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, 8 *December,* 1911. } W. S. MOWLE, \
Acting Clerk of the Legislative Assembly.

New South Wales.

ANNO SECUNDO

GEORGII V REGIS.

* *

Act No. , 1911.

An Act to provide for the regulation of the conditions of industries in certain particulars by means of industrial conciliation and arbitration, and for the repression of lock-outs and strikes; to establish and define the powers, jurisdiction, and procedure of an industrial court and certain subsidiary tribunals; to preserve certain awards and industrial agreements; to repeal the Industrial Disputes Act, 1908, the Industrial Disputes Amendment Act, 1908, certain sections of the Industrial Disputes (Amendment) Act, 1909, the Industrial Disputes (Amendment) Act, 1910, and the Clerical Workers Act, 1910; to amend the Acts dealing with early closing of shops and certain other Acts; and for purposes consequent thereon or incidental thereto.

Industrial Arbitration.

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 :—

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PART I.

PRELIMINARY.

1. This Act may be cited as the "Industrial Arbitration Act, 1911." Short title.

2. This Act shall commence on and from a date to be proclaimed by the Governor in the Gazette: Commencement.

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Provided that the provisions of this Act relating to the registration of industrial unions and the appointment of boards, and all provisions necessary for such registration and for making such appointments, shall come into force on the passing of this Act.

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3. This Act is divided into Parts, as follows :— Division of Act.

PART I.—PRELIMINARY—*ss.* 1–12.

PART II.—THE INDUSTRIAL COURT AND THE BOARDS—*ss.* 13–23.

PART III.—JURISDICTION OF BOARDS AND OF THE COURT—*ss.* 24–31.

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PART IV.—PROCEDURE OF BOARDS—*ss.* 32–38.

PART V.—CONCILIATION COMMITTEES—*ss.* 39–43.

PART VI.—LOCK-OUTS AND STRIKES—*ss.* 44–49.

PART VII.—BREACHES OF AWARDS AND OTHER OFFENCES—*ss.* 50–53.

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PART VIII.—GENERAL AND SUPPLEMENTAL—*ss.* 54–73.

4. (1) The Industrial Disputes Act, 1908, the Industrial Disputes Amendment Act, 1908, the Industrial Disputes (Amendment) Act, 1909, except section four, paragraphs 42D and 42C, the Industrial Disputes (Amendment) Act, 1910, and the Clerical Workers Act, 1910, are repealed. Repeal and savings.

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(2) All awards, orders, and industrial agreements made under authority of the Acts hereby repealed and in force at the commencement of this Act shall, until rescinded under this Act, continue in force for the respective periods fixed by such awards, orders, or industrial agreements, and shall be deemed to have been made under this Act. In construing any such award, order, or industrial agreement references to the registrar shall be read as references to the registrar appointed under this Act, and for the purpose of any appeal from the registrar references to the Industrial Court shall be read as references to the Court of Industrial Arbitration constituted by this Act. Awards.

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(3) All summonses issued at such commencement under sections forty-one, forty-three, or fifty-five of the Industrial Disputes Act, 1908, and returnable before the Industrial Court, shall continue in force, but shall be returnable before, and shall be heard and determined by the Court of Industrial Arbitration constituted by this Act, or by the registrar or an industrial magistrate on being referred to him by the court. For the purpose of carrying out the above provisions, the enactments of the Industrial Disputes Act, 1908, shall continue in force and shall, mutatis mutandis, apply to the hearing and determination of any such matter by the Court of Industrial Arbitration constituted by this Act, and to the enforcement of any order of such court. Summonses issued.

All documents relating to any such matters or proceedings, and filed or deposited with the Industrial Court shall be handed over to the Court of Industrial Arbitration, and filed with such court.

(4) The registrar appointed under any Act hereby repealed, and holding office at the commencement of this Act, shall be deemed to have been appointed hereunder. The registrar.

(5) All regulations made under the Acts hereby repealed, and in force at the commencement of this Act, shall, mutatis mutandis, apply as if made under this Act. Regulations.

Definitions.

5. In this Act, unless the context otherwise indicates,— Definitions.

"Apprentice" means an employee under twenty-one years of age who is serving a period of training under an indenture or other written contract for the purpose of rendering him fit to be a qualified worker in an industry.

"Award" means award under this Act, and includes a variation of such award.

"Board" means industrial board constituted under this Act.

"Calling" means craft or other occupation.

"Court" means Court of Industrial Arbitration established by this Act.

"Employee" means person employed in any industry, whether on wages or piece-work rates or as member of a butty-gang, but shall not include a member of a family in the employment of a parent, and the fact that a person is working under a contract for labour only, or substantially for labour only, or as lessee of any tools or other implements of production, or any vehicle used in the delivery of goods, shall not in itself prevent such person being held to be an employee.

"Employer" means person, firm, company, or corporation employing persons working in any industry, whether on behalf

behalf of himself or itself or any other person or on behalf of the Government of the State, and includes the Chief Commissioner for Railways and Tramways, the Sydney Harbour Trust Commissioners, the Metropolitan Board of Water Supply and Sewerage, the Hunter District Water Supply and Sewerage Board, and any council of a municipality or shire, and includes for the purpose of constituting a board, a director, manager, or superintendent of an employer as defined as aforesaid.

"Improver" means an employee under twenty-one years of age who is serving for the purpose of rendering him fit to be a qualified worker in an industry or special section of an industry.

"Industrial agreement" means industrial agreement made and filed under any Act hereby repealed, or under this Act.

"Industrial Court" means Industrial Court constituted by the repealed Acts.

"Industrial magistrate" means industrial magistrate appointed under this Act.

"Industrial union" means industrial union registered as an industrial union under this Act.

"Industrial matters" means matters or things affecting or relating to work done or to be done, or the privileges, rights, or duties of employers or employees or of persons who intend or propose to be employers or employees in any industry, not involving questions which are or may be the subject of proceedings for an indictable offence; and, without limiting the ordinary meaning of the above definition, includes all or any matters relating to—

(a) the wages, allowances, or remuneration of any persons employed or to be employed in any industry, or the piece-work, contract, or other prices paid or to be paid therein in respect of such employment, including the question whether piece-work shall be allowed in an industry.

(b) the hours of employment, sex, age, qualification, or status of employees, and the mode, terms, and conditions of employment, including the question whether persons of either sex shall be disqualified for employment in an industry or section of an industry;

(c) the employment of children or young persons, or of any persons or class of persons in any industry, or the right to dismiss or to refuse to employ or reinstate in employment any particular persons or class of persons therein;

(d) any claim that preference of employment shall be given to members of industrial unions of employees;

(e)

(e) any established custom or usage of any industry, either general or in any particular locality;

(f) the interpretation of an industrial agreement or award;

"Industry" means occupation or calling in which persons of either sex are employed for hire or reward.

"Judge" or "the judge" means the judge of the Court of Industrial Arbitration, and includes an additional judge of the court.

"Justice" means justice of the peace, and includes a magistrate.

"Lock-out" (without limiting its ordinary meaning) includes a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees with a view to compel his employees, or to aid another employer in compelling his employees, to accept terms of employment.

"Magistrate" means stipendiary or police magistrate.

"Members of a board" and "members of a conciliation committee" include the chairman of the board and of the committee respectively.

"Metropolitan district court" means district court of the metropolitan district, holden at Sydney.

"Minister" means Minister of the Crown administering this Act.

"Prescribed" means prescribed by this Act, or by regulations made thereunder.

"Registrar" means industrial registrar appointed under this Act.

"Repealed Acts" means the Acts repealed by this Act.

"Schedule" means Schedule to this Act, and any amendment of or addition to such Schedule made in pursuance of this Act.

"Strike" (without limiting its ordinary meaning) includes the cessation of work by any number of employees acting in combination, or a concerted refusal or a refusal under a common understanding by any number of employees to continue to work for an employer with a view to compel their employer, or to aid other employees in compelling their employer, to accept terms of employment, or with a view to enforce compliance with demands made by them or other employees on employers.

"Trade union" means trade union registered under the Trade Union Act, 1881, and includes a branch so registered.

"Under-Secretary" means Under-Secretary of the public department administered by the Minister.

Industrial unions.

6. The registrar may, on application made as hereinafter provided, register under this Act as an industrial union of employers any person or association of persons, or any incorporated company, or association

Registration of industrial union of employers.

association of incorporated companies, who or which has in the aggregate throughout the six months next preceding the date of the application for registration employed on an average, taken per month, not less than fifty employees.

5 Such application shall be made as prescribed, and, if made by an association or company, shall be signed by a majority in number of the governing body thereof.

Registration under repealed Acts and Act of 1901.

7. Any person or body whose registration under the Act No. 59, 1901, as an industrial union of employees is at the commence-
10 ment of this Act in force, and any trade union registered under section nine of the Industrial Disputes Act, 1908, whose registration under that Act is at the said commencement in force, shall, unless and until such registration is cancelled, be deemed to be an industrial union.

Registration of industrial union of employees.

8. (1) The registrar may, on application made as hereinafter
15 provided, register under this Act any trade union of employees. On such registration the trade union shall be an industrial union until such registration is duly cancelled.

(2) Such application shall be made in writing as prescribed by the committee of management of the trade union, and shall be
20 signed by a majority in number of the members of such committee. Notice of any such application shall be published as prescribed.

The registrar may require such proof as he thinks necessary of the authority of the said members to make the said application.

(3) Any such application may be refused by the registrar
25 if he is of opinion that the organization applying is not a bona-fide trade union or, if registered under this Act would not be a bona-fide industrial union 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.

30 (4) The registrar shall fix a day for considering any objections on the above ground to the granting of the application, and shall notify the same as prescribed.

(5) No branch shall be registered, unless it is a bona-fide branch of sufficient importance to be registered separately.

35 (6) Any decision of the registrar under this section in respect of an objection taken as aforesaid, or on refusal of registration, shall be subject to appeal to the court as prescribed.

Cancellation of registration at request of union.

9. (1) The court may cancel the registration of an industrial union if proof is given to its satisfaction that a majority in number of
40 the members of the union, by secret ballot taken as prescribed, require such cancellation:

(2) Provided that such power of cancellation shall not be exercised while any award or any industrial agreement relating to members of any such union whether made under the repealed Acts or
45 this Act is in force.

10.

10. The court may, on application by the Minister as prescribed, if satisfied that an industrial union is instigating to or aiding any other union or any of its members in a lock-out or strike for which such other union or any of its members are liable to a penalty under this Act, in its discretion cancel such registration and cancel any award or industrial agreement relating to such industrial union or the members thereof. Cancellation on application by Minister.

Industrial agreements.

11. Any industrial union of employees may make an agreement in writing with an employer or any other industrial union relating to any industrial matter. Power to make industrial agreements.

Any such agreement if made for a term specified therein not exceeding three years from the making thereof, and if filed at the office of the registrar, shall be an industrial agreement within the meaning of this Act, and shall, subject to any award made under the repealed Acts or this Act, be binding on the parties, and on all persons for the time being members of such unions, but may be rescinded or varied in writing by the parties. Any variation of any such agreement, if filed as aforesaid, shall be binding as part of the agreement.

Any such industrial agreement may be enforced under this Act.

12. If after the commencement of this Act any trade union of employees, not being an industrial union, enters into and executes in the manner prescribed by the rules of such union any agreement relating to any industrial matters with an employer or an industrial union of employers, either party to such agreement may file the same in the office of the registrar. Any such agreement, if made for a term specified therein not exceeding three years from the making thereof, shall, in so far as it relates to industrial matters and subject to any award made under this Act, be binding on the parties, and on all persons for the time being members of such unions, and shall be enforceable in the same manner as an industrial agreement made under this Act. Such agreements may be rescinded or varied by the parties, and any such variation if filed as aforesaid shall be binding as part of the agreement. Industrial agreements filed in office of registrar.

PART

PART II.

The Industrial Court and the Boards.

Constitution of the court.

13. (1) There is hereby constituted a court to be called the Court of Industrial Arbitration. It shall be a superior court and a court of record, and shall have a seal, which shall be judicially noticed. Constitution of the court.

The court shall have the jurisdiction and powers conferred on it by this Act.

(2) The Industrial Court established by the repealed Acts is dissolved, and the present judge of that court shall be the judge of the Court of Industrial Arbitration, and shall hold such office subject to the provisions of subsections six and seven of this section. The judge of the court.

Whenever the office of the judge becomes vacant, the Governor may appoint a Supreme Court judge or a District Court judge, or a barrister-at-law of five years' standing, to be the judge.

(3) The Governor may appoint a Supreme Court judge or a District Court judge, or a barrister-at-law of five years' standing, to be judge to act as an additional judge of the court. Such additional judge shall have the same rights, powers, jurisdiction, and privileges as the judge of the court. Additional judge.

(4) The Governor may appoint a Supreme Court judge or a District Court judge, or a barrister-at-law of five years' standing, to be deputy judge to act temporarily in the absence of the judge of the court. Such deputy judge shall, while exercising the jurisdiction conferred on him, have the same salary and all the rights, powers, jurisdiction, and privileges of the judge of the court. Deputy judge.

(5) The court shall be constituted by the judge or additional or deputy judge of the court sitting alone, or, in the cases hereinafter in this Act provided, with assessors. Should both judge and additional judge be sitting at the same time, each shall constitute the court under this Act. Judge to constitute the court.

(6) The present or any future or additional judge of the court shall be liable to be removed from office in the same manner and upon such grounds only as a Supreme Court judge is by law liable to be removed from office. Tenure of office of judge.

(7) Where a Supreme Court judge holds the office of judge of the court, his annual salary as Supreme Court judge shall continue. Where a District Court judge holds such office his annual salary shall be one thousand pounds, in addition to his salary as District Court judge. Where a barrister-at-law is appointed to such office his annual salary shall be the same as that prescribed for a District Court judge holding such office. Salary.

14. The court, in addition to the jurisdiction and powers conferred on it by this Act, shall have the powers and may exercise the jurisdiction hereby conferred on industrial boards and on the chairmen thereof and on the chairmen of conciliation committees, and on the industrial registrar and an industrial magistrate. Powers of the court.

Constitution of the boards.

15. All the boards appointed under the repealed Acts are at the commencement of this Act dissolved, except where at such commencement any part-heard matter is before any such board, in which case such board may continue to act and deal with and determine such matter in the same manner as if this Act had not passed. On such matter being determined, the board shall be dissolved on proclamation to that effect, made by the Governor in the Gazette. Dissolution of boards under repealed Acts.

16. (1) Industrial boards may be constituted by the Minister under the board designations mentioned in the first column of Schedule One, and under such further or other board designations as the Governor may from time to time proclaim, for any one or more of the industries or callings mentioned in the second column of such Schedule, and from time to time added to such second column by proclamation of the Governor, and for any such transposition, division, combination, rearrangement, or re-grouping of such industries or callings as the Minister, subject to appeal to the court, may direct. Boards for industries in Schedule One.

(2) The Minister shall, and in the manner prescribed, appoint a chairman for all the boards which may be constituted under each of the board designations mentioned in the first column of Schedule One. Such chairman shall preside over and be a member of all such boards. Appointment of chairman.

(3) The Minister shall, subject to appeal to the court, and in the manner prescribed, appoint the other members of such boards. Where an industrial union exists for an industry or calling, such industrial union shall have the right in respect of boards constituted for such industry or calling to nominate such other member or members for appointment by the Minister. Appointment of other members.

(4) On the chairman and members being appointed a board shall be deemed to be constituted. Board constituted.

(5) Each such board shall, besides its chairman, consist of two or four other members as determined by the Minister, subject to appeal to the court one half in number of such other members shall be employers, and the other half employees, each of whom has been or is actually and bona fide engaged in one of the industries or callings so specified. Members.

(6) For the purpose of any question relating to the right of employees in a calling to do certain work in an industry to the exclusion of employees in another calling or other callings, the persons employed Demarcation of callings.

employed in such callings may, in the discretion of the Minister, be represented on any boards having jurisdiction as to matters relating to such callings. Such boards may confer, and may include any matters as to which they have come to an agreement in any recommendation made by them; if they differ on any question, they shall so report to the court.

Boards for industries in Schedule Two.

17. (1) The Minister may constitute industrial boards for the industries and callings mentioned in Schedule Two as amended or added to in pursuance of this Act.

Appointment.

(2) The Minister may in the manner prescribed—

(a) appoint chairmen who shall preside at and be members of such boards;

(b) appoint the other members of such boards.

Jurisdiction.

(3) Each such board shall have jurisdiction as to matters relating to such of the said industries or callings or sections thereof as may be specified by the Minister on his appointing the members of the board other than the chairman.

Members.

(4) Each such board shall, besides the chairman, consist of two or four other members, as determined by the Minister, one half in number of whom shall be employers and the other half employees, each of whom has been or is actually and bona fide engaged in one of the industries or callings so specified:

Provided that where the employers or the employees in the industries or callings consist largely of females, members may be appointed who are not engaged in the industries or callings:

Provided also that where, in the opinion of the Minister, no suitable employer or no suitable employee in the industry can be found who is willing to act on the board on behalf of the employers or employees, as the case may be, he may appoint any person whom he considers to be acquainted with the working of the industry to represent the employers or employees on the board.

Application of Act to such boards.

(5) The provisions of this Act relating to boards shall apply to any board constituted under this section, except that proceedings before such board shall be commenced in the manner prescribed, and only by reference to the board by the Minister.

Amendment of Schedule II.

(6) The Governor may on resolution passed by both Houses of Parliament amend Schedule Two or add thereto other industries. Any such amendment or addition shall be published in the Gazette.

Failure of member to attend.

18. If any member of a board, without reasonable excuse, neglects on two successive occasions to attend meetings of the board duly convened, or to vote when present at any such meeting on any question duly submitted to the board, he shall be liable to a penalty not exceeding five pounds, and the Governor may declare his office vacant, and thereupon such member shall cease to hold office.

19.

19. Each member of a board shall, upon his appointment, take an oath not to disclose any matter or evidence before the board or the court relating to— Oath to be taken by members.

trade secrets;

5 the profits or losses or the receipts and outgoings of any employer;

the books of an employer or witness produced before the board or the court; or

the financial position of any employer or of any witness;

10 and if he violates his oath, he shall be liable to a penalty not exceeding five hundred pounds, and, on conviction of such offence, he shall cease to hold office.

20. (1) The Minister in his discretion may at any time dissolve a board; he may also remove any member of a board from his office 15 on proof to his satisfaction that such member is of unsound mind, or in prison, or has abandoned his residence in this State, or is not properly discharging his duties as a member of such board. Dissolution of board and removal of member.

(2) Subject to the above provision, the members of a board shall hold office until the expiration of three years from the date 20 of their appointment, and then shall cease to hold office: Provided that a member may resign his office. Period of office.

(3) A new board may be appointed under this Act to take the place of a board that has been dissolved, or the members of which have resigned, or have ceased to hold office. New board.

25 Members ceasing to hold office on a board shall be eligible for appointment to the new board.

The provisions of this Act relating to the constitution and manner of appointment of boards shall apply to the appointment of such new board.

30 **21.** (1) Where, from any cause, a member of a board ceases to hold office the Minister may appoint a duly qualified person to his office for the residue of the period for which such member was appointed. Appointment to vacancies.

(2) Where a person is appointed to any vacancy on a 35 board, the board as newly constituted may, if no member of the board objects, continue the hearing of and may determine any part-heard case.

22. Every appointment of a member of a board shall be published in the Gazette, and a copy of a Gazette containing a 40 notice of such appointment purporting to have been published in pursuance of this Act shall be conclusive evidence that the person named in such notice was legally appointed to the office named, and had power and jurisdiction to act in such office, and such appointment shall not be challenged for any cause. Gazettal of appointments.

45 **23.** The members of a board shall be paid such fees as may be fixed by the Governor. Fees.

PART

PART III.

Jurisdiction of Boards and of the Court.

24. (1) A board, on any reference or application to it may, with respect to the industries or callings for which it has been constituted, make an award— Power of board to make recommendation.

(a) fixing the lowest prices for work done by employees, and the lowest rates of wages payable to employees, other than aged, infirm, or slow workers;

(b) fixing the number of hours and the times to be worked in order to entitle employees to the wages so fixed;

(c) fixing the lowest rates for overtime and holidays and other special work, including allowances as compensation for overtime, holidays, or other special work;

(d) fixing the number or proportionate number of apprentices and improvers and the lowest prices and rates payable to them;

(e) determining any industrial matter;

(f) rescinding or varying any award made in respect of any of the industries or callings for which it has been constituted;

(g) declaring that preference of employment shall be given to members of any industrial union of employees, and prescribing such terms and conditions in respect of such preference as it may deem necessary.

Such declaration shall be made where in the opinion of the board the giving of such preference will be conducive to industrial peace or is necessary to the proper carrying out of the award:

Provided that such declaration may be made only where the industrial union of employees applying therefor substantially represents the calling or occupation in which such members are engaged, and where the registrar certifies that the rules of the union allow any person to become a member of such union on payment of a reasonable entrance fee and reasonable periodical subscriptions:

(h) declaring with regard to such industries that the secretary of any industrial union shall have the powers of an inspector under this Act;

(i) abrogating or varying contracts for labour, including contracts of apprenticeship made at any time before or after the commencement of this Act, subject to such conditions and to such exceptions as it thinks just.

(2) A board may exercise the above powers, notwithstanding the provisions of any industrial agreement, and may recommend the amending or rescinding any such provisions so far as they are inconsistent with any recommendation of the board. Power to amend or rescind industrial agreement.

(3)

(3) Where an institution carried on wholly or partly for charitable purposes provides for the food, clothing, lodging, or maintenance of any of its employees or any of its inmates who are deemed to be employees, the board in its award as to the wages of such employees or inmates, shall make due allowance therefor. The board may exempt such institution from all or any terms of the award, where the food, clothing, lodging, and maintenance provided by the institution, together with the money (if any) paid by the institution to such employees or inmates as wages, are at least equal in value to the value of the labour of such employees or inmates. Charitable institutions.

25. (1) The award of a board shall be signed by the chairman and forwarded to the judge, who may, of his own motion, within ten days refer such award back to the board, with such recommendations as he may think fit. Award of board.

An award when accepted by the judge shall be forwarded to the registrar who shall forthwith publish the same in the Gazette and notify the parties. On such publication every award shall take effect, and be binding on all persons engaged in the industries or callings, and within the locality and for the period not exceeding three years specified therein.

(2) Within thirty days of such publication any of the parties to the proceedings before the board and any other person with the consent of the court may in manner prescribed make application to the court for variation or amendment of such award, or for rehearing in respect to any matter in or omission from the award. If the board refuses to make any award, any of the said parties may, within fourteen days after such refusal, make application to the court to make an award as to any matter included in a claim or reference made to the board. Applications to court to vary recommendations.

(3) On any such application the court may confirm, or vary, or rescind the award thus appealed from, or may make a new award, and may make such order as to the costs of the appeal as it thinks just. Determination by court.

At such hearing the members of the board other than the chairman shall, if any person making the application so desires, sit with the court as assessors.

(4) The pendency of an appeal shall not suspend the operation of an award appealed from.

26. Employees employed by the Government of New South Wales or by any of its Departments, including the Departments of the Government Railways and Tramways, the Sydney Harbour Trust, the Metropolitan Board of Water Supply and Sewerage, and the Hunter District Wages of Government employees.

District Board of Water Supply and Sewerage shall be paid rates and prices not less than those paid to other employees not employed by the Government or its departments doing the same class of work under similar circumstances. 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 circumstance of dissimilarity. The court or an industrial board shall not fix rates and prices for such first-mentioned employees lower than those fixed or recommended to be fixed for such other employees.

Permits for aged, infirm, or slow workers.

27. (1) Any aged, infirm, slow, or unexperienced worker who may deem himself unable to earn the minimum wage prescribed by any award, may apply to the registrar for a permit in writing to work for less than the wage so prescribed.

(2) The registrar shall be the tribunal to determine whether and on what conditions such permit shall be granted, and shall have power to revoke or cancel any permit.

(3) The registrar shall forthwith notify the secretary of the industrial union of the trade or calling in which such applicant desires to be employed, of the grant of such permit and of the conditions contained therein.

(4) The said union may at any time after such notice apply to the registrar in the manner prescribed for the cancellation of such permit.

(5) An appeal against any such determination shall not lie from the registrar to the court except on the ground that the trade or calling concerned is one in which no such permit should be granted.

Closing of shops.

28. (1) Where an award fixes times at which employees shall cease work in shops of specified classes, such shops, whether employees are or are not employed therein, shall be closed at such times as may be fixed by such award.

Carters.

(2) Where an award fixes the periods of work for carters who are employees, such award shall in respect of such periods of work apply to and be binding on carters who are not employees.

Variation of award.

29. Unless where otherwise expressly provided in this Act, an award, whether made under this Act or the repealed Acts, may be rescinded, added to, or varied only on application or reference to a board in pursuance of this Act.

But the court may, at any time, on its own initiative or on application made to it, prohibit any proceeding of a board or vary or rescind any award made under this Act or the repealed Acts.

Award to be binding.

30. An award shall be binding on all persons engaged in the industries or callings and within the locality and for the period not greater than three years specified therein.

Intervention

Intervention by Crown.

31. The Crown may, where, in the opinion of the Minister, the public interests are or would be likely to be affected, intervene in any proceedings under this Part before a board or the court, or appeal from an award of a board or the court, and make such representations as it thinks necessary in order to safeguard the public interests. Intervention by Crown.

PART IV.

Procedure of Boards.

32. (1) Proceedings before a board shall be commenced by— Commencement of proceedings.

(a) reference to the board by the court or the Minister; or

(b) application to the board by employers or employees in the industries or callings for which the board has been constituted.

(2) Any such application shall be in the form, and shall contain the particulars prescribed, and shall be signed by—

(a) an employer or employers of not less than twenty employees in any such industry or calling; or

(b) an industrial union whose members are employers or whose members are employees in any such industry or calling.

(3) All meetings of a board shall be convened by the chairman by notice to each member served as prescribed. Convening of meetings.

33. In every case where an application or reference to a board is made, it shall be the duty of the chairman to endeavour to bring the parties to an agreement with respect to the matters referred to in such application or reference, and to this end the board shall, in such manner as it thinks fit, expeditiously and carefully inquire into such matters and anything affecting the merits thereof. Inquiry by board.

In the course of such inquiry, the chairman may make all such suggestions and do all such things as he deems right and proper for inducing the parties to come to a fair and amicable settlement of such matters.

34. A board, or any two or more members thereof authorised by the board under the hand of its chairman, may enter and inspect any premises used in any industry to which a reference or application to the board relates, and any work being carried on there. Power of entry and inspection.

If any person hinders or obstructs a board or any member thereof in the exercise of the powers conferred by this section, or hinders or obstructs the judge in the exercise of like powers, he shall be liable to a penalty not exceeding ten pounds.

35. A board may— Conduct of proceedings of board, and its powers as to witnesses.

(a) conduct its proceedings in public or private as it may think fit;

(b) adjourn the proceedings to any time or place;

(c)

(c) exercise in respect of witnesses and documents and persons summoned or giving evidence before it, or on affidavit, the same powers as are by section one hundred and thirty-six of the Parliamentary Electorates and Elections Act, 1902, conferred on a committee of elections and qualifications, and the provisions of the said section shall apply in respect of the proceedings of the board: Provided that unless a person raises the objection that the profits of an industry are not sufficient to enable him to pay the wages or grant the conditions claimed, no person shall be required without his consent to produce his books, or to give evidence with regard to the trade secrets, profits, losses, receipts, and outgoings of his business, or his financial position.

Where a person raises such objection he may be required, on the order of the chairman, to produce the books used in connection with the carrying on of the industry in respect of which the claim is made, and to give evidence with regard to the profits, losses, receipts, and outgoings in connection with such industry, but he shall not be required to give evidence regarding any trade secret, or, saving as hereinbefore provided, his financial position. No such evidence shall be given without his consent except in the presence of the members of the board alone, and no person shall inspect such books except the chairman or an accountant appointed by the board, who may report to the board whether or not his examination of such books supports the evidence so given, but shall not otherwise disclose the contents of such books. Such accountant shall, before acting under this paragraph, take the oath prescribed in respect of members of a board by section nineteen of this Act;

(d) admit and call for such evidence as in good conscience it thinks to be the best available, whether strictly legal evidence or not.

Evidence to be on oath.

36. (1) The chairman shall require any person, including a member of the board, to give his evidence on oath, and may on behalf of the board issue any summons requiring the attendance of witnesses; if any person so summoned does not attend he shall be liable to a penalty not exceeding fifty pounds.

Admissibility of evidence.

(2) Any question as to the admissibility of evidence shall be decided by the chairman alone, and his decision shall be final.

Questions of jurisdiction

(3) Where during the hearing of any matter before a board its jurisdiction is disputed, the chairman may decide the question of jurisdiction, or may submit it to the court; in which case the court shall decide such question and remit its decision to the board.

37.

37. At any meeting of a board, unless otherwise provided in this Act,— Proceedings at meetings.

(a) the chairman shall preside;

(b) each member except the chairman shall have one vote; and where the votes for and against any matter are equal, the chairman shall have a casting vote, but shall not give such vote unless satisfied that a majority of votes cannot otherwise be reasonably expected;

(c) any member of the board other than the chairman may, with the permission of the chairman, call, examine, or cross-examine witnesses.

38. In any proceedings before the court or a board under Part III of this Act no person, except with the consent of the parties to the proceedings before the board, shall appear as an advocate or agent who is not or has not been actually and bona-fide engaged in one of the industries or callings in respect of which such proceedings are taken: Appearance of parties by advocate or agent.

Provided that the court may, without any such consent, allow a barrister, or solicitor, or agent to appear before the court as an advocate to argue any matters of law or any question as to the jurisdiction of a board or of the court.

PART V.

Conciliation Committees.

Committees for colliery districts.

39. The Minister may, as prescribed, notify districts as follows:— Notification of districts.

A northern colliery district.
A southern colliery district.
A western colliery district.

He may also notify, as he may think fit, any other district in which more than five hundred employees work in or about coal or metalliferous mines, and may cancel or amend any notification made under this section.

40. (1) The Minister may, in the manner prescribed, constitute for each such district a conciliation committee consisting of two or four members, as the Minister may determine, and to be appointed by him, one half in number of whom shall be nominated by the employers and the other half nominated by the employees, and a chairman. Conciliation committees.

The chairman shall be chosen by the unanimous agreement of the other members, but if no such agreement is arrived at, or if the chairman so chosen is unable or refuses to act, he shall be appointed by the Governor: Provided that the Minister may, if he thinks fit, appoint the judge to be chairman of any such committee.

(2) No such committee shall be appointed unless the employees in the industry concerned are registered as an industrial union under this Act.

(3) Such of the provisions of sections nineteen to twenty-three as relate to members of boards shall, so far as applicable, and subject to the provisions of this section, apply to any member of a committee established under this section except the judge.

Inquiry by committee.

41. (1) Any such committee shall meet on being summoned by its chairman, as prescribed, or at the request of the Minister, and shall inquire into any industrial matter in connection with coal-mining or metalliferous mining, as the case may be, within its district.

(2) The chairman shall preside at all meetings of a committee, and shall endeavour to induce the other members to come to an agreement, but shall not take any part in the decisions of the committee.

Agreement to have effect as industrial agreement.

42. If such agreement is come to, it shall be reduced to writing and signed by the other members on behalf of the employers and the industrial unions concerned. Such agreement on being certified by the chairman as prescribed shall be filed and shall have effect as an industrial agreement between such employers and unions.

Special commissioner.

Special commissioner.

43. (1) There shall be a special commissioner, who shall be the Under-Secretary or any other person appointed in that behalf by the Minister.

Conference.

(2) Such commissioner may require the attendance of any persons to meet in conference whenever any question has arisen that in his opinion might lead to a lock-out or strike, 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. At such conference the commissioner shall preside and endeavour to induce the parties to come to an agreement.

Penalty.

(3) If any person so required does not attend in conference as aforesaid he shall be liable to a penalty not exceeding fifty pounds.

PART

PART VI.

Lock-outs and Strikes.

Lock-outs.

44. (1) If any person, including an industrial union of employers, does any act or thing in the nature of a lock-out, or takes part in a lock-out, or instigates to or aids in any of the abovementioned acts, the court may order him to pay a penalty not exceeding one thousand pounds. Penalty for lock-out.

(2) It shall be a defence to proceedings under this section if such person proves that— Defence to proceedings for penalty.

(a) at least nine-tenths in number of the employees who were locked out did not at the time of the giving the notice hereinafter mentioned belong to an industrial union; and

(b) no industrial agreement or award was then in force in relation to the industry in which the lock-out occurred; and that

(c) the employer carrying on such industry, or some person on his behalf, had given reasonable notice to the Minister or the Under-Secretary of the intended lock-out, or of such conditions of dispute or unrest as would be likely to induce a lock-out.

Strikes.

45. (1) If any person does any act or thing in the nature of a strike, or takes part in a strike, or instigates to or aids in any of the abovementioned acts, the court may order him to pay a penalty not exceeding fifty pounds. Penalty for strike by any person.

(2) It shall be a defence to proceedings under this section against any person if such person proves that— Defence to proceedings.

(a) at least nine-tenths in number of the employees who were on strike did not at the time of the giving of the notice hereinafter mentioned belong to an industrial union; and

(b) no industrial agreement or award under the repealed Acts or this Act was then in force in relation to the industry or calling in which the strike occurred; and that

(c) such person, or someone on his behalf, had given to the Minister or the Under-Secretary reasonable notice of the intended strike, or of such conditions of dispute or unrest as would be likely to induce a strike.

(3) Where a person is under this section ordered to pay a penalty, the court shall order that the amount of such penalty shall be a charge on any moneys which are then or which may thereafter be due to such person from his then or future employer, including the Crown, for wages or in respect of work done. Such Amount of penalty to be a charge on wages.

Such order may be for the payment of such penalty in one sum or by such instalments as the court may direct.

On the making of any such order of attachment the employer, on being notified thereof, shall, from time to time, pay such moneys into the court as they become due and payable in satisfaction of the charge imposed by the order.

No charge upon or assignment of his wages, or of 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 an attachment; and an order of attachment may be made and shall have effect as if no such charge or assignment existed.

Union to contribute to payments of penalty.

46. (1) Where any person is under the last preceding section ordered to pay a penalty, and it appears that he was, at the time of his doing the acts complained of, a member of a trade or industrial union, the court may, in addition to making the charge provided for in the said section, order such union, or the trustees thereof, to pay out of the funds of the union any amount not exceeding twenty pounds of the penalty.

Union to be heard.

(2) The court shall, before making such order, hear the said trustees or the said union, and shall not make such order if it is proved that the union has by means that are reasonable under the circumstances bona fide endeavoured to prevent its members from doing any act or thing in the nature of a lock-out or strike, or from taking part in a lock-out or strike, or from instigating to or aiding in a lock-out or strike.

Penalty against union.

47. (1) If any industrial union or trade-union of employees instigates to or aids in any act for which any person is liable to be ordered to pay a penalty under section forty-five, the court may order such industrial or trade union to pay a penalty not exceeding one thousand pounds, and may in its discretion suspend the operation of or cancel the registration under this Act of any such industrial union, and may cancel any award whether made under the repealed Acts or this Act so far as it relates to the members of such industrial or trade union, or may do both those things.

Defence to proceedings.

(2) It shall be a defence to proceedings under this section against a trade union (not being an industrial union) if such union proves that such union or some person on its behalf had given to the Minister or the Under-Secretary reasonable notice of such intended strike, or of such conditions of dispute or unrest as would be likely to induce a strike.

Secret ballot.

48. (1) The Minister or the Under-Secretary may, at any time before or during a strike, direct that a secret ballot be taken as prescribed of the employees concerned or the persons on strike, as to the declaration or the continuance of the strike.

(2)

(2) If any person does any act to hinder or defeat the taking of such ballot or any proceedings in relation thereto, the court may order him to pay a penalty not exceeding twenty pounds.

(3) Where any person is under this section ordered to pay a penalty, the court shall order that the amount of such penalty shall be a charge on any moneys which are then or which may thereafter be due to such person from his then or future employer for wages or in respect of work done.

Such order may be for the payment of such penalty in one sum, or in such instalments as the court may direct.

On the making of any such order of attachment, the employer shall from time to time pay such moneys into the court as they become due and payable, in satisfaction of the charge imposed by the order.

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

Injunction.

Injunction to prohibit a lock-out or strike.

49. The court may grant a writ of injunction to restrain any person from continuing to instigate to or aid in a lock-out or strike. Such writ may, upon application made as prescribed, be granted ex parte or on notice.

If any person disobeys such writ of injunction he shall be guilty of a misdemeanour, and shall be liable to imprisonment for any period not exceeding six months.

Such person may be committed for trial for such offence by any justice or justices, acting under and in pursuance of the Justices Act, 1902, and any Acts amending the same, or by the court.

For the purpose of such committal the court shall have the powers of a justice or justices under the said Acts.

PART VII.

Breaches of Awards and Other Offences.

Payment of wages awarded.

Recovery of wages.

50. (1) Where an employer employs any person to do any work for which the price or rate has been fixed by an award, or by an industrial agreement, whether made under the repealed Acts or this Act he shall be liable to pay in full in money to such person and without any deduction the price or rate so fixed.

(2)

(2) Such person may, within six months after such money has become due, apply in the manner prescribed to the registrar or to an industrial magistrate for an order directing the employer to pay the full amount of any balance due in respect of such price or rate. Such order may be so made notwithstanding any smaller payment or any express or implied agreement to the contrary. The registrar or magistrate may make any order he thinks just, and may award costs to either party, and assess the amount of such costs. Order for payment.

(3) Such person may, within the said period of six months, in lieu of applying for an order under the last preceding subsection, sue for any balance due as aforesaid in any district court or court of petty sessions: Provided that any person feeling himself aggrieved by a judgment or order of such court given or made under this subsection may appeal therefrom to the Court of Industrial Arbitration as prescribed. Alternative power to sue.

(4) Such person may take any such proceedings, and may recover any such balance due, and costs, notwithstanding that he may not be of full age either at the time of doing such work or at the time of taking such proceedings. Recovery of balance due.

Breach of award or industrial agreement.

51. (1) If any person commits a breach of an award or a breach of an industrial agreement, whether by contravening or failing to observe the same, or otherwise, the registrar or an industrial magistrate may order him to pay a penalty not exceeding fifty pounds. Penalty for breach of award.

(2) Where on making such order it appears that the breach complained of relates to the failure of the defendant to pay in full any wages (including wages for overtime) due to the complainant at the price or rate fixed by the award or agreement, the registrar or magistrate may also make such an order with respect to such wages as might have been made in proceedings taken under section fifty. Such order may be made without motion, and shall be a bar to proceedings under the said section in respect of such wages. Order for payment of wages.

(3) Where an order is made under subsection one of this section against any person, and the registrar or magistrate is of opinion that the breach was committed by the wilful act or default of such person, he may on motion or without motion, and in addition to any order made, grant a writ of injunction to restrain such person from committing further or other breaches of the award or industrial agreement. Injunction where breach is wilful.

If any person disobeys such writ of injunction he shall be guilty of a misdemeanour and shall be liable to imprisonment for any period not exceeding six months.

Such

Such person may be committed for trial for such offence by any justice or justices acting under and in pursuance of the Justices Act, 1902, and any Acts amending the same, or by the court. For the purposes of such committal the court shall have the powers of a justice or justices under the said Acts.

(4) Proceedings for a breach of an award or an industrial agreement may be taken and prosecuted by the Minister, or an employer, or the secretary of an industrial union concerned in the industry covered by such award or industrial agreement. Who may take proceedings for penalty.

The costs of any such proceedings shall be paid by the complainant if the order is not made, and by the defendant if the order is made. Such costs shall be according to a scale to be fixed by the court.

52. If the secretary of an industrial union of employees or any person acting or purporting to act on behalf of any such industrial union receives any money paid in respect of any act constituting a breach of an award or industrial agreement otherwise than in pursuance of the order or with the previous approval of the registrar or an industrial magistrate, he shall be liable to a penalty not exceeding twenty pounds. Secretary of union receiving money for breach of award.

Unlawful dismissal.

53. If an employer dismisses from his employment any employee by reason of the fact that the employee is a member of a board or of a trade union, or an industrial union, or has absented himself from work through being engaged in other duties as member of a board, or is entitled to the benefit of an award or of an industrial agreement, the court may order such employer to pay a penalty not exceeding twenty pounds for each employee so dismissed. Penalty for unlawful dismissal.

In every case it shall lie on the employer to satisfy the court that such employee was dismissed from his employment for some substantial reason other than that above mentioned in this section.

No prosecution for an offence under this section shall be commenced except by leave of the court.

PART VIII.

General and Supplemental.

Fines and subscriptions payable to unions.

54. The registrar or an industrial magistrate may order the payment by any member of an industrial union of any fine, levy, penalty, or subscription payable in pursuance of the rules of the union. Fines and subscriptions payable to union.

Enforcement

Enforcement of orders.

55. (1) Where an order is made under sections forty-four, forty-six, forty-seven, forty-eight, fifty, fifty-one, fifty-three, or fifty-four, that any person or union shall pay the amount of any money due or any penalty, such order shall have the effect of a judgment for the amount of such money or of such penalty in the district court or court of petty sessions named in such order, or if no such court is so named, in the metropolitan district court at the suit of the Crown or person or union respectively, against the person or union against whom such order has been made; and such amount may be recovered and such recovery may be enforced by process of such court as in pursuance of such judgment. Enforcement of certain orders.

(2) Any property of a union, whether in the hands of trustees or not, shall be available to answer any order made as aforesaid. Property of a union.

Appeal to court.

56. (1) From any order of the registrar, or any magistrate or justices under this Act, imposing a penalty or ordering the payment of any sum of money or any penalty, an appeal shall lie to the court. Appeal from registrar or magistrate.

On any such appeal the court may either affirm the order appealed from or reverse the said order or reduce the amount so ordered to be paid or the amount of the penalty; and, in any case, the court may make such order as to the costs of the appeal, and of the proceedings before the registrar, magistrate, or justices, as it thinks just.

(2) The registrar, or any magistrate or justices, may on the application made by any party to any proceedings for the payment of money or a penalty under this Act state a case for the opinion of the court, setting forth the facts and the grounds for any order or conviction made by him or them. Case may be stated.

(3) The provisions of the Justices Act, 1902, and any Act amending the same, which relate to appeals to a court of quarter sessions and to the stating of cases by justices for the opinion of the Supreme Court, and the decision of any such court thereon, and the carrying out of such decision shall, mutatis mutandis, and subject to any regulations made by the court under this Act, apply to and in relation to appeals to and cases stated for the opinion of the court under this subsection. Application of provisions of Justices Act.

(4) No other proceedings in the nature of an appeal from any such order or by prohibition shall be allowed. No other appeals allowed.

Procedure and decisions of court and boards.

57. The court or a board exercising the jurisdiction conferred by this Act shall be governed in its procedure and in its decisions by equity and good conscience, and shall not be bound to observe the rules of law governing the admissibility of evidence. Rules to govern the court and boards.

58.

58. Where the judge is unable to attend at the time and on the day appointed for the hearing of any matter by the court, the registrar, or, in his absence from the court, the chief clerk shall adjourn the court, and also adjourn the hearing of any cases set down for that day to such day as he may deem convenient. Adjournments of court.

59. (1) Any decision of the court shall be final; and no award, and no order, or proceeding of the court, shall be vitiated by reason only of any informality or want of form or be liable to be challenged, appealed against, reviewed, quashed, or called in question by any court of judicature on any account whatsoever. Decision of court to be final.

(2) No writ of prohibition or certiorari shall lie in respect of any award, order, proceeding, or direction of the court relating to any industrial matter or any other matter which on the face of the proceedings appear to be or to relate to an industrial matter.

(3) The validity of any proceeding or decision of the board or of a chairman of a board shall not be challenged except as provided by this Act.

60. In any proceeding before the court it may reserve its decision. Court reserving its decision.

Where a decision has been so reserved it may be given at any continuation or adjournment of the court, or at any subsequent holding thereof, or the judge may draw up such decision in writing, and, having duly signed the same, forward it to the registrar. Whereupon the registrar shall notify the parties of his intention to proceed at some convenient time and place by him specified to read the same, and he shall read the same accordingly, and thereupon such decision shall be of the same force and effect as if given by the court.

Evidence of award and its validity.

61. A copy of the Gazette containing any recommendation of a board, or any award made under the repealed Acts or this Act or any order of the court purporting to be published under the authority of any such Act, or any proclamation, notification, or rule or regulation made under the authority of this Act shall be evidence of such award, order, proclamation, notification, rule or regulation and of its terms and contents. Copy of Gazette to be evidence.

Penalties and costs.

62. Any penalty imposed by or under this Act or the regulations may, except where otherwise provided, be recovered upon summary conviction before a stipendiary or police magistrate or any two justices in petty sessions. Recovery of penalties.

63. The amount of any penalty recovered under this Act shall be paid into the Treasury and carried to the Consolidated Revenue Fund. Penalties to be paid to Consolidated Revenue.

64.

64. (1) Except where otherwise in this Act provided, the court or the registrar or any magistrate or justices may in any proceedings for a penalty or prosecution under this Act, and in any proceedings under section fifty-four or for a writ of injunction, make such order as to the payment of costs as may be thought just, and may assess the amount of such costs. Orders for costs.

(2) Every order for the payment of costs made by the court or the registrar or the industrial magistrate shall have the effect of and be deemed to be a judgment for such amount in the district court or court of petty sessions named in the order, or if no such court is so named, then in the metropolitan district court, at the suit of the person in whose favour such order is made, against the person so ordered to pay costs. Enforcement of order.

Such amount may be recovered, and such recovery may be enforced by process of such court as in pursuance of such judgment.

65. Whosoever, before a board or the court, wilfully makes on oath any false statement knowing the same to be false shall be guilty of perjury. Penalty for wilfully false statement.

The registrar, industrial magistrate, and inspectors.

66. (1) The Governor may, subject to the Public Service Act, 1902, appoint an industrial registrar who shall have the prescribed powers and duties. Appointment of registrar.

(2) The Governor may appoint any person to act as a deputy for the registrar appointed under this Act for a time not exceeding in any case thirty days while such registrar is absent from his duties for any cause, and every such deputy shall while acting as such have the same jurisdiction and power, and perform the same duties as if he were the registrar. Deputy registrar.

(3) The judge may direct the registrar to inquire into any matter as to which he requires information for the purpose of the exercise of the jurisdiction of the court in any matter not being proceedings for a penalty under this Act, and the registrar shall inquire accordingly, and report to the court. His powers and duties.

For the purpose of such inquiry and for the purpose of any matter which by this act or the regulations is referred to him, the registrar may summon any persons, administer oaths and take affidavits, and examine parties and witnesses.

Every person summoned by the registrar shall be bound to attend upon such summons, and shall for disobedience thereto be liable to a penalty not exceeding fifty pounds.

(4) For the purpose of hearing and determining any proceedings for a penalty or for the recovery of money under this Act, the registrar shall have the powers of two justices of the peace within any police district. Powers of registrar.

67.

67. (1) The Governor may appoint industrial magistrates, who shall have the qualifications of a police magistrate, and who shall throughout the State have the jurisdiction and powers conferred by this Act on an industrial magistrate, and in the exercise of such jurisdiction may do alone whatever might be done by two or more justices sitting in petty sessions. Appointment and powers of industrial magistrates.

(2) The Governor may appoint any person duly qualified as aforesaid to act as a deputy for any industrial magistrate appointed under this Act for a time not exceeding in any case thirty days while such magistrate is absent from his duties for any cause, and every such deputy shall while acting as such have the same jurisdiction and power and perform the same duties as if he were an industrial magistrate. Deputy for industrial magistrate.

68. (1) The Minister shall appoint inspectors who shall have the powers and duties prescribed. Appointment and powers of inspectors.

Any such inspector may exercise the following powers and perform the following duties in respect of an industry as to which an award or an industrial agreement is in force :—

(a) He may at any reasonable times inspect any premises of any employer upon which any such industry as aforesaid is carried on, and any work being done therein.

(b) He may at any reasonable times require the employer in such industry to produce for his examination, and may examine, any time-sheets and pay-sheets of the employees in such industry.

(c) He may at any reasonable times examine any employee in such industry as to the prices for piece-work and the rate of wages paid to him, and as to his hours of work as such employee.

(d) He may, on obtaining the authority of the Minister, institute proceedings for a penalty under section fifty-four.

Such inspectors shall be of two classes, namely, salaried inspectors who shall be appointed for a period not exceeding twelve months, and honorary inspectors who shall be appointed for a period not exceeding three months. Any such inspector may be re-appointed on the expiration of his term of office.

An inspector shall report to the Minister all breaches of this Act, or of an award or industrial agreement, which have come to his knowledge.

(2) No inspector shall have any authority under this Act to enter a private dwelling-house, or the land used in connection therewith, unless some manufacture or trade in which labour is employed is carried on therein.

(3)

(3) If any person obstructs any inspector in the exercise of his powers under this section, or fails when duly required as aforesaid to produce any time-sheets or pay-sheets, he shall be liable to a penalty not exceeding ten pounds. Obstructing inspector.

5 *Miscellaneous.*

69. (1) Every employer in an industry in respect of which an award or an industrial agreement is in force shall keep, or cause to be kept, from day to day and at the place where his employees in such industry are working, in the manner and to the effect prescribed, time-
10 sheets and pay-sheets, correctly written up in ink. Time-sheets and pay-sheets to be kept.

If he fails to carry out any of the requirements of this section he shall be liable to a penalty not exceeding ten pounds.

(2) A copy of any award whether made under the repealed Acts or this Act shall be exhibited and kept exhibited by every
15 employer carrying on an industry to which it relates, at the place where the industry is carried on, so as to be legible by his employees. If such employer fails to carry out the provisions of this subsection he shall be liable to a penalty not exceeding ten pounds. Exhibition of award.

(3) The penalty imposed by each of the preceding sub-
20 sections may in addition to being recoverable in terms of section sixty-two of this Act, be ordered to be paid by the registrar or an industrial magistrate subject to the provisions of section fifty-five of this Act.

70. Employers and employees shall give at least twenty-one
25 days' notice of an intended change affecting conditions of employment with respect to wages or hours or the prices of piece-work. During any proceedings before a board, neither the employers nor the employees in the industry the subject of such proceedings shall alter the conditions of employment with respect to wages or hours, or the
30 prices for piece-work, unless upon the recommendation of the board that they be at liberty to do so. Notice of change affecting employment.

Regulations.

71. The judge may repeal any regulations made under the repealed Acts and make regulations for carrying out the provisions of
35 this Act, and in particular, but without derogating from the generality of such powers— Regulations made by judge.

(a) prescribing the forms of references and applications to a board and generally the forms to be used in carrying out this Act;

(b) prescribing the form of oath to be taken by members of boards
40 and committees;

(c) regulating the exhibition by an employer of an award;

(d)

(d) prescribing the form and mode of service of notices of meetings of a board and of a committee, and regulating the convening of such meetings;

(e) prescribing the giving of notice of inspection by a board or its members of premises used in any industry, and prescribing the form and regulating the service of such notice;

(f) regulating the procedure at meetings of boards and committees;

(g) providing for the payment of expenses of witnesses;

(h) regulating the procedure to be followed in proceedings before the court and before the registrar and an industrial magistrate, and in enforcing judgments, convictions, and orders given and made under this Act;

(i) for the enforcement of orders for penalties and orders for attachments made under this Act;

(j) prescribing the powers and duties of the registrar, and regulating the registration under this Act of industrial unions;

(k) imposing any penalty not exceeding ten pounds for any breach of such regulations;

(l) as to matters which by this Act may be prescribed.

Regulations by Governor.

72. The Governor may make regulations for carrying out the provisions of this Act relating to the appointment of members of boards and of committees and matters connected therewith.

Publication of regulations.

73. Regulations made under this Act shall be published in the Gazette, and shall be laid before both Houses of Parliament within thirty days after being made, if Parliament is sitting; but, if not, then within thirty days after the next sitting of Parliament.

SCHEDULES.

SCHEDULES.

THE FIRST SCHEDULE.

Designation of Group.	Industries and Callings.
Building trades	Carpenters, joiners, stonemasons, bricklayers, slaters, tilers, shinglers, plasterers, gantry and crane men, painters, paperhangers, decorators, signwriters, plumbers, gas-fitters, builders' labourers, and all other employees engaged in the erection, alteration, or demolition of buildings, monumental masons and assistants, marble and slate workers.
Clothing trades	Tailors, tailoresses, machinists, cutters and trimmers, pressers, felt and straw hat makers, textile workers.
Coal-mining (North) ...	Coal-miners, wheelers, surface hands, and other persons employed in or about coal-mines north of Sydney.
Coal-mining (South) ...	Coal-miners, wheelers, surface hands, and other persons employed in or about coal-mines in the Metropolitan and the South Coast Districts.
Coal and shale-mining) (West).	Coal-miners and shale-miners, wheelers, surface hands, and other persons employed in and about coal and shale-mines west of Sydney.
Domestic	Domestic servants, hotel, club, restaurant, caterer, tea-shop and oyster-shop employees, hairdressers, barbers, wig-makers, laundry employees, hospital nurses, and attendants; employees of insane asylums and public charitable institutions.
Engine-drivers	Shore engine-drivers, firemen, greasers, trimmers, cleaners and pumpers.
Gas-makers	All persons employed in the making, distribution, supply and lighting of gas, or the reading of gas-meters.
Food supply and distribution (No. 1).	Bakers and assistants, bread-carters, pastrycooks, employees in biscuit and cake factories, confectioners; butchers employed in shops, factories, slaughter-houses and meat-preserving works, including carters; fruit preparers and canners and jam factory employees; and yardmen, grooms, carters, and labourers employed in connection with any such callings.
Food supply and distribution (No. 2).	Milk and ice carters, milk weighers and receivers, aerated water cordial and beverage makers, brewery employees, malt-house and distillery employees, bottlers, washers, wine and spirit store employees, ice manufacturers, cold-storage employees, freezing and cooling chamber employees, grooms, labourers, and carters employed in connection with any such callings.
Furniture Trades ...	Cabinetmakers, wood-turners, french-polishers, upholsterers, chairmakers, blindmakers, mattress-makers, wire-mattress makers, picture-frame makers, carpet-planners, broom-makers, brushmakers, glassworkers, sawmill and timber yard employees, wood machinists, coachmakers, coach painters and wheelwrights, coopers; wicker, pitchcane, and bamboo workers; and yardmen, carters, grooms, and labourers employed in connection with any such callings.

THE FIRST SCHEDULE—*continued.*

Designation of Group.	Industries and Callings.
Government Railways ...	The employees of the Chief Commissioner of Railways and Tramways engaged on and in connection with the railways of the State.
Government Tramways ...	The employees of the Chief Commissioner of Railways and Tramways employed on and in connection with the tramways of the State.
Government employees ...	The employees of the Sydney Harbour Trust Commissioners, The Metropolitan Board of Water Supply and Sewerage, The Hunter District Water Supply and Sewerage Board, and Fire Brigade employees, and all employees on Government dredges.
Iron and ship building trades.	Engineers, smiths, boilermakers, iron-ship builders, angle-iron smiths, fitters, turners, pattern-makers, ironmoulders, blacksmiths, coppersmiths, tinsmiths, sheet-iron workers, makers of gas-meters, makers, repairers, and fitters of cycles and motor cycles, makers, fitters, repairers, and installers of electrical apparatus and installations, engine-drivers, firemen, greasers, trimmers, cleaners, and pumpers employed on land, ship and boat builders, and ship dockers and painters, farriers, employees engaged in the manufacture of iron or steel, and all labourers and assistants employed in connection with any such callings.
Leather trades	Boot, shoe, and slipper makers, saddle, harness, portmanteau, and bag makers, leather makers, tanners and curriers, fellmongers, woolclassers, wool and basil workers, and all labourers and assistants employed in connection with any such callings.
Labourers	Persons engaged in the construction of railways, tramways, roads, bridges, and water conservation and irrigation works, cement makers, concrete workers, rock-choppers, plate-layers, hammer and drill men, timberers, pipe-layers, manhole builders, tool-sharpeners, navvies with or without horses and drays, gangers, employees of shires or municipal councils, and of the City Council, general labourers not otherwise specified in this Schedule, timber-getters and carters, and all labourers and assistants employed in connection with any such callings.
Manufacturing (No. 1) ...	Brick, tile, pipe, pottery, terra-cotta, and chinaware makers and carters, wire-netting makers, tobacco, cigar, and cigarette makers and employees, bag and sack makers, boiling-down employees, bone-millers and manure makers, makers of kerosene, naphtha, and benzine, or any other shale products, and all labourers and assistants employed in connection with any such callings.
Manufacturing (No. 2) ...	Cardboard box makers, grain, starch, and mill employees, condiment makers, tea, starch, pickle, and condiment packers, soap and candle makers, jewellery manufacturers and jewellers, electroplaters, and all labourers and assistants employed in connection with any such callings.

THE FIRST SCHEDULE—*continued.*

Designation of Group.	Industries and Callings.
Metalliferous Mining (Broken Hill)	Miners and all persons engaged in and about the mines and quarries and ore smelting, refining, treatment, and reduction works of Broken Hill.
Metalliferous Mining (General)	Metalliferous miners, limestone miners, quarrymen, and all persons engaged in and about metalliferous and limestone mines, quarries, mining dredges, or sluicing processes, ore smelting and refining treatment and reduction works.
Pastoral and rural workers	Wool-classers in charge of wool-rooms in shearing-sheds, or in charge of both wool-rooms and shearing-boards in shearing-sheds, shearers, shearing-shed employees, shearers' cooks, wool-pressers, rouseabouts, boundary-riders and station hands, musterers, ploughmen, general farm and dairy hands, harvest hands, farm labourers.
Printing trades	Compositors, linotype and monoline operators, letterpress machinists, bookbinders, paper-rulers, lithographic workers, guillotine machine setters, process engravers, paper-makers, and all persons employed in paper mills.
Professional, clerical, and shop workers	Clerks, typists, bookkeepers, and all persons engaged in clerical work, professional musicians, journalists, and paragraph writers, and newspaper and magazine illustrators, shop assistants, cashiers, and office assistants, warehouse employees.
Shipping	Shipmasters, officers, marine engineers, sailors, lamp-trimmers, donkeymen, greasers, firemen, deckhands, stewards, cooks, persons employed on ferry boats, dredges, tug boats, and ferry boats.
Transport	Drivers and loaders of trolleys, drays, and carts, wharf labourers and stevedores, coal-lumpers and coal-trimmers, cab and omnibus drivers, motor-wagon drivers, wood and coal carters, yardmen, grooms, and stablemen, storemen and packers; and all persons in any way employed in connection with the carting of goods, produce, or merchandise.
Miscellaneous	Bill-posters, undertakers and undertakers' assistants and drivers, livery stable employees; cab, omnibus, taxi-cab, and motor-car drivers; coke-workers, rope-makers, lift attendants, office cleaners and caretakers, watchmen, and employees working in any industry or calling not otherwise specified in this Schedule.
	Any such division, combination, arrangement, or re-grouping of the employees in the industries or callings mentioned in this Schedule, whether according to occupation or locality as the Minister, subject to appeal to the court, may direct.

THE SECOND SCHEDULE.

Dressmakers, shirt, blouse, and costume makers, milliners, and makers of underclothing (including outdoor workers).

Sydney: William Applegate Gullick, Government Printer.—1912.

[1*s.* 6*d.*]

INDUSTRIAL ARBITRATION BILL.

SCHEDULE of the Amendments referred to in Message of 18th March, 1912.

Page 1, Title. *Omit* "certain sections of"
Page 1, Title. *Omit* "and the Clerical Workers Act, 1910"
Page 1, Title. *After* "amend" *insert* "**the Clerical Workers Act, 1910, and**"
Page 1, Title. *Omit* "the Acts dealing with early closing of shops and"
Page 2, clause 4, line 28. *Omit* "except section four, paragraphs 42D and 42C."
Page 2, clause 4, line 29. *Omit* "and the Clerical Workers Act, 1910"
Page 3, clause 5. *After* line 30 *insert*—
"**Boarding-house" shall include a lodging-house, and shall mean a house in which five "or more paying boarders or lodgers, not being members of the proprietor's family, "are accommodated"**
Page 4, clause 5, lines 21 and 22. *Omit* "or of persons who intend or propose to be employers or "employees"
Page 4, clause 5, lines 30 and 31. *Omit* "including the question whether piecework shall be allowed "in an industry"
Page 4, clause 5, lines 34 to 36. *Omit* "including the question whether persons of either sex shall be "disqualified for employment in an industry or section of an industry"
Page 4, clause 5, lines 41 to 43. At end of paragraph (c), *add* "**but not so as to give preference of "employment except with the consent of parties to any person or persons by reason "merely of such person or persons being a member or members of any trades union or "industrial union.**"
Page 4, clause 5, lines 45 and 46. *Omit* paragraph (d).
Page 5, clause 5. *After* line 17 *insert*—
"**Necessary commodity**" includes—
"(a) **coal;**
"(b) **gas for lighting, cooking, or industrial purposes;**
"(c) **water for domestic purposes; and**
"(d) **any article of food the deprivation of which may tend to endanger human life or "cause serious bodily injury**"
Page 5, clause 5, lines 41 and 42. *Omit* "**Under-Secretary**" **means Under-Secretary of the public "department administered by the Minister**"
Page 6, clause 7, line 5. *Omit* "of employees"
Page 6, clause 8. *After* subclause (6) *insert* new subclause (7).
Page 6, clause 10, lines 48 and 49. *Omit* "on application by the Minister as prescribed"
Page 7, clause 10, at end of clause *add* "**with the consent of all other parties bound by such award "or industrial agreement**"
Page 7, clause 11, line 11. *Omit* "three" *insert* "**five**"
Page 7, clause 11, lines 13 and 14. *Omit* "subject to any award made under the repealed Acts or this "Act"
Page 7, clause 12, line 25. *Omit* "three" *insert* "**five**"
Page 7, clause 12, lines 26 and 27. *Omit* "and subject to any award made under this Act"
Page 7, clause 13, line 41. *After* "Act" *insert* "**and also the jurisdiction and powers conferred in "the Industrial Court by the Clerical Workers Act, 1910. Subject to the said Act, with "regard to jurisdiction, the provisions of this Act shall apply so far as they are applicable "for the purpose of making and enforcing awards under the said Act.**"
Page 8, clause 16, line 46. *Omit* "may" *insert* "**shall on the recommendation of the court**"
Page 9, clause 16, line 4. *Omit* "proclamation of"
Page 9, clause 16, line 4. *After* "Governor" *insert* "**on resolution passed by both Houses of "Parliament**"

Page 9, clause 16, line 7. *Omit* "subject to appeal to" *insert* "**on the recommendation of**
Page 9, clause 16, line 9. *Omit* "and in the manner prescribed"
Page 9, clause 16, line 10. *After* "chairman" *insert* "**who shall be recommended by the court.**"
Page 9, clause 16, lines 14 and 15. *Omit* "subject to appeal to the court and in the manner prescribed"
Page 9, clause 16, line 15. *After* "boards" *insert* "**who shall be recommended by the court**"
Page 9, clause 16, lines 16 to 19. *Omit* "where an industrial union exists for an industry or calling, "such industrial union shall have the right in respect of boards constituted for such industry or "calling to nominate such other member or members for appointment by the Minister."
Page 9, clause 16, lines 23 and 24. *Omit* "determined by the Minister, subject to appeal to the Court" *insert* "**may be recommended by the court**"
Page 9, clause 16. At end of subclause (5) *add* provisos.
Page 9, clause 16. *Omit* subclause (6) *insert* new subclause (6).
Page 10, clause 17, line 13. *Omit* "may" *insert* "**shall, on the recommendation of the court,**"
Page 10, clause 17, line 17. *Omit* "may in the manner prescribed" *insert* "**shall**"
Page 10, clause 17. At end of paragraph (b) *add* "**The persons so appointed shall be recommended "by the court.**"
Page 10, clause 17, lines 24 and 25. *Omit* "Minister on his appointing the members of the board other "than the chairman," *insert* "**court in its recommendation to the Minister**"
Page 10, clause 17, line 28. *Omit* "determined by the Minister," *insert* "**may be recommended by "the court**"
Page 10, clause 17, line 36. *Omit* "Minister," *insert* "**court**"
Page 10, clause 17, line 39. *Omit* "he" *insert* "**such court**"
Page 10, clause 17, line 40. *Omit* "he" *insert* "**it**"
Page 10, clause 17, line 43. *After* "section" *omit* remainder of subclause.
Page 11, clause 20, line 19. *Omit* "in his discretion," *insert* "**on the recommendation of the court**"
Page 11, clause 20, line 20. *After* "also," *insert* "**on such recommendation**"
Page 11, clause 20, line 22. *Omit* "proof to his satisfaction," *insert* "**the ground**"
Page 11, clause 21, line 38. *After* "person" *insert* "**who shall be recommended by the court**"
Page 12, clause 24. *Omit* paragraphs (g), (h), (i), and subclause (2).
Page 13, clause 25, lines 13 to 16. *Omit* "judge, who may, of his own motion, within ten days refer such "award back to the board, with such recommendations as he may think fit. An award, when "accepted by the judge, shall be forwarded to the"
Page 13, clause 25, line 23. *After* "board" *insert* "**with the consent of the court**"
Page 13, clause 25, line 24. *Omit* "consent of the court," *insert* "**like consent**"
Page 13, clause 25, line 28. *Insert* (3)
Page 13, clause 26, lines 42 and 43. *Omit* "Departments of the Government Railways and Tramways," *insert* "**Chief Commissioner for Railways and Tramways**"
Page 14, clause 26, line 8. *Omit* "or recommended to be fixed"
Page 14, clause 27, line 9. *After* "infirm" *insert* "**or**"
Page 14, clause 27, line 9. *Omit* "or unexperienced"
Page 14. *Omit* clause 28.
Page 14, clause ~~29.~~ **28**, line 33. *Omit* "where"
Page 14. *Omit* clause 30, *insert* new clause **29**.
Page 15, clause ~~31.~~ **30**, line 5. *Omit* "or the court"
Page 16, clause ~~36.~~ **35**, line 43. *After* "jurisdiction" *insert* "**subject to appeal to the court**"
Page 17, clause ~~37.~~ **36**, line 6. *After* "chairman" *omit* remainder of paragraph, *insert* "**shall decide the "question, but shall not give such decision unless satisfied that the question cannot "otherwise be determined.**"
Page 17, clause ~~37.~~ **36**, line 11. *Omit* "other than the chairman"
Page 17, clause ~~37.~~ **36**, lines 11 and 12. *Omit* "with the permission of the chairman"
Page 17. *Omit* clause 38, *insert* new clause **37**.
Page 18, clause ~~43.~~ **42**, line 34. *Omit* "the Under-Secretary or any other person"
Page 19, clause ~~44.~~ **43**. *Omit* subclause (2)
Page 19, clause ~~45.~~ **44**. *Omit* subclause (2)
Page 20, clause ~~47.~~ **46**, line 32. *After* "may" *insert* "**with the consent of the other parties bound "by such award or industrial agreement**"
Page 20, clause ~~47.~~ **46**. *Omit* subclause (2)
Pages 20 and 21. *Omit* clause 48.
Page 24, clause ~~56.~~ **54**, line 17. *After* "any" *insert* "**industrial or other**"

Page 24, clause ~~56.~~ **54**, line 26. *After* "any" *insert* "**industrial or other**"
Page 25, clause ~~59.~~ **57**, line 14. *Omit* "appear" *insert* "**appears**"
Page 25. *Omit* clause 61 *insert* new clause **59**.
Page 25, clause ~~62.~~ **60**, line 45. *Omit* "or" first occurring.
Page 25, clause ~~62.~~ **60**, line 45. *After* "police" *insert* "**or industrial**"
Page 26, clause ~~64.~~ **62**, line 2. *After* "any" *insert* "**industrial or other**"
Page 27, clause ~~68.~~ **66**, line 14. *Omit* "Minister shall" *insert* "**Governor may, subject to the Public Service Act, 1902**"
Page 27, clause ~~68.~~ **66**, lines 33 to 37. *Omit* the paragraph.
Page 28, clause ~~68.~~ **66**, line 2. *Omit* "section," *insert* "**Act**"
Page 28, clause ~~69.~~ **67**, line 10. *After* "pay-sheets" *insert* "**of such employees**"
Page 28, clause ~~70.~~ **68**. At end of clause *add* "**If any person fails to carry out any of the requirements of this section he shall be liable to a penalty not exceeding fifty pounds.**"
Page 28. *After* clause ~~70.~~ **68**, *insert* new clauses **69** and **70**.
Page 29, clause 71, line 1. *After* "Act" *insert* "**and the Clerical Workers' Act, 1910**"
Page 29, clause 71. At the end of paragraph (g) *add* "**and persons summoned by the registrar, or summoned to attend a conference under the provisions of Part V**"
Page 29. *Omit* clauses 72 and 73, *insert* new clause **72**.
Page 30, First Schedule, line 12. *After* "workers" *add* "**and all other persons engaged in the manufacture of clothing, felt, and straw hats and textile goods.**"
Page 30, First Schedule, line 23. *Omit* "domestic servants."
Page 30, First Schedule, line 23. *After* "tea-shop" *insert* "**boarding-house.**"
Page 30, First Schedule, line 26. *After* "attendants" *insert* "**ambulance employees.**"
Page 30, First Schedule, lines 50 and 51. *Omit* "coachmakers, coachpainters, and wheelwrights"
Page 31, First Schedule, line 19. *After* "installations" *insert* "**and persons employed in the maintenance of electrical apparatus and installations, or in running electrical plant.**"
Page 31, First Schedule, line 24. *Omit* "dockers and painters," *insert* "**painters and dockers**"
Page 31, First Schedule, line 26. *After* "steel" *insert* "**wire-netting makers**"
Page 31, First Schedule, line 28. *After* "makers" *insert* "**coach-makers, coach-painters, coach-trimmers, wheelwrights**"
Page 31, First Schedule, lines 40 and 41. *Omit* "general labourers not otherwise specified in this Schedule"
Page 31, First Schedule line 45. *Omit* "wire-netting makers"
Page 32, First Schedule, lines 13 to 15. *Omit* "**boundary-riders and station hands, musterers, ploughmen, general farm and dairy hands, harvest hands, farm labourers**"
Page 32, First Schedule, lines 16 to 19. *Omit* paragraph in second column, *insert* the following paragraph in place thereof:—"**Compositors, linotype, monoline, and other type-setting or type casting machine operators and attendants, letterpress machinists, bookbinders, paper rulers, lithographic workers, metal varnishers, stone-polishers, guillotine-machine cutters, process engravers, paper-makers and all persons employed in paper mills, stereotypers, electrotypers, readers, feeders, flyers, publishing employees, book-sewers, folders, numberers, wire-stitchers, perforators, embossers, tin-box makers, copper-plate printers, metallic printers, box-cutters and cardboard-box makers, and all other persons employed in or in connection with the callings herein mentioned, or the printing industry.**"
Page 32, First Schedule, line 34. *Omit* "clerical"
Page 32, First Schedule, lines 34 and 35. *Omit* "clerks, typists, bookkeepers, and all persons engaged in clerical work"
Page 32, First Schedule, line 37. *After* "cashiers" *insert* "**in shops**"
Page 32, First Schedule, line 37. *After* "assistants" *insert* "**in shops**"
Page 33, First Schedule, lines 7 and 8. *Omit* "and employees working in any industry or calling not otherwise specified in this Schedule"
Page 33, First Schedule, line 12. *Omit* "subject to appeal to" *insert* "**on the recommendation of**"