

Industrial Arbitration (Further Amendment) Bill, 1926.

EXPLANATORY NOTE.

THE objects of the Bill are—

1. To extend the provisions of the Industrial Arbitration Act, 1912, to the members of the New South Wales police, to insurance and time payment canvassers or collectors paid by commission, and to timber-getters.
2. To grant the full benefits of the Act to persons supervising the work of wharf labourers.
3. To give power to the Industrial Commission to prevent unreasonable increases in the prices of commodities and services, and to extend the Monopolies Act, 1923, to certain combinations for the purpose of increasing prices.
4. To simplify the procedure for the establishment of Conciliation Committees.
5. To amend the method of voting at meetings of Conciliation Committees and the constitution of a quorum of the Commission.
6. To enlarge the grounds on which proceedings may be taken for unlawful dismissal of employees.

No. , 1926.

A BILL

To provide for the application of the Industrial Arbitration Act, 1912, as amended by subsequent Acts, to members of the Police Force; to make further provision for the regulation of the prices of commodities and services; to amend the law as to the establishment of conciliation committees; to amend the Industrial Arbitration Act, 1912, the Monopolies Act, 1923, and certain other Acts; and for purposes connected therewith.

[MR. BADDELEY;—27 *October*, 1926.]

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
and com-
mencement.

1. (1) This Act may be cited as the "Industrial Arbitration (Further Amendment) Act, 1926."

(2) The Industrial Arbitration Act, 1912, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) This Act shall come into operation on a date to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment
of Act No. 17,
1912.

(Employee.)
Sec. 5.

2. The Principal Act is amended—

(a) by inserting at the end of the definition of 15
"employee" in section five the words—

"Employee" also includes insurance and time payment canvassers or collectors paid wholly or in part by commission, and timber-getters whether paid by 20 wages or piece work.

(Police)

Sec. 5.

(b) by omitting from the definition of "Employer" in section five the words "(except as to any employees employed under the Police Regulation Act, 1899, or any statute passed in 25 substitution for or amendment of the same)";

Sec. 24 (1).

(c) by inserting at the end of subsection one of section twenty-four the following words :—

"Provided further that nothing contained in this Act shall in any way alter or affect 30 any provisions of the Police Regulation Act, 1899, or of any rules thereunder prescribing or authorising the Commissioner of Police to prescribe the passing of an examination or other test as a necessary condition of promotion 35 to the higher ranks of the service :

"Provided also that nothing in this Act shall prevent the Commissioner of Police from making or giving any decision in regard to 40 matters from which an appeal now lies to the

Police

Police Appeal Board under the Police Regulation (Appeals) Act, 1923, nor limit the right of a member of the police force to appeal against any such decision to the said Board."

5 **3.** The Principal Act is further amended—

Further amendment of Act No. 17, 1912.

- (a) by omitting from the definition of "Managerial position" in section five the words "or foreman stevedore" and by inserting in lieu thereof the words "foreman stevedore or any other person employed to supervise the work of wharf labourers";
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- (b) by inserting in section fifty-two next after paragraph (d) the following new paragraph:—
- (e) has alleged or the employer is of opinion that the employee has alleged that a breach of an award or industrial agreement or of this Act is being or has been committed.
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Sec. 5. (Managerial position.)

Sec. 52. (Unlawful dismissal.)

20 **4.** The Industrial Arbitration (Amendment) Act, 1926, is amended—

Amendment of Act No. 14, 1926.

- (a) by inserting next after section seven the following new section:—

New section 7A.

7A. (1) The provisions of this section shall apply to the commodities and services named in the Schedule to this Act, and to such other commodities and services as the Governor shall by proclamation in the Gazette declare to be subject to the provisions of this section.

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Regulation of the prices of certain commodities and services.

(2) If the Commissioner is of opinion that the prices for any of the said commodities and services are, or may be, unreasonably raised after the passing of any present or future Act of the Parliament of New South Wales, or after the making of any award, order, or declaration under the Industrial Arbitration Act, 1912, as amended by subsequent Acts which may affect in such case the cost of production or distribution of any such commodities or services, the Governor may by notification published in the Gazette

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direct that the subsequent provisions of this section shall apply in respect of that commodity or service.

(3) From and after any such notification it shall not be lawful to charge a price for the commodity or service named in the notification above the prices current at or about the time of the making of the award, order, or declaration, or at or about the time of the passing of any such Act, unless the Commission shall determine and declare that it is reasonable that prices should be so charged.

In making such a declaration the Commission may determine the limit beyond which prices may not be lawfully raised and the period during which such determination is to remain in force, and may cancel or vary any such determination or declaration from time to time.

If any person contravenes the provisions of this subsection he shall be liable to a penalty amounting to thrice the amount obtained by selling such commodity or providing such service at a higher price than the price so limited and in addition shall be liable to a penalty not exceeding *one thousand* pounds.

Proceedings for the recovery of such penalties shall be taken before the Commission.

Where an order is made that any person shall pay any penalty under this subsection the provisions of section fifty-four of the Principal Act shall also apply with respect to the enforcement of such order.

(4) For the purpose of this section the Commission shall consist of the Commissioner with two qualified accountants appointed by the Minister, one of whom shall be nominated in manner prescribed by the representatives of the trader or traders concerned.

(5) The proviso to paragraph (c) of section thirty-four of the Principal Act shall not apply in proceedings under this section, and

5 and costings, price lists, accounts and other evidence relevant to the cost of production or distribution and to the prices of the commodity or service shall be furnished to the Commission by any person at the request of the Commissioner.

(6) The practice and procedure before the Commission in matters arising under this section shall be as prescribed.
10 (b) by inserting next after section twenty-eight Sec. 7A. the following Schedule:—

SCHEDULE.

- 15 Coal, wholesale.
Boots " "
Bread. " "
Milk.
Timber.
Bricks.
20 Manufactured clothing (wholesale).
Meat (wholesale).

5. The Industrial Arbitration (Amendment) Act, 1926, is further amended—

(a) by omitting from subsection one of section eight the words "The Minister may, in the manner prescribed, establish conciliation committees for any industry or calling for which a board is constituted, or for any industry or calling for which for the purpose of establishing a committee the commissioner may recommend that a board be constituted" and by inserting in lieu thereof the words "The Minister may, upon the recommendation of the Commissioner, establish conciliation committees for any industry or calling, or division of any industry, or any combination, arrangement, or grouping of industries";

(b) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection:—

40 (2) Upon the recommendation of the Commissioner the Minister may vary the industries and

Further amendment of Act No. 14, 1926. (Conciliation Committees.) Sec. 8.

and callings for which a committee is established, and such committee may thereupon proceed to hear and determine matters in respect of such industries and callings as varied.

Sec. 9 (6). (c) by omitting subsection six of section nine and 5
by inserting in lieu thereof the following new
subsection:—

(6) At meetings of a committee the opinion of a majority of the members other than the chairman shall prevail, and if there is an equal 10
division of opinion the chairman shall decide the question or may refer the question to the Commission.

Further amendment of Act No. 14, 1926. (Commission.)
Sec. 6 (8).
6. The Industrial Arbitration (Amendment) Act, 1926, is further amended by omitting subsection eight 15
from section six and by inserting in lieu thereof the following new subsection:—

(8) A majority of the members of the Commission shall form a quorum. If no quorum is present after notice as prescribed, the Commission shall 20
consist of the Industrial Commissioner sitting alone.

Amendment of Act No. 54, 1923. New sec. 7A.
7. The Monopolies Act, 1923, is amended by inserting next after section seven the following new section:— 25

Certain combinations to be deemed to be to the detriment of the public.
7A. Any combination for the purpose of increasing the price of any commodity or service beyond the extent to which the cost of manufacture and production and distribution of such commodity or service is increased by the operation of any Act, 30
award, or other provision affecting the relations between employers and their employees, shall be deemed to be a combination with intent to control to the detriment of the public the price of such commodity or service within the meaning of this 35
Act.

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Department of the Interior
Bureau of Land Management
Washington, D.C.

Office of the Director
Bureau of Land Management
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"Provided also that nothing in this Act shall prevent the Commissioner of Police from making or giving any decision in regard to matters from which an appeal now lies to the Police

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20 **4.** The Industrial Arbitration (Amendment) Act, 1926, is amended—

Amendment of Act No. 14, 1926.

(a) by inserting next after section seven the following new section:—

New section 7A.

25 7A. (1) The provisions of this section shall apply to the commodities and services named in the Schedule to this Act, and to such other commodities and services as the Governor shall by proclamation in the Gazette declare to be subject to the provisions of this section.

Regulation of the prices of certain commodities and services.

30 (2) If the Commissioner is of opinion that the prices for any of the said commodities and services are, or may be, unreasonably raised after the passing of any present or future Act of the Parliament of New South Wales, or after the making of any award, order, or declaration under the Industrial Arbitration Act, 1912, as amended by subsequent Acts which may affect in such case the cost of production or distribution of any such commodities or services, the Governor
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40 may by notification published in the Gazette direct

direct that the subsequent provisions of this section shall apply in respect of that commodity or service.

(3) From and after any such notification it shall not be lawful to charge a price for the commodity or service named in the notification above the prices current at or about the time of the making of the award, order, or declaration, or at or about the time of the passing of any such Act, unless the Commission shall determine and declare that it is reasonable that prices should be so charged.

In making such a declaration the Commission may determine the limit beyond which prices may not be lawfully raised and the period during which such determination is to remain in force, and may cancel or vary any such determination or declaration from time to time.

If any person contravenes the provisions of this subsection he shall be liable to a penalty amounting to thrice the amount obtained by selling such commodity or providing such service at a higher price than the price so limited and in addition shall be liable to a penalty not exceeding *one thousand* pounds.

Proceedings for the recovery of such penalties shall be taken before the Commission.

Where an order is made that any person shall pay any penalty under this subsection the provisions of section fifty-four of the Principal Act shall also apply with respect to the enforcement of such order.

(4) For the purpose of this section the Commission shall consist of the Commissioner with two qualified accountants appointed by the Minister, one of whom shall be nominated in manner prescribed by the representatives of the trader or traders concerned.

(5) The proviso to paragraph (c) of section thirty-four of the Principal Act shall not apply in proceedings under this section, and

5 and costings, price lists, accounts and other evidence relevant to the cost of production or distribution and to the prices of the commodity or service shall be furnished to the Commission by any person at the request of the Commissioner.

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SCHEDULE.

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and callings for which a committee is established, and such committee may thereupon proceed to hear and determine matters in respect of such industries and callings as varied.

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Certain combinations to be deemed to be to the detriment of the public.

7. The Monopolies Act, 1923, is amended by inserting next after section seven the following new section:— 25

7A. Any combination for the purpose of increasing the price of any commodity or service beyond the extent to which the cost of manufacture and production and distribution of such commodity or service is increased by the operation of any Act, 30
award, or other provision affecting the relations between employers and their employees, shall be deemed to be a combination with intent to control to the detriment of the public the price of such commodity or service within the meaning of this 35
Act.