

[CONFIDENTIAL]
(Rough Draft for Consideration Only.)

No. , 1925.

A BILL

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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Conciliation and Arbitration Act, 1925."

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 committees, and all provisions necessary for such registration, and for making such appointments shall come into force on the passing of this Act.

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

PART I.—PRELIMINARY—*ss.* 1-11.

PART II.—THE COURT AND THE COMMITTEES—*ss.* 12-21.

PART III.—JURISDICTION OF THE COMMITTEES AND OF THE COURT—*ss.* 22-36.

PART IV.—PROCEDURE OF COMMITTEES—*ss.* 37-42.

PART V.—LOCK-OUTS AND STRIKES—*ss.* 43-46.

PART VI.—BREACHES OF AWARDS AND OTHER OFFENCES—*ss.* 49-52.

PART VII.—GENERAL AND SUPPLEMENTAL—*ss.* 53-72.

PART VIII.—THE ORGANISATION OF THE LABOUR MARKET—*ss.* 73-79.

PART IX.—TRADE UNIONS—*s.* 80.

4. (Repeal and savings.)

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, 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.
- “Calling” means craft or other occupation.
- “Court of Industrial Arbitration” means the Court of Industrial Arbitration constituted by the repealed Acts.
- “Committee” means a conciliation committee constituted under this Act.
- “Court” means Court of Conciliation and Arbitration established by this Act.
- “Employee” means person employed in any industry, or in domestic service, whether on salary or wages or piece-work rates or as member of a butty gang, and shall include an out worker or home worker, and a member of a family in the employment of a parent, and the fact that a person is working under 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, or as the owner, whether or wholly or in part, of any vehicle used in the transport 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 Crown, the Chief Commissioner for Railways and Tramways, the Sydney Harbour Trust Commissioners, the Metropolitan Water, Sewerage

Sewerage and Drainage Board, the Hunter District Water Supply and Sewerage Board, and any council of a municipality or shire; the term includes also every managing director, or manager of any company, firm or association, corporate or unincorporate, and every manager for any employer; and includes further, for the purpose of constituting a conciliation committee, a director, manager, or superintendent of an employer as defined as aforesaid.

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

“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 or contract work or any other system of payment by results shall be allowed, forbidden, or exclusively prescribed in and for an industry or calling, and whether employees shall be granted an annual leave or holidays upon—

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- upon full pay, and whether and under what conditions employees may board and lodge with their employers, and whether monetary allowance shall be made by employers in respect of standing back or waiting time;
- (b) any claim that equal pay shall be granted for the sexes when employed in any craft, occupation or calling where the now predominant condition is for the work to be done by males;
 - (c) the hours of employment, sex, age, qualifications, or status of employees, provided always that no award shall prescribe more than forty-four hours per week or eighty-eight hours per fortnight, 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;
 - (d) the employment of children or young persons, or of any persons or class of persons in an industry, or the right to dismiss or to refuse to employ or reinstate in employment any particular persons or class of persons therein;
 - (e) any claim that preference of employment shall be given to members of industrial unions of employees;
 - (f) the times to be regarded as overtime, and including claims to restrict work before or after certain hours, or on certain days, and including claims to have protective appliances, clothing, hot or cold water, and sanitary and bathing accommodation, provided for the use of employees, and the fixing of standards of normal temperatures and atmospheric purity in working places below or above ground, and the prescribing of shorter hours,

- hours, higher wages, or other conditions in respect of persons employed under abnormal conditions, and the determination of what are abnormal conditions and abnormal working places;
- (g) the health of employees and industrial hygiene;
 - (h) any matter whether industrial or not, which in the opinion of the court or committee has been, is, or may be a cause or contributory cause of a strike or lockout;
 - (i) fixing the number or proportionate number of women to men of juvenile workers to adult workers, and of apprentices to journeymen in any calling;
 - (j) giving such retrospective effect to an award as the court or committee may consider fair and reasonable;
 - (k) the controlling in any craft, occupation, or calling of any matters, including matters and methods of management affecting employment;
 - (l) any established custom or usage of any industry, either general or in any particular locality;
 - (m) the interpretation of an industrial agreement or award.

“Industry” means craft, occupation, or calling in which persons of either sex are employed for hire or reward, and unless otherwise indicated by the context or any provisions of this Act, any division of an industry or combination, arrangement, or grouping of industries.

“Judge” means the judge of the Court of Conciliation and Arbitration and includes an additional judge of the court.

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

“Lockout”

- “Lock-out” (without limiting its ordinary meaning) includes the closing of a place or part of a place of employment, or a total or partial suspension of work, or a refusal by an employer to continue to employ any number of his employees with a view to compelling 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 conciliation committee include the chairman of the committee.
- “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 on instructions from the industrial union concerned, but shall not include a refusal to work overtime, nor any termination of employment by employees in accordance with the terms of an award or an industrial agreement, nor a refusal by persons to offer themselves for employment.
- “Trade Union” means trade union registered under the Trade Union Act, 1881, and includes a branch so registered.

Industrial

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 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 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 of 1901 or the repealed Acts, as an industrial union of employers is at the commencement of this Act in force, and any trade union mentioned in the Schedule to this Act, shall be deemed to be an industrial union.

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.

(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 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—

- (a) the organisation applying is not a voluntary and bona-fide association, within the meaning of this Act;
- (b) it is not an association for furthering and protecting the interests of its members;
- (c) it is or has been wholly or partially formed, organised, supported, maintained, or conducted directly

directly or indirectly by an employer, for the purpose or with the view of opposing, injuring or prejudicing the interests of employees in the industry, whose interests it purports to represent, further or protect.

(d) 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 grounds 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) When any trade union registered as an industrial union has changed its name, or when two or more trade unions, all of which are registered as industrial unions, have amalgamated, the registrar may, upon application in the prescribed manner by any industrial union or industrial unions, and upon the production of the prescribed particulars, record any such change of name or amalgamation in the register of industrial unions. Any such record shall be deemed to be a re-registration of the applicant union or unions in such changed name or as so amalgamated as the case may be: Provided that any such change of name or amalgamation shall not affect any rights or liabilities of any such union or unions: Provided also that the registrar may, at his discretion, upon any such application, require the applicant union or unions to follow the procedure hereinbefore set out in respect of applications for the registration of industrial unions.

(7) 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.

9. The court may cancel the registration of any industrial union if proof is given to its satisfaction that a majority in number of the members of the union, by secret ballots taken as prescribed, require such cancellation, or that such union has ceased to exist.

Industrial

Industrial agreements.

10. 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 union, 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.

After the expiration of the term so specified an industrial agreement, together with any variation made thereto, whether such variation be made within or after the specified period, shall continue in force until a new agreement is made, or until notice of termination shall have been given in writing by a party thereto to the other party or parties and to the registrar.

Any such industrial agreement may be enforced under this Act.

11. Whenever a declaration as to the living wage shall be made during the currency of any industrial agreement the committee may, upon the application of any party to the industrial agreement, vary the wage provisions contained in such agreement.

PART II.

THE COURT AND THE COMMITTEES.

Constitution of the court.

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

The

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

(2) The Court of Industrial Arbitration established by the repealed Acts is hereby dissolved.

(3) The Governor shall appoint a Supreme Court judge, or a barrister at law of five years' standing to be the judge of the court. The judge shall have the rank, title, status and precedence and the same salary and rights as judges of the Supreme Court.

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

(5) 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 upon him, have the same salary and all the rights, powers, jurisdiction and privileges of the judge of the court.

(6) The court, when hearing appeals or references from committees, shall be constituted by the judge and the members except the chairman of the conciliation committee concerned.

Except as otherwise provided, the court shall be constituted by the judge.

(7) The judge 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.

13. The judge, in addition to the jurisdiction and powers conferred upon him by this Act, shall have the powers, and may exercise the jurisdiction hereby conferred upon the registrar and on an industrial magistrate.

Constitution of committees.

14. All the boards and conciliation committees constituted under the repealed Acts are at the commencement of this Act dissolved.

15. (1) The Minister may constitute conciliation committees for any industry or calling for which an industrial board or boards has or have been constituted under the repealed Acts.

The Minister may, upon the recommendation of the judge, constitute a committee for any industry or calling where an industrial board has not been so constituted, or may upon such recommendation include such industry or calling within an existing committee.

The constitution of any committee may be varied by the Minister.

(2) Each such committee shall, beside its chairman, consist of two or four other members as may be determined by the Minister.

(3) The representatives of the employers and employees on each committee shall choose the chairman of such committee and if such representatives fail to choose a chairman within fourteen days from the constitution of the committee the chairman of such committee shall be appointed by the Minister.

Such chairman shall preside over and be a member of the committee whereof he is appointed chairman.

(4) The Minister shall appoint the other members of such committees. Where an industrial union exists for an industry or calling such industrial union shall have the right in respect of any committee constituted for such industry or calling to nominate as prescribed such other member or members for appointment by the Minister.

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

(6) Each such committee shall, besides its chairman, consist of two or four other members as determined by the Minister. 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

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 suitable employee in the industry can be found who is willing to act on the committee 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 the employees on the committee.

(7) Where it appears to the Minister 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 Minister may, on application made by any such employees, constitute a special committee to determine such question.

Such committee shall consist of a chairman and such number of other members as the Minister may determine, 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 Minister considers to be directly interested in the question shall be represented on the committee by an employer or employers and by an employee or an equal number of employees.

The chairman and other members of any such committee shall be appointed by the Minister.

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

16. If any member of a committee or the court, without reasonable excuse, neglects on two successive occasions to attend meetings of the committee duly convened or sittings of the court, or to vote when present at any such meeting or sitting on any question duly submitted to the committee or court, he shall be liable

liable to a penalty not exceeding *five* pounds, and the Minister may declare his office vacant, and thereupon such member shall cease to hold office.

17. Each member of the court or a committee shall upon his appointment take an oath not to disclose any matter before the court or committee relating to—

- (a) trade secrets ;
- (b) the profits or losses or the receipts and outgoings of any employer ;
- (c) the books of an employer ; or
- (d) the financial position of an employer ;

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.

18. The Minister on the recommendation of the judge may at any time dissolve a committee. He may also remove any member of a committee or the court from his office on proof to his satisfaction that such member is of unsound mind, or in prison, or has abandoned his residence in the State or is not properly discharging his duties as a member of such committee or court.

A member may resign his office.

19. (1) Where from any cause a member of a committee or the court ceases to hold office the Minister may appoint a duly qualified person to his office.

(2) Where a person is appointed to any vacancy on a committee or the court, the committee or court as newly constituted may continue the hearing of and may determine any part-heard matter.

20. Every appointment of a member of a committee or the court shall be published in the Gazette, and a copy of the 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 from any cause.

21.

21. The members of a committee other than the chairman shall not receive remuneration by way of salaries or fees, but all members may be reimbursed fares, out-of-pocket, and travelling expenses as determined by the Minister.

The chairman shall receive such remuneration as the Minister may determine.

PART III.

JURISDICTION OF COMMITTEES AND OF THE COURT.

22. A committee shall, on application or reference to it, have cognisance of and power to inquire into any industrial matter, including any shop, factory, craft, or industry dispute, in the industry for which it is constituted and may make an order or award binding on any or all employers in such industry, and may—

- (a) fix the lowest price for work done by employees, and the lowest rates of wages payable to employees, including aged, infirm, or slow workers: Provided that prices fixed for piece-work shall be such as to enable an average competent workman working full time to earn not less than ten per cent. in excess of time wages;
- (b) fix the number of hours and the times to be worked in order to entitle employees to the wages so fixed;
- (c) fix the lowest rates which shall not be less than time and a half for overtime and holidays and other special work, including allowances as compensation for overtime, holidays, or other special work;
- (d) determine any industrial matter;
- (e) rescind or vary any award made in respect of any of the industries or callings for which it has been constituted:

Provided

Provided that in every craft, occupation, or calling where the principle of follow the job does not operate, the committee shall prescribe a full weekly engagement with payment for holidays and sickness.

23. Every award shall provide that preference of employment shall be given to members of an industrial union and that where any person is not a member of the industrial union concerned in the industry in which he is seeking employment he shall first become a member of such industrial union.

24. Notwithstanding the provisions of the Apprentices Act, 1901, the Apprentices (Amendment) Act, 1915, the repealed Acts and this Act, and notwithstanding the effect of any custom of or against apprenticeship, a committee may—

- (a) determine whether apprenticeship shall be a condition of employment of minors in the industry for which it is constituted ;
- (b) prescribe the hours of employment, wages and conditions of such apprenticeship ;
- (c) determine whether and to what extent there shall be a limitation of the number of apprentices in such industry ;
- (d) determine to what extent technical education if procurable shall be obligatory upon apprentices and their masters ;
- (e) co-operate with the Department of Education in encouraging young persons to attend technical, trade and continuation schools ;
- (f) prescribe forms of apprenticeship for such industry and the manner in which and the persons by whom the making, carrying out and transfer of indentures or other contracts of apprenticeship shall be supervised ;
- (g) control and direct the conditions in all respects of apprenticeship in such industry ;
- (h) provide for the welfare of juvenile labour.

Every employer desirous of obtaining an apprentice shall take as such apprentice only a person whose name is registered with the registrar.

25.

25. Whenever an award relating to any skilled occupation fixes minimum wages higher than the living wage, the amount of the excess of such minimum wages above the living wage shall be the same in the case of males and females doing the same class of work.

26. (1) The award of a committee shall be signed by the chairman and forwarded to the registrar who shall forthwith have it published in the Gazette. On such publication, every award shall take effect (unless some earlier date is prescribed by the committee) and be binding on all persons engaged in the industries or callings and within the locality and for the period not exceeding two years. After the expiration of the period so specified, the award, together with any variation made thereto, whether such variation be made within or after the specified period shall continue in force until replaced by a new award:

Provided that no employer shall be bound to pay any wages fixed by an award taking effect from a date prior to its publication until seven days after publication of the award as aforesaid, but the first payment of wages under any such award shall include all arrears which have accrued due from the date upon which the award is directed to take effect.

(2) Within thirty days of such publication, any of the parties to the proceedings before the committee may make application to the court for variation or amendment of such award, or for rehearing in respect of any matter in or omission from the award.

(3) If the committee 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 committee.

(4) On any such application the court may confirm, or vary, or rescind the award thus appealed from, or may make a new award.

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

27. The court or a committee shall not award any conditions nor fix rates of wages for persons employed by the Crown, the Railway Commissioners for New South

South Wales, the Sydney Harbour Trust Commissioners, the Metropolitan Water, Sewerage and Drainage Board, the Water Conservation and Irrigation Commission, the Board of Fire Commissioners of New South Wales, the Metropolitan Meat Industry Board, and the Hunter District Water Supply and Sewerage Board, less favourable than the conditions granted or the wages paid to other employees not employed by the Government or its departments doing substantially the same class of work, 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 substantial difference in the nature of the work.

28. (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 committee concerned for a permit in writing to work for less than the wage so prescribed.

(2) The committee 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 may grant such permits in any industry for which a committee has not been constituted, but upon the constitution of a committee for such industry the power of the registrar to grant permits in that industry shall cease, and any permits so granted in such industry may be cancelled by the committee.

29. Where any award fixes commencing and ceasing times outside of which work is prohibited, or prohibits work on certain days, no person shall commence or cease work outside of such times, or work on such days, notwithstanding that such person may not be an employee.

30. (1) 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 the court or a committee in pursuance of this Act.

But

But the court may, at any time, on application made to it, prohibit any proceedings of a committee or vary or rescind any award made under this Act or the repealed Acts.

(2) Whenever a declaration as to the living wage shall be made during the currency of an award, application may be made to the committee concerned to vary the wage provisions contained in the award for the industry for which it is constituted.

31. Subject to section twenty-six of this Act and to such conditions and exemptions as the committee 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 two years specified therein; after the expiration of the period so specified, the award, together with any variations made thereto, whether such variations be made within or after such specified period, shall continue in force until replaced by a new award.

32. Upon the passing of this Act, or upon the expiration of an award made under this Act, the committee shall, upon an application for a new award, review the whole of the conditions of the industry or calling, together with the rates payable, notwithstanding any previous inquiry.

33. The court on application as prescribed may review, annul, rescind or vary any act or decision of the registrar in any manner it thinks fit.

34. Once in every six months the court constituted by the judge and two members to be appointed by the Minister, one of whom shall be representative of employers and the other representative of employees, shall determine—

(a) a standard of living which shall include a house of five rooms;

(b) the requirements of a family consisting of husband, wife, and three children, necessary to maintain a fair and average standard of comfort.

(c)

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(c) the requirements of an adult female sufficient to enable her, living away from home, to support herself in a fair and average standard of comfort,
and shall fix the living wages based upon such standards and requirements to be paid to adult male employees and adult female employees throughout the State or any defined area thereof.

35. No industrial agreement shall be entered into and no award made for wages lower than such living wages, and no industrial agreement and no award shall prescribe that any employee shall work more than six out of seven consecutive days.

Intervention by Crown.

36. 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 committee or the court, and make such representations as it thinks necessary in order to safeguard the public interests.

PART IV.

PROCEDURE OF COMMITTEES.

37. (1) Proceedings before a committee shall be commenced by—

- (a) reference to the committee by the court or the Minister; or
- (b) application to the committee by employers or employees in the industries or callings for which the committee 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)

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

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

38. In every case where an application or reference to a committee is made, it shall be the duty of a 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 committee 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.

39. A committee, or any two or more members thereof authorised by the committee under the hand of its chairman, may enter and inspect any premises or time and pay sheets used in any industry to which a reference or application to the committee relates, and any work being carried on there.

If any person hinders or obstructs a committee 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.

40. A committee may—

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

Provided

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 committee alone, and no person shall inspect such books except the chairman or an accountant appointed by the committee who may report to the committee 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 committee by section seventeen 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.

41. (1) The chairman shall require any person, including a member of the committee to give his evidence on oath, and may on behalf of the committee 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)

(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 committee 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 committee.

42. At any meeting of a committee, 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;
- (c) any member of the committee may call, examine, or cross-examine witnesses.

PART V.

LOCK-OUTS AND STRIKES.

43. No person shall take any part in, or do, or be concerned, or instigate to, or aid in doing any matter or thing in the nature of a lock-out or strike unless or until a lockout or strike has been authorised by the industrial union of employers or employees in the calling concerned.

44. A lock-out or strike shall not be deemed to have been authorised until all accessible members of an industrial union who are engaged in the calling have had an opportunity of participating in a secret ballot taken at a general meeting of which seven clear days' notice shall have been given, and which is only constituted in accordance with the rules of the union, and a majority have voted in a secret ballot in favour of such lock-out or strike: Provided that where it is inconvenient

inconvenient for members of the union to attend at a general meeting the decision of the members may be taken by means of a secret ballot of the whole of the members. The poll may be taken by postal ballot or a series of meetings may be held and ballots taken thereat in such case the result of the aggregate vote shall be taken to be the decision: Provided always that at least seven clear days' notice of any such meeting shall be given. Under any circumstances at least two-thirds of the union's membership shall be consulted. Any lock-out or strike so authorised shall be deemed to be a legal lock-out or strike.

45. A legal lock-out or strike cannot be entered upon until fourteen days after the notification of the result of the secret ballot to the registrar.

46. The penalty for an illegal lock-out or strike shall not exceed *one hundred* pounds.

It shall be a defence in any proceeding for a penalty under this Part that the union by the enforcement of its rules and by other means reasonable under the circumstances endeavoured to prevent its members from taking part in or aiding or abetting or continuing to take part in, aid, or abet the illegal lock-out or strike.

47. (1) The judge may, whenever in his opinion it is desirable for the purpose of preventing or settling an industrial dispute, summon any person to attend at a time and place specified in the summons, at a conference presided over by himself.

(2) Any person may be so summoned, notwithstanding that he is not connected with the dispute, if the judge thinks that such person's presence at the conference is likely to conduce to the prevention or settlement of the dispute.

(3) Any person so summoned shall attend the conference and continue his attendance thereat, as directed by the judge, and in default shall be guilty of contempt of court, and by order of the judge shall be liable to a penalty not exceeding *fifty* pounds.

(4) The conference may be held partly or wholly in public or in private, at the discretion of the judge.

48.

48. The court shall, for the purpose of this Act, have all the powers of a Royal Commission under the Royal Commissioners Evidence Act, 1901, or any Act passed in substitution for or amendment of that Act.

PART VI.

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 or by a permit under section twenty-eight, whether made or granted under the repealed Acts or this Act, he shall be liable to pay in full in money to such person the price or rate so fixed, without any deductions except such as may be authorised by any award or industrial agreement or permit.

(2) Such person may, within twelve months after such money has become due, apply in the manner prescribed 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 magistrate may make any order he thinks just, and may award costs to either party, and assess the amount of such costs.

(3) Such person may, within the said period of twelve 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 Conciliation and Arbitration as prescribed. Upon such appeal

appeal the court may affirm, vary, or rescind the judgment or order appealed from, and may make any order that it thinks just, including an order as to costs of the judgment or order appealed from, or of the appeal.

(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.

(5) Any person who enters into a contract with a contractor for the carrying out by the contractor of any work involving the payment of wages fixed by award or industrial agreement shall be liable for the payment of such wages unless upon final payment made by him to the contractor in relation to the contract he receives a statement in writing signed by the contractor that no wages are due and owing by the contractor in respect of the work at the time of such payment. Any person who knowingly makes or signs a false statement that no wages are due or owing by him in respect of any work shall be liable to a penalty of *one hundred* pounds or to imprisonment for not more than *six* months.

Breach of award or industrial agreement.

50. (1) If any person commits a breach of an award or a breach of an industrial agreement, or a breach of an order of a committee, whether by contravening or failing to observe the same, or otherwise, an industrial magistrate may order him to pay a penalty not exceeding *fifty* pounds or in default of payment may order imprisonment for a period not exceeding *three* months.

Any employee who returns or agrees to return any portion of the remuneration paid to him in accordance with the terms of an award, industrial agreement or permit, shall be deemed to have committed a breach of such award, agreement or permit.

(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 an employee at the price or rate
fixed

fixed by the award or agreement, the 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.

(3) Where the court or any industrial magistrate imposes any penalty for any breach or non-observance of any term of an award or industrial agreement or order, he may order that the penalty or any part thereof be paid into the Consolidated Revenue Fund or to such organisation or person as is specified in the order.

(4) Where an order is made under subsection one of this section against any person, and the 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 Act.

(5) Proceedings for a breach of an award or an industrial agreement or an order of a committee 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 concerned in the order.

The costs of any such proceedings shall, subject to the discretion of the magistrate, 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 Minister.

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.

Unlawful dismissal.

52. If an employer dismisses an employee or injures him in his employment or alters his position to his prejudice by reason of the fact that the employee—

- (a) is an officer, delegate, or member of a trade or industrial union or of a conciliation committee ;
or
- (b) claims the benefit of an industrial agreement or an award ; or
- (c) has appeared as a witness, or has given evidence in a proceeding under this Act ; or
- (d) has absented himself from work through being engaged in other duties as a member of a trade or an industrial union or of a committee,

the court or an industrial magistrate may order him to pay a penalty not exceeding *fifty* pounds for each employee so dismissed, injured, or prejudiced.

Upon conviction the court or magistrate may further order that the employee be reimbursed the wages lost by him, and also direct his reinstatement in his old or similar position.

In every case it shall lie on the employer to satisfy the court or magistrate that such employee was dismissed, injured, or prejudiced for some substantial reason other than that abovementioned in this section.

A prosecution under this section may be taken before the court or an industrial magistrate by the secretary of the industrial union concerned in the industry in which the employee alleged to have been so dismissed, injured, or prejudiced was employed : Provided always that if any party feels aggrieved by any decision of a magistrate, he may appeal to the court as prescribed.

PART VII.

GENERAL AND SUPPLEMENTAL.

Fines and subscriptions payable to unions.

53. Any industrial or stipendiary magistrate may order the payment by any member of an industrial union, or trade union, of any fine, levy, penalty, or subscription payable in pursuance of the rules of the union for any period subsequent to the registration thereof under this or the repealed Acts, or under the Trade Union Act, 1881, respectively.

Enforcement of orders.

54. (1) Where an order is made under sections forty-six, forty-nine, fifty-two and fifty-three 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.

(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.

55. (1) From any order of 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 as prescribed.

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,

penalty, and in any case the court may make such order as to the costs of the appeal, and of the proceedings before the magistrate or justices, as it thinks just.

(2) Any magistrate or justices may, on the application made by any party to any proceedings 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.

(3) 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 committees.

56. The court or a committee 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. 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.

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.

(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 a committee or of a chairman of a committee shall not be challenged except as provided by this Act.

59. In any proceeding before the court it may reserve its decision.

Where

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. (1) A copy of the Gazette containing any recommendation of a committee 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.

(2) All awards, orders, proclamations, or other notifications, excepting rules or regulations required or directed by this Act to be published in the Gazette, may be published either in the Gazette or in the New South Wales Industrial Gazette.

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.

62. Except where otherwise ordered, the amount of any penalty recovered under this Act shall be paid into the Treasury and carried to the Consolidated Revenue Fund.

63. (1) Except where otherwise in this Act provided, the court 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

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.

(2) Every order for the payment of costs made by the court 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 amounts may be recovered and such recovery may be enforced by process of such court as in pursuance of such judgment.

64. Whosoever, before the court or committee, wilfully makes on oath any false statement, knowing the same to be false, shall be guilty of perjury.

The registrar, industrial magistrate, and inspectors.

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

- (a) keep a register of persons desirous of becoming apprentices;
- (b) furnish as prescribed to the committee concerned the names of persons so registered.

(2) The Governor may appoint any person to act as 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.

(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

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, an industrial magistrate shall have the powers of two justices of the peace within any police district.

66. (1) The Governor may appoint industrial magistrates 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 to act as a deputy for any industrial magistrate appointed under this Act 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) Inspectors shall be appointed 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)

- (c) He may at any reasonable times examine any employee in such industry and may do so out of the hearing of the employer, manager, or foreman 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.

A salaried inspector shall report to the Minister all breaches of this Act or of an award, industrial agreement, or order of a committee which have come to his knowledge, and may on obtaining the authority of the Minister institute proceedings for a penalty for any such breach.

(2) Such inspectors shall be of two classes, namely, salaried inspectors who shall be appointed by the Governor subject to the Public Service Act, 1902, and honorary inspectors who shall be appointed for any period prescribed by the Minister for that purpose. An honorary inspector may be reappointed on the expiration of his term of office.

(3) 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.

(4) If any person obstructs any inspector in the exercise 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.

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. Such time and pay sheets shall be retained by the employer at such place for a period covering at least the preceding twelve months.

If he fails to carry out any of the requirements of this subsection he shall be liable to a penalty not exceeding *ten* pounds. (2)

(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 his employees in such industry are working, so as to be legible by his employees, provided always that where any foreigner who cannot read English is employed, the employer shall cause the award to be translated into the language of the employee, and such translation to be exhibited, together with the award, in English. 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 an industrial magistrate subject to the provisions of section fifty-four of this Act.

69. No barrister-at-law nor solicitor shall appear for any party on the hearing or determination of any industrial cause, whether before the court or a committee, or court of petty sessions, or any industrial, police or stipendiary magistrate, or in respect to the enforcement of orders in any court of petty sessions or the metropolitan district court of the metropolitan district, except by the consent of the other party, but may be represented by a member or officer of the industrial union concerned, or agent appointed in writing in that behalf.

70. Notwithstanding the provisions of any Act to the contrary, no stamp duty shall be payable on or in respect of any certificate, agreement, order, statutory declaration, power of attorney, or instrument executed in pursuance of or to give effect to this Act.

Regulations.

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

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

- (b) prescribing the form of oath to be taken by members of the committee ;
- (c) regulating the exhibition by an employer of an award ;
- (d) relating to the appointment of members of committees and prescribing the form and mode of service of notices of meetings of a committee, and regulating the convening of such meetings ;
- (e) prescribing the giving of notice of inspection by a committee or the court, of premises used in any industry, and prescribing the form and regulating the service of such notice ;
- (f) regulating the procedure at meetings of 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 following in proceedings before the court and 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) prescribing that all process for breaches of awards or recovery of wages or of fines and subscriptions due to an industrial union shall be served by the police in the district where the defendant resides ;
- (m) providing that service of any summons, notice, or other document upon a registered industrial union of employers shall be deemed to be service upon all employers in the same calling or industry in respect of which such industrial union is registered ;

(n)

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

72. Regulations made under this Act shall be published in the Gazette.

PART VIII.

THE ORGANISATION OF THE LABOUR MARKET.

DIVISION 1.—*State Labour Exchanges.*

73. The Minister shall establish, maintain, and conduct, in the manner prescribed, in Sydney, and in such other places as he thinks fit, free employment agencies, which agencies shall be known as State Labour Exchanges.

74. The functions of the State Labour Exchanges shall be to bring together intending employers and persons seeking employment; to make known the opportunities for employment and self-employment in the State; to encourage minors and others to undertake training in skilled employments; to provide industrial or agricultural training for vagrants and other persons unsuited for ordinary employments; and to carry out any other duties prescribed.

75. (1) The Minister may authorise a State Labour Exchange to make advances by way of loan towards meeting the expenses of persons seeking to avail themselves of opportunities of employment in localities distant from those in which they find themselves.

(2) When any such advance has been made, the Minister may order that the amount of such advance shall be a charge on any moneys which are then, or which may thereafter be due to the person to whom such advance is made from his then or future employer, for wages or in respect of work done. On the making of any such order, the employer for the time being of such person, or any employer who shall not have discharged his indebtedness to such person, shall on being

being notified of such order pay such moneys to the Minister, when and as they become due and payable, in satisfaction of the charge imposed by the order.

(3) Such order may be for the repayment of the amount of such advance, in one sum or by such instalments as the Minister may direct.

(4) No charge upon, or assignment of his wages, or 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 any such order, and such order shall have effect as if no such charge or assignment existed.

76. (1) Any person obtaining or attempting to obtain under false pretences or by means of any other fraud or deceit, an advance by way of loan under the last preceding section shall be guilty of a misdemeanour. Penalty, *ten* pounds, or imprisonment not exceeding *six* months.

(2) If any person makes any wilfully false statement or false representation to any officer in superintendence of a State Labour Exchange, or to any person acting for or for the purposes of any such labour exchange, with intent to obtain employment or to procure labour in preference to others, or harass or molest others, he shall be guilty of a misdemeanour. Penalty, *ten* pounds, or imprisonment not exceeding *six* months.

(3) If any person knowingly—

- (a) sends, delivers, or causes to be sent or delivered to any officer any writing which purports to be signed or sent by any other person without such person's authority or in the name of any fictitious person; or
- (b) makes, sends, or delivers any written communication which purports to be a communication from any Government Department or any officer thereof, and which is not so in fact, he shall be guilty of a misdemeanour. Penalty, *ten* pounds, or imprisonment not exceeding *six* months.

DIVISION

DIVISION 2.—*Private employment agencies.*

77. A person shall not, after the passing of this Act, open, or carry on for profit any agency for procuring or assisting to procure employment or labour or any business having as one of its purposes the bringing together of intending employers and persons seeking employment.

DIVISION 3.—*General provisions and penalties for the purposes of this Part.*

78. Any person who contravenes or fails to carry out any provision of this part of this Act, shall, where no other penalty or punishment is provided, be liable on conviction to a penalty not exceeding *five* pounds, or imprisonment not exceeding *three* months.

79. The Governor may make regulations generally giving effect to the purposes of this Part of this Act, and may by such regulations impose a penalty not exceeding *twenty* pounds for any breach thereof.

PART IX.

TRADE UNIONS.

80. (1) Section thirty-one of the Trade Union Act of 1881 is amended by inserting after the words "temporary or permanent" the words "the principal objects of which under its rules are."

(2) Notwithstanding that a trade union may under its rules have objects other than principal objects, such trade union shall have power to apply and use the moneys and other property of the union for or in connection with any lawful object or purpose for the time being authorised by its rules, and without limiting the generality of this provision may—

- (a) acquire, purchase, take on lease, hold, sell, lease, mortgage, exchange, and otherwise own, possess,

possess, and deal with in the names of the trustees for the time being of such union any real or personal property (including shares in any registered company, whether registered in New South Wales or not), and no purchaser, assignee, mortgagee, or tenant, shall be bound to inquire whether the trustees have authority for any sale, exchange, mortgage, or letting, and the receipt of the trustees shall be a discharge for the money arising therefrom ;

- (b) provide for the application of its money and property to the furtherance of political objects.
-