

## Act No. 17, 1912.

INDUSTRIAL  
ARBITRATION.

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, the Industrial Disputes (Amendment) Act, 1909, and the Industrial Disputes (Amendment) Act, 1910; to amend the Clerical Workers Act, 1910, and certain other Acts; and for purposes consequent thereon or incidental thereto. [15th April, 1912.]

**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 :—

## PART I.

## PRELIMINARY.

Short title.

**1.** This Act may be cited as the "Industrial Arbitration Act, 1912."

Commencement.

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

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.

**3.**

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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.* 24–30.

PART IV.—PROCEDURE OF BOARDS—*ss.* 31–37.

PART V.—CONCILIATION COMMITTEES—*ss.* 38–43.

PART VI.—LOCK-OUTS AND STRIKES—*ss.* 44–48.

PART VII.—BREACHES OF AWARDS AND OTHER OFFENCES—*ss.* 49–52.

PART VIII.—GENERAL AND SUPPLEMENTAL—*ss.* 53–73.

**4.** (1) The Industrial Disputes Act, 1908, the Industrial Disputes Amendment Act, 1908, the Industrial Disputes (Amendment) Act, 1909, and the Industrial Disputes (Amendment) Act, 1910, are repealed.

Repeal and savings.

(2) All awards, orders, and industrial agreements made under authority of the Acts hereby repealed and in force at the commencement of this Act shall, until rescinded under this Act, continue in force for the respective periods fixed by such awards, orders, or industrial agreements, and shall be deemed to have been made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.

(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.

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The registrar.

(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.

Regulations.

(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.

*Definitions.*

Definitions.

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

“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.

“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.

“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 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”

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“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 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;
- (b) the hours of employment, sex, age, qualification, or status of employees, and the mode, terms, and conditions of employment;
- (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; but not so as to give preference of employment to members of industrial unions, except in accordance with the provisions of section twenty-four, subsection one, paragraph (g);
- (d) any established custom or usage of any industry, either general or in any particular locality;
- (e) 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.

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“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.

“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.

“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.

*Industrial unions.*

Registration of  
industrial union of  
employers.

**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 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. Such

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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.

**7.** Any person or body whose registration under the Act No. 59, 1901, as an industrial union is at the commencement 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 under repealed Acts and Act of 1901.

**8.** (1) The registrar may, on application made as hereinafter 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. Registration of industrial union of employees.

(2) Such application shall be made in writing as prescribed by the committee of management of the trade union, and shall be 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 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.

(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.

(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.

(7) The court may for any reasons which appear to it to be good cancel the registration of any industrial union, provided that, save where otherwise mentioned in this Act, such cancellation shall not relieve the industrial union or any member thereof from the obligation of any award or industrial agreement, or order of the court or a board, or from any penalty or liability incurred prior to such cancellation.

**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 the members of the union, by secret ballot taken as prescribed, require such cancellation: Cancellation of registration at request of union.

(2)

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(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 this Act is in force.

The court may  
cancel registration.

**10.** The court may, 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 with the consent of all other parties bound by such award or industrial agreement.

*Industrial agreements.*

Power to make  
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.

Any such agreement if made for a term specified therein not exceeding five 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 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.

Industrial  
agreements filed in  
office of registrar.

**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 five years from the making thereof, shall, in so far as it relates to industrial matters, 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.

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## 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, 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.

(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 Salary.



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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.

Powers of the court.

Art. 14, s. 1

**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.

*Constitution of the boards.*

Dissolution of boards  
under repealed Acts.

Art. 15, s. 1

**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.

Boards for industries  
in Schedule One.

Art. 16, s. 1

**16.** (1) Industrial boards shall, on the recommendation of the court, 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 the Governor on resolution passed by both Houses of Parliament, and for any such transposition, division, combination, rearrangement, or re-grouping of such industries or callings as the Minister, on the recommendation of the court, may direct.

Appointment of  
chairman.

Art. 16, s. 2

(2) The Minister shall appoint a chairman who shall be recommended by the court 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  
other members.

Art. 16, s. 3

(3) The Minister shall appoint the other members of such boards who shall be recommended by the court.

Board constituted.

Members.

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

(5) Each such board shall, besides its chairman, consist of two or four other members, as may be recommended by 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: Provided that where the employers or the employees in the industries or callings

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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 court, 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, such court may recommend any person whom it considers to be acquainted with the working of the industry to represent the employers or employees on the board, and the Minister shall appoint such person.

(6) Where it appears to the court that a question has arisen as to the right of employees in specified callings to do certain work in an industry to the exclusion of the employees in other callings, the court may, on application made by any such employees, constitute a special board to determine such question.

Such board shall consist of a chairman and such number of other members as the court fixes, but so that—

- (a) 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 said callings;
- (b) such of the callings as the court considers to be directly interested in the question shall be represented on the board by an employer or employers, and by an employee or an equal number of employees.

The chairman and other members of any such board shall be appointed by the court.

The determination shall have effect as an award of a board.

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

(2) The Minister shall—

- (a) appoint chairmen who shall preside at and be members of such boards;
- (b) appoint the other members of such boards. The persons so appointed shall be recommended by the court.

(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 court in its recommendation to the Minister.

(4) Each such board shall, besides the chairman, consist of two or four other members, as may be recommended by the court, 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

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Provided also that where, in the opinion of the court, 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, such court may appoint any person whom it 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.

Amendment of Schedule Two.

(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.

Oath to be taken by members.

**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—

trade secrets;

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;

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.

Dissolution of board and removal of member.

**20.** (1) The Minister, on the recommendation of the court, may at any time dissolve a board; he may also on such recommendation remove any member of a board from his office on the ground 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.

Period of office.

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

New board.

(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.

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

The

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

**21.** (1) Where, from any cause, a member of a board ceases to hold office, the Minister may appoint a duly qualified person, who shall be recommended by the court, 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 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 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.

Gazetted of appointments.

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

Fees.

## 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)

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(g) declaring that preference of employment shall be given to members of any industrial union of employees over other persons offering their labour at the same time, other things being equal: Provided that where any declaration giving such preference of employment has been made in favour of an industrial union of employees, such declaration shall be cancelled by the Court of Arbitration if at any time such union, or any substantial number of its members, takes part in a strike or instigates or aids any other persons in a strike; and if any lesser number takes part in a strike, or instigates or aids any other persons in a strike, such court may suspend such declaration for such period as to it may seem just.

Charitable institutions.

(2) 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.

Award of board.

**25.** (1) The award of a board shall be signed by the chairman and 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.

Applications to court to vary recommendations.

(2) Within thirty days of such publication any of the parties to the proceedings before the board, with the consent of the court, and any other person, with the like consent, 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.

Determination by court.

(3) 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.

(4) 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.

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.

(5)

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(5) 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 Chief Commissioner for Railways and Tramways, the Sydney Harbour Trust, the Metropolitan Board of Water Supply and Sewerage, and the Hunter 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 for such other employees. Wages of Government employees.

**27.** (1) Any aged, infirm, or slow 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. Permits for aged, infirm, or slow workers.

(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.

**28.** Unless 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. Variation of award.

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.

**29.** Subject to the right of appeal under this Act, and to such conditions and exemptions as the board may, and is, hereby authorised to determine and direct, 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. Award to be binding.

*Intervention*

*Industrial Arbitration.**Intervention by Crown.*

Intervention by  
Crown.

**30.** 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 and make such representations as it thinks necessary in order to safeguard the public interests.

## PART IV.

## PROCEDURE OF BOARDS.

Commencement of  
proceedings.

**31.** (1) Proceedings before a board shall be commenced by—  
(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.

Convening of  
meetings.

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

Inquiry by board.

**32.** 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.

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.

Power of entry and  
inspection.

**33.** 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.

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.

Conduct of  
proceedings of  
board, and its powers  
as to witnesses.

**34.** A board may—

(a) conduct its proceedings in public or private as it may think fit;  
(b) adjourn the proceedings to any time or place; (c)

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- (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.

**35.** (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.

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

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



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Proceedings at meetings.

**36.** At any meeting of a board, unless otherwise provided in this Act,—

- (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 decide the question, but shall not give such decision unless satisfied that the question cannot otherwise be determined;
- (c) any member of the board may call, examine, or cross-examine witnesses.

Appearance of parties by advocate or agent.

**37.** In any proceedings before the court or a board, no person, except with the consent of the court or the chairman, 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.

## PART V.

## CONCILIATION COMMITTEES.

*Committees for colliery districts.*

Notification of districts.

**38.** The Minister may, as prescribed, notify districts as follows :—

- 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.

Conciliation committees.

**39.** (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.

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.

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(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.

**40.** (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. Inquiry by committee.

(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.

**41.** 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. Agreement to have effect as industrial agreement.

**42.** The Minister may also, as prescribed, constitute a conciliation committee for any occupation or calling in which more than five hundred persons are employed other than coal or metalliferous mining. Such committee shall be appointed in the manner and shall have the powers mentioned in sections thirty-nine, forty, and forty-one of this Act. Constitution of conciliation committee.

*Special commissioner.*

**43.** (1) There shall be a special commissioner, who shall be appointed in that behalf by the Minister. Special commissioner.

(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. Conference.

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

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## PART VI.

## LOCK-OUTS AND STRIKES.

*Lock-outs.*

Penalty for lock-out.

**44.** 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.

*Strikes.*

Penalty for strike by any person.

**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.

Amount of penalty to be a charge on wages.

(2) 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 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.

**47.**

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**47.** 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, with the consent of the other parties bound by such award or industrial agreement, 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.

Penalty against union.

*Injunction.*

**48.** 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.

Injunction to prohibit a lock-out or strike.

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.*

**49.** (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.

Recovery of wages.

(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

Order for payment.

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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.

Alternative power  
to sue.

(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.

Recovery of balance  
due.

(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.

*Breach of award or industrial agreement.*

Penalty for breach  
of award.

**50.** (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.

Order for payment  
of wages.

(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 forty-nine. Such order may be made without motion, and shall be a bar to proceedings under the said section in respect of such wages.

Injunction where  
breach is wilful.

(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.

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

(4)

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(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.

**51.** 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.*

**52.** 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.*

**53.** 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 of orders.*

**54.** (1) Where an order is made under sections forty-four, forty-six, forty-seven, forty-nine, fifty, fifty-two, or fifty-three, that any person or union shall pay the amount of any money due Enforcement of certain orders.

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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.

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

*Appeal to court.*

Appeal from registrar or magistrate. **55.** (1) From any order of the registrar, or any industrial or other 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.

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.

Case may be stated. (2) The registrar, or any industrial or other 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.

Application of provisions of Justices Act. (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.

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

*Procedure and decisions of court and boards.*

Rules to govern the court and boards. **56.** 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.

**57.**

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**57.** 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.

**58.** (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 appears 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.

**59.** 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.*

**60.** Evidence of any award, order, proclamation, notification, rule, or regulation made under the authority of this Act or any of the repealed Acts, may be given by the production of any document purporting to be a copy thereof and purporting to be printed by the Government Printer or by the authority of the Minister.

Copy of Gazette to be evidence.

*Penalties and costs.*

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

Recovery of penalties.

**62.** 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.

**63.**



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Orders for costs.

**63.** (1) Except where otherwise in this Act provided, the court or the registrar, or any industrial or other magistrate or justices, may in any proceedings for a penalty or prosecution under this Act, and in any proceedings under section fifty-three 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.

Enforcement of order.

(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.

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

Penalty for wilfully false statement.

**64.** 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.

*The registrar, industrial magistrate, and inspectors.*

Appointment of registrar.

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

Deputy 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.

His powers and duties.

(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.

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.

Powers of registrar.

(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.

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**66.** (1) The Governor may appoint industrial magistrates, <sup>Appointment and powers of industrial magistrates.</sup> 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.

(2) The Governor may appoint any person duly qualified <sup>Deputy for industrial magistrate.</sup> 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.

**67.** (1) The Governor may, subject to the Public Service <sup>Appointment and powers of inspectors.</sup> Act, 1902, appoint inspectors who shall have the powers and duties prescribed.

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-three.

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) If any person obstructs any inspector in the exercise <sup>Obstructing inspector.</sup> of his powers under this Act, 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.

*Miscellaneous.*

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Time-sheets and  
pay-sheets to be  
kept.

**68.** (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-sheets and pay-sheets of such employees, correctly written up in ink.

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

Exhibition of award.

(2) A copy of any award whether made under the repealed Acts or this Act shall be exhibited and kept exhibited by every 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.

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

Notice of change  
affecting  
employment.

**69.** Employers and employees shall give at least twenty-one 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 prices for piece-work, unless upon the recommendation of the board that they be at liberty to do so.

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.

Penalty for contract  
or combination in  
restraint of trade.

**70.** Any person who, either as principal or as an agent, makes or enters into any contract or agreement, or is or continues to be a principal of or engages in any combination or conspiracy with intent to restrain the trade of the State in any necessary commodity to the detriment of the public, shall be liable to a penalty not exceeding five hundred pounds.

Penalty for  
monopoly.

**71.** Any person who monopolises or attempts to monopolise, or combines or conspires with any person to monopolise any part of the trade of the State with intent to control, to the detriment of the public, the supply or price of any necessary commodity, shall be liable to a penalty not exceeding five hundred pounds.

*Regulations.*

Regulations made  
by judge.

**72.** The judge may repeal any regulations made under the repealed Acts and make regulations for carrying out the provisions of this

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this Act, and the Clerical Workers Act, 1910, and in particular, but without derogating from the generality of such powers—

- (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 and committees ;
- (c) regulating the exhibition by an employer of an award ;
- (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 ; and persons summoned by the registrar or summoned to attend a conference under the provisions of Part V ;
- (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.

**73.** (1) Regulations made under this Act, on being approved by the Governor and published in the Gazette, shall, if not disallowed as hereinafter provided, and if not repugnant to this Act, have the force of law. Publication of regulations.

(2) All such regulations on being gazetted shall be laid before both Houses of Parliament within fourteen days if Parliament is then sitting, and, if not sitting, then within fourteen days after the next meeting of Parliament. But if either House of Parliament passes a resolution of which notice has been given at any time within fifteen sittings days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

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## SCHEDULES.

## SCHEDULE ONE.

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, and all other persons engaged in the manufacture of clothing, felt, and straw hats, and textile goods.
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 ... ..	Hotel, club, restaurant, caterer, tea-shop, boarding-house, and oyster-shop employees, hairdressers, barbers, wig-makers, laundry employees, hospital nurses, and attendants, ambulance employees; 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.

*Industrial Arbitration.*SCHEDULE ONE—*continued.*

Designation of Group.	Industries and 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, coopers ; wicker, pith-cane, and bamboo workers ; and yardmen, carters, grooms, and labourers employed in connection with any such 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, and persons employed in the maintenance of electrical apparatus and installations or in running electrical plant, engine-drivers, firemen, greasers, trimmers, cleaners, and pumpers employed on land, ship and boat builders, and ship painters and dockers, farriers, employees engaged in the manufacture of iron or steel, wire-netting makers, and all labourers and assistants employed in connection with any such callings.
Leather trades ...	Boot, shoe, and slipper makers, coachmakers, coachpainters, coach-trimmers, and wheelwrights, saddle, harness, port-manteau, 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, timber-getters and carters, and all labourers and assistants employed in connection with any such callings.

*Industrial Arbitration.*SCHEDULE ONE—*continued.*

Designation of Group.	Industries and Callings.
Manufacturing (No. 1) ...	Brick, tile, pipe, pottery, terra-cotta, and chinaware makers and carters, 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.
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.
Printing trades ... ..	Compositors, linotype, monoline, and other type-setting or type-casting machine operators and attendants, letter-press machinists, book-binders, 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.
Professional and shop workers	Professional musicians, journalists, and paragraph writers, and newspaper and magazine illustrators, shop assistants, cashiers in shops and office assistants in shops, 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-waggon 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.

*Industrial Arbitration.*

SCHEDULE ONE—*continued.*

Designation of Group.	Industries and Callings.
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. 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, on the recommendation of the court, may direct.

SCHEDULE TWO.

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

