

Act No. 26, 1909.

An Act to amend the Industrial Disputes Act, 1908; to prohibit certain monopolies, and certain contracts, agreements, and combinations in restraint of trade; and for purposes consequent thereon or incidental thereto. [20th December, 1909.]

INDUSTRIAL
DISPUTES
(AMENDMENT).

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:—

1. This Act may be cited as the "Industrial Disputes (Amendment) Act, 1909." Short title.

2.

Industrial Disputes (Amendment).

Amendment of s. 4.
Definition.

2. Section four of the Industrial Disputes Act, 1908, is amended by inserting after the definition of "Minister" the following definition:—

"Necessary commodity" includes—

- (a) coal;
- (b) gas for lighting, cooking, or industrial purposes;
- (c) water for domestic purposes; and
- (d) any article of food the deprivation of which may tend to endanger human life or cause serious bodily injury.

Amendment of s. 42.

3. Section forty-two of the said Act is amended—

- (a) by omitting the words "or (b) instigates to or aids in any of the abovementioned acts";
- (b) by inserting next before the proviso the following words:—
"If any person instigates to or aids in any of the above-mentioned acts he shall be liable to imprisonment for a period of twelve months."

New sections after s. 42.

4. The following new sections are inserted next after section forty-two of the said Act:—

Entry on building used for purposes of lock-out or strike.

42A. If any officer of police of or above the rank of sergeant has reasonable grounds to believe that any building or place is being used for a meeting for the purpose of instigating to, or aiding in or managing or aiding in the continuance of a lock-out or strike, he may enter such building or place, and may if necessary obtain assistance and use force by breaking open doors or otherwise for making such entry, and may seize any documents which he reasonably suspects to relate to any lock-out or strike, or intended lock-out or strike.

Unlawful meetings.

42B. A meeting of two or more persons assembled for the purpose of—

- (a) instigating to or aiding in a lock-out or strike; or
- (b) managing, directing, controlling, or aiding in the continuance of a lock-out or strike already in existence,

shall, where such lock-out or strike is in respect of a necessary commodity, or in respect of the transport services of the State in relation thereto, be and is hereby declared to be unlawful.

Any person taking part in any such meeting who has reasonable grounds to believe that the probable consequences of a continuance of such lock-out or strike will be to deprive the public either wholly or to a great extent of the supply of a necessary commodity, shall be liable to imprisonment for a period of twelve months.

Penalty for contract or combination in restraint of trade.

42c. Any person who, either as principal or as agent, makes or enters into any contract or agreement, or is or continues to be a principal of or engages in any combination or conspiracy with intent to restrain the trade of the State in any necessary commodity to the detriment of the public shall be liable to a penalty not exceeding five hundred pounds.

42D.

Dentists (Amendment).

42D. Any person who monopolises or attempts to monopolise, or combines or conspires with any person to monopolise any part of the trade of the State with intent to control, to the detriment of the public, the supply or price of any necessary commodity, shall be liable to a penalty not exceeding five hundred pounds. Penalty for monopoly.

5. Section forty-five of the said Act is amended by omitting Amendment of s. 45. "the three last preceding sections", and inserting in place thereof the words and figures "sections 42, 42B, 42C, 42D, 43, and 44."