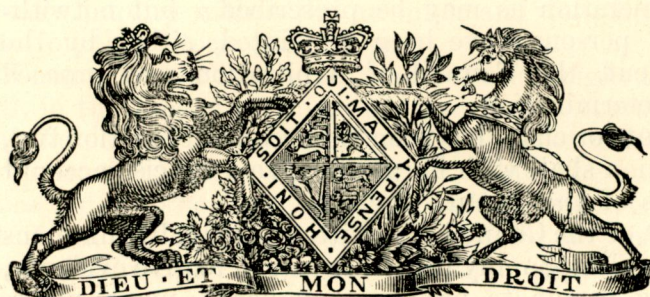


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 5 April, 1895, A.M. }*

*F. W. WEBB,
Clerk of the Legislative Assembly.*

New South Wales.



ANNO QUINQUAGESIMO OCTAVO

VICTORIÆ REGINÆ.

No. .

An Act to amend and extend the Trade Disputes Conciliation and Arbitration Act, 1892.

BE it enacted by the Queen'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:—

5 1. When in any Industrial District either party to a dispute or claim has, in the prescribed manner, lodged an application with the Clerk of Awards requesting that the dispute or claim be referred for settlement to a Council of Conciliation or to a Joint Committee of the parties to the dispute, and has paid the deposit as hereinafter
10 provided, the Clerk of Awards shall give notice thereof to the other party to the dispute or claim, by writing, and by advertisement in the *Government Gazette* and in at least one of the newspapers circulating within such Industrial District, requesting such party, within a time to be fixed by the President of the Council
15 of Arbitration and to be specified in such notice, to agree to refer the dispute or claim under section eleven, subsection (1) of the Principal Act.

On application by one party to a dispute the Clerk of Awards may call upon the other to proceed to conciliation.

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2. If such party do not comply with the request within such time as aforesaid, or such extended time as the President may allow, the Clerk of Awards shall give notice of the fact by advertisement as aforesaid, and it shall be lawful for the President, If the party do not comply the President may refer the dispute to arbitration.
- 5 by writing under his hand, to refer the dispute or claim to the Council of Arbitration for hearing and determination.
3. The Clerk of Awards shall thereupon, by notice in the prescribed manner, inform such party as aforesaid of the reference and shall call upon such party to appoint not more than three persons to Appointment of representatives.
- 10 act as representatives of such party and to communicate to him their names before a day to be fixed by the President and specified in the notice, and if on the day so fixed and specified the party has not appointed such persons and communicated their names as aforesaid, the President may appoint as representatives of the party such persons
- 15 as in his opinion will fairly represent its interests and they shall be entitled to such remuneration as may be prescribed; but notwithstanding that no such persons have been appointed, either by the party or by the President, the Council of Arbitration may proceed with the hearing and determination.
- 20 4. Where a dispute or claim has been referred under section two, the Council of Arbitration shall with its award give a concise account of the origin and causes of the dispute or claim. Form of award.
5. The President of the Council of Arbitration may, by summons in the prescribed form, call upon any person to attend to give evidence, Witnesses may be summoned to produce documents.
- 25 and may call upon any person to produce any books, maps, plans, papers, and documents in his custody or control in any way bearing upon the dispute; and on failure, neglect, or refusal of any person so called upon to appear according to such summons to give evidence or to produce such books, maps, plans, papers, or documents he shall be
- 30 liable to a penalty not exceeding one hundred pounds, to be recovered summarily before a Stipendiary or Police Magistrate: Provided that where it is shown to the satisfaction of the Council that certain parts of books, maps, plans, papers, or documents to be produced do not relate to the matter before the Council, the party producing the same
- 35 shall be allowed to seal up such parts: Provided also that no such summons shall be issued unless the President shall be satisfied that the application for the same is reasonable and necessary: Provided further that any books, maps, plans, papers, and documents produced shall be open only to examination by the Council, or such person or persons as
- 40 the Council may appoint, who shall furnish to the Council in writing such information as it may require. Such persons shall be sworn by the President not to divulge any matter contained in such books, maps, plans, papers, and documents except as hereinbefore provided.
- 45 6. Persons attending on summons by the President, either as witnesses under the Principal Act or under section five of this Act, otherwise than at the instance of a party, shall be paid reasonable travelling expenses, and a notice to that effect shall be served by the Clerk of Awards upon all persons so summoned, and any person summoned as a witness by the President under the Principal Act who
- 50 has received such notice and fails to attend shall be liable under section twenty-two, subsection (1) of the Principal Act, although no expenses have been tendered him. In addition to such expenses the Council of Arbitration may make persons so attending as aforesaid any allowances for loss of time or otherwise to which the Council may
- 55 consider them justly entitled. Expenses of witnesses summoned by the President.
7. If there be no Recommending Authority or Authorities in the fourth section of the Principal Act described, or if they or either of them fail to make recommendation of a member or members of the Council of Arbitration, the Governor shall have power to appoint as member or Governor may appoint members of the Council of Arbitration where none are appointed by the recommending authorities.
- members

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members such person or persons as in his opinion will fairly represent the interests of the party which otherwise would be left unrepresented on such Council.

8. When in any Industrial District a dispute has taken place, Where a dispute is imminent or already exists the President may report to the Governor, who may appoint the Council to be a board of inquiry, or may refer the matter for hearing and determination.
- 5 and another similar dispute is, in the opinion of the President, likely to take place, or when a dispute already exists, of sufficient magnitude to justify investigation by the Council of Arbitration, the President may report to that effect to the Governor, and thereupon the Governor may—
- 10 (I) by writing under his hand appoint the Council of Arbitration to be a Special Board of inquiry to investigate and report; or
- (II) may refer the matter to the Council of Arbitration for hearing and determination.
9. A special board of inquiry, appointed under the preceding Powers of Board of Inquiry.
- 15 section, shall be deemed to be a Commission appointed by letters patent to make inquiry within the meaning and for the purpose of the Act forty-fourth Victoria number one.
10. When a matter is referred under section eight the Clerk of Procedure when the Governor refers the matter for hearing and determination.
- 20 Awards shall, in the prescribed manner, give notice thereof, and call upon each of the parties to the dispute to appoint not more than three persons to represent it, and to communicate to him the names of such persons before a day to be fixed by the President, and specified in the notice; and if on the day so fixed and specified any party has not appointed such persons, and communicated their names as aforesaid,
- 25 the President may appoint to represent the party such persons as he may think fit, who shall be entitled to such remuneration as may be prescribed; but notwithstanding that no such persons have been appointed, either by the parties or by the President, the Council of Arbitration may proceed with the hearing and determination.
- 30 11. On referring a dispute or claim under section two of this Act the President shall call upon the party who lodged the application mentioned in section one to deposit with the Clerk of Awards a sum of ten pounds, and until such sum be deposited no proceedings shall be taken in respect of such reference. Applicant to deposit a sum towards expenses of reference.
- 35 Any sum deposited under the provisions of this section shall be applicable to the costs and expenses of the reference, and the balance, if any, shall be repaid to the party by or on behalf of whom the sum was deposited, provided always that it shall be lawful for the President, after publication of the award, to refund the whole of such sum or any part thereof to such party as
- 40 aforesaid.
12. In references under sections two and eight of this Act every Issue of summons.
- summons shall be issued under the authority of the President.
13. All expenses connected with the administration of this or Expenses of the Act.
- 45 the Principal Act, not expressly provided for, including the reasonable expenses of and allowances to persons attending on summons by the President of the Council of Arbitration otherwise than at the instance of a party, and the remuneration of persons appointed under this Act to represent a party to a dispute or claim shall be paid out of such annual appropriations as Parliament shall make for that purpose.
- 50 14. Any person who was in the employment of an employer for a period not less than one week at any time within a month previous to the date of an application under this or the Principal Act, shall for the purpose of this and the Principal Act have all the rights which he would have had if he had remained in such employment until the date
- 55 aforesaid. Act to extend to persons in employment a month before application.
15. Proceedings under this or the Principal Act shall not be Proceedings shall not be impeached for want of form.
- impeached or held bad for want of form, nor shall the same be removable to any court by *certiorari* or otherwise; and no award or proceeding

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proceeding of either a Council of Conciliation or the Council of Arbitration shall be liable to be challenged, appealed against, reviewed, quashed, or called into question by any court whatsoever.

16. Section twenty-eight of the Principal Act is hereby
5 amended by the omission of the following words, "and shall continue in force for four years from the commencement thereof and no longer." Repeal of portion
of sec. 28 of
Principal Act.

17. The Governor may make regulations for the purpose of
giving effect to any of the provisions or requirements of this Act, and
such regulations shall have the same effect and be subject to the same
10 conditions as regulations made under the Principal Act. Regulations.

18. This Act may be cited as the "Trade Disputes Conciliation
and Arbitration Act, 1892 Amendment Act," and in its construction
"Principal Act" means the Trade Disputes Conciliation and Arbitra-
tion Act, 1892, and the former shall be read with and form part of
15 the latter; and "prescribed" means prescribed by this or the Principal
Act, or by regulation thereunder. Short title and
construction.