

Legislative Council.

No. , 1903.

## A BILL

To give an appeal in certain cases from the Registrar under the Industrial Arbitration Act, 1901; to provide for the exercise by him of certain powers and for the exercise of certain powers during his absence or illness; to enable a District Court Judge to hear and determine certain matters in respect of the said Act; to make further provision for the proper observance of awards, orders, and directions of the Court of Arbitration; and to provide for change of name and discharge of membership of industrial unions in certain cases.

[MR. WISE;—9 *July*, 1903.]

**B**E 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:—

5     1. This Act may be cited as the "Industrial Arbitration Act Amendment Act, 1903," and shall be read with and form part of the Industrial Arbitration Act, 1901, which is herein referred to as the Principal Act. Short title and incorporation.

Persons may appeal to court from refusal of Registrar to apply for cancellation.

2. In all cases where the Registrar refuses or has refused prior to the commencement of this Act to apply to the court for the cancellation of the registration of any industrial union the person or union applying for cancellation may appeal to the court from such refusal, and the court upon the hearing of the appeal shall have the like powers as upon an application to the court by the Registrar for the cancellation of the registration of a union. 5

President may delegate to Registrar certain powers.

3. The President may, in the manner prescribed, delegate to the Registrar any of the powers conferred upon and exercisable by the President when sitting alone, and the Registrar may exercise the same subject in all cases to appeal to the President in the manner prescribed. 10

Fines for breaches of award may be recovered before Registrar.

4. All fines and penalties for any breach of an award, order, or direction of the court may be sued for and recovered before the Registrar, and all matters pending before and referred to him by the court for hearing and determination may be heard and determined by him, subject to appeal to the court in the prescribed manner. 15

Registrar shall have certain powers of court.

5. For the purpose of any proceedings before him, the Registrar shall have such of the powers conferred upon the court by section twenty-six of the Principal Act other than the hearing and determination of industrial disputes and the making of rules as may be prescribed, and may further refer for the determination of the court or President any matter pending before him in pursuance of powers conferred by this Act or the Principal Act. 20

Governor may nominate person to exercise powers of Registrar in his absence.

6. The Governor may, in the event of the absence or illness of the Registrar, appoint some person who may exercise during such absence or illness such of the powers conferred by this and the Principal Act upon the Registrar as the Governor may direct. 25

District Court Judge may at request of President hear and determine certain matters.

7. A District Court Judge may, at the request of the President, hear and determine any matter pending before the President or any proceeding pending before the court for the recovery of a fine or penalty for breach of an award, order, or direction of the court, and for the purpose of such hearing and determination may exercise any of the powers exercisable by the President or court; subject in all cases to appeal to the President or court, as the case may be, in the prescribed manner. 30

Court may designate certain persons to see to proper observance of awards.

8. In any award, order, or direction, the court may designate an inspector under the Factories and Shops Act of 1896 to see to the proper observance and enforcement of the award, order, or direction, or wherever in the opinion of the court it is impracticable or inexpedient to appoint such inspector, the court may designate some other person or persons for the purpose aforesaid; and every inspector or person so designated may, as and for so long as the court directs, exercise in respect of the said award, order, or direction, and of all places and persons 35

persons affected thereby such of the following powers as the court in the award, order, or direction declares may be exercised by such person—

- 5 (1) To enter, inspect, and examine at all reasonable hours by day or night any place affected by the said award, order, or direction, or in respect of which persons affected by the said award, order, or direction are employed.
- 10 (2) To make such examination and inquiry as may be necessary to ascertain whether the provisions of the said award, order, or direction are complied with so far as respects the place inspected, and the persons employed therein or in connection therewith.
- 15 (3) To examine alone or in the presence of any other person as he thinks fit, with respect to matters contained in the award, order, or direction any person whom he finds in the place inspected, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in or in connection with such place, and to require such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined :  
20 Provided that no person shall be required to answer any question or give any evidence incriminating himself.

The occupier of every place affected by an award, order, or direction of the court, his agents and servants, shall supply the means required by an inspector or person designated as aforesaid necessary  
25 for an entry, inspection, examination, and inquiry, or the exercise of his powers under this Act in relation to such place or the persons employed therein ; and any person who delays, hinders, or obstructs an inspector or person designated as aforesaid in the exercise of any power conferred by this section shall, for every such offence, be liable  
30 to a penalty not exceeding *twenty* pounds.

Every inspector or person designated as aforesaid shall produce a certificate of his appointment, signed by the President, and on applying for admission to a place affected by an award, order, or direction shall, if required, produce such certificate to the occupier.

35 Every person who forges or counterfeits any such certificate, or makes use of any forged, counterfeited, or false certificate, or personates the person named in any such certificate, or falsely pretends to be an inspector or person nominated under this section, shall be liable to be imprisoned for a term not exceeding *six* months, with or without hard  
40 labour.

9. Where an industrial union desires that the name mentioned in the certificate of incorporation shall be changed, the union shall make application to the Registrar in the prescribed manner, and the Registrar may thereupon grant a substituted certificate of incorporation  
45 to the industrial union by the name applied for: Provided that the industrial

Industrial union may change name in certain circumstances.

industrial union under its name in the substituted certificate shall for all purposes of the Principal Act and this Act be deemed to be the same industrial union as under the original certificate, and all its rights, liabilities, and obligations under the original certificate shall apply to it under its name in the substituted certificate. 5

Industrial union may discharge members under certain circumstances.

10. Notwithstanding the provisions of section nine of the Principal Act an industrial union may discharge any member from its membership during the pendency of any reference to the court: Provided that no such discharge shall be made or shall take effect until and unless the Registrar certifies that such discharge is reasonably necessary, and not for the purpose directly or indirectly of evading any provision of the Principal Act or this Act, or any award, order, or direction of the court. 10

Court may make rules.

11. In addition to the power of making rules conferred upon the court by section twenty-six of the Principal Act, the court shall also have power in like manner to make rules regulating the practice and procedure to be adopted in carrying out the provisions of this Act. 15