and duties of a liquidator in the voluntary winding-up of a company under the Companies Act, 1899.

5

52c. After service of an order for the payment of any penalty by any trade union it shall not be lawful for any bank, corporation, company, or person, whether as principal or agent, to account for or cash cheques, or orders on the funds or account of the union, or to deal in any way with its property, or to lend moneys to the union except at the direction of the receiver appointed by the court; and any person who with knowledge or notice of any such order receives, expends, or otherwise deals with such funds or property, except in accordance with an order of the court shall be liable to make good to the receiver any loss occasioned to the assets of the union by the receipt, expenditure, or dealing, and to a penalty not exceeding five hundred pounds.

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Every person, bank, or corporation shall be relieved of all liability under this section on publication in the Government Gazette of a notice to that effect under the hand of the Minister.

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52d. (1) All persons who are, by the nature of their occupation or employment, of the class of which a trade union is constituted, and who are not of general bad character, shall be entitled to be admitted to membership of the union, and to remain members thereof and enjoy all advantages of membership so long as they shall comply with the rules of the union.

30

(2) Any question or dispute as to the character of any applicant or the reasonableness of any admission fee, subscription, fine or levy or other requirements of the rules of any trade union, shall be determined by the court, which shall also have power to direct that the constitution and rules of a trade union shall be altered or annulled.

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Penalty :
stop-order.

Persons
entitled to
membership
of union.

Industrial Arbitration (Amendment).

annulled in any particular in order to bring them into conformity with what it declares to be reasonable in the circumstances, and upon any such direction being given the rules affected shall be deemed to have been altered or annulled accordingly.

5 52E. No trade union shall register any rule which is contrary to any term or provision of an award. Illegal rules.

10 52F. Every trade union shall within three months of the passing of this Act and thereafter annually make returns to the Registrar of Trade Unions with respect to its rules, the names and the addresses recorded in the books of such trade union of its members and the persons occupying executive and other offices in the union in the manner and at the times prescribed. Returns by trade unions.

15 The court may order any union which fails to make full and proper returns as aforesaid, or to amend its rules in accordance with any order made by the court, or to admit to membership any person whom the court declares is entitled to such admission to pay a penalty not exceeding one hundred pounds.

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PART IX.

THE BOARD OF TRADE.

19. The following sections are inserted next after section seventy-three, and shall be deemed to be included as separate Parts of the Principal Act:— New sections.

30 74. There is hereby constituted a body corporate to be known as "The New South Wales Board of Trade," which shall have perpetual succession and a common seal. The Board of Trade.

35 75. The Board of Trade shall comprise a president who shall be the Minister or a judge of the Industrial Arbitration Court as the Governor may declare, a deputy president, who shall be the Under-Secretary of Labour and Industry, and four commissioners. Constitution of Board. 76.

Industrial Arbitration (Amendment).

76. The Governor shall as soon as practicable after the passing of this Act appoint the Commissioners of the Board of Trade; the members of such Board of Trade other than the president and the deputy president shall be paid such fees as may be prescribed; and such fees and allowances shall become a charge upon the Consolidated Revenue.

77. The members of such board shall be appointed for a period not exceeding three years but may be removed from office by the Governor.

78. On the happening of any vacancy in the office of Commissioner of the Board of Trade the Governor shall appoint a person to fill the vacant office.

In the case of illness, absence, or suspension of any Commissioner of the Board of Trade the Governor may appoint a person to act as a deputy-commissioner during such illness, absence, or suspension, and the deputy so appointed shall have all the powers and perform all the duties of the position.

79. The Board of Trade shall from year to year after public inquiry as to the increase or decrease in the average cost of living declare what shall be the living wages to be paid to adult male employees and to adult female employees in the State or any defined area thereof. In declaring such living wages the Board of Trade shall make a separate public inquiry into the cost of living of employees engaged in rural occupations, and shall make a separate declaration as to the living wages to be paid to such employees and shall declare what deductions may be made from such wages for board or residence or board and residence—and for any customary privileges or payments in kind conceded to or made to such employees.

No industrial agreement shall be entered into and no award made for wages lower than such living wages.

Any aged, infirm, or slow worker engaged in any rural occupation who may deem himself unable to earn the living wages declared by the Board of Trade may apply to the registrar or to any person appointed by such board for a permit in writing to work for less than

Industrial Arbitration (Amendment).

the living wage. Copies of all such permits shall be forwarded to the registrar, who may at any time cancel or amend the same.

80. The Board of Trade is empowered to exercise Powers of Board of Trade.
5 the following functions and perform the following duties :—

- 10 (a) To establish and maintain an apprenticeship register and record therein all indentures or other contracts of apprenticeship, and protect the contracts and interests of apprentices and all workers of minor ages who are learners, and ensure the attendance of apprentices and learners in the manner prescribed at technical or trade schools.
- 15 (b) To determine in what occupations and industries apprenticeship shall be a condition of employment of all minors.
- (c) To prescribe the hours of employment, wages, and conditions of apprenticeship.
- 20 (d) To determine whether and to what extent there shall be a limitation of the number of apprentices indentured in any trade or calling.
- 25 (e) To prescribe by regulation a standard form of apprenticeship in different trades and callings. Upon the exercise of the powers in this and the preceding subsections the provisions of awards relating to the matters dealt with by the Board of Trade shall cease to have effect.
- 30 (f) To co-operate with the Department of Public Instruction in encouraging young persons to attend technical, trade, and continuation schools.
- (g) To encourage and create councils of employers and employees for the purpose of encouraging the proper apprenticeship of all minors and provide for the welfare of juvenile labour.
- 35 (h) To acquire and disseminate knowledge on all matters connected with industrial occupations with a view to improving the industrial relationship between employers and workers and to combat the evils of unemployment.
- 40

(i)

Industrial Arbitration (Amendment).

- 5 (i) To collect and publish information relating to or affecting industrial conditions.
- (j) To propound schemes for welfare work, and report to the Governor on all matters relating to such work and to the insurance of employees against loss or injury caused by unemployment, sickness, or accident, or industrial diseases.
- 10 (k) To report on any matter referred to as to the prices of commodities, and as to whether or not monopolies or trade rings exist for the purpose of unfairly keeping up the prices of commodities.
- 15 (l) To investigate and report on the existence of sweating in an industry.
- (m) To report upon the productivity of industries, the number of employees in any industry, and the effect or probable effect of the regulation of the conditions of any industry upon such productivity.
- 20 (n) To consider and report upon the industrial efficiency of the community, the organisation of the labour market and opportunities of employment, and all questions relating to unemployment.
- 25 (o) To collect and publish from time to time statistics of vital, social, and industrial matters, and on labour employment and unemployment in specific industries, and on other prescribed matters.
- 30 (p) To encourage and assist in the establishment in different industries of mutual welfare committees and industrial councils, and of subsidiary shop committees for individual enterprises.
- 35 (q) To encourage and assist schemes for mutual co-operation and profit sharing between employers and employees.
- 40 (r) To encourage and assist in the establishment of hostels for women workers and workmen's clubs and libraries.

(s)

Industrial Arbitration (Amendment).

- (s) To report and advise on schemes for the better housing of the people.
 - (t) To consider and report upon any other matter referred to it by the Minister.
- 5 81. The Board of Trade shall, in investigating any matter for the purposes of this Act, have all the powers of a Royal Commission under the Royal Commissioners' Evidence Act, 1901, or any Act passed in substitution for or any amendment of that Act. Board to have powers of Royal Commission.
- 10 82. For the purpose of enabling the statistics referred to in this Act to be collected, all prescribed persons shall to the best of their knowledge and belief when required by the Board of Trade so to do, fill up and supply in accordance with the instructions contained in 15 or accompanying the prescribed form, the particulars specified in that form. Collection of statistics.
- 20 83. Every person shall to the best of his knowledge and belief answer all questions asked him by the Board of Trade, or by its duly authorised officers, necessary to obtain any information required for the purpose of any statistics authorised by this Act to be collected. Information to be supplied.
- 25 84. The Board of Trade is authorised to appoint any one or more of its members to conduct inquiries into specified matters. Power of one or more members.
- 30 85. Each member of the Board of Trade shall upon his appointment take an oath not to disclose (except so far as may be necessary in the execution of his duties as such member) any matter or evidence before the board relating to trade secrets, or the financial position of any person, or the contents of any books or documents produced before the board, and if he violates his oath he shall be liable to a penalty not exceeding five hundred pounds, and on conviction for such offence he shall cease to be a member. Secrecy of board.
- 35 86. The Board of Trade may, subject to this Act, make general rules— General rules.
- (a) regulating the practice, procedure, and forms under this Part of this Act;
 - 40 (b) prescribing the powers, duties, and rights of any officer of the Board of Trade;
 - (c) for the making and enforcement of any orders made under this Part of this Act;
 - (d)

Industrial Arbitration (Amendment).

- (d) regulating the distribution of business between the members of the Board ;
- (e) providing for the payment of witnesses expenses ; and
- 5 (f) generally for giving effect to the provisions of this part of the Act and the rules made there-
under.

Any person who hinders or obstructs the board or any member or officer thereof in the exercise of any
10 power conferred by this Act shall for every such offence be liable to a penalty not exceeding fifty pounds.

PART X.

THE ORGANISATION OF THE LABOUR MARKET.

(A) *State Labour Exchanges.*

- 15 87. The Minister shall establish, maintain, and conduct in the manner prescribed, in Sydney, and in such other places as he thinks fit, free employment agencies which shall be known as State Labour Exchanges. Establishment of State Labour Exchanges.
- 20 88. The functions of the State Labour Exchanges shall be to bring together intending employers and persons seeking employment; to make known the opportunities for employment and self-employment in the State; to encourage minors and others to undertake
25 training in skilled employments; to provide industrial Duties of such exchanges.

OR

Industrial Arbitration (Amendment).

or agricultural training for vagrants and other persons unsuited for ordinary employments; and to carry out any other duties prescribed. For any of the above purposes a State Labour Exchange may co-operate with
5 and assist any other labour exchange or licensed private employment agency.

89. The Minister may authorise a State Labour Exchange to make advances by way of loan towards meeting the expenses of persons seeking to avail them-
10 selves of opportunities of employment in localities distant from those in which they find themselves.

Advances to meet expenses of travelling to work.

When any such advance has been made, the Minister may order that the amount of such advance shall be a charge on any moneys which are then, or which
15 may thereafter be due to the person to whom such advance is made from his then or future employer, for wages or in respect of work done. On the making of any such order, the employer for the time being of such person, or any employer who shall not have discharged
20 his indebtedness to such person, shall on being notified of such order pay such moneys to the Minister, when and as they become due and payable, in satisfaction of the charge imposed by the order.

Such order may be for the repayment of the amount
25 of such advance in one sum or by such instalments as the Minister may direct.

No charge upon, or assignment of his wages, or moneys in respect of work done, or to be done, whenever or however made by any such person shall have any
30 force whatever to defeat or affect any such order and such order shall have effect as if no such charge or assignment existed.

90. (1) Any person obtaining or attempting to obtain under false pretences, or by means of any other
35 fraud or deceit, an advance by way of loan, under the last preceding section, shall be guilty of a misdemeanour. Penalty, ten pounds, or imprisonment not exceeding six months.

Penalty for obtaining loan by fraud.

Industrial Arbitration (Amendment).

- (2) If any person makes any wilfully false statement or false representation to any officer in superintendence of a State Labour Exchange, or to any person acting for or for the purposes of any such labour exchange, with intent to obtain employment or to procure labour in preference to others, or harass or molest others, he shall be guilty of a misdemeanour. Penalty, ten pounds, or imprisonment not exceeding six months.
- 10 (3) If any person knowingly—
- (a) sends, delivers, or causes to be sent or delivered to any officer any writing which purports to be signed or sent by any other person without such person's authority or in the name of any fictitious person; or
- 15 (b) makes, sends, or delivers any written communication which purports to be a communication from any Government Department or any officer thereof, and which is not so in fact,
- 20 he shall be guilty of a misdemeanour. Penalty, ten pounds, or imprisonment not exceeding six months.

Industrial Arbitration (Amendment).

PART XI.

PRIVATE EMPLOYMENT AGENCIES.

91. A person shall not, after the passing of this Act open, or carry on for profit any agency for procuring 5 or assisting to procure employment or labour or any business having as one of its purposes the bringing together of intending employers and persons seeking employment, unless he is the holder of a license under this Part of this Act. Every such license shall be in 10 the form prescribed, and shall, subject to the provisions of this Act, remain in force for one year from the date thereof, but may be renewed.

Such license, together with a copy of this section, shall be posted in a conspicuous position in the place 15 in which the agency or business to which it relates is carried on.

92. (1) Application for the issue or renewal of such license shall be made to the Minister in the form and in 20 the manner prescribed, and shall be accompanied by the prescribed fee.

(2) The Minister may refer the application to a magistrate for inquiry as to whether the applicant is 25 from his character or previous conduct a fit person to hold a license under this Part of this Act. A license shall not be issued or renewed unless the Minister or such magistrate determines that the applicant is a fit person to hold the license.

The magistrate shall for the purposes of any such inquiry and determination have the same powers as if 30 he were sitting in a court of petty sessions, and the inquiry were a matter for hearing and determination therein.

The applicant and all persons who in the manner prescribed notify their objection to the issue or renewal of 35 the license shall have notice of such inquiry and shall be entitled to be heard thereat, personally or by counsel, attorney, or agent. There shall be an appeal as prescribed by way of rehearing from the decision of a magistrate to the court.

Industrial Arbitration (Amendment).

93. It shall be the duty of every holder of a license under this Part of this Act to keep as prescribed— Licensee to keep registers.

- 5 (a) a register in which shall be entered the age, sex, trade or occupation, name and address of every person who applies to such licensee for employment, and the name and nature of the employment required by him; and
- 10 (b) a separate register in which shall be entered the name and address of every person who so applies for labour, and the name and nature of the employment which he offers;
- (c) a further separate register of all engagements made by or through such licensee; and
- 15 (d) the originals of all letters received by such licensee, or by his agents or servants in connection with his agency or business during the next preceding two years.

Such registers and letters shall, at all reasonable hours, be open to the inspection and examination of 20 any officer appointed by the Minister for the purpose.

94. The scale of fees chargeable by and payable to licensees in respect of agencies or businesses to which their licenses relate shall be as prescribed, and the said scale of fees shall be posted, and kept posted, in some 25 conspicuous place in the premises in which such agencies or businesses are carried on so as to be seen by all persons entering such premises. Scale of fees.

95. (1) A licensee shall not, directly or indirectly— No fees to be received except those prescribed.
- 30 (a) demand or receive for or in respect of the registration or engagement of any person any greater or other fees than those prescribed;
- (b) take or accept any goods or chattels in payment, or as security for the payment of the prescribed fees, or receive or accept any reward 35 or other consideration in addition to the said fees;
- (c) give or pay to any employer, or to the foreman or agent of any employer, for or in respect of the hiring of any employee any share or part 40 of the prescribed fees; nor shall any employer, foreman, or agent, directly or indirectly take or receive from a licensee any share or part of such fees;

Industrial Arbitration (Amendment).

- (d) keep as lodgers any persons seeking employment, or have any share or interest in the keeping of a lodging-house for such persons. Licensee not to keep as lodgers any persons seeking employment.
- (2) Any sum of money or any goods or chattels received, taken, accepted, given or paid in contravention of the provisions of the preceding subsection may, notwithstanding that a penalty for such contravention may be enforced, be ordered by a magistrate to be forfeited to the Crown, or if such money, goods, or chattels shall have been exacted under duress exercised by the person receiving or taking the same to be repaid or redelivered to the person for whom the exaction has been made.
- (3) The fact that any member of the licensee's household keeps any such persons as lodgers, or keeps any lodging-house for such persons, shall be prima facie evidence that the licensee so keeps such persons or has an interest in the keeping of such lodging-house as aforesaid.
- (4) Every contract or agreement made between any licensee or member of his household and any other person relating to the keeping as lodgers of persons seeking employment, or to the keeping of a lodging-house for such persons, shall be illegal and void for all purposes.
96. Where any person who applies for employment or for labour has paid to any licensee a registration fee and such person does not obtain employment or labour through such licensee within fourteen days after registration as aforesaid, then the licensee shall upon demand repay and return to such person the fee so paid, less any out of pocket expenses incurred by the licensee in respect of such person: Provided that such demand shall be made within thirty days after the expiration of the period aforesaid, and that the amount of out of pocket expenses to be charged shall in case of dispute be fixed by the Minister or any officer appointed by him for the purpose. Registration fee to be repaid if employment or labour not found
97. A licensee shall not publish or cause to be published any false information or make any false promise concerning or relating to work or employment to anyone who registers for employment. False statements or entries by licensees.

Industrial Arbitration (Amendment).

A licensee shall not make or cause to be made any false entries in the registers to be kept as in this Act provided.

98. Every conviction against a licensee shall be
5 endorsed on his license by the court before or by whom
such conviction is had, and, upon failure to deliver up
his license for such endorsement or upon a third convic-
tion within three years from the first conviction, the
license shall be cancelled, and the clerk of the court
10 shall notify the Minister for that purpose.

Conviction to
be endorsed
on license.
Cancellation
of license.

For the purpose of carrying out the provisions of this section the judge, magistrate, or justice may order the defendant to produce and deliver up his license.

99. A person whose license has been cancelled shall
15 not be entitled to hold a license until the expiration of
one year from the date of such cancellation.

Where license
cancelled holder
not qualified to
obtain license.

100. A licensee shall not be entitled to maintain an
action for the recovery of fees unless at the trial he
produces his license.

Production of
license.

20 101. On satisfactory proof of loss or destruction of a
license, and on the payment of one shilling, the Minister
may, at the request of the licensee, issue a duplicate
license bearing all endorsements, and such duplicate shall
avail for all purposes as if it were the original license.

Loss or
destruction
of license.

25

PART XII.

GENERAL PROVISIONS AND PENALTIES.

102. Section sixty-eight of the Principal Act is
amended—

Amendment
of s. 68.

- 30 (a) by omitting from subsection one thereof the
words "and at the place where his employees
in such industry are working" and inserting
in their place the words "at the workshop
or factory where he carries on his business";
- 35 (b) by omitting from subsection two thereof the
words "at the place where the industry is
carried on" and inserting in their place the
same words as inserted in the said subsection
one.

Time-sheets
and pay-
sheets.

103.

Industrial Arbitration (Amendment).

103. Section sixty-nine of the Principal Act is Repeal of s. 69. repealed.

104. Any person who contravenes or fails to carry out any provision of this Act shall, where no other penalty Penalty for contravention of Act. or punishment is by this Act provided, be liable on conviction to a penalty not exceeding five pounds, or imprisonment not exceeding three months.

105. Pecuniary penalties for breaches of this Act or any regulations thereunder may, except where otherwise Recovery of penalties. in this Act provided, be recovered in a summary way before a magistrate in accordance with the provisions of the Justices Act, 1902.

106. A copy of any entry in any of the registers prescribed, which copy purports to be signed by the Copy of entries in registers to be evidence. Minister or any officer of the department making the same, shall be prima facie evidence of the truth of the matters stated in such copy.

107. The Governor may make regulations for the Regulations. purposes of Part XI of the Principal Act—

- 20 (a) prescribing the form of registers and generally the forms to be used in carrying out Part XI of the Principal Act;
- (b) prescribing the form of licenses which may be issued under Part XI of the Principal Act, and the form of renewals of such licenses;
- 25 (c) regulating the exhibition of licenses and other documents required by Part XI of the Principal Act to be exhibited;
- (d) prescribing the scale of fees chargeable by and payable to licensees;
- 30 (e) generally giving effect to the purposes of Part XI of the Principal Act;

and may by such regulations impose a penalty not exceeding twenty pounds for any breach thereof.

Industrial Arbitration (Amendment).

PART XIII.

INSURANCE AGAINST UNEMPLOYMENT.

108. The Minister may, on the recommendation of the Board of Trade, and on conditions prescribed, for the purpose of creating funds for insurance against unemployment or loss of work due to adverse weather or sickness or the casual nature of the employment offering in any industry, authorise the payment out of the Consolidated Revenue Fund, which is hereby appropriated for that purpose, to any unemployment insurance committee formed in manner prescribed for a period of not less than one year, of bonuses or subsidies which shall not exceed five per centum of the total amount of wages paid to any employees represented by such committee in the said period:

Provided that no such payment shall be made unless the Board of Trade certifies that the fund is contributed to in proper proportions by the employers and employees engaged in the industry, and is administered by a suitable committee representative of employers and employees.

20. Within six months after the passing of this Act the Minister may direct that one or more or all of the unions which suffered cancellation of registration as industrial unions at the hands of the court for complicity in the general strike of the year one thousand nine hundred and seventeen shall be reinstated as industrial unions, and upon a notification by him to such effect being filed in the office of the registrar any union affected by such notification shall be deemed to be a registered industrial union.

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THE UNITED STATES DEPARTMENT OF JUSTICE

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