

Act No. 59, 1901.

An Act to provide for the registration and incorporation of industrial unions and the making and enforcing of industrial agreements; to constitute a court of arbitration for the hearing and determination of industrial disputes, and matters referred to it; to define the jurisdiction, powers, and procedure of such court; to provide for the enforcement of its awards and orders; and for purposes consequent on or incidental to those objects.
[10th December, 1901.]

INDUSTRIAL
ARBITRATION.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

1. This Act may be cited as the "Industrial Arbitration Act, Short title. 1901."

2. In this Act, unless the context otherwise shows—

Definitions.

"Branch" means branch of a trade-union which is registered or has its principal office outside the State.

"Court" means court of arbitration constituted by this Act.

"Employer" means person, firm, company, or corporation employing persons working in any industry, and includes the Railway Commissioners of New South Wales, the Sydney Harbour Trust Commissioners, the Metropolitan Board of Water Supply and Sewerage, and the Hunter River and District Board of Water Supply and Sewerage.

"Employee" means person employed in any industry.

"Industrial dispute" means dispute in relation to industrial matters arising between an employer or industrial union of employers on the one part, and an industrial union of employees or trade-union or branch on the other part, and includes any dispute arising out of an industrial agreement.

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“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 general nature 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 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 person or persons or class of persons in any industry, or the dismissal of or refusal to employ any particular person or persons or class of persons therein;
- (d) any established custom or usage of any industry, either generally or in any particular locality;
- (e) the interpretation of an industrial agreement.

“Industrial union” means industrial union registered and incorporated under this Act.

“Industry” means business, trade, manufacture, undertaking, calling, or employment in which persons of either sex are employed, for hire or reward, and includes the management and working of the Government Railways and Tramways, the Sydney Harbour Trust, the Metropolitan Board of Water Supply and Sewerage, and the Hunter River and District Board of Water Supply and Sewerage, but does not include employment in domestic service.

“Lock-out” means the closing of a place of employment or the suspension of work by an employer done with a view to compel his employees or to aid another employer in compelling his employees to accept a term or terms of employment.

“Prescribed” means prescribed by this Act or any rules or regulations made thereunder.

“Registrar” means registrar appointed under this Act.

“Strike” shall mean the cessation of work by a body of employees acting in combination done as a means of enforcing compliance with demands made by them or other employees on employers.

“Trade union” means trade union registered under the Trade Union Act, 1881. *The*

*Industrial Arbitration.**The registrar.*

3. The Governor shall appoint a registrar who shall have the powers and perform the duties prescribed and may appoint such officers as may be required to administer this Act. Appointment of officers.

Industrial unions.

4. Where the registrar, or in case of appeal, the court is satisfied that the provisions of this Act have been complied with, the registrar shall, in the prescribed manner and form, register as an industrial union— Registration of industrial unions.

- (a) any person or association of persons or any incorporated company or any association of incorporated companies, or of incorporated companies and persons 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 ;
- (b) any trade union or association of trade unions ;
- (c) any branch ;

and shall issue a certificate of incorporation, which shall be conclusive evidence in all courts, until cancelled, that the requirements of this Act in respect of incorporation have been complied with.

5. An application to register an industrial union shall be made in writing in the prescribed form, and shall— Applications for registration.

- (a) if made by an incorporated company, be signed by a majority of the directors or, if there are no directors thereof resident in the State, of the managers thereof so resident ; and
- (b) if made by an association be signed by a majority of the committee of management thereof ; and
- (c) if made by a trade union or branch, be signed by a majority of the general committee of management thereof.

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

But no industrial union shall be registered unless the registrar is satisfied that the rules or articles of the company, association, trade union, or branch applying to be registered include provisions as to the matters set out in Schedule One. And any application to register an industrial union may be refused if another industrial union to which the applicants might conveniently belong has already been registered. And no branch shall be registered unless it is a bona fide branch of a trade union and of sufficient importance to be registered separately.

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The Governor may from time to time, by regulations made under this Act, alter, repeal, or amend the said Schedule.

Rules to be adopted.

6. Any company, association, trade union, or branch applying to be registered as an industrial union may, on application to the Governor, upon the recommendation of the registrar, obtain leave to adopt, and may thereupon adopt, any rules dealing with the matters mentioned in Schedule One, or in any regulations made under the last preceding section, as part of the rules of the company, association, union, or branch; and upon such leave being obtained, the said rules, when adopted in pursuance of this section, shall, notwithstanding any memorandum or articles of association or any rules of such company, association, union, or branch, become binding on all members of the same.

Incorporation of industrial union.

7. (1) Upon the issue of a certificate of incorporation, the members for the time being of the company, association, trade union, or branch incorporated in the industrial union shall, until the registration and incorporation of the union is cancelled in pursuance of this Act be for the purposes of this Act a body corporate by the name mentioned in such certificate, and shall have for the purposes of this Act perpetual succession and a common seal.

Power to hold land;

(2) An industrial union—

(a) may purchase, take on lease, hold, sell, lease, mortgage, exchange, and otherwise own, possess, and deal with any real or personal property: Provided that nothing in this Act shall render an industrial union liable to be sued, or the property of an industrial union, or of any member thereof, liable to be taken in execution by any process in law other than in pursuance of this Act or in respect of obligations incurred in the exercise of rights and powers conferred by this Act;

Lists of members to be furnished.

(b) shall forward to the registrar, subject to the prescribed penalties, at the prescribed dates, and verified in the prescribed manner, lists of its members and copies of its rules, and copies of industrial agreements to which it is a party.

Cancellation of registration of union.

8. If it appears to the registrar—

(a) that for any reasons which appear to him to be good the registration of an industrial union ought to be cancelled; or
 (b) that an industrial union has been registered erroneously or by mistake; or
 (c) that the provisions of the rules, articles, or regulations of the union as to any of the matters mentioned in Schedule One as amended under this Act are inadequate, or have not bona fide been observed; or

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- (d) that the proper authority of the union wilfully neglects to provide for the levying and collection of subscriptions, fees, or penalties from members of the union; or
- (e) that the accounts of the union have not been audited in pursuance of the rules, articles, or regulations, or that the accounts of the union or of the auditor do not disclose the true financial position of the union;
- (f) that any industrial union has wilfully neglected to obey any order of the court;

he shall make application to the court for the cancellation of the registration of the union, giving notice thereof to the secretary of the union.

The court shall hear the said application, and if it is of opinion that the registration of the union should be cancelled, it shall so order, and thereupon the registration and incorporation of the union under this Act shall be void:

Provided that such cancellation shall not relieve the industrial union, or any member thereof, from the obligation of any industrial agreement or award or order of the court, nor from any penalty or liability incurred prior to such cancellation.

9. During the pendency of any reference to the court no application for the cancellation of the registration of an industrial union shall be made or received, and no resignation or discharge of the membership of any industrial union or of any company, association, trade union or branch, constituting an industrial union, shall have effect. No cancellation during pendency of proceedings.

10. Nothing in this Act shall prevent a transfer of shares in any registered company, or in any association which is, or is a member of, an industrial union: Saving of right to transfer shares in company.

Provided that no such transfer shall relieve the transferor from any liability incurred by him under this Act up to the date of such transfer.

11. Industrial unions shall be classified by the registrar as industrial unions of employers and industrial unions of employees, and the certificate of incorporation shall state the class of the industrial union mentioned therein. Classification of industrial unions.

12. Every dispute between a member of an industrial union and such union shall be decided in the manner directed by the rules of such union; and the president of the court, on the application of the trustees or other officers authorised to sue on behalf of such union, may order the payment by any member of any fine, penalty, or subscription payable in pursuance of the rules aforesaid, or any contribution to a penalty incurred or money payable by the union under an award or order of the court: Recovery of subscriptions and contributions from members of unions.

Provided that no such contribution shall exceed the sum of ten pounds.

Industrial

*Industrial Arbitration.**Industrial agreements.*

Industrial agreements may be made.

13. Any industrial union may make an agreement in writing relating to any industrial matter—

- (a) with another industrial union; or
- (b) with an employer;

which, if it is made for a specified term not exceeding three years from the making of the agreement, and if a copy thereof is filed with the registrar, shall be or become an industrial agreement within the meaning of this Act.

On whom industrial agreements are binding.

14 (1) An industrial agreement may be rescinded by agreement made in writing by the parties thereto and filed with the registrar, or may be varied by another industrial agreement so made and filed.

If not so rescinded the agreement or varied agreement shall be in force for the term specified in the agreement, and unless any party thereto gives to the registrar, at least one month before the expiration of such term, a notice in writing of intention to terminate the agreement or varied agreement at such expiration the agreement or varied agreement shall continue in force until the expiration of one month after notice in writing of intention to terminate it has been given to the registrar by any party thereto.

(2) Every industrial agreement or varied agreement shall be binding—

- (a) on the parties thereto during the currency of the agreement or varied agreement, and on such parties in respect of anything done or suffered under or by virtue of it during its currency;
- (b) on every person during the currency of the agreement or varied agreement while he is a member of any industrial union which is a party thereto, and on every person in respect of anything done or suffered under or by virtue of it during its currency and while he is such member.

To have same effect as award of court of arbitration.

15. An industrial agreement as between the parties bound by the same shall have the same effect and may be enforced in the same way as an award of the court of arbitration, and the court shall have full and exclusive jurisdiction in respect thereof.

Constitution of the Court of Arbitration.

Constitution of court.

16. There shall be a court of arbitration for the hearing and determination of industrial disputes and of references and applications under this Act. The court shall be a court of record and shall have a seal, which shall be judicially noticed.

The court shall consist of a president and two members.

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17. The president of the court shall be a Judge of the Supreme Court to be named by the Governor. The Governor may on the request of the president appoint a Judge of the Supreme Court as deputy president, to act in respect of any matter mentioned in his appointment; and the said deputy shall, in respect of the said matter, have all the rights, powers, jurisdictions, and privileges of the president under this Act. How members of court are appointed.

The two members of the court shall be appointed by the Governor, one from among the persons recommended in the manner and subject to the conditions prescribed in Schedule Two by a body of delegates from industrial unions of employers, and the other from among the persons recommended as aforesaid by a body of delegates from industrial unions of employees; but, if any such body fails to make such recommendation, the Governor may appoint such person as he thinks fit.

18. The president and members of the court shall be appointed as soon as practicable after the commencement of this Act, and every three years after such first appointment, and shall hold office until the time of the next triennial appointment to the office, but the members shall be eligible for re-appointment. Times and periods of appointments.

19. Any vacancy in the office of member of the court occasioned by death, resignation, or removal from office shall be filled by appointment on such recommendation as aforesaid, and the person so appointed shall hold office until the time of the next triennial appointment, but shall be eligible for re-appointment. Vacancies.

Where a member of the court is absent from his office by reason of illness or other cause, his office shall be filled by appointment as aforesaid, and the person so appointed shall hold office during such absence.

20. During his term of office the president or a member of the court shall, except where otherwise provided in this Act, be liable to removal from office in such manner and upon such grounds only as a Supreme Court Judge is by law liable to be removed from his office. Removal of members of court.

21. The members of the court shall be paid a salary of seven hundred and fifty pounds per annum each, and such remuneration for expenses while travelling and while holding views and inspections as may be prescribed. Payment of members of court.

22. The court may be constituted by the president or any member for the purpose of being adjourned. Quorum of court.

23. When an industrial dispute involving technical questions is referred to it, the court may appoint two assessors for the purpose of advising it on such questions. Appointment of assessors.

One of such assessors shall be a person nominated by such of the parties to the dispute as, in the opinion of the court, have interests in

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in common with the employers, and the other shall be a person nominated by such of the parties to the dispute as, in the opinion of the court, have interests in common with the employees.

If default is made in nominating any of such assessors, or if the parties consent, the court may appoint an assessor or assessors without any nomination.

Disqualifications for office.

Disqualifications
for office.

24. The following persons shall be disqualified from being recommended or appointed, or holding office as a member of the court of arbitration—

- (a) a bankrupt who has not obtained his certificate of discharge ;
- (b) any person of unsound mind ;
- (c) an alien.

Persons disqualified
may be removed
from office by the
Governor.

25. The Governor shall remove from office any member of the court who becomes disqualified under the last preceding section, or is proved to the satisfaction of the Supreme Court, or a Judge thereof, to be guilty of inciting any industrial union or employer to commit any breach of an industrial agreement or award, or to be guilty of any offence under sections twenty-six or twenty-seven of this Act.

Jurisdiction and procedure of the court.

Jurisdiction and
powers of court.

26. The court shall have jurisdiction and power—

- (a) on reference in pursuance of this Act to hear and determine, according to equity and good conscience—
 - (i) any industrial dispute ; or
 - (ii) any industrial matter referred to it by an industrial union or by the registrar ;
 - (iii) any application under this Act ;
- (b) to make any order or award or give any direction in pursuance of such hearing or determination ;
- (c) subject to the approval of the Governor to make rules regulating the practice and procedure of the court, and more especially but not so as to limit the generality of its powers in the premises with reference to ;
 - (i) the times and places of sitting ;
 - (ii) the summoning of parties and witnesses ;
 - (iii) the persons by whom and conditions upon which parties may be represented ;
 - (iv) the rules of evidence ;
 - (v) the enforcement of its orders ;
 - (vi) allowances to witnesses, costs, court fees ;

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- (vii) generally regulating the procedure of the court;
- (viii) appeals under this Act;
- (ix) the reference of any matter;
- (d) to dismiss any matter at any stage of the proceedings where it thinks the dispute trivial;
- (c) to dismiss any proceeding without giving a decision, where, in the opinion of the court, an amicable settlement can and should be brought about;
- (f) to order any party to pay to any other party such costs and expenses (including expenses of witnesses) as may be specified in the order, and at any time to vary such order; but no costs shall be allowed for the attendance before the court of any counsel, solicitor, or agent for any party;
- (g) at any stage of the proceedings of its own motion, or on the application of any of the parties, and upon such terms as it thinks fit—
 - (i) to direct parties to be joined or struck out;
 - (ii) to amend or waive any error or defect in the proceedings;
 - (iii) to extend the time within which anything is to be done by any party, whether within or after the prescribed time; and
 - (iv) generally to give such directions as are deemed necessary or expedient in the premises;
- (h) to proceed and act in any proceedings in the absence of any party who has been duly served with notice to appear therein as fully as if such party had duly attended;
- (i) to sit in any place for the hearing and determining of any matter lawfully before it; provided that, as far as practicable, the court shall sit in the locality within which the subject-matter of the proceeding before it arose;
- (j) on its own motion, or at the request of any of the parties to the dispute, to direct that the proceedings of the court be conducted in private, and that all persons other than the parties, their representatives, and any witnesses under examination shall withdraw from the court;
- (k) to adjourn any proceeding to any time and place;
- (l) to refer to an expert the taking of accounts, estimates of quantities, calculations of strains, and other technical matters, and to accept the report of such experts as evidence;
- (m) to exercise in respect of the summoning, sending for, and examination of witnesses and documents, and in respect of persons summoned or giving evidence before it, or on affidavit, the same powers as are by section one hundred and forty of the Parliamentary Electorates and Elections Act of 1893 conferred

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conferred on the committee of elections and qualifications constituted by that Act; Provided that no party to an industrial dispute shall be required to produce his books except by order of the president, and that such books when produced shall not, except by the consent of the party producing them, be inspected by anyone except the president or members of the court, who shall not divulge the contents thereof under penalty of dismissal from office;

- (n) to deal with all offences and enforce all orders under this Act;
- (o) at any time to vary its own orders and re-open any reference;
- (p) to admit and call for such evidence as in good conscience it thinks to be the best available whether strictly legal evidence or not: Provided that any question as to the admissibility of evidence shall be decided by the president alone.

Disclosure of profits.

27. The president and each member of the court shall be sworn in the manner and before the persons prescribed before entering upon the hearing of any dispute, not to disclose to any person whatsoever, any matters or evidence relating to any trade secret or to the profits or financial position of any witness or party, and shall be liable to a penalty not exceeding five hundred pounds and dismissal from office for a violation of such oath, and shall at the request of any party or witness hear such evidence in camera.

Reference of dispute to court.

28. No matter within the jurisdiction of the court may be referred to the court, nor may any application to the court be made except by an industrial union or by any person affected or aggrieved by an order of the court.

But no industrial dispute shall be referred to the court for determination, and no application shall be made to the court for the enforcement of any award of the court by an industrial union, except in pursuance of—

- (a) a resolution passed by the majority of the members present at a meeting of such union specially summoned by notice sent by post to each member or given in the manner prescribed by rules of the union, and stating the nature of the proposal to be submitted to the meeting; or
- (b) where in the opinion of the registrar it is impracticable to summon a meeting of all the members of the union, a resolution passed, in accordance with rules made by the court in that behalf, by a majority of the officers of the union specified in such rules.

Notwithstanding anything in this section the registrar may—

- (1) Inform the court of any breach of this Act or of any order or award of the court.
- (2) Refer to the court an industrial dispute when the parties thereto or some or one of them are or is not an industrial union.

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29. Any union or person entitled to refer an industrial dispute, or any matter, to the court, may make application to the registrar in the prescribed form. Method of reference to court.

30. (1) Any party to a reference may at any time take out a summons, in the form prescribed by the rules of the court, returnable before the president of the court sitting in chambers. Summons for directions.

At the hearing of the summons the president may make such order as may be just with respect to all the interlocutory proceedings to be taken before the hearing by the court of the dispute, and as to the costs thereof, and with respect to the issues to be submitted to the court, the persons to be served with notice of the proceedings of the court, particulars of the claims of the parties, admissions, discovery, interrogatories, inspection of documents, inspection of real or personal property, commissions, examination of witnesses, and the place and mode of hearing. The court may at the hearing of any reference revoke or amend any such order of the president, and may make any order which the president may make under this section.

(2) In addition to the powers conferred by this section, the president of the court sitting in chambers for the purpose of administering this Act shall have all the powers of a Judge of the Supreme Court sitting in chambers for the purpose of any matter before that Court. Additional powers.

31. The court and, on being authorised in writing by the court, any member or officer of the court or any other person may at any time enter any building, mine, mine-workings, ship, vessel, place, or premises of any kind whatsoever, wherein or in respect of which any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking or has taken place, which has been made the subject of a reference to the court, and inspect and view any work, material, machinery, appliances, or article therein. View by, or by direction of court.

And any person who hinders or obstructs the court, or any such member, officer, or person as aforesaid, in the exercise of any power conferred by this section, shall for every such offence be liable to a penalty not exceeding five pounds, and every officer of the court or such other person so authorised as aforesaid shall be required to take the like oath as is prescribed in section twenty-seven in the manner and before the persons prescribed, and shall be liable to a like penalty for the violation thereof.

32. Proceedings in the court shall not be removable to any other court by certiorari or otherwise; and no award, 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. No certiorari.

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No abatement on death of party.

33. No proceedings in the court shall abate by reason of the death of any party, but such proceedings may, by order of the court, be continued on such terms as the court thinks fit by or against the legal representative of such party.

Prohibition of strikes or lock-outs.

34. Whoever—

- (a) before a reasonable time has elapsed for a reference to the court of the matter in dispute; or
 - (b) during the pendency of any proceedings in the court in relation to an industrial dispute,
 - (1) does any act or thing in the nature of a lock-out or strike; or suspends or discontinues employment or work in any industry; or
 - (2) instigates to or aids in any of the above-mentioned acts,
- shall be guilty of a misdemeanour, and upon conviction be liable to a fine not exceeding one thousand pounds, or imprisonment not exceeding two months:

Provided that nothing in this section shall prohibit the suspension or discontinuance of any industry or the working of any persons therein for any other good cause:

And provided that no prosecution under this section shall be begun except by leave of the court.

In what cases dismissal of employee is breach of an award, order, or industrial agreement.

35. If an employer dismisses from his employment any employee by reason merely of the fact that the employee is a member of an industrial union, or is entitled to the benefit of an award, order, or agreement, such employer shall be liable to a penalty not exceeding twenty pounds for each employee so dismissed.

In every case it shall lie on the employer to satisfy the court that such employee was so dismissed by reason of some facts other than those above mentioned in this section: Provided that no proceedings shall be begun under this section except by leave of the court.

Minimum wage and employment of members of unions.

36. The court in its award or by order made on the application of any party to the proceedings before it, at any time in the period during which the award is binding, may—

- (a) prescribe a minimum rate of wages or other remuneration, with provision for the fixing in such manner and subject to such conditions as may be specified in the award or order, by some tribunal specified in the award or order, of a lower rate in the case of employees who are unable to earn the prescribed minimum; and
- (b) direct that as between members of an industrial union of employees and other persons, offering their labour at the same time, such members shall be employed in preference to such other persons, other things being equal, and appoint a tribunal to finally decide in what cases an employer to whom any such direction applies may employ a person who is not a member of any such union or branch.

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37. In any proceeding before it the court may do all or any of the following things with a view to the enforcement of its award, order, or direction— Methods of enforcing orders.

- (1) declare that any practice, regulation, rule, custom, term of agreement, condition of employment, or dealing whatsoever in relation to an industrial matter, shall be a common rule of an industry affected by the proceeding ;
- (2) direct within what limits of area and subject to what conditions and exceptions such common rule shall be binding upon persons engaged in the said industry, whether as employer or as employee, and whether members of an industrial union or not ;
- (3) fix penalties for any breach or non-observance of such common rule so declared as aforesaid, and specify to whom the same shall be paid ;
- (4) grant an injunction to restrain any person from breaking or non-observing any order, award, or direction of the court ;
- (5) order the cancellation of the registration of an industrial union ;
- (6) order that any member of an industrial union shall cease to be a member thereof from a date and for a period to be named in the said order ;
- (7) fix penalties for a breach or non-observance of any term of an award, order, or direction not exceeding five hundred pounds in the case of an industrial union, or five pounds in the case of any individual member of the said union, and specify the persons to whom such penalty shall be paid ;
- (8) impose a fine not exceeding five hundred pounds for any breach or non-observance of an award, order, or direction by a person bound by such award, order, or direction who is not a member of an industrial union ;

and all fines and penalties for any breach of an award, order, or direction of the court may be sued for and recovered either—

- (a) in the court by the persons entitled to receive the same ; or
- (b) before a stipendiary or police magistrate, sitting alone as a court of petty sessions, under the Small Debts Recovery Act, 1899, notwithstanding any limitation as to amount contained in that Act, by an inspector appointed under the Factories and Shops Act of 1896, or any Act amending the same :

Provided that any appeal from an order of a court of petty sessions under this section shall lie to the court on the terms and in the manner prescribed by the rules of the said court.

38. Any person or industrial union who is affected by any order, award, or direction of the court may, whether such person or union Appeals by parties affected.

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was or was not a party to the proceedings in which the order, award, or direction complained of was made, apply at any time to the court to be relieved from any obligation imposed by such order, award, or direction. And the court in entertaining and dealing with such application shall have all the powers conferred upon it by this Act.

Officers of Supreme Court, District Courts, and courts of petty sessions to be deemed officers of the court.

39. The Prothonotary, Master in Equity, Sheriff, bailiffs, and other officers of the Supreme Court and the bailiffs of the District Courts and courts of petty sessions shall be deemed to be also officers of the court, and shall exercise the powers and perform the duties prescribed by any rules of court made under this Act; and for the purpose of carrying out the provisions of this Act, and in relation to any proceedings before the court or the president of the court and in relation to the making, carrying out, and enforcing of any award, order, or direction of the said court or president, shall, except where provided in any rules made as aforesaid, exercise the same powers and perform the same duties as they may exercise and perform in relation to any judgment, order, direction, or conviction of the Supreme Court or any District Court or court of petty sessions.

Property to answer award or order of court.

40. Where the award or order of the court, or an industrial agreement, binds specifically a corporation, person, industrial union, trade union, or branch, any property held by such corporation, person, union, or branch, or by any trustee on his or its behalf, shall be available to answer such award, order, or agreement, and any process for enforcing the same; and in the case of any such union or branch, if the property so held is insufficient to fully satisfy the said award, order, agreement, or process, the members of such union or branch shall be liable for such deficiency: Provided that no member shall be so liable for more than ten pounds.

Appeal.

41. Any person or union aggrieved by a decision of the registrar may appeal therefrom in the prescribed manner to the president of the court. The president may direct the issue to the registrar of a writ of mandamus or of prohibition.

Supplemental.

No stamp duty payable.

42. No stamp duty shall be payable on or in respect of any registration, certificate, agreement, order, statutory declaration, or instrument affected, issued, or made under this Act.

Evidence of order of court.

43. Evidence of any order of the court may be given by the production of a copy thereof certified under the hand of the registrar.

Evidence of proclamations or regulations.

44. Evidence of any proclamation, notification, rule, or regulation required by this Act to be proclaimed, notified, or published in the Gazette may be given by the production of a copy of the Gazette containing or purporting to contain such proclamation, notification, rule, or regulation.

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45. The Governor may, subject to the provisions of this Act, ^{Regulations.} make regulations—

- (a) prescribing the powers and duties of the registrar and of persons acting in the execution of this Act ;
 - (b) prescribing the persons by whom and the manner in which applications for the registration of industrial unions may be made ;
 - (c) regulating the conditions on which branches may be registered ;
 - (d) prescribing the matters to be contained in the rules of any industrial unions, and regulating the names under which industrial unions may be registered ;
 - (e) regulating the keeping of the register, and the granting of certificates of incorporation of industrial unions ;
 - (f) prescribing the persons by whom and the manner in which applications for the cancellation of the registration and incorporation of industrial unions may be made, and the evidence to be furnished and the conditions to be performed prior to such cancellation, and prescribing the manner of such cancellation ;
 - (g) prescribing the sending to the registrar of copies of rules and lists of members of industrial unions ;
 - (h) prescribing the conditions under which and the manner in which persons may be recommended by industrial unions for appointment to the court ;
 - (i) regulating the nomination and remuneration of assessors to the court ;
 - (j) generally for carrying the provisions of this Act into effect ;
- and may in those regulations fix any penalty not exceeding twenty pounds for any breach of the same, to be recovered in a summary way in a court of petty sessions.

46. All rules and regulations made in pursuance of this Act ^{Publication of rules and regulations.} shall be published in the Gazette, and shall be laid before both Houses of Parliament within fourteen days after such publication for approval or amendment, if Parliament be then sitting, but if not, then within fourteen days after the next meeting of Parliament, and in that case such rules and regulations shall in the meantime be applied temporarily after publication in the Gazette, until Parliament meets, and thereafter shall have the force of law until Parliament otherwise decide.

47. This Act shall continue in force until the thirtieth day of ^{Duration of Act.} June, one thousand nine hundred and eight, and no longer.

Industrial Arbitration.

SCHEDULES.

SCHEDULE ONE.

Matters to be contained in the rules, articles, and regulations of a company, association, trade union, or branch applying to be registered as an industrial union.

1. The appointment and removal of a committee of management, a chairman or president, a secretary, and, except in the case of an incorporated company, a trustee or trustees, and the filling of any vacancies in such offices.

2. The powers and duties of such committee and officers, and the control to be exercised by special or general meetings over the committee.

3. The manner of calling such meetings, the quorum, and the manner of voting thereat.

4. The mode in which industrial agreements and other instruments shall be made by or on behalf of the company, association, trade union, or branch.

5. The manner in which the company, association, trade union, or branch, may be represented in any proceeding before the court.

6. The custody and use of the seal.

7. The control of the property and the investment of the funds, and the periodical audit of the accounts of the company, association, trade union, or branch: audit to be made once a year.

8. Provision for keeping a register of members.

9. The terms on which persons may become or cease to be members of the company, association, trade union, or branch, including provision for the payment and recovery of subscriptions by members, and in the case of a trade union or branch, provision that a person shall not cease to be a member unless he has given at least three months' written notice to the secretary, and has paid all fees and dues owing by him to the trade union or branch, and provision that reasonable facilities shall be given to become members of the union.

10. The description of the registered officer of the company, association, trade union, or branch.

SCHEDULE TWO.

1. Each industrial union of employers may choose a delegate or delegates for the purpose of recommending persons for the office of member of the court.

The delegates shall be chosen, so far as practicable, under the rules of the union applicable for that purpose.

The number of delegates shall be in accordance with the following scale:—

Where the company or persons constituting the union employ, on the average of the next preceding month, not less than fifty nor more than two hundred and fifty employees, the union may choose one delegate; where such employees number more than two hundred and fifty, but not more than five hundred, two delegates; where more than five hundred, three delegates.

2. Each industrial union of employees may choose a delegate or delegates for the purpose of recommending persons for the office of member of the court of arbitration.

The delegates shall be chosen, so far as practicable, under the rules of the union applicable for that purpose.

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Navigation.

The number of delegates shall be in accordance with the following scale:—

Where the financial members of the union number, on the average of the next preceding month, not more than two hundred and fifty, the union may choose one delegate; where such number is more than two hundred and fifty, but not more than five hundred, two delegates; where more than five hundred, three delegates; where more than one thousand, four delegates; where more than fifteen hundred, five delegates.

3. Any dispute occurring at any time respecting the number of delegates which may be chosen by any union shall be determined by the registrar, who may, if he determines that the number already chosen is greater than the number which any union is entitled to choose, decide who of the members chosen shall be the delegate or delegates to represent the union. The determination or decision of the registrar shall be final.

4. The delegates chosen respectively by the unions of employers and unions of employees shall respectively meet in separate places and at the respective times fixed by the registrar, and shall respectively recommend a fit person or fit persons for the office of a member of the court. The voting shall be by ballot, and each delegate shall have one vote.

5. Any recommendation of any such delegates shall not be vitiated by any informality in the choosing of any delegates or from the fact that any unions have omitted to choose delegates, or by any informality in the proceedings of the delegates in making the recommendation.
