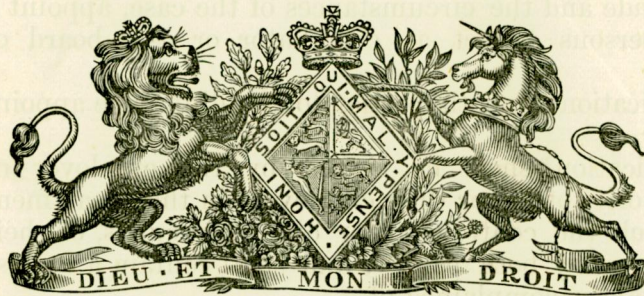


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 19 December, 1898.* }

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

## New South Wales.



ANNO SEXAGESIMO SECUNDO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

Act No. , 1898.

An Act to make provision for the prevention and settlement of  
Trade Disputes.

**B**E 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.** This Act shall come into force on the first day of January, Short title.  
one thousand eight hundred and ninety-nine, and may be cited as the  
“Conciliation and Arbitration Act of 1898.”

10     **2.** Where a difference exists or is apprehended between an Powers of Minister  
employer or any class of employers and his or their employees, or as to trade disputes.  
between different classes of employees, the Minister may, if he think See 59 & 60 Vic.  
fit, exercise all or any of the following powers, namely:— c. 30, s. 2.

(a) Direct inquiry into the causes and circumstances of the  
difference.

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(b)

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- (b) Take such steps as to him may seem expedient for the purpose of enabling the parties to the difference to meet together, by themselves or their representatives, under the presidency of a chairman mutually agreed upon, or nominated by the Minister or by some other person or body, with a view to the amicable settlement of the difference, and failing such amicable settlement shall direct a public inquiry into the causes and circumstances of the difference.
- (c) On the application of either the employers, the employees, or both, and after taking into consideration the existence and adequacy of the means available for conciliation in the district or trade and the circumstances of the case, appoint a person or persons to act as conciliator or as a board of conciliation.
- (d) On the application of both parties to the difference appoint an arbitrator.
3. Every application shall be signed by the employer or employers or by a majority of his or their employees in the department of the business in which the controversy or difference exists, or their duly authorised agent, or by both parties, and shall contain a concise statement of the grievances complained of.
4. If any person or persons be appointed to act as a conciliator or as a board of conciliation, he or they shall inquire into the causes and circumstances of the difference by communication with the parties, and otherwise shall endeavour to bring about a settlement of the difference, and shall report his or their proceedings to the Minister.
5. If a settlement of the difference is effected either by conciliation or by arbitration, a memorandum of the terms thereof shall be drawn up and signed by the parties or their representatives, and a copy thereof shall be delivered to and kept by the Minister.
6. The Arbitration Act, 1892 shall not apply to the settlement by arbitration of any difference or dispute to which this Act applies, but any such arbitration proceedings shall be conducted in accordance with such of the provisions of the said Act or such regulations as may be approved by the Governor under the powers contained in the eleventh section of any conciliation board, or under such other rules or regulations as may be mutually agreed upon by the parties to the difference or dispute.
7. If it appears to the Minister that in any district or trade adequate means do not exist for having disputes submitted to a conciliation board for the district or trade, he may appoint any person or persons to inquire into the conditions of the district or trade, and to confer with the employers and employed, and if the Minister think fit, with any local authority or body, as to the expediency of establishing a conciliation board for the district or trade.

Application to be made.

Duties of conciliators or board of conciliation. See 59 & 60 Vic. c. 30, s. 2.

Memorandum of settlement. See 59 & 60 Vic. c. 30, s. 2.

Exclusion of 55 Vic. No. 32. Procedure may be made applicable. See 59 & 60 Vic. c. 30, s. 3.

Power for Minister to aid establishing conciliation boards. See 59 & 60 Vic. c. 30, s. 4.

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8. (1) It shall be lawful for an arbitrator or any person authorised by the Minister to conduct a public inquiry as in open court under the powers conferred upon him under the third section, and such arbitrator or person is hereby authorised to summon at his instance or  
 5 the instance of either party or both parties any witness or witnesses to appear and give evidence on oath or affirmation ; and if any person so summoned shall not appear at the time and place specified in such summons, or give some reasonable excuse for the default, or, appearing according to such summons, shall not submit to be examined as a  
 10 witness and give evidence touching the matter of the difference, provided reasonable travelling expenses have been tendered to such witness by the party or parties at whose instance the summons is issued, then it shall be lawful for any police or stipendiary magistrate, and he is hereby authorised (proof on oath, in the case of any person not  
 15 appearing according to such summons, having been first made before such magistrate of the due service of such summons on every such person by delivering the same to him or by leaving the same at the usual place of abode of such person) by warrant under his hand to commit any such person so making default in appearing, or appearing  
 20 and refusing to give evidence, to some prison or place of detention for any time not exceeding two calendar months, or until such person shall submit himself to be examined and give his evidence before such arbitrator or person authorised as aforesaid : Provided always that in case such inquiry shall be concluded before such offender shall submit  
 25 to be examined and give evidence as aforesaid, then such offender may be imprisoned for the full term of such commitment, and any witness appearing before any such arbitrator or person authorised shall have the same protection and be subject to the same liabilities in any civil or criminal proceeding as a witness giving evidence in any case tried in  
 30 the Supreme Court.

(2) It shall be lawful for an arbitrator, or any person authorised by writing under his hand, or any person authorised as aforesaid by the Minister to conduct an inquiry, at any time to enter upon  
 any manufactory, building, workshop, factory, mine, mine-workings,  
 35 shed, or premises of any kind whatsoever, wherein or in respect of which any work is being, or has been done or commenced, or any matter or thing is taking or has taken place, which has been made the subject of a reference to such arbitrator or person authorised by the Minister ; and to inspect and view any work, material, machinery, appliances,  
 40 matter, or thing whatsoever being in such manufactory, building, workshop, factory, mine, mine-workings, shed, or premises. And any person who shall hinder or obstruct any such arbitrator or person authorised as aforesaid in the exercise of any power conferred on such persons by this section, or who shall refuse to such persons entrance  
 45 during any such time as aforesaid to any such manufactory, building,  
 workshop,

Enforcing attendance of witnesses.

See 55 Vic. No. 29, s. 22.

Powers of entry for purpose of viewing.

See 55 Vic. No. 29, s. 22.

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workshop, factory, mine, mine-workings, shed, or premises, shall for every such offence incur a penalty not exceeding fifty pounds, to be recovered in a summary way before any stipendiary or police magistrate.

5 9. Any person attending on summons otherwise than at the instance of a party or both parties shall be paid reasonable travelling expenses, and a notice to that effect shall be served upon him, and any person summoned as a witness who has received such notice and fails to attend shall be liable under section nine, although no expenses have been tendered to him. In addition to such expenses the Minister 10 may make any person so attending as aforesaid any allowance whether for loss of time or otherwise to which the arbitrator or person authorised by the Minister to conduct an inquiry may consider him justly entitled.

Payment of witnesses expenses.

10 10. All expenses connected with the administration of this Act, not expressly provided for, including the reasonable expenses of and 15 allowances to persons attending on summons otherwise than at the instance of a party or both parties, and the remuneration of any persons appointed to carry out the provisions of this Act shall be paid out of such annual appropriations as Parliament shall make for that purpose.

Expenses of the Act.

20 11. The Governor may make regulations for the purpose of giving effect to any of the provisions or requirements of this Act; and all such regulations, not being inconsistent with this Act, shall have the full effect of law on publication in the Gazette.

Regulations.