

Queensland

Industrial Arbitration Acts, 1916 and 1923.

QUEENSLAND.

Industrial Arbitration Acts, 1916 and 1923.

(7 Geo. V. No. 16 and 14 Geo. V. No. 10.)

**With Rules of Court,
and Regulations.**



BRISBANE:

BY AUTHORITY: ANTHONY JAMES CUMMING, GOVERNMENT PRINTER.

1924.

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Industrial Arbitration Acts, 1916 and 1923.

(7 Geo. V. No. 16 and 14 Geo. V. No. 10.)

NOTE.—By section 30 of the amending Act of 1923 it is provided that all Orders in Council, awards, orders, and registrations of industrial unions made or purporting to have been made under the authority of the Principal Act before the passing of the 1923 Act are hereby declared to have been and to be valid and binding, and shall not be questioned on the ground of want of authority or want of jurisdiction or on any other ground whatsoever.

It is further provided by section 31 of the amending Act of 1923 that nothing in that Act contained shall be construed to repeal or otherwise limit the operation of any existing award.

THE INDUSTRIAL ARBITRATION ACT OF 1916.

(As amended by "The Industrial Arbitration Act Amendment Act of 1923.")

An Act to Provide for the Regulation of the Conditions of Industries by means of Industrial Conciliation and Arbitration; to Establish a Court of Industrial Arbitration and certain Subsidiary Tribunals, and Define their Jurisdiction; and for purposes consequent thereon or incidental thereto.

[ASSENTED TO 18TH DECEMBER, 1916.]

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 Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as "*The Industrial Arbitration Act of 1916*," and shall come into operation on a date to be proclaimed by the Governor in Council in the *Gazette*:*

Short title and commencement of Act.

Provided that the provisions of this Act relating to the registration of industrial unions and all provisions necessary for such registration shall come into operation on the passing of this Act.

2. This Act is divided into Parts, as follows:—

Division of Act.

PART I.—PRELIMINARY;

PART II.—COURT OF INDUSTRIAL ARBITRATION;

PART III.—INDUSTRIAL UNIONS;

PART IV.—INDUSTRIAL BOARDS;

PART V.—INDUSTRIAL AGREEMENTS;

PART VI.—CONCILIATION COMMITTEES;

PART VII.—GOVERNMENT EMPLOYEES;

PART VIII.—BREACHES OF AWARDS AND OTHER OFFENCES;

PART IX.—MISCELLANEOUS.

* The proclaimed date is 12th January, 1917. The amending Act of 1923 was assented to on 28th August, 1923.

Repeal and
savings.
N.S.W. 1912,
No. 17, s. 4.

3. **The Industrial Peace Act of 1912* is repealed:

Provided that, without prejudice to the operation of †*The Acts Shortening Acts*”—

Awards.

- (i.) All subsisting awards and orders made or purporting to have been made under the authority of the repealed Act shall be valid and binding, and until rescinded or superseded under this Act shall continue in force and shall be deemed to have been made under this Act. All such awards shall be deemed to have been made by the Court under this Act.

Industrial
agreements.

Every industrial agreement entered into or deemed to have been made and entered into pursuant to section thirty of the repealed Act, and subsisting at the commencement of this Act, shall be deemed to have been made and entered into pursuant to Part V. of this Act, and shall be construed and have effect accordingly.

In construing any such award, or order, or industrial agreement references to the registrar shall be read as references to the registrar appointed under this Act, and references to the Industrial Court shall be read as references to the Court of Industrial Arbitration established by this Act.

Matters
pending.

- (ii.) All matters pending at such commencement under the repealed Act before the Industrial Court may be continued under this Act, and shall be heard and determined by the Court of Industrial Arbitration.

Documents.

- (iii.) All documents relating to any matters or proceedings under the repealed Act, and filed or deposited with the Industrial Court, shall be handed over to the Court of Industrial Arbitration, and filed with that Court.

The
registrar.

- (iv.) The registrar appointed under the repealed Act, and holding office at the commencement of this Act, shall be deemed to have been appointed as registrar under this Act.

Regulations.

- (v.) All regulations and Rules of Court made under the repealed Act, and in force at the commencement of this Act, shall, so far as is consistent with this Act, be deemed to have been made thereunder.

Interpreta-
tion.
Qland. 1912,
No. 19, s. 3.
N.S.W. 1912,
No. 17, s. 5.

4. In this Act, unless the context otherwise indicates, the following terms have the meanings respectively set against them, that is to say:—

Apprentice.

‡“Apprentice”—Any person bound by agreement for the purpose of being instructed in the knowledge and practice of any calling;

Award.

“Award”—Award of the Court, or of a Board made under the authority of the Court; the term includes any variation of an award;

Calling.

“Calling”—Any calling, craft, business, or other occupation;

* 3 Geo. V. No. 19 (Statutes, p. 5467).

† 31 Vic. No. 6 and 3 Edw. VII. No. 10 (Statutes, pp. 15 *et seq.*).

‡ Original definition repealed and new definition inserted by amending Act of 1923, s. 2 (a).

- “Court”—The Court of Industrial Arbitration established by this Act; Court.
- “Decision” includes any award or order of the Court; Decision.
- “Director of Labour”—The Director of Labour appointed under **The Labour Exchanges Act of 1915*: the term, where necessary, includes any labour agent for the time being deputed under the said Act to act for the Director of Labour; Director of Labour.
- “Employee”—Any employee, whether on wages or piece-work rates, or as a member of a buttygang: the term includes any person whose usual occupation is that of employee in a calling; the fact that a person is working under a contract for labour only or substantially for labour only, or as lessee of any tools or other implements of production or any vehicle used in the delivery of goods, or as the owner, whether wholly or partly, of any vehicle used in the transport of goods, shall not in itself prevent such person being held to be an employee; Employee.
- † In every case where five or more persons, being or alleging themselves to be partners, are working in association in any calling or industry, each of such persons shall be classed as and be deemed to be an employee; and the partnership firm constituted by them, or alleged so to be, shall be deemed to be the employer of each such person;
- “Employer”—Any person, company, corporation, firm, or association employing or usually employing one or more employees, whether on behalf of himself or any other person: the term includes every managing director or manager of any company, firm, or association corporate or unincorporate, and every manager for any employer, also local authorities, harbour boards, water authorities, the Metropolitan Water Supply and Sewerage Board, and all other local bodies constituted by or under any Act: for the purpose of electing employers’ representatives on a Board, the term includes a director, manager, or superintendent of an employer; Employer.
- ‡ A person carrying on a calling in which employees are usually employed is an employer, notwithstanding that for the time being he does not employ any employee therein;
- “Improver”—An employee who, by direction of the Court given in his case, is serving at a special wage a period of training with an employer for the purpose of becoming a qualified worker in a calling; Improver.
- “Industrial agreement”—A subsisting industrial agreement made under the repealed Act, or an industrial agreement made under this Act; Industrial agreement.
- “Industrial Board” or “Board”—An Industrial Board appointed under this Act; Industrial Board.

* 6 Geo. V. No. 6 (Statutes, p. 6851).

† Words from “In every case” to “person” inserted by amending Act of 1923, s. 2 (b).

‡ Words from “A person” to “therein” inserted by amending Act of 1923, s. 2 (c).

Industrial cause.	“Industrial cause” includes an industrial matter and an industrial dispute;
Industrial demarcation.	“Industrial demarcation”—The determination of the claim of any one class of employees to do any work to the exclusion of all other employees;
Industrial dispute.	“Industrial dispute”—Any dispute as to any industrial matter;
Industrial inspector.	“Industrial inspector”—An industrial inspector appointed under this Act;
Industrial magistrate.	“Industrial magistrate”—An industrial magistrate appointed under this Act;
Industrial matters.	“Industrial matters”—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 have been or intend or propose to be or may become employers or employees not involving questions which are the subject of proceedings for an indictable offence:

Without limiting the ordinary meaning of this definition, the term includes all or any matters relating to—

- (a) The wages, allowances, or remuneration of any persons employed or to be employed, including work during ordinary working hours and overtime, and (subject to this Act) on holidays and for other special work; and including the questions whether piecework shall be allowed, and whether employees shall be granted an annual leave or holidays upon full pay, and whether and under what conditions employees may board and lodge with their employers, and whether monetary allowances shall be made by employers to employees in respect of standing back or waiting time imposed by the conditions of the employer's enterprise or because of intermittency of industrial operations or other causes; and what length of notice, if any, shall be given by an employer or employee to the other before discontinuing or quitting service or employment, and what amount of wages, if any, shall be paid or may be deducted, as the case may be, in lieu of such notice;
- (b) Subject to this Act, the hours of employment, the lengths of time to be worked to entitle employees to any given wages, allowances, remuneration, or prices, and what times shall be regarded as overtime and including claims to restrict work before or after certain hours, and the sex, age, qualification or status of employees, and the mode, terms, and conditions of employment or non-employment, including the question whether any persons shall be disqualified for employment 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, higher wages, or other conditions in

respect of persons employed under abnormal conditions or in abnormal working places, and the determination of what are abnormal conditions or abnormal working places;

- (c) Notwithstanding the provisions of any Act, or of any contract already made or to be made, or the effect of any custom of or against apprenticeship, the term of apprenticeship and the earliest and latest age at which apprenticeship shall begin, and the treatment to be extended by masters to apprentices, including the insurance of apprentices against accident or other harm, and the matters to be taught to apprentices, and the method, times, and conditions of instructing apprentices, whether in field, factory, workshop, place of business, technical trade, or other school, or otherwise, and whether in the time and at the expense of the master and apprentice, or master only, or apprentice only; and any claims for the modification of the rules or conditions of apprenticeship in individual cases, and any claim or dispute which may arise between an apprentice and his master with regard to any of the above matters, or to the payment to an apprentice of the prices or rates reserved to him by his contract or indentures of apprenticeship as distinguished from an award, or as to any forfeiture incurred by an apprentice in terms of his contract or an award, or as to the hours to be worked for his master by an apprentice; and the notification or registration by a master of all contracts of apprenticeship entered into by him, and all assignments of rights and obligations thereunder, and all acts of cancellation or abrogation by other means of such contracts; and any penalties or disciplinary provisions to be imposed on masters or apprentices for breaking a contract of apprenticeship, or on any person employing an apprentice who has broken a contract of apprenticeship; and any dispute or difference between any master and any apprentice arising under any indenture of apprenticeship or assignment thereof; and generally the relationship of master and apprentice;
- (d) The employment of children, young workers, or improvers, or of any person or persons or class of persons, including the disqualification of any persons for employment by reason of sex or age, or disease, or a claim to dismiss or to refuse to employ any particular person or persons or class of persons, or any question whether any particular person or persons or class of persons ought (having regard to public interests, and notwithstanding the common law rights of employers or employees and notwithstanding the provisions of any Act, or any rules or regulations authorised thereby) to be continued or reinstated in the employment of any particular employer; the number or proportionate number of aged or infirm workers, apprentices, and improvers that may be employed by an employer, and the lowest prices or rates payable to them;

- (e) Any custom or usage, either general or in any particular calling, industry, enterprise, or locality;
- (f) The interpretation and enforcement of an industrial agreement or award;
- (g) Any matter which is included in an industrial agreement or which has caused or, in the opinion of the Court, is likely to cause disagreement or friction between employers and employees;
- (h) Generally all questions as to what is fair and right (having regard to the interests of the persons immediately concerned and of the community as a whole) according to the standard of the average good employer and the average competent and honest employee in all matters pertaining to the relations of employers and employees, whether or not the relationship of employer and employee exists or existed at or before the time of any application to the Court or at the time of the making or enforcement of any decision by the Court;
- (i) The regulation of the relations between employers and employees, or between employees and employees, and for this purpose the imposing of conditions on the conduct of any trade, business, industry, or enterprise, and the provision of benefits to persons engaged therein;
- (j) Trusts, combinations, and agreements in restraint of trade;
- (k) Any question of industrial demarcation;
- (l) Any matter, whether industrial or not, which in the opinion of the Court has been, is, or may be a cause or contributory cause of a strike or lock-out;
- “Industrial union”**—An industrial union registered as an industrial union under this Act;
- “Judge”**—A Justice or Judge of the Court, or any permanent Supreme Court * Judge while acting as Judge of the Court: the term includes the President of the Court;
- “Lock-out”**—The act of an employer in closing his place of business, or suspending or discontinuing his business or any branch thereof, or a refusal or failure by an employer to continue to employ any number of his employees, with intent—
- (a) To compel or induce any employees to agree to terms of employment, or comply with any demands made upon them by the said or any other employer; or
- (b) To cause loss or inconvenience to his employees or any of them; or
- (c) To incite, instigate, aid, abet, or procure any other lock-out; or
- (d) To assist any other employer to compel or induce any employees to agree to terms of employment, or comply with any demands made by him;
- “Minister”**—The Minister of the Crown for the time being charged with the administration of this Act;

English
Trade Union
Act, 1913,
s. 1 (2).

Industrial
union.

Judge.

Lock-out.

Minister. °

* Words “or District Court” repealed by s. 2 (d) of amending Act of 1923.

- “Prescribed”—Prescribed by this Act; Prescribed.
- “Registrar”—The industrial registrar appointed under this Act: the term includes any deputy or assistant industrial registrar so appointed; Registrar.
- “Regulations”—Regulations made under this Act; Regulations.
- “Repealed Act”—*“*The Industrial Peace Act of 1912*”; Repealed Act.
- “Rules of Court”—Rules made by the Court under this Act; Rules of Court.
- “Strike”—The act of two or more employees, who are or have been in the employment either of the same employer or different employers, in discontinuing their employment, whether wholly or partially, or in ceasing to work, or in refusing or failing to continue to work therein, or in breaking their contracts of service, or in refusing or failing after any such discontinuance or cessation of work to resume work or return to their employment, the said discontinuance, cessation, breach, refusal, or failure being due to or in pursuance of any combination, agreement, or understanding, whether expressed or implied, entered into by the said employees or any of them, with intent—
- (a) To compel or induce any such employer to agree to terms of employment, or to employ or cease to employ any person or class of persons, or to comply with any demands made by the employees or any of them or by any other employees; or
 - (b) To cause loss or inconvenience to any such employer in the conduct of his business; or
 - (c) To incite, instigate, aid, abet, or procure any other strike; or
 - (d) To assist employees in the employment of any other employer to compel or induce that employer to agree to terms of employment, or to employ or cease to employ any person or class of persons, or to comply with any demands made by any employees;
- “This Act” includes Orders in Council, Rules of Court, and regulations made under this Act; This Act.
- “Young worker”—Any person (other than an apprentice or an improver) under eighteen years of age, or, with the approval of the Minister, a female under twenty-one years of age, who receives a lower wages price or rate than that fixed by any award for ordinary adult employees. Young worker.
- 5.** Save as next hereinafter provided, this Act applies to all callings whatsoever and to all persons whomsoever: Application of Act.
- Provided that—
- †(i.) Nothing in this Act applies to any State child within the meaning of †“*The State Children Act of 1911*”;
 - (ii.) The Governor in Council may from time to time, by Order in Council, declare that any person or class of persons shall be excepted from the operation of this Act, and thereupon while such order remains unrevoked this Act shall not apply to any such persons.

* 3 Geo. V. No. 19 (Statutes, p. 5467).

† Printed as amended by s. 3 of amending Act of 1923.

‡ 2 Geo. V. No. 11 (Statutes, p. 5076).

PART II.—COURT OF INDUSTRIAL ARBITRATION.

Constitution
of Court.
Qland. 1912,
No. 19, s. 6.

*6. (1.) There is hereby established a Court to be called the Court of Industrial Arbitration, which shall be a superior court of record and shall have a seal which shall be judicially noticed.

(2.) The Governor in Council shall, by commission in His Majesty's name, appoint a Judge or Judges of the Court not exceeding three in number. One of such Judges shall be designated the President of the Court.

(3.) The Governor in Council may, if and as he deems it necessary, in like manner, appoint an additional Judge or additional Judges of the Court.

(4.) In case of the illness or absence of a Judge of the Court, or, in the event of congestion of work in the Court, the Governor in Council may appoint a permanent Judge of the Supreme Court to act as a Judge of the Industrial Court, and notwithstanding any Act to the contrary such Judge shall so act, and whilst acting in that capacity such Judge shall have all the jurisdiction and powers of a Judge of the Court in addition to his jurisdiction and powers as a Judge of the Supreme Court.

Status of
Court.

(5.) For all purposes of status the Court of Industrial Arbitration shall be deemed to be a branch of the Supreme Court, and every Judge of the Court of Industrial Arbitration shall have the status of a Judge of the Supreme Court.

President
may be
appointed a
Judge of
the Supreme
Court.

(6.) Notwithstanding the provisions of any Act limiting the number of Judges of the Supreme Court, the Governor in Council may appoint the President or any Judge of the Court to be a Judge of the Supreme Court.

The President or any Judge of the Court, if so appointed as aforesaid, may exercise and sit in any jurisdiction of the Supreme Court, and shall have in all respects and to all intents and purposes the rights, privileges, powers, and jurisdiction of a Judge of the Supreme Court in addition to the rights, privileges, powers, and jurisdiction conferred by this Act, and shall hold office as a Judge of the said Supreme Court during good behaviour, and be paid such salary and allowances as the Governor in Council may direct, which shall not be diminished or increased during his term of office as a Judge of the Supreme Court or be less than the salary and allowances of a Puisne Judge of the Supreme Court; and upon such direction the said payments shall become a charge upon the Consolidated Revenue.

The President and each Judge of the Court of Industrial Arbitration shall hold office as President and Judge of the said Court for seven years from the date of their respective appoint-

* Printed as amended by s. 4 of amending Act of 1923.

By section 4 (4) of "*The Supreme Court Act of 1921*" (12 Geo. V. No. 15, Statutes, p. 9789) it is provided as follows:—

The Governor in Council may, from time to time and whenever he thinks fit, require any one or more of the permanent Judges of the Supreme Court to act as a Judge or Judges of the Court of Industrial Arbitration (including in the event of a vacancy the President thereof) for such period as the Governor in Council thinks fit; and every Judge of the Supreme Court so required to act as a Judge of the Court of Industrial Arbitration shall so act in that capacity and jurisdiction, and whilst so acting shall have and exercise all the jurisdiction, authority, and powers of a Judge of the Court of Industrial Arbitration (including the sitting as a member of the Full Bench of that Court) in addition to his jurisdiction, authority, and powers as a Judge of the Supreme Court. For the purposes of this subsection the expression "Judge of the Supreme Court" includes the Chief Justice.

Nothing in any other Act contained shall be construed to affect or limit the operation of this subsection.

ments, and shall be eligible to be reappointed by the Governor in Council as such President or Judge for a further period of seven years.

(7.) The President or a Judge of the Court appointed under this Act shall be a barrister or solicitor of not less than five years' standing, or a Judge of the Supreme Court.

(8.) The salary of a Judge of the Court who is not appointed to be a Judge of the Supreme Court shall be such amount as is fixed by the Governor in Council as regards the particular Judge, but shall not exceed the salary for the time being of the Puisne Judges of the Supreme Court, and such salary shall not be diminished during his continuance in office.

(9.) Notwithstanding anything contained in any other Act, if a Judge of the Supreme Court is appointed a Judge of the Court, he shall retain his office as a Judge of the Supreme Court. If a Judge of the Supreme Court, he shall perform the functions of a Judge under this Act without extra remuneration.

(10.) The President or any Judge sitting alone shall constitute the Court; and, except as is herein otherwise provided, all the powers and functions of the Court may be exercised by the President or any such Judge sitting or acting alone.

(11.) If more than one Judge is sitting at the same time, each of them shall constitute the Court.

(12.) If the period of office of any Judge expires during the continuance of any investigation or any matter on which he has entered as Judge, the Governor in Council may (and from time to time, if necessary), without reappointment, continue him in office for such time as is necessary to enable him to complete such investigation or matter.

7. (1.) The Court shall have all the powers and jurisdiction of the Supreme Court in addition to the powers and jurisdiction conferred by this Act, and may hear and determine all questions arising under this Act, whether of law or fact, including any question which may be brought before it or which it may deem it expedient to hear and determine for the purpose of regulating any calling or callings, and any question arising out of an industrial matter or involving the determination of the rights and duties of any person or industrial union in respect of an industrial matter, and any question which it may deem expedient to hear and determine in respect of an industrial matter, and any industrial dispute as to which the Judge has held a conference under this Act, and as to which no agreement has been reached, and which the Judge has thereupon referred to the Court, and more particularly, but without limiting the generality of the above provisions, shall have full powers and jurisdiction—

Jurisdiction
of the Court

* (i.) Upon reference by an industrial union or employer or any twenty employees (not being members of an industrial union of employees, and not covered by an award) in any calling or the Minister or of its own motion, to regulate the conditions of any calling or callings by an award;

(ii.) On the application of any person interested or of its own motion or by direction of the Minister, to hold an inquiry into or relating to any industrial matter and report the result of such inquiry to the Minister;

* Paragraph (i.) printed as amended by s. 5 of amending Act of 1923.

N.Z. 1908,
No. 82, s. 86.

(iii.) At the direction of the Minister or on the application of an industrial union or an employer, to codify into one award, subject to such amendments as it may deem expedient to make, all awards binding or affecting any employer or class or section of a class of employers in any calling or callings, or the members of an industrial union employed by the same employer or class or section of employers when such employer or class or section of employers or such members is or are subject to more than one award;

(iv.) To define and declare the relative rights and mutual duties of employers and employees according to what in the opinion of the Court should be the standard of fair dealing between an average good employer and a competent and honest employee.

(2.) Nothing in this Act shall be interpreted to limit by implication the jurisdiction conferred upon the Court by this Act.

(3.) The Court shall, as regards every industrial cause, have power to make any order or award irrespective of any specific relief claimed or applied for by any party, and to give any direction in pursuance of the hearing or determination.

(4.) The Court in any proceedings before it may by order or direction do anything which it is authorised by this Act to do by an award.

Provisions as
to awards

8. Without limiting the generality of the powers of the Court, the Court may make an award with reference to a calling or callings—

(i.) Fixing the quantum of work or service to be done, and the lowest prices for their work or rates of wages payable to employees other than aged or infirm workers:

Provided that in fixing rates of wages in any calling—

(a) The same wage shall be paid to persons of either sex performing the same work or producing the same return of profit to their employer;

(b) The Court shall be entitled to consider the prosperity of the calling and the value of an employee's labour to his employer in addition to the standard of living, but in no case shall a rate of wages be paid which is lower than the minimum wage declared by the Court;

(ii.) Fixing the number of hours and the times to be worked in order to entitle employees to the prices or wages so fixed;

(iii.) Subject to this Act, fixing the lowest rates for overtime and holidays and other special work, including allowances as compensation for overtime, holidays, and other special work;

(iv.) Subject to this Act, fixing the number or proportionate number of women to men, of young workers to adult workers, and of apprentices and improvers to journeymen in any calling; and fixing in respect of women workers, young workers, apprentices, and improvers in a calling the quantum of work to be done and the number of hours and the times to be worked by them,

and the lowest prices and rates payable to them for ordinary time, overtime, and holidays, notwithstanding in the case of apprentices the existence of current indentures or contracts of apprenticeship: and provided that, in the case of apprentices, the increase in such prices or rates fixed for the three and other later years of the apprenticeship may be payable contingently upon the passing by the apprentice of any prescribed tests, or the obtaining by him of any prescribed certificates of tuition or competency;

- (v.) Rescinding or varying any decision, direction, or industrial agreement;
- (vi.) Abrogating or varying contracts for labour, including contracts of apprenticeship, made at any time before or after the commencement of this Act, subject to such conditions and such exemptions as the Court thinks just;
- (vii.) Giving such retrospective effect as the Court may consider right, fair, and honest, or as may be consented to by the parties to the whole or any part of its award: Provided that (except with the consent of the parties) the retrospective effect aforesaid shall not be made to operate prior to the date when the Court first took cognisance of the matter in question;
- (viii.) Modifying or altering the early closing provisions of the Acts relating to factories and shops to any extent deemed proper or convenient, and in particular so that any shop, business, or person to which or to whom such provisions are applicable may be wholly or partly relieved of the incidence of such provisions; and so that complaint for offences against any of the said Acts or for breaches of any regulation made thereunder may be laid within a period not exceeding six months from the commission of any such offence; and declaring that the place in which any calling is carried on shall be a shop of a certain class within the meaning of the said Acts, to the intent that the statutory provisions in their original or any modified or altered form which to the Court may seem expedient shall apply to such calling and every person employed in or in connection therewith, and to the further intent that where an award fixes times at which employees shall commence or cease work in shops of that class such shops shall, whether employees are or are not employed therein, be opened or closed at such times as are fixed by such award; and from time to time revoking in whole or in part any such modification, alteration, or declaration, whereupon and pending the making of further awards or orders the statutory provisions shall revive and again operate if the revocation is complete without modification, alteration, or extension of any kind, or, if the revocation is partial, subject to such conditions and limitations as may be expressed;
- * (viii.a.) Ordering that where an award has fixed a starting time and a ceasing time for employees engaged in any calling

* Subsection (viii.a.) inserted by s. 6 (a) of amending Act of 1923.

in or in connection with any workshop, factory, or warehouse, it shall not be lawful for any person to work at such calling outside of such fixed hours or to engage or be engaged outside such hours in or in connection with the production for sale of any articles ordinarily produced in such calling, subject however to such exemption as the Court in such award may determine;

- *(ix.) Directing that any person or persons subject to any award or order shall be excepted either wholly or in part from the operation of †“*The Wages Act of 1918*”;
- (x.) Directing that a copy of an award or industrial agreement be exhibited in a conspicuous and convenient place on the premises of any employer affected thereby;
- (xi.) And generally dealing with, determining, and regulating any industrial matter.

Power to declare general rulings.

9. (1.) The Court may from time to time declare general rulings relating to any industrial matter for the guidance of suitors before it and of Boards, and in order to prevent a multiplication of inquiries into the same matters.

Which shall be *prima facie* binding.

(2.) Such declarations shall be *prima facie* binding as decisions of the Court upon the Court and any Board or industrial magistrate.

Instances of such rulings.

(3.) Without limiting the generality of the power conferred by the two immediately preceding subsections, the Court may from time to time make declarations as to—

- (a) The cost of living;
- (b) The standard of living;
- (c) The minimum rate of wages to be paid to persons of either sex;
- (d) The standard hours:

Provided that—

- (i.) The minimum wage of an adult male employee shall be not less than is sufficient to maintain a well-conducted employee of average health, strength, and competence, and his wife, and a family of three children in a fair and average standard of comfort, having regard to the conditions of living prevailing among employees in the calling in respect of which such minimum wage is fixed, and provided that in fixing such minimum wage the earnings of the children or wife of such employee shall not be taken into account;
- (ii.) The minimum wage of an adult female employee shall not be less than is sufficient to enable her to support herself in a fair and average standard of comfort, having regard to the nature of her duties and to the conditions of living prevailing among female employees in the calling in respect of which such minimum wage is fixed.

* Subsection (ix.) printed as amended by s. 6 (b) of amending Act of 1923.
† 9 Geo. V No. 19 (Statutes, p. 8495).

Queensland.



15 Geo. V.
No. 25.
THE
INDUSTRIAL
ARBITRA-
TION ACT
AMENDMENT
ACT OF 1924.

An Act to further Amend "The Industrial Arbitration Act of 1916" in certain particulars.

[ASSENTED TO 30TH OCTOBER, 1924.]

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

Short title
and
construction
of Act.

1. (1.) This Act may be cited as "*The Industrial Arbitration Act Amendment Act of 1924*," and shall be read as one with *"*The Industrial Arbitration Act of 1916*" as amended by "*The Industrial Arbitration Act Amendment Act of 1923*" (herein collectively referred to as "the Principal Act"). The Principal Act and this Act may be cited together as "*The Industrial Arbitration Acts, 1916 to 1924*."

Commence-
ment of Act.

(2.) This Act shall come into operation on the first day of July, one thousand nine hundred and twenty-five.

Amendment
of s. 10 of
Principal
Act.

2. The following amendments are made in subsection one of section ten of the Principal Act:—

(i.) In paragraph (a), the words "forty-eight" where they twice occur are repealed and the words "forty-four" are inserted in lieu thereof.

(ii.) In the first proviso to the said paragraph (a), after the word "namely" the words "railway gatekeepers in the employment of the Commissioner for Railways" are inserted.

* 7 Geo. V. No. 16 and 14 Geo. V. No. 10.

*10. (1.) Save as hereinafter provided, every award shall be deemed to contain provisions to the following effect, or provisions not less favourable to employees, save in the callings mentioned in the first proviso to paragraph (a) hereof:—

Directions to be observed by Court and by Boards, &c.

- (a) Employees shall not be worked on more than six out of seven consecutive days, and the time worked by them within any period of six consecutive days shall not exceed forty-eight hours; the time worked by employees on each day shall not exceed eight hours, except in those callings where a short day in each week is mutually adopted by the employers and employees, in which latter cases the time worked on five days of the week may be proportionately greater than eight hours per day in order to allow forty-eight hours to be worked during six consecutive days:

Provided that (notwithstanding the foregoing provisions in paragraph (a) hereof) for employees in the callings following, namely, employees on coastal, river, and bay vessels, musterers and drovers of stock, employees on farms engaged in feeding or attending to stock or such other necessary services as the Court in its discretion may determine, and employees engaged in domestic service, the Court in its discretion may determine the maximum number of working days and hours in any week:

Provided further that—

- (b) The working time of employees in underground occupations, or occupations in which the conditions as to temperature, ventilation, lighting, and limitation of approaches are similar to those obtaining in underground occupations, shall include permitted intermissions for rest and meals, shall be reckoned from bank to bank, and shall not exceed six hours per day unless a temperature of less than eighty-three degrees Fahrenheit thermometer, using a wet bulb, is maintained for at least a three-fourths proportion of the working shift in the working place where the employee is occupied;
- (c) Intermissions for rest (other than "smoke-oh's" and for meals), in any day on which eight and three-quarters hours or less are worked, shall not exceed a total of one hour;
- (d) Overtime, that is time worked in excess of the times or hours above limited, or before or after the fixed or recognised times of starting or leaving off work on any day in any calling, may be permitted by the terms of any award or industrial agreement at a rate of payment therefor of not less than double time in any calling in or in connection with which more than one shift per day is worked, or not less than time and a-half in any other calling;
- (e) Notwithstanding the terms of any current award or industrial agreement, the Court may by award from time to time, for the purpose of distributing the work available in a calling so as to relieve unemployment, or

* Printed as amended by s. 7 of amending Act of 1923.

for any other purpose which appears to the Court to be good and sufficient, prohibit or restrict to any extent the working of overtime in any calling;

- (f) The Court shall, upon the application of an industrial union, make an award prohibiting the working of overtime in any calling in which the working of overtime is not permitted as aforesaid, but nothing herein shall prevent the amendment or making of any award so as to permit the working of overtime;
- (g) Subject to the last preceding paragraph, where in any calling the ordinary time of work is at the commencement of this Act fixed by award or industrial agreement or by well-established practice in the calling, such time shall not be exceeded in any award or industrial agreement made after such commencement in respect of such calling.

Payment for certain holidays. Qland. 1912, No. 19, s. 42.

(2.) Save as hereinafter provided, every award shall be deemed to contain provisions to the following effect, or provisions not less favourable to employees:—

- (i.) All work done by any employees on Good Friday, Labour Day (the first Monday in May or other day appointed under **The Holidays Act of 1912* to be kept in place of that holiday), and Christmas Day shall be deemed overtime work and shall be paid for at double rates. All work done by any employees on the following holidays—namely, New Year's Day, the twenty-sixth day of January, the first day of March, the seventeenth day of March, the twenty-third day of April, Easter Monday, the birthday of the Sovereign, the thirtieth day of November, and Boxing Day, or on any day proclaimed to be kept in the place of any such holiday—shall be deemed overtime work, and shall be paid for at the rate of time and a-half:

Work done during ordinary working hours on any other day or holiday in the year shall not be deemed overtime work or be paid for at any increased rate:

Provided that where any award made before the commencement of this Act contains a provision that work done on any holiday other than the holidays mentioned in this subsection shall be paid for at an increased rate, such provision with respect to such holiday may be continued in any future award, whether such award is an amendment of the existing award or in substitution therefor, until it is annulled by any subsequent award or amendment thereof:

Nothing in these provisions shall have reference to Sunday work:

- (ii.) When any person on any one day performs two or more classes of work to which a differential rate fixed by any award is applicable, such person shall be paid in respect of the whole time during which he works on that day at the same rate, which shall be at the highest rate fixed by any award in respect of any of such classes of work.

Variation of limit of working hours.

* 3 Geo. V. No. 17 (Statutes, p. 5463).

(3.) Application may be made at any time during the currency of an award in force at the commencement of this Act to make such variations or amendments as are necessary to bring it into conformity with or to give effect to this section. Applications to vary existing awards.

(4.) Any award or industrial agreement made after the commencement of this Act in which the directions or provisions of this section have not been observed shall not be enforceable. Where award or industrial agreement is not in accordance with this section.

The Court shall amend such award or agreement so that the same shall be in accordance with such directions and provisions.

(5.) This section applies to the Crown and its employees.

11. (1.) The Court may at any time, by general rule or special order— Power to remit, &c.

- (i.) Remit to a Board for inquiry and report, with or without directions, any industrial matter included in any reference, motion, or summons, or which the Court considers it is desirable to have included in any reference, summons, or motion for investigation, or upon which the Court desires information for the purpose of making an award or order or giving a direction; and the Court shall inform its conscience by the result of such inquiry, but shall not be compelled to accept any conclusion arrived at or recommendation made by such Board, and all persons interested in such conclusions and recommendations shall be entitled to be heard before the Court. Any remission made as aforesaid may be withdrawn by the Court at any time and whether the Board has concluded its work or otherwise;
- (ii.) Remit to a Board, with or without directions, for determination and award any industrial cause, whereupon such Board shall have power to determine such cause and make an award therein, subject always to the right of appeal to the Court against such award or any part thereof in manner hereinafter provided. Any remission made as aforesaid may be withdrawn by the Court at any time, and whether the Board has concluded its work or otherwise;
- (iii.) Remit to an industrial magistrate any proceedings for the recovery or enforcement of penalties incurred under this Act, or for the recovery by an industrial union of fines, levies, subscriptions, or contributions from its members, or of claims by a member of an industrial union *or by any employee for arrears of wages due to him under any award or industrial agreement, or claims by an industrial union for contributions from another industrial union, to be heard by him subject to the provisions of this Act as to appeal, and such magistrate is hereby authorised to hear the same in the exercise of his summary jurisdiction:

Provided that no penalty incurred by a member of an industrial union shall be enforced against the industrial union of which such person is a member except by order of the Court.

* Words "or by any employee" inserted by s. 8 of amending Act of 1923.

Power of Court to continue an inquiry.

(2.) The Court may at any time itself conduct any investigation, inquiry, or proceeding which has been remitted to a Board, and upon intimation being given to this effect by the registrar to the chairman of the Board, such chairman shall forward to the registrar a copy of the evidence taken before the Board and the exhibits thereto, or, if no such copy exists, the chairman's notes of the evidence.

Upon such intimation by the registrar the jurisdiction of the Board to continue the investigation, inquiry, or proceeding shall cease:

Provided that the Court may at any time again remit to the Board any matter arising in such investigation or inquiry for report, and upon such reference the jurisdiction of the Board to inquire and report upon the matter so referred shall revive.

Wages rates in callings in an industry where such callings are under another award.

12. When the Court makes an award for an industry embracing more than one calling, or when a Board, under the authority of a remission as hereinbefore provided, makes an award for an industry embracing more than one calling, the Court or Board shall (unless in the exceptional circumstances of any particular case the Court thinks otherwise and so expressly declares) in such award prescribe at least such wages rates for employees whose calling is already governed by another award as are equal to the wages rates fixed by that award.

† * * * * *

Award of Board. Qland, 1912, No. 19, ss. 28, 29.

13. (1.) The award of a Board when made under the authority of a remission as hereinbefore provided shall be signed by the chairman and forwarded to the registrar, who shall forthwith publish the same in the *Gazette* and notify the parties.

(2.) Subject only to appeal to the Court and to the provisions herein contained relating to the suspension of the operation of any award or part thereof, such award shall, from a date fixed by the Board (not being within thirty days of such award), within the locality for which the Board has jurisdiction, take effect and have the force of an award made by the Court.

Appeal to the Court from a Board. Qland, 1912, No. 19, s. 8

14. (1.) An appeal shall lie to the Court against any award of a Board made under the authority of a remission as hereinbefore provided, or any part of such award or any proceedings of a Board.

Such appeal may be brought by any person bound by the award or aggrieved by the proceedings, or by any industrial union interested therein, and shall be commenced within six weeks after the publication of the award in the *Gazette* or the taking of the proceedings, or within such further time as the Court on an application for extension of time deems proper.

Notwithstanding anything herein contained, the Crown may, at any time after the making of such award by a Board, appeal against such award or any part thereof to the Court.

The pendency of an appeal against such award or part thereof shall not, unless the Court otherwise orders, suspend or delay the operation of such award or part thereof.

On an appeal, the Court shall allow any person or industrial union interested to become a party to the proceedings.

† Second paragraph repealed by s. 9 of amending Act of 1923.

(2.) An appeal shall lie to the Court from any decision or finding of an industrial magistrate acting under the powers conferred by this Act.

Appeal from industrial magistrate.

(3.) Every appeal under this Act shall be by way of rehearing, and the Court may affirm, revise, or modify the award, proceedings, or decision appealed against, and may give such decision and direction and make such order and award as ought to have been given or made in the first instance, and may remit any matter arising out of or involved in the case to the Board or industrial magistrate, with or without directions and whether for report to the Court or for determination.

Appeals to be by way of rehearing.

15. The jurisdiction of the Court in all industrial causes, whether original or by appeal, conferred on it by this Act shall be exclusive.

Jurisdiction of the Court exclusive. Qland. 1912, No. 19, s. 11.

16. (1.) The award of the Court in any industrial cause shall be framed in such a manner as to best express the decision of the Court and to avoid unnecessary technicality, and shall, subject to any variation ordered by the Court, take effect and have the force of law within the locality specified in the award, and continue in force for a period to be specified in the award not exceeding twelve months from the date thereof unless sooner rescinded or varied.

Form, effect, and continuance of award. Qland. 1912, No. 19, s. 13.

(2.) After the expiration of the period so specified the award shall, unless the Court otherwise orders, continue in force until a new award has been made.

17. An award shall be binding on—

- (a) All parties to the industrial cause who appear or are represented before the Court or the Board; and
- (b) All parties who have been summoned to appear before the Court or the Board as parties to the cause, whether they have appeared in answer to the summons or not, unless the Court or Board is of opinion that they were improperly summoned before it as parties; and
- (c) All industrial unions connected with the calling or callings to which the award applies; and
- (d) All members of industrial unions bound by the award; and
- (e) All employers and employees in the locality to which the award applies in the calling or callings to which it applies; and
- (f) All persons who, whether as employers or employees, are engaged in such calling or callings in that locality at any time while the award remains in force.

On whom award is to be binding. Qland. 1912, No. 19, s. 14.

18. (i.) Subject to this Act, the Court may rescind or vary any decision, recommendation, direction, appointment, reference, or other act made or done by it, and may reopen any reference or proceeding.

Court may rescind or vary any of its acts. Qland. 1912, No. 19, s. 15.

But no decision shall be varied or reopened except on the application of the Crown or of a party thereto, or of a person or industrial union bound thereby, or affected or aggrieved by the decision or claiming to be so affected or aggrieved.

(2.) Where any recommendation of the Court has been acted on and the Court afterwards rescinds or varies the same, it shall be in the discretion of the Governor in Council either to cancel any action taken by the Governor in Council in pursuance of such recommendation or to vary it to accord with the rescission or variation of the Court.

* (3.) Failure to give notice to any person of all or any of the proceedings leading up to any award binding upon him shall not invalidate or be deemed to have invalidated any award, but such person, if he considers himself prejudiced by such award, may apply to the Court to vary the same, and the Court may vary the same accordingly in such manner and to such extent as it thinks proper, and may give retrospective operation to any such variance of such award.

Case for
opinion of
full bench.

† 19. (1.) Any Judge of the Court may, if he thinks fit, and shall on the application of any party bound by any decision, award, or order, or interested in any proceeding before him, at any stage and upon such terms as he thinks proper, state a case in writing for the opinion of the full bench, consisting of such Judges of the Court as the President shall request, upon any question of law or of fact arising in such proceeding or upon any matter pending before such Judge.

Such full bench shall hear and determine the question or matter, and remit the case with its decision thereon to such Judge, and may make such order as to costs as it thinks fit. Such Judge shall give effect to such decision. A decision of the full bench given under the foregoing provision shall only be rescinded, varied, or reopened by the full bench upon an application in that behalf.

Decision of
Court to be
final.

(2.) Save as provided by the last preceding section and by subsection one hereof, every decision of the Court shall be final and conclusive, and shall not be impeachable for an informality or want of form, or be appealed against, reviewed, quashed, or in any way called in question in any Court on any account whatsoever.

(3.) Proceedings in the Court shall not be removable by certiorari, and no writ of prohibition shall be issued, and no injunction or mandamus shall be granted by any Court other than the Court of Industrial Arbitration, in respect of or to restrain proceedings under any award, order, proceedings, or direction relating to any industrial matter or any other matter which, on the face of the proceedings, appears to be or to relate to an industrial matter or which is found by the Court to be an industrial matter.

(4.) The validity of any proceedings or award of a Board or of a chairman of a Board or industrial magistrate shall not be challenged except as provided by this Act.

Judge to act
whenever
his mediation
desirable.
Qland. 1512,
No. 19, s. 9.

20. The Judge may act as a mediator in any industrial cause in all cases in which it appears to him that his mediation is desirable in the public interest.

* Subsection 3 added by s. 10 of amending Act of 1923.

† Printed as amended by s. 11 of amending Act of 1923.

21. (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.

Judge may convene compulsory conference. Qland. 1912, No. 19, s. 10.

(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 one hundred pounds.

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

(5.) Any person so summoned, who attends pursuant to the summons and continues his attendance as directed by the Judge, shall be entitled to be paid by the Crown such (if any) amount as the Judge certifies to be a reasonable recompense for his expenses and loss of time.

22. (1.) In the course of the hearing, inquiry, or investigation (including any compulsory conference summoned by the Judge as hereinbefore provided) of any industrial cause, the Court shall make all such suggestions and do all such things as appear to it to be right and proper for dealing with the cause or bringing about the settlement of the cause by amicable agreement.

Conciliation. Qland. 1912, No. 19, s. 12.

(2.) If an agreement is arrived at, a memorandum of its terms shall be made in writing and certified by the Judge, and such memorandum shall be filed in the office of the registrar, and, unless otherwise ordered and subject as may be directed by the Court, shall have the same effect as and be deemed to be an award of the Court.

Agreement to have effect of award.

23. (1.) The Governor in Council may appoint an industrial registrar and one or more assistant industrial registrars, who shall have the prescribed powers and duties.

Appointment of registrar. Qland. 1912, No. 19, s. 17.

(2.) The Governor in Council may appoint any person to act as a deputy for the registrar for a time not exceeding in any case thirty days while such registrar is absent from his duties for any reason; and every such deputy shall while so acting have the same jurisdiction and powers and perform the same duties as if he were the registrar.

Deputy registrar.

24. The Governor in Council may from time to time 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 a police magistrate sitting in petty sessions.

Industrial magistrates.

25. The provisions set forth in the Schedule to this Act shall be applicable in all matters with respect to which the Court has jurisdiction, whether original or by way of appeal, and shall be observed.

Powers and procedure of the Court. Schedule. Qland. 1912, No. 19, s. 18.

Such provisions may from time to time be amended or added to by the Governor in Council by Order in Council published in the *Gazette*. *Such provisions shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in session, and, if not, then within fourteen days after the commencement of the next session.

*If either House of Parliament passes a resolution disallowing any such provision, of which resolution notice has been given at any time within fourteen sitting days of such House after such provision has been laid before it, such provision shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

PART III.—INDUSTRIAL UNIONS.

Registration
of
industrial
union.
N.S.W. 1912,
No. 17, s. 8.

26. (1.) The registrar may, on application made as prescribed, register as an industrial union under this Act any industrial association or trade union of employees.

On such registration the industrial association or trade union shall be an industrial union until such registration is duly cancelled.

(2.) Such application shall be in the form prescribed, and shall be signed by the secretary and the president or chairman of the association or union.

Notice of such application shall be published as prescribed.

(3.) Upon an application to be registered as an industrial union, the registrar may require such evidence as to him seems fit, either oral or on affidavit—

- (a) Of the authority of the person signing the form of application;
- (b) That the persons on whose behalf the application is made should not in the public interest or for other good reason join an industrial union which has already been registered;
- (c) That the rules of the applicant association or union and their administration provide reasonable facilities for the admission of new members, and do not impose unreasonable conditions upon the continuance of their membership, and are not in any other way tyrannical or oppressive;
- (d) That the registration of the applicants will not unjustly affect any other industrial union;
- (e) That the application is *bonâ fide* in the interests of employees, and not in the interests of an employer or employers.

(4.) Within the prescribed time and in the prescribed manner any industrial union or employer may, by notice to the registrar, oppose such application.

* The Legislative Council is abolished (12 Geo. V. No. 32—Statutes, p. 10409). The Act provides (s. 2 (5)) that any reference in any Act, rule, regulation, instrument, or writing whatsoever to the Legislature, or to the Parliament, or to both Houses of Parliament, or other reference, which, if that Act had not been passed, would be deemed to include a reference to the Legislative Council, shall be construed to refer only to His Majesty the King and the Legislative Assembly of Queensland in Parliament assembled, or only to the said Legislative Assembly, as the context may require.

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

(6.) No branch of a trade union shall be registered unless it is a *bonâ fide* branch of sufficient importance to be registered separately.

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

(8.) Any industrial association consisting of employees employed by the Government shall be qualified for registration as an industrial union under this Act: Provided it would be so qualified if its members were not employed by the Government. W.A. 1912, No. 57, s. 100.

27. Every application for registration as an industrial union of employees shall be accompanied by— Particulars to be furnished on application for registration.

- (a) A list of its members;
- (b) A list of the officers of the union, viz.—the president or chairman, the secretary, the members of the committee of management or executive committee, and all salaried officers, with their official designations;
- (c) Two copies of the rules of the union;
- (d) A copy of a resolution passed in accordance with the rules by a majority of the members present at a general meeting of the union, or by other competent authority in the union, in favour of registration of the union under this Act;
- (e) A list of callings comprised in the membership or objects of the union;
- (f) The localities or districts in which the members of the union exercise their callings.

†**27A.** The registrar may, on application made as prescribed, register as an industrial union of employers under this Act 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. Registration of industrial union of employers. N.S.W. 1912, No 17, s. 6.

Notice of such application shall be published as prescribed.

†**27B.** Every application for registration as an industrial union of employers shall be accompanied by— Particulars to be furnished on application by employers.

- (a) The name of the employer or the names of the employers constituting the association, and the place or places in which such employer carries on or such employers carry on business;
- (b) A list of the officers of the association, viz.—the president or chairman, the secretary, the members of the committee of management or executive committee, and all salaried officers, with their official designations;

* Words "of employees" inserted by s. 12 of amending Act of 1923.

† Sections 27A and 27B inserted by s. 13 of amending Act of 1923.

- (c) Two copies of the rules of the association;
- (d) If the association consists of more than one person or company, a copy of a resolution passed in accordance with the rules by a majority of the employers constituting the association, or by other competent authority in the association, in favour of registration of the association under this Act;
- (e) A list of the callings in which employees are employed by the person or persons, company or companies, constituting the association;
- (f) The manner of control of the property of the association as such, and the investment of the funds of the association as distinguished from the property and funds respectively of the constituent member or members of the association.

No registration under same name.

28. No two associations or unions shall be registered as industrial unions under the same name.

Registration of several unions for the same calling.

29. (1.) Where two or more industrial associations or trade unions exist in any calling, any two or more of them may apply for joint registration as an industrial union.

(2.) Where an industrial association or trade union applies for registration for a calling for which another industrial union is already registered, the registrar may accept the application and shall thereupon bracket together, with respect to the calling concerned, the registrations of the unions concerned. And the registrar may deal similarly with any subsequent application for registration by any other industrial association or trade union in the same calling:

Provided that the industrial union first registered shall be given fourteen days notice by the registrar of his intention to bracket with the registration of such union the registration of another industrial union, and within the prescribed time and in the prescribed manner such first registered union may oppose such bracketing of the registrations.

Industrial unions which for the purpose of any calling have had their registrations bracketed shall have joint rights under this Act.

In any proceedings before the Court or a Board, such unions may appear jointly or separately.

Amalgamation of unions.
W.A. 1912,
No. 57, s. 8.

30. (1.) Any two or more industrial unions consisting of employees engaged in the same calling or in related callings may apply to the registrar for registration as one union.

*Any two or more industrial unions consisting of employers engaged in the same calling or industry or in related callings or industries may apply to the registrar for registration as one union.

(2.) Every application hereunder shall be deemed to be an application for registration under this Act, and the provisions hereinbefore contained with respect to such application shall be observed.

* Provision added by s. 14 of amending Act of 1923.

(3.) On the proposed new union being registered as an industrial union—

- (i.) The registration of every industrial union affected shall be deemed to have been cancelled;
- (ii.) All the property, rights, duties, and obligations whatever vested in or imposed on the industrial unions affected shall become vested in or imposed on the new union.

31. The registrar shall issue to each industrial union registered under this Act a certificate of registration in the prescribed form, which certificate shall, until proof of cancellation, be conclusive evidence of the registration of the union therein mentioned, and that it has complied with the prescribed conditions to entitle it to be registered. Certificate of registration. Comm. s. 57.

32. (1.) Each industrial union shall, as prescribed, forward to the Registrar such returns of its members, officers, accounts, and alteration of its rules as are prescribed, and for any failure so to do shall be liable to a penalty not exceeding two pounds per week for each week of default. Returns to Registrar. Comm. s. 72.

(2.) An industrial union shall forward to the registrar, subject to the aforesaid penalty for default, a copy of every industrial agreement to which it is a party.

33. The list of members and officers and the rules of an industrial union shall be open to inspection by any person authorised by any industrial union in that behalf. Documents open to inspection.

34. An industrial union may, in the prescribed manner, and on compliance with the prescribed conditions, change its name, and the registrar shall thereupon record the change of name in the register and upon the certificate of registration. Change of name. Comm. s. 58A.

35. The registrar may from time to time on the application of an industrial union amend its registration in respect of the callings it represents. Change of callings.

36. (1.) If it appears to the Court, on the application of any industrial union or person interested, or of the registrar—

- (a) That for any reasons 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 rules of an industrial union or their administration do not provide reasonable facilities for the admission of new members, or impose unreasonable conditions upon the continuance of their membership, or are in any way tyrannical or oppressive; or
- (d) That an industrial union has wilfully neglected to obey any order of the Court;

the Court shall order the registration of the union to be cancelled, and thereupon it shall be cancelled accordingly.

(2.) Provided that, save where otherwise mentioned in this Act, such cancellation shall not relieve the industrial union or any member thereof from the obligation of any award or industrial agreement (whether made under the repealed Act or this Act), or order of the Court or of a Board, or from any penalty or liability incurred prior to such cancellation.

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

Incorporation of union. W.A. 1912. No. 57, s. 11.

37. (1.) Every industrial union shall, upon and during registration, become and be, for the purposes of this Act, a body corporate by its registered name, having perpetual succession and a common seal.

Registered name.

*(2.) There shall be inserted in the registered name of every industrial union the words "union of employees" or "union of employers," as the case may require, and also the locality in which the majority of its members reside or exercise their calling.

PART IV.—INDUSTRIAL BOARDS.

Dissolution of Boards under repealed Act. N.S.W. 1912. No. 17, s. 15.

38. All the Boards appointed under the repealed Act are at the commencement of this Act dissolved, except where at such commencement any matter is pending or partly heard before any such Board, in which case such Board may continue to act and deal with and determine such matter in the same manner as if this Act had not passed.

An award made under this section shall be deemed to be a subsisting award made under the repealed Act.

On such matter being determined, the Board shall be dissolved by the Governor in Council by Order in Council published in the *Gazette*.

Boards.

39. (1.) Industrial Boards may, on the recommendation of the Court, be constituted by the Minister for any calling, industry, or undertaking recommended by the Court.

Functions.

(2.) The functions of such Boards shall be—

- (i.) The making of an award in any industrial cause remitted to the Board by the Court under this Act; or
- (ii.) The making, after inquiry, recommendations to the Court as to the regulation of any calling or callings for the purpose of enabling the Court to make an award; or inquiring into and reporting to the Court on any matter remitted by the Court.

Chairman.

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

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

A District Court Judge may be appointed to be such chairman, and when so appointed shall act in that capacity.

(4.) Each such Board shall, besides its chairman, consist of two or four other members, as may be recommended by the Court.

Other members.

(5.) The Minister shall appoint as the other members of such Boards persons who have been nominated by the employers and industrial unions concerned, respectively, and who have been recommended by the Court:

Provided that where no industrial union exists the representatives of the employees shall be recommended by the Court.

One half in number of such other members shall be representatives of the employers; one half in number of such other members shall be representatives of the employees.

(6.) Upon any failure to so nominate, representatives of employers or employees, as the case may be, shall be recommended by the Court and appointed by the Minister.

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

(8.) The employers or industrial unions concerned shall be entitled, on one occasion only but not oftener, to vacate the office of any member appointed to represent them respectively, whereupon a vacancy shall arise which shall be filled by a fresh appointment on the nomination of the employers or industrial unions concerned, as the case may be, of a person who shall be appointed by the Minister on being recommended by the Court.

40. Where it appears to the Court that a question has arisen as to the right of employees in specified callings to do certain work in an industry to the exclusion of the employees in other callings, the Court may, on application made by an industrial union, constitute a special Board to determine such question. Demarcation of callings.

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

- (a) One half in number of such other members shall be representatives of employers and the other half representatives of employees;
- (b) Such of the callings as the Court considers to be directly interested in the question shall be represented on the Board by an equal number of representatives of employers and employees.

The chairman and other members of such Board shall be appointed by the Court.

Subject to appeal to the Court, the determination shall have effect as an award of the Court.

41. Every appointment of a member of a Board shall be notified in the *Gazette*. Gazettal of appointments.

A copy of a *Gazette* containing a notice of such appointment purporting to have been published in pursuance of this Act shall be conclusive evidence that the person named in such notice was legally appointed to the office named, and had power and jurisdiction to act in such office, and such appointment shall not be challenged for any cause. N.S.W. 1912, No. 17, s. 22.

42. All powers of a Board may be exercised by a majority of the members thereof. Exercise of powers. Qland. 1912, No. 19, s. 26.

43. Each member of a Board shall, upon his appointment, take an oath that he will faithfully exercise and discharge the powers and duties of his office without fear or favour to any person, and Oath to be taken by members. N.S.W. 1912, No. 17, s. 19.

will not therein wilfully make any false or inaccurate statement, and not to disclose any matter or evidence before the Board or the Court relating to—

- (a) Trade secrets; or
- (b) The profits or losses or the receipts and outgoings of any employer; or
- (c) The books of an employer or witness produced before the Board or the Court; or
- (d) The financial position of any employer or of any witness;

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

Failure of member to attend.
N.S.W. 1912,
No. 17, s. 18.

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

Dissolution of Board and removal of member.
N.S.W. 1912,
No. 17, s. 20.

45. (1.) The Minister, on the recommendation of the Court, may at any time—

- (a) Dissolve a Board;
- (b) Remove any member of a Board from his office on the ground that such member is of unsound mind, or cannot attend with reasonable regularity the meetings of a Board, or has ceased to reside in Queensland, or is not properly discharging his duties as a member of such Board.

Period of office.

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

Effect of vacancy caused by resignation.

During any vacancy in a Board (other than in the office of chairman) the continuing members may act as if no vacancy existed: Provided that during such vacancy, in order to prevent unequal voting, one of the representatives of the party having the greater number of representatives shall refrain from voting on any question on which a division is called.

New Board.

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

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

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

Appointment to vacancies.
N.S.W. 1912,
No. 17, s. 21.

46. (1.) Where from any cause a member of a Board ceases to hold office, the Minister may appoint another member in his room, to represent employers or employees as the case may be, who shall be recommended by the Court.

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

47. The members of a Board shall be paid such fees, expenses, and allowances as may from time to time be fixed by the Governor in Council. Fees, &c. N.S.W. 1912, No. 17, s. 23.

48. (1.) Proceedings before a Board shall be commenced only by remission to the Board by the Court. Commencement of proceedings.

(2.) All meetings of a Board shall be convened by the chairman by notice served upon such members in manner prescribed.

(3.) Parties to a remission and other persons concerned shall be summoned to attend the meetings of Boards by the chairman in manner prescribed.

49. A Board may, on remission to them of any industrial cause by the Court, with or without directions, whether for determination and award or for inquiry and report— Powers of Board.

- (a) Investigate such cause judicially;
- (b) Conduct its proceedings in public, but not in private;
- (c) Adjourn the proceedings to any time or place;
- (d) Admit and call for such evidence as in good conscience they think to be the best available, whether strictly legal evidence or not;
- (e) Where empowered to make an award make such award;
- (f) In other cases make any recommendation which they deem proper with regard to any industrial cause remitted to them, and in such recommendation specify in what manner and to what extent in any particular the power of the Court to make awards should in the opinion of the Board be exercised.

50. The chairman may require any person (including a member) giving evidence before a Board to give his evidence on oath or affirmation, and for such purpose may administer an oath or take an affirmation. Chairman may administer oaths, &c. Qland. 1912, No. 19, s. 27.

For the purposes of compelling the attendance of persons to give evidence and the punishment of persons failing to attend when summoned or refusing to give evidence or produce documents or writings in their possession or power, the chairman shall have all the powers and authorities of a police magistrate sitting in a court of petty sessions.

PART V.—INDUSTRIAL AGREEMENTS.

51. (1.) Any industrial union may make an agreement in writing with an industrial association of employers or some specified employer or employers for the prevention or settlement of an industrial dispute or relating to any industrial matter. Industrial agreements may be made. W.A. 1912, No. 57, s. 35.

(2.) Every industrial agreement shall be for a term to be specified therein, not exceeding three years from the date of the making thereof, and shall commence as follows:—“This Agreement, made in pursuance of ‘*The Industrial Arbitration Act of 1916,*’ this day of Between ,” and then the matters agreed upon shall be set out. Term and form of agreement.

(3.) An agreement shall be limited in its effect to the particular locality therein specified.

Date of agreement.

(4.) The date of the making of the agreement shall be the date on which it is first executed by any party thereto; and such date, and the names of all the original parties thereto, shall be truly stated therein.

Agreement to continue in force for parties not retired.

(5.) Notwithstanding the expiry of the term of an industrial agreement, it shall, subject to any award under this Act, continue in force in respect of all parties thereto, except those who retire therefrom.

Mode of retirement.

(6.) At any time after or not more than thirty days before the expiry of an industrial agreement, any party thereto may file in the office of the registrar a notice in the prescribed form signifying his intention to retire therefrom at the expiration of thirty days from the date of such filing, and such party shall on the expiration of that period cease to be a party to the agreement.

Duplicate to be filed.
W.A. 1912,
No. 57, s. 36.

52. (1.) A duplicate original of every industrial agreement shall, within thirty days after the making thereof, be filed in the office of the registrar.

(2.) Every document purporting to be a copy of an industrial agreement shall (notwithstanding that no notice to produce the original has been given) be admissible in evidence in proof of the contents of the original, provided such copy is certified as a correct copy under the seal of the Court and the hand of the registrar.

The production of such copy shall be *prima facie* evidence that the original agreement was duly executed in accordance with this Act in manner indicated in the copy, and that a duplicate has been duly filed.

Parties to agreement may be added.
W.A. 1912,
No. 57, s. 37.

53. Whilst the industrial agreement is in force, any industrial union or employer may (with the consent of the original parties to the agreement or their respective representatives) become party thereto by filing in the registrar's office a notice in the prescribed form, signifying concurrence with such agreement.

On whom agreement binding.
W.A. 1912,
No. 57, s. 38.

54. (1.) Every industrial agreement duly filed shall extend to and be binding on—

- (a) The parties who execute the same or concur therein; and
- (b) Every member for the time being of any industrial union which is party thereto; and
- (c) Every worker who is, at any time whilst it is in force, employed by any employer on whom the agreement is binding.

Enforce-ment.

(2.) An industrial agreement shall be enforceable in the same manner as if it were an award of the Court.

Agreements may be varied, renewed, or cancelled.
W.A. 1912,
No. 57, s. 39.

55. An industrial agreement may be varied, renewed, or cancelled by any subsequent industrial agreement made by and between all the parties thereto, but so that no party shall be deprived of the benefit thereof by any subsequent industrial agreement to which he is not a party:

Provided that no industrial agreement with respect to which any powers conferred by the next succeeding section have been exercised shall be varied or cancelled without the leave of the Court.

56. The Court may declare that any industrial agreement shall have the effect of an award, and be a common rule of any calling or callings to which it relates, and the agreement shall thereupon, subject as hereinafter provided, become binding on all employers and employees, whether members of an industrial union or not, engaged at any time during its currency in any such calling within the locality specified in the agreement:

Industrial agreement may be declared a common rule. W.A. 1912. No. 57, s. 40.

Provided that before acting under this section the Court shall give all parties, likely in its opinion to be affected, notice by advertisement or otherwise of its intention to extend the operation of such agreement, and shall hear any parties desiring to be heard in opposition thereto.

PART VI.—CONCILIATION COMMITTEES.

57. The Minister may, for the purposes of this Part of this Act, notify districts, and may cancel or amend any notification made under this section.

Notification of districts. N.S.W. 1912, No. 17, s. 38.

Such notification may include all the callings in the district, or be limited to any specified calling or callings.

58. (1.) The Minister may, in the manner prescribed, constitute for each such district a conciliation committee consisting of a chairman and two or four other members, as the Minister may determine, and to be appointed by him, one half in number of whom shall be nominated as prescribed by the employers concerned and the other half nominated as prescribed by the industrial union or unions of the employees concerned, or failing any such nomination shall be recommended by the Court.

Conciliation committees. N.S.W. 1912, No. 17, s. 39.

The chairman shall be chosen by the unanimous agreement of the other members, but if no such agreement is arrived at, or if the chairman so chosen is unable or refuses to act, he shall be appointed by the Minister:

Provided that the Minister may, if he thinks fit, appoint the Judge to be chairman of any such committee.

(2.) Subject to this section and so far as they may be applicable, such of the provisions of Part IV. of this Act as relate to the office of members of Boards shall apply to any member of a committee constituted under this section, except the Judge.

59. (1.) Any such committee shall meet on being summoned by its chairman, as prescribed, or at the request of the Minister, and shall inquire into any industrial cause in connection with the calling concerned, or any of them if more than one, within its district.

Inquiry by committee. N.S.W. 1912, No. 17, ss. 40, 41.

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

(3.) If such agreement is come to, it shall be reduced to writing and signed by the other members on behalf of the employers and the industrial unions concerned.

Agreement to have effect as industrial agreement.

Such agreement, on being certified by the chairman as prescribed, shall be filed in the office of the registrar, and shall have effect as an industrial agreement between such employers and unions.

PART VII.—GOVERNMENT EMPLOYEES.

Government
employees.
W.A. 1912,
No. 57, s. 100.

60. If any persons employed by the Government are members of any industrial union composed of employees engaged in the same calling as such persons, the Minister of the department in which such persons are employed, or the corporation of "The Treasurer" in the case of sugar-works controlled by or vested in such corporation, or the Commissioner for Railways in the case of the Railway Department, *or the Insurance Commissioner in the case of the State Government Insurance Office, or the Commissioner for Trade in the case of State enterprises to which †"*The State Enterprises Act of 1918*" applies, shall, in relation to all such persons who are for the time being members of such union, and for the purposes of this Part, be deemed an employer, and such persons shall be deemed employees.

Government
railways.
W.A. 1912,
No. 57, s. 101.

61. With respect to the State railways open for traffic—

- (i.) Any industrial association of State railway employees may register under this Act as an industrial union.
- (ii.) The Commissioner for Railways shall be deemed the employer of the employees who are members of any such union.

Police Force.

62. With respect to the Police Force—

- (i.) Any industrial association of members of the police force may register under this Act as an industrial union.
- (ii.) The Commissioner of Police shall be deemed the employer of the members of the police force who are members of such union.

Unions of
Government
employees.
W.A. 1912,
No. 57, s. 102.

63. In reference to any such industrial union as is mentioned in any of the three last preceding sections, the following provisions apply:—

- (1.) The employer may enter into industrial agreements with any such union.
- (2.) If an industrial dispute arises between the employer and any such union, proceedings with respect thereto may be initiated before the Court in manner provided by this Act. The Court shall have jurisdiction to hear and determine the cause accordingly, and to make an award thereon.
- (3.) In any proceedings before the Court, the employer may be represented by any officer whom he appoints on that behalf.
- (4.) With the consent of all parties any party may be represented by counsel or solicitor.
- (5.) Subject to this Act, any award made hereunder shall be binding on the like persons and be enforceable in the same manner as other industrial awards, and a breach thereof shall entail the like penalties, and the provisions of this Act applicable to other industrial awards shall be applicable to awards made hereunder.

* Words from "or the Insurance" to "applies" inserted by s 16 of amending Act of 1923.

† 9 Geo. V. No. 20 (Statutes, p. 8591).

‡ Printed as amended by s. 17 of amending Act of 1923.

§ Printed as amended by s. 18 of amending Act of 1923.

(6.) Notwithstanding anything herein, the employer shall not be personally liable under any such agreement or award, or be subject to any personal penalty in respect thereof or in connection therewith.

(7.) No execution or attachment or process in the nature thereof shall be issued against the property or revenues of the Crown or of any department or agency of His Majesty's Government to enforce any award or order made under this Act; but when any award or order affecting the Crown or any such department or agency has been made, the Judge shall send to the Attorney-General a certified copy of the award or order in the prescribed form, and the Attorney-General shall, within fourteen days after its receipt if Parliament is then sitting, or if not then within fourteen days after the next meeting of Parliament, cause a copy of the award to be laid before §both Houses of Parliament.

Protection
of Crown
property.

PART VIII.—BREACHES OF AWARDS AND OTHER OFFENCES.

*64. (1.) Where an employer employs any person to do any work for which the price or rate has been fixed by an award, order, or industrial agreement, whether made under the repealed Act or this Act, or by a permit under this Act, he shall pay in full in money to such person and without any deduction, whether on account of the loan or hire of tools, or the supply of material or otherwise, except such as may be authorised by such award, order, or agreement, the price or rate so fixed. In every such award, order, or agreement the deductions permitted by †“*The Wages Act of 1918*” shall be deemed to be authorised although not expressly mentioned or referred to therein. But this provision shall not be construed to prohibit a deduction agreed upon between an employer and any of his employees by way of contribution to any hospital or benevolent or provident fund, or any contribution under ‡“*The Unemployed Workers Insurance Act of 1922.*”

Action for
moneys due
under
awards.

(2.) Such person may, and notwithstanding that he was not or is not of age at the time when such money became due or at the date of the application next hereinafter mentioned, apply himself, or any industrial union to which he belongs may apply on his behalf, within ninety days (or such extended time as the Court or an industrial magistrate may allow, but not exceeding a period of six months inclusive of such ninety days) after any of such money has become due, to the Court for an order directing the employer to pay the full amount of any balance due in respect of such price or rate, and earned by the employee during the period of employment not exceeding the said ninety days (or such extended period inclusive thereof as the Court or such magistrate has allowed).

Such order may be so made notwithstanding any smaller payment or any express or implied agreement to the contrary.

The Court, or, if the Court remits the matter to an industrial magistrate, such magistrate, may order such payment to be made on any terms it or he thinks just, and may award costs to either party and assess the amount of such costs.

* Printed as amended by s. 19 of amending Act of 1923.

† 9 Geo. V. No. 19 (Statutes, p. 8495).

‡ 13 Geo. V. No. 28 (Statutes, p. 10073).

§ See note to s. 25 on page 24.

In the event of a prosecution of any employer for any contravention of this Act which involves the non-payment to any employee or employees of any money earned by him or them, the Court or such magistrate may, in addition to any penalty imposed upon the defendant, order the payment by him of all moneys earned by the employee or employees during the period of employment not exceeding the said ninety days (or such extended period inclusive thereof as the Court or such magistrate may allow), and such order for payment shall be in addition to any penalty imposed, and may be enforced as a decision of the Court.

(3.) In every case where an employee has left the employment of an employer without being paid the full amount due to him in respect of such employment, and the employer has been unable during a period of thirty days after the termination of employment to make such payment because the whereabouts of such employee are unknown to him and cannot with reasonable diligence be found, such employer shall forthwith after the expiration of such period pay the full amount as aforesaid to the nearest clerk of petty sessions to the credit of such employee; and the said clerk of petty sessions shall deal with all such sums of money in the same manner in which moneys held by him in trust for litigants are prescribed to be dealt with.

The receipt of a clerk of petty sessions to any employer for money so paid by him shall be a good discharge to the employer to the amount mentioned in such receipt.

Prohibition
of strikes or
lock-outs.
W.A. 1912,
No. 57, s. 104.

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

A strike shall not be deemed to have been authorised until all the members of the industrial union who are engaged in the calling and in the district affected have had an opportunity of participating in a secret ballot taken at a general meeting duly constituted in accordance with the rules of the union, and a majority have voted in favour of such strike:

Provided that, where it is 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 poll of the whole of those affected: the poll may be taken by postal ballot or otherwise; or a series of meetings may be held and ballots taken thereat, and in that case the result of the aggregate vote shall be taken to be the decision:

Provided further that in any calling where no industrial union exists no strike shall be authorised and in no case shall any lock-out be authorised unless and until the registrar has, in manner prescribed by rules of court, taken a secret ballot amongst the employees or employers, as the case requires, in the calling concerned, and such ballot has resulted in favour of such strike or lock-out:

Provided further that no strike or lock-out shall be deemed to have been authorised unless or until the result of the secret ballot or voting thereon of the persons concerned, together with the details of the voting, have been communicated to the registrar:

* Printed as amended by s. 20 of amending Act of 1923.

Provided further that any question as to whether any strike is an authorised strike or any lock-out is an authorised lock-out shall be heard and determined by the Court.

Any person who commits an offence against this section shall be liable to a penalty in the case of an employer or industrial union not exceeding one hundred pounds, and in other cases not exceeding ten pounds.

(2.) Nothing in this section shall prohibit the suspension or discontinuance (not being in the nature of a strike or lock-out) of any calling or of the working of any persons therein for good cause independent of an industrial dispute; but on a prosecution for any contravention of this section the onus of proof that any such suspension or discontinuance is not in the nature of a strike or lock-out, and that such independent good cause exists, shall lie on the defendant.

66. No industrial union or industrial association shall be liable to any suit or action, nor shall the funds of such union or association be in any way chargeable in respect of any act or word done, spoken, or written, during or in connection with any strike or lock-out, by any agent, if such agent acted contrary to instructions *bonâ fide* given by or without the knowledge of the governing body of such union or association.

Disobedience of orders to exonerate union.

67. (1.) No employer shall refuse employment to any person or dismiss any employee from his employment, or injure him in his employment, or alter his position to his prejudice, by reason merely of the fact that the employee is an officer or member of an industrial union or of a society or other body that has applied to be registered as an industrial union or is entitled to the benefit of an industrial agreement or award.

Employer not to dismiss worker on account of application. W.A. 1912, No. 57, s. 107. Comm. 1909, No. 28, s. 2; 1911, No. 6. s. 6.

Any person who contravenes this provision shall be liable to a penalty not exceeding fifty pounds for each person so refused employment or employee so dismissed or injured in his employment; moreover, the Court shall award to any such person as last aforesaid such sum as is reasonable compensation for loss of or injury in his employment, and order that he shall, if he has been dismissed from or prejudiced in employment, be forthwith reinstated to his former employment or grade; and every such order shall be obeyed.

(2.) In any proceeding for any contravention of this section it shall lie upon the employer to show that any employee proved to have been dismissed or injured in his employment or prejudiced whilst an officer of an industrial union or such a society or body, or whilst entitled as aforesaid, was dismissed or injured in his employment or prejudiced for some reason other than that mentioned in this section.

68. (1.) No employee shall cease work in the service of an employer by reason merely of the fact that the employer is an officer or member of an industrial association, or is entitled to the benefit of an industrial agreement or award.

Employee not to cease work on account of application of employer. W.A. 1912, No. 57, s. 108.

Any person who contravenes this provision shall be liable to a penalty not exceeding ten pounds.

(2.) In any proceeding for any contravention of this section it shall lie upon the employee proved to have ceased work in the service of an employer whilst the employer was an officer or member

of an industrial association, or was entitled as aforesaid, to show that he ceased so to work for some reason other than that mentioned in this section.

Power to
make orders
for
observance
of awards
and
agreements
or to restrain
breaches of
Act.
W.A. 1912,
No. 57, s. 109.
Comm. 1904,
No. 13, s. 48.

69. (1.) The Court may, on the application of any party to an industrial agreement or award or of the registrar or any industrial inspector, make any such order as it deems just and necessary in the nature of a mandamus or injunction to compel compliance with an industrial agreement or award or to restrain a breach thereof or the continuance of any breach: .

Provided that any application by an industrial union for an order under this section shall be under the seal of the union and signed by the secretary and chairman.

(2.) The Court may, on the application of the registrar or any industrial inspector, make any order of the nature aforesaid which it deems just and necessary to restrain any breach of this Act or the continuance of any breach.

(3.) Any of the powers of the Court under this section may be exercised by the Judge in Chambers, but any order made by the Judge hereunder may be discharged by the Court on the application of any party or person affected.

(4.) No person to whom any such order as aforesaid applies shall, after he has received written notice of the same, contravene such order in any way by act or omission.

Any person who contravenes such order shall be liable to a penalty not exceeding one hundred pounds.

Obstruction
of court.
W.A. 1912,
No. 57, s. 111.

70. No person shall write, print, or publish anything calculated to obstruct or in any way interfere with or prejudicially affect any matter before the Court.

Any person who contravenes this provision shall be liable to a penalty not exceeding fifty pounds.

Obstructing
officers and
similar
offences.
W.A. 1912,
No. 57, s. 112.

71. Any person who—

- (a) Resists or obstructs the Court or any officer thereof in the performance of any duties or the exercise of any powers under this Act, or wilfully disobeys any order of the Court;
- (b) Being lawfully required, fails to produce or exhibit any document or allow any document to be examined;
- (c) Wilfully misleads any officer in any particular likely to affect the discharge of his duty;
- (d) Being lawfully asked any question by an officer pursuant to this Act, fails to answer the same truthfully to the best of his knowledge, information, and belief,

shall be liable to a penalty not exceeding fifty pounds.

False
statements,
&c., to
employers.
Qland. 1912,
No. 19, s. 56.

72. When under any award the amount of wages payable by an employer to an employee depends wholly or in part upon the age or experience or duration of previous employment of the employee, any person who, when seeking employment or while an employee, gives or makes to an employer any information or statement relating to any such matters which is false to the knowledge of such person or employee, shall be liable to a penalty not exceeding twenty pounds.

73. (1.) Every person who, or industrial association or other body which, is directly or indirectly concerned in the commission of any offence against this Act, or counsels, takes part in, or encourages the commission of any such offence, shall be deemed to have committed that offence, and shall be punishable accordingly.

Counselling or procuring offences.
W.A. 1912, No. 57, ss. 113, 114. Comm. 1904, No. 13, ss. 87, 88.

(2.) Any attempt to commit an offence against this Act shall be an offence against this Act punishable as if the offence had been committed.

Attempts.

74. Any industrial union or person guilty of any contravention of this Act, whether by commission or omission, shall, except where some penalty or punishment is specifically provided, be liable to a penalty not exceeding in the case of an industrial union or company one hundred pounds, or in the case of a person ten pounds.

General penalty. Qland. 1912, No. 19, s. 49.

All penalties recovered under this Act shall be paid into the Consolidated Revenue.

Without prejudice to the powers or rights of the Crown or any person aggrieved, a prosecution or other proceeding for any contravention of this Act or breach of any award may be instituted and carried on by an industrial union.

75. (1.) Whoever commits a breach of an award or industrial agreement whether by contravention or non-observance of the same shall be liable to a penalty not exceeding in the case of an employer or industrial association fifty pounds, and in the case of an employee ten pounds.

Breaches of awards and contraventions of Act generally.

Whoever disobeys an order of the Court which imposes a penalty for disobedience thereto, and whoever commits a breach whether by contravention or non-observance of any provision of this Act which provides for a penalty, shall be liable to pay the penalty so imposed or provided for.

Any order to pay a penalty shall have the effect of and be enforced as a decision of the Court.

† * * * * *

(2.) Any employee who receives from an employer or from any one on his behalf, and any employer or person on his behalf who pays to an employee a less remuneration than such employee is entitled to under any award or industrial agreement, shall be deemed to commit a breach of such award or industrial agreement.

(3.) Any employee who, in pursuance of an express or implied agreement with an employer or with any person on behalf of an employer, receives or agrees to receive or authorises another person to receive on his behalf a less remuneration than that to which he is entitled under an award, industrial agreement, or permit, and such person so authorised as aforesaid and such employer or person acting on his behalf, shall each of them be guilty of an offence against this Act:

Provided that no prosecution shall be initiated under this subsection without the leave of the Court, nor at the instance of any industrial union or person which or who is not entitled to initiate proceedings under this Act.

† Original subsection 2 repealed, and subsections 3, 4, 5, and 6 re-numbered 2, 3, 4, and 5 accordingly.

(4.) 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 for the purposes of this section to have received a less remuneration than was due to him under such award, agreement, or permit.

(5.) Where an order to pay a penalty is made against any person or trade union or industrial union, or against a member of any such union or against an employer, and the Court is of opinion or is informed by the industrial magistrate to whom the case has been remitted that the breach was committed by the wilful act or default of any such person or union, or employer, or of any member of any such union, the Court may, on motion or *ex parte* and in addition to any other order, grant an injunction to restrain such person or union, or employer, or member from continuing the said breach, or from committing further or other breaches of the award or industrial agreement, under a penalty not exceeding one thousand pounds.

Recovery of penalty imposed on union.
Qland. 1912.
No. 19, s. 50.

76. Where a penalty is imposed under this Act on an industrial union, or an industrial union is under this Act ordered to pay any sum, then, for the recovery of such penalty or sum, process may be issued and executed against the property of such union, or any property in which such union has a beneficial interest, to the extent of such interest, whether vested in trustees or howsoever otherwise held, in the same manner as if the union were an incorporated company and the absolute owner of the property or interest:

Provided that nothing herein shall extend to the printing presses or types or other assets in connection with a duly registered newspaper.

Proceedings for offences generally.
Qland. 1912.
No. 19, s. 51.

77. Proceedings in respect of offences against this Act shall, except where otherwise provided, be by complaint, and be heard and determined in a summary manner by the Court or on remission by an industrial magistrate.

Without limiting the power of the Crown or of any persons aggrieved, or any inspector, proceedings for breaches of awards or of this Act, and proceedings for the recovery of moneys due to an employee, may be initiated or undertaken by an industrial union.

Appeals from industrial magistrates.

78. Appeals from the decision of an industrial magistrate shall lie to the Court constituted under this Act and not to the Supreme Court.

The proceedings on such appeal shall be prescribed by Rules of Court:

Provided that—

- (i.) The Court on upholding a conviction may increase the term of imprisonment or the penalty, as the case may be, to such term or amount not exceeding that permitted by this Act, or may reduce such term or penalty as the Court deems proper;
- (ii.) The Court may make such order concerning costs as it deems proper.

PART IX.—MISCELLANEOUS.

79. All fines, fees, levies, and dues payable under its rules to an industrial union by any member thereof may, in so far as they are owing to the union for any period subsequent to the registration thereof, be sued for and recovered in any small debts court, or on remission, before an industrial magistrate.

Powers of unions to recover fines, &c.
W.A. 1912,
No. 57, s. 122.

***80.** When an award has fixed the lowest price or rate which may be paid to any person working in a factory, and also the periods of time within which the ordinary working hours shall be worked, it shall not be lawful for more than one member of a partnership to personally work inside a factory of the class to which the award relates at any time beyond such periods of time.

Working in factory during prohibited hours.
Qland. 1912,
No. 19, s. 43.

81. Notwithstanding anything in this Act or in any other law or any practice to the contrary—

- (a) The Court or any Board or conciliation committee, in the exercise of any jurisdiction, duty, power, or function conferred or imposed upon it or them, shall be governed in its or their procedure and in its or their awards and decisions by equity, good conscience, and the substantial merits of the case, without regard to technicalities or legal forms or the practice of other courts; and
- (b) The Court or any Board or conciliation committee, in the exercise of any such jurisdiction, duty, power, or function, shall not be bound by any rules or practice as to evidence, but may inform its or their mind on any matter in such manner as is deemed just.

Court to be guided by equity and good conscience.
Qland. 1912,
No. 19, s. 44.

This section does not apply to proceedings in respect of offences against this Act.

82. Every award shall prevail over any contract of service or apprenticeship in force on the coming into operation of the award, so far as there is any inconsistency between the award and the contract; and the contract shall thereafter be construed and have effect as if it had been modified, so far as necessary, in order to conform to the award:

Awards to prevail over contracts in cases of conflict.
Qland. 1912,
No. 19, s. 45.

Provided that no such contract shall be deemed to be inconsistent with an award for the reason only that such contract provides for more favourable conditions of employment than those provided by the award.

83. The Crown may, where, in the opinion of the Minister, the public interests are or would be likely to be affected by the decision of the Court or the award of a Board, intervene at any stage in any proceedings under this Act or involving the interpretation thereof.

Intervention by the Crown.
Qland. 1912,
No. 19, s. 46.

Upon such intervention the Crown shall be deemed to be a party.

84. On the hearing or determination of any industrial cause, whether before the Court or any Board for any industrial magistrate, a party being an industrial union may be represented by a member or officer, and any other party may be represented by his agent duly appointed in writing in that behalf.

Representation of parties at hearing.
Qland. 1912,
No. 19, s. 47.

* Printed as amended by s. 22 of amending Act of 1923.

+ Words from "or" to "magistrate" inserted by s. 23 of amending Act of 1923.

But unless all parties consent thereto no party shall be represented by counsel or solicitor in any proceedings before the Court or before a Board *or an industrial magistrate.

Record to be kept by employer.

†84A. Each employer shall keep, and have available for inspection by any industrial inspector, a complete record of all employees for the time being employed, showing their designation, rate of wages, times of starting and ceasing work, and the award under which they are working respectively.

Award as to minimum wage to be posted up. Qland. 1912. No. 19, s. 52.

‡85. There shall be kept printed, painted, or affixed, in legible roman characters, in some conspicuous place at or near the entrance of every factory, workroom, shop, or premises to which an award applies, in such a position as to be easily read by the employees therein, a true copy of the award.

Evidence of award. Qland. 1912. No. 19, s. 53.

86. (1.) An office copy of or copy of the *Gazette* containing an award, order, decision, or other act of the Court, purporting to be sealed with the seal of the Court, or an office copy of an award of a Board certified to be true under the hand of the registrar, or a copy of the *Gazette* containing the same, shall be received in all courts and tribunals and before all persons as evidence of such award, order, decision, or other act without further proof; and it shall not be necessary to prove any condition precedent entitling the Court or Board to make the decision, order, or award.

Registrar's certificate as to membership of union.

(2.) A certificate of the registrar that any specified person was at any specified time the chairman or a member of any specified industrial union shall (subject to review by a Judge) be conclusive evidence that the facts were as stated.

Special mode of service may be directed. Qland. 1912. No. 19, s. 54.

87. When it is made to appear to a Judge or to the chairman of a Board or conciliation committee that personal or other service of any summons, notice, or other document in connection with or for the purposes of any proceeding in or intended to be brought in the Court or before the Board or committee cannot promptly be effected in manner prescribed, the Judge or chairman may in his discretion make any order for substituted or other service or the substitution for service of notice by letter, telegram, public advertisement, or otherwise, which he deems necessary or convenient; and in such case compliance with such order shall be sufficient service.

§ Subject always to any order of the Court, service of any such 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 or in the same related callings or industries in respect of which such industrial union is registered.

Powers of entry to Board or Court for examination of factories, &c. Qland. 1912. No. 19, s. 55.

88. (1.) A Judge or a Board and (upon being authorised in writing by a Judge) any officer of the Court or any other person, or (upon being authorised in writing by the chairman) any member of a Board or any other person, without any other warrant than this Act, may at any time during working hours—

(a) Enter any place or premises or any ship or vessel of any kind whatsoever, wherein or in respect of which any calling is carried on or any work is being or has

* Words from "or" to "magistrate" inserted by s. 23 of amending Act of 1923.

† Section 84A added by s. 24 of amending Act of 1923.

‡ Printed as amended by s. 25 of amending Act of 1923.

§ Provision added by s. 26 of amending Act of 1923.

been done or commenced, or any matter or thing is taking or has taken place in relation to which any industrial dispute exists or is threatened or impending or will probably arise, or any industrial matter exists, or any award has been made, or any offence against this Act is suspected;

- (b) Inspect and view any work, material, machinery, appliances, article, matter, or thing whatsoever being in such place, premises, ship, or vessel;
- (c) Interrogate any person or persons who may be in or upon such place, premises, ship, or vessel in respect of or in relation to any matter or thing hereinbefore mentioned.

Inspection of work and interrogation of persons.

(2.) Every person who hinders or obstructs a Judge, or a Board or any member thereof, or any officer of the Court or other person, in the exercise of any power conferred by this section, or who refuses or unduly delays to a Judge, or a Board, or any officer of the Court, member of a Board, or other person authorised as aforesaid, entrance during any such time as aforesaid to any such place, premises, ship, or vessel, or refuses without reasonable excuse to answer any question put to him as aforesaid, or gives or makes any information or statement which is to his knowledge false, shall be liable to a penalty not exceeding fifty pounds.

89. (1.) The Governor in Council may and, on the recommendation of the Court, shall from time to time appoint industrial inspectors, who shall have the powers and duties prescribed.

Appointment and powers of industrial inspectors.
N.S.W. 1912,
No. 17, s. 67.

Each inspector shall be provided with a certificate of appointment signed by the Minister.

In addition to any other powers and duties vested in or imposed upon him, any such inspector may exercise the following powers and perform the following duties in respect of any calling as to which an award or an industrial agreement is in force:—

- * (a) He may at any time during business operations or working hours inspect any premises of any employer upon which any such calling is carried on, and any work being done therein.
- * (b) He may at any time during business operations or working hours require the employer in such calling to produce for his examination, and may examine, any time-sheets and pay-sheets of the employees in such calling.
- * (c) He may at any time during business operations or working hours, out of the hearing of any employer, foreman, deputy, manager, or other superior officer, examine any employee in such calling as to the prices for piecework and the rate of wages paid to him, and as to his hours of work as such employee.
- (d) He may institute proceedings under this Act for a penalty.

The owner of such premises or employer may require such inspector to produce his certificate of appointment.

* Paragraphs (a), (b), and (c) printed as amended by s. 27 of amending Act of 1923.

Qland. 1912,
No. 19, s. 57.

(2.) It shall be the duty of industrial inspectors to see that the provisions of awards and orders of the Court are duly observed.

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

(3.) No industrial 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.) Any industrial inspector who, except for the purposes of this Act, and in the exercise of his functions under this Act, discloses to any person any information which, in the exercise of such functions, he acquires, shall be liable to a penalty not exceeding fifty pounds.

Obstructing
inspector.

(5.) Any person who 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, shall be liable to a penalty not exceeding ten pounds.

Power of
inspection
by union
officials.

*90. Any officer of an industrial union of employees authorised in writing by the president and secretary of such union shall have the right to enter any place or premises or any ship or vessel of any kind whatsoever, wherein members of such union or persons in the same calling as such members are engaged, for the purpose of conversing with or interviewing the employees in such place, premises, ship, or vessel:

Provided that such officers shall not wilfully hamper or hinder the employees during their working time, and may interview any employees or converse with them during any lunch hour or non-working time.

Every person who hinders or obstructs any such officer in the exercise of any power conferred by this section, or who refuses entrance to such officer or unduly delays such officer in entrance during any such time as aforesaid to any such place, premises, ship, or vessel, shall be liable to a penalty not exceeding fifty pounds.

No stamp
duty
payable.

91. Notwithstanding 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.
Qland. 1912,
No. 19, s. 59.

92. (1.) The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act, and, where there may be in this Act no provision or no sufficient provision in respect of any matter or thing necessary or expedient to give effect to this Act, providing for and supplying such omission or insufficiency.

†(1A.) Notwithstanding anything in this Act or in any award, order or decision of the Court contained, without limiting the foregoing power, such regulations may—

(i.) Prescribe the method in which an apprentice shall be indentured, the term of apprenticeship, and the earliest and latest age at which apprenticeship may begin;

* Printed as amended by s. 28 of amending Act of 1923.
† Subsection 1A inserted by s. 29 of amending Act of 1923.

- (ii.) Prescribe the matters to be taught to apprentices and the methods times and conditions of instructing apprentices, and the examinations, if any, which shall be passed by apprentices;
- (iii.) Fix the maximum and minimum number or proportionate number of apprentices or improvers to journeymen in any calling, and of young workers to adult workers, notwithstanding in the case of apprentices the existence of current indentures or contracts of apprenticeship, and specify the cases in which apprentices or improvers may be employed;
- (iv.) Provide if deemed necessary for the constitution of committees or boards to make recommendations to the Minister in regard to all or any of the matters specified in paragraph (ii.) of this subsection;
- (v.) Prescribe such other matters relating to apprentices or improvers as may be deemed necessary or desirable;
- (vi.) Delegate to the Court the jurisdiction, power, and duty to deal with all or any of the matters specified in paragraphs (i.), (ii.), (iii.), (iv.), and (v.) of this subsection.

(2.) The regulations may fix a penalty, not exceeding in any case twenty pounds, for any breach thereof.

(3.) All such regulations shall be published in the *Gazette*, and thereupon, subject to subsection four hereof, shall be of the same effect as if they were contained in this Act.

Such regulations shall be laid before *both Houses of Parliament within fourteen sitting days after such publication, if Parliament is in session, and if not then within fourteen sitting days after the commencement of the next session.

(4.) *If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

(5.) For the purpose of this section, the term "sitting days" shall mean days on which the House actually sits for the despatch of business:

Provided always that if such regulations are not duly laid before Parliament as hereinbefore prescribed they shall thereupon cease to have any force, effect, or operation whatsoever.

93. (1.) All Orders in Council made under this Act shall be published in the *Gazette*.

The Governor in Council may, by another Order in Council, amend or rescind any such Order in Council.

Provisions as
to Orders in
Council.
Qland. 1912,
No. 19,
ss. 53, 60.

(2.) No misnomer or inaccurate description or omission in or from any such Order in Council shall in any wise prevent or abridge the operation of this Act with respect to the subject-matter, provided the same is designated so as to be understood.

* See note to s. 25 on page 24.

(3.) A copy of the *Gazette* containing an Order in Council purporting to be made by the Governor in Council under this Act shall be conclusive evidence of the due making of such Order, and such Order shall not be liable to be challenged or disputed in any court whatever.

Expenses to be paid out of moneys provided by Parliament. Qland. 1912. No. 19, s. 61.

94. All moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament.

THE SCHEDULE.

POWERS AND PROCEDURE OF THE COURT.

Initiation of proceedings.

1. (1.) Proceedings may be initiated before the Court by reference motion, or summons, and by an industrial union, a member or officer thereof, an inspector, an employer, or the Minister.

(2.) The Court of its own motion may initiate any proceedings and summon before it such persons as it deems necessary.

(3.) No proceedings in the Court shall abate by reason of the death of any party, and such proceedings shall by order of the Court continue upon such terms and conditions as the Court thinks fit.

Powers of Court. Qland. 1912. No. 19. Sched. III.

2. Subject to this Act, the Court may, as regards every industrial cause—

(a) At or before the hearing, take steps to ascertain whether all persons who ought, in its opinion, to be bound by its decision have had notice of or have been summoned to attend the proceedings;

(b) Direct that persons or industrial unions shall be parties to the proceedings, and by whom such parties shall be represented; direct that persons not summoned to attend the proceedings shall be so summoned, if the Court is of opinion, whether from the suggestion of parties or otherwise, that such persons should be so summoned; direct parties to be joined or struck out;

(c) Hear and determine the cause in such manner in all respects as the Court, in its discretion, thinks best suited for that purpose;

(d) Allow any amendment of the proceedings on such terms as it thinks fit; correct, amend, or waive any error, defect, or irregularity, whether in substance or in form;

(e) Make any decision, and, without being restricted to the specific relief claimed by the parties, include in any decision any matter or thing which the Court thinks necessary or expedient for preventing or settling the industrial dispute or dealing with the industrial matter;

(f) Give any direction in pursuance of the decision;

(g) Dismiss any cause, or refrain from further hearing or from determining the cause, if it appears that the cause is trivial, or that, in the public interest, further proceedings by the Court are not necessary or desirable;

(h) Order any party to the proceedings to pay to any other party such expenses, including expenses of witnesses, as are specified in the order;

(i) Proceed to hear and determine the cause in the absence of any party thereto or other person who has been summoned or served with notice to appear therein;

(j) Sit in any place for the hearing and determination of the cause; adjourn its sittings to any time and place;

(k) Refer any technical matters or matters of account to an expert, and accept his report as evidence:

For obtaining any special or expert information based on facts or figures which the Court may desire, the Court may call in the services of an expert or experts approved by it, and authorise such expert or experts to prepare schedules compiled from returns obtained from employers or employees or both of them (which returns they shall be compelled to furnish under penalty of

contempt of court). Such expert or experts shall not divulge the name or private business of any individual employer; but, without limiting the scope of the inquiry, such schedules may show details of the minimum or maximum and average costs of production, sale, or distribution in the calling concerned, the average net return on capital invested therein, estimates of allowances for depreciation or reserves to equalise profits, and other like general information; and as far as practicable such schedules shall not be confined to one year's operations;

- (l) At any time withdraw from the consideration of a Board any matters remitted to it and conduct an inquiry into such matters itself;
- (m) Extend any prescribed time whether within or after the prescribed time;
- (n) Waive compliance with any Rule of Court;
- (o) Review, annul, rescind, or vary any act or decision of the registrar in any manner which it thinks fit; and
- (p) Generally to give such directions and do all such things as it deems necessary or expedient in the premises.

3. The Court in the exercise of its jurisdiction over Boards and industrial magistrates may make such orders, by way of injunction, mandamus, prohibition, certiorari, or otherwise, as it thinks proper. Injunction, mandamus, &c.

4. The Court shall have jurisdiction to award costs in all matters brought before it including matters dismissed for want of jurisdiction: but no costs shall be allowed of any counsel, solicitor, or agent except on an appeal to the Court or unless, in the opinion of the Court, it is or was in the interests of justice that counsel, solicitor, or agent should be or should have been heard. Costs.

5. The Court in the exercise of its jurisdiction under this Act may enforce its own decisions and may enforce industrial agreements, and for these purposes may make and pronounce all such decisions or give such directions as may be necessary for doing complete justice in any proceeding before it, and for the execution of any such decision or the enforcement of any order, direction, or industrial agreement, and may direct the issue of any writ or process of the Supreme Court or impose and enforce any penalty authorised or prescribed by this Act in the same manner as a judgment of the Supreme Court is enforced, and the Registrar of the Supreme Court and the Sheriff and all bailiffs and other officers of the Supreme Court and *District Court and Courts of Petty Sessions shall be deemed to be officers of the Court and shall exercise the powers and perform the duties prescribed by the Rules of Court. Judgment and execution.
Enforcement of orders and awards.

6. In any industrial cause a Judge may make any order which he thinks just as to— Powers of Judge as to interlocutory matters.

- (a) Any interlocutory proceedings to be taken before the hearing, the costs thereof, the issues to be submitted to the Court, the persons or industrial unions to be served with notice of proceedings, particulars of the claims of the parties, admissions, discovery, interrogatories, inspection of documents or of real or personal property, examination of witnesses, and the place, time, and mode of hearing; and
- (b) Any matter which, by Rule of Court, a Judge is empowered to hear or deal with when sitting in chambers.

7. With respect to evidence in proceedings before the Court, the following provisions apply:— Evidence.

- (a) On the application of any of the parties, and on payment of the prescribed fee, or, by direction of a Judge, without any such application or fee, the registrar shall issue a summons to any party or parties, or other person or persons, to appear and give evidence before the Court, and any number of witnesses' names may be inserted in one summons;
- (b) The summons shall be in the prescribed form, and may require any person therein named to produce before the Court any books, papers, and other documents in his possession or under his control in any way relating to the cause other than books, papers, or documents relating to any trade secret;

* District Courts were abolished by s. 3 of "The Supreme Court Act of 1921" (12 Geo. V. No. 15, Statutes, p. 9787). Refer to subsection 3 of that section.

- (c) All books, papers, and other documents produced before the Court, whether produced voluntarily or pursuant to summons, may be inspected by the Court, and also by such of the parties as the Court allows; but the information obtained therefrom shall not be made public without the permission of the Court;

Provided that books, papers, and documents relating to the profits or financial position of any witness or party shall not, without his consent, be inspected by any person except the Judge unless such witness or party contends that the profits of an industry are not sufficient to permit of the payment of the wages or the granting of the conditions claimed or proposed to be paid or granted by any award, order, or industrial agreement; and that any parts of the books, papers, and documents which in the opinion of the Judge do not relate to any matter in issue may be sealed up;

- (d) Every person who is summoned and duly attends as a witness shall be entitled to the prescribed allowance for his attendance and expenses: Provided that, until otherwise prescribed or except as otherwise prescribed, the allowance shall be according to the scale for the time being in force with respect to witnesses in civil actions in the Supreme Court;
- (e) The Court may accept, admit, and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not;
- (f) Any party to the proceedings shall be competent and may be compelled to give evidence as a witness to the same extent as in cases in the Supreme Court;
- (g) The Court may, if it thinks fit, dispense with evidence on any matter on which all parties have agreed in writing, or on any matter as to which the Court deems evidence to be unnecessary;
- (h) The Court may take evidence on oath, or affirmation, or declaration.

**Contempt
by witness.**

8. If any person who has been duly served with a summons to appear and give evidence before the Court, and to whom payment or tender has been made of any travelling expenses to which he is entitled, fails to duly appear, or if any such person or any person who has appeared or appears as a witness—

- (a) Refuses to be sworn or make affirmation or declaration as a witness; or
- (b) Refuses to answer any question which he is required by the Court to answer; or
- (c) Refuses to produce any book, paper, or document which he is required by the Court to produce;

he shall be liable to be ordered by the Court to pay a fine not exceeding fifty pounds, unless he shows to the satisfaction of the Court that there was good and sufficient cause for such failure or disobedience.

**Contempt
of Court.**

9. If any person wilfully insults the Judge or registrar or any other officer of the Court during his sitting or attendance in Court, or in going to or returning from the Court, or wilfully interrupts the proceedings of the Court, or otherwise misbehaves himself in Court, the Judge may order that the offender be taken into custody and detained till the rising of the Court; and the Judge may, by a warrant under his hand and sealed with the seal of the Court, commit the offender to the prison nearest to the Court for any time not exceeding fourteen days, or may impose on the offender a fine not exceeding ten pounds, and in default of payment may commit the offender to prison for any time not exceeding fourteen days unless the fine is sooner paid.

**How powers
may be
exercised by
Court.**

10. The Court may exercise any of its powers on its own motion or on the application of any party to the proceedings, or of any industrial union connected with the calling in question, or of any person bound by the award of the Court.

**Power to
issue orders
to take
evidence.**

11. The Court may issue an order to any person to take evidence on its behalf in relation to any industrial cause; and that person shall have all the powers of the Court in relation to the summoning of witnesses, the production of books and documents, and the taking of evidence on oath or affirmation or declaration.

12. 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.

Registrar's powers and duties.

For the purpose of such inquiry and for the purpose of any matter which by this Act 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.

13. (1.) In any proceeding before the Court it may reserve its decision.

Reserved decision may be read by registrar.

(2.) Where a decision has been so reserved, the same 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 signed the same, forward it to the registrar; whereupon the registrar shall notify the parties of his intention to read the same at some specified time and place, and he shall read the same accordingly, and thereupon such decision shall be of the same force and effect as if it had been pronounced by the Judge.

14. When the Judge is unable to attend at the time appointed for the hearing of any industrial cause or for any proceeding, the registrar may adjourn the Court, and also adjourn any business set down for the day to such day and time as he deems convenient.

Adjournments of Court.

15. When any penalty is imposed in any proceedings in the Court, or any sum is by the Court ordered to be paid, and no other provision is made in this Act for the recovery thereof, a certificate in the prescribed form, under the hand of the registrar and the seal of the Court, specifying the amount payable and the respective parties or persons by and to whom the same is payable, may be filed in any Court having civil jurisdiction to the extent of such amount, and shall thereupon, according to its tenour, be enforceable in all respects as if it were a judgment of such Court.

Recovery of penalties and other sums ordered by the Court.

16. Where an employer through depression in any calling has reduced the number of his employees so as to affect the prescribed proportionate number of apprentices employed by him, the Court, after full inquiry, may, if it thinks fit, permit him to continue employing such apprentices for the full term of their indentures.

Permit for existing apprentices where number of employees reduced.

17. Notwithstanding anything to the contrary contained in this Act, a person may, with the sanction in writing of the Court, be bound as an apprentice to any calling for less than three years if, owing to his previous experience or length of employment in such calling, it is not possible to bind such person as an apprentice for three years.

Power to bind certain apprentices for less than three years.

A person bound pursuant to this section with the sanction of the Court shall not be deemed to be an improver.

18. The registrar or, on appeal from him, the Court may grant to any person over twenty-one years of age, who has given satisfactory proof that such person has not had the full experience prescribed for improvers by any award, a license to work as an improver for the period named in such license, at such wage as the registrar or Court thinks fit, being not less than the wage fixed by such award for an improver of the like experience.

License to improvers over 21 years old.

* (2.) Upon receipt of an application for a license the registrar shall forthwith give written notice thereof to the secretary of the industrial union of the calling in which the applicant desires to be employed, and shall in such notice appoint a time, not being more than seven days nor less than three days from the date of such notice, at which he will hear any objections to the granting of such license.

* (3.) The industrial union of the calling concerned may at any time after the granting of such license apply to the registrar, or, on appeal from him to the Court, in the manner prescribed for the revocation or cancellation thereof.

* Amended by Order in Council of 12th April, 1918.

University students.

*18A. The registrar or, on appeal from him, the Court may, notwithstanding the provisions of any award or industrial agreement now subsisting or hereafter to be made, grant to any student of a university, producing satisfactory evidence that a period of technical training in a calling is required to enable him to complete his student's course at such university, a license to work at such calling for such period and for such wages and subject to such conditions as the registrar or the Court may think fit; thereupon such student shall not be deemed to be an improver within the meaning of this Act or of any award or industrial agreement now subsisting or hereafter to be made.

The registrar shall forthwith notify the secretary of the industrial union of the calling in which such licensee is permitted to be employed of the grant of such license and of the conditions contained therein.

Aged or infirm workers.

19. (1.) Any aged or infirm worker who deems himself or herself unable to earn the minimum wage prescribed by any award may apply to the Court, and any industrial inspector may apply to the Court on his or her behalf, for a permit in writing to work for less than the wage so prescribed.

(2.) The Court or any industrial magistrate to whom the application has been remitted specially or by Rules of Court 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 tribunal to which such application has been so remitted shall forthwith give written notice of such application to the secretary of the industrial union of the calling in which such applicant desires to be employed, and shall in such notice appoint a time, not being more than seven nor less than three days from the date of such notice, at which the said tribunal will hear objections to the grant of a permit. The said tribunal shall, at the time so appointed, and before determining whether such permit should be granted, hear objections from any authorised representative of such industrial union.

*(4.) Such industrial union may, at any time after the granting of such permit, apply to the said tribunal in the manner prescribed for the revocation or cancellation thereof.

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

(6.) Any person paying or receiving a less sum than that authorised by such permit shall be liable to a penalty as for a breach of an award.

Rules of Court.

20. (1.) The Court may make rules—

(a) Regulating the practice and procedure and forms to be followed and used in or in connection with or for the purposes of proceedings before the Court or Boards, and in or in connection with or for the purposes of drawing up, settling, and enforcing awards, judgments, convictions, decisions, and other acts given, made, and done by the Court and awards made by Boards; regulating proceedings in chambers;

(b) As to the publication of its decisions and other acts, and of the awards of Boards, and the effect of such publication;

(c) For recovering fines and penalties imposed, and enforcing orders for attachment and orders for the payment of any moneys made under this Act;

(d) Prescribing the fees and expenses to be paid to witnesses;

(e) Prescribing what (if any) fees shall be paid in respect of any proceedings in the Court, and the party by whom such fees shall be paid;

(f) Prescribing the mode of service of process, notices, orders, or other proceedings upon parties, persons, and industrial unions;

(g) Prescribing the powers, duties, and rights of any officer of the Court;

(h) The making and enforcement of industrial agreements;

* 18A inserted by Order in Council of 28th Sept., 1917.

† Original paragraphs (3) and (4) deleted and new pars. (3) and (4) inserted in lieu thereof by Order in Council of 28th Sept., 1917.

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- (i) Delegating the jurisdiction of the Court as permitted by this Act to industrial magistrates;
 - (j) Prescribing the powers and duties of chairmen of Boards; providing for the appointment of an acting chairman during the temporary absence of the chairman from any cause;
 - (k) Prescribing the furnishing to the registrar of returns, lists of officers and members, and other statistical information by industrial associations;
 - (l) As to all things which this Act contemplates shall or may be prescribed by Rules of Court; and
 - (m) As may be necessary or convenient for the full and effective exercise of the jurisdiction, duties, powers, and functions of the Court, or for giving effect to the convictions, decisions, and other acts given, made, or done by the Court or the registrar or other officer of the Court.

(2.) If at the time there is only one Judge, the power of making such rules shall be exercisable by such Judge; if there are two Judges, the said power shall be exercisable by the two Judges together; and if there are more than two Judges, the said power shall be exercisable by all the Judges or a majority of them.

(3.) Subject to such rules and this Act, the practice and procedure of the Court shall be as directed by the Judge making the particular direction.

(4.) All such rules shall be published in the *Gazette*; and thereupon shall be of the same effect as if they were contained in this Act, and be judicially noticed without further evidence than the production of a copy of the *Gazette*.

Such rules shall be laid before *both Houses of Parliament within fourteen sitting days after such publication if Parliament is in session, and, if not, then within fourteen sitting days after the commencement of the next session.

*If either House of Parliament passes a resolution disallowing any such rule, of which resolution notice has been given at any time within fourteen sitting days of such House after such rule has been laid before it, such rule shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

(5.) For the purpose of this Schedule, the term "sitting days" shall mean days on which the House actually sits for the despatch of business:

Provided always that if such rules are not duly laid before Parliament as hereinbefore prescribed they shall thereupon cease to have any force, effect, or operation whatsoever.

* See note to s. 25 on page 24.

***RULES OF COURT UNDER "THE INDUSTRIAL ARBITRATION ACT OF 1916" OF 19th JANUARY, 1917, AS AMENDED BY SUBSEQUENT RULES.**

WE, THOMAS WILLIAM McCAWLEY, President of the Court of Industrial Arbitration of Queensland, and ALLAN WIGHT MACNAUGHTON, a Judge of the said Court, pursuant to the powers and authorities in us vested by "The Industrial Arbitration Act of 1916," do hereby repeal all Rules of Court heretofore in force, and do hereby make Rules of Court under the said Act as follows:—

ORDER I.—INTERPRETATION.

Interpretation.

1. In these Rules, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:—

"The Act"—"The Industrial Arbitration Act of 1916" and any Regulations made thereunder, and for the time being in force.

"Affidavit" includes statutory declaration and affirmation; and "sworn" includes declared and affirmed according to statute.

"Clear day"—In all cases in which any particular number of days is prescribed for doing any act or for any other purpose, the same shall be reckoned exclusive both of the first and of the last day.

"Oath" includes statutory affirmation.

"Sealed"—Sealed with the Seal of the Court.

"Stamped"—Stamped with the stamp of the Registrar.

"Filed"—Filed in the Office of the Registrar.

ORDER II.—PROCEEDINGS GENERALLY.

Form of proceedings.

1. Every proceeding in the Court shall be entitled as in Form 1 of the Schedule hereto.

Where form not prescribed.

2. Where no form of motion, summons, complaint, application, order, or other document or instrument is prescribed, or where no adequate form is prescribed, the form shall be such as the Registrar, under the direction of the Court, directs or approves.

When forms not as prescribed.

3. When anything is required to be in any of the forms prescribed it shall be sufficient if it is to the like effect. Any such forms may be modified by the authority of the Registrar to meet any particular case.

Form of document.

4. All documents filed in the Court and all copies thereof shall be on foolscap paper with a quarter margin, written, typewritten, or printed on one side only, and having not less than two folios nor more than five folios of seventy-two words on each page, and divided into convenient paragraphs, with the numbers of the paragraphs on the inner edge of the margin.

5. Except where otherwise provided, every proceeding in the Court shall be commenced by summons.

Affidavit to accompany documents.

6. Except where otherwise expressly provided, every summons under the Act or these Rules shall be supported by an affidavit; but the Court, if it thinks fit, may dispense with such affidavit; such affidavit shall be on the oath or affirmation of the declarant.

A copy of every affidavit filed shall be forthwith served on the other parties, if any.

7. Forthwith on the commencement of any proceeding, by summons, reference, or motion, the association, union, or person commencing the proceedings shall take out a summons for directions, to be supported by affidavit.

Application of Judicature Rules.

8. The provision of Order XXI. of the Rules of the Supreme Court made under "The Judicature Act" shall, *mutatis mutandis*, be applicable to evidence and affidavits in the Court.

Filing documents.

9. No document shall be of record or used in the Court until the same or a copy thereof has been filed. No document shall be filed unless the same is clearly legible:

Provided that the Court may permit the use of any document subject to the same or a copy thereof being filed.

*All documents relating to the proceedings of the Court in the Northern Division may be filed in the Registry at Townsville, and for this purpose the Northern Division is defined as "all that portion of the State of Queensland north of a line beginning at the coast on the 21st parallel of south latitude; thence by that parallel due west to 147 degrees of east longitude; thence by that longitude due south to 22 degrees 30 minutes of south latitude; and thence by that parallel due west to the western boundary of the State."

Endorsement of documents filed.

10. Every document filed shall have endorsed thereon the name of the matter, with a short description of the nature of the document, and the name and address of the party filing the same, which address shall be deemed to be the filed address for service of such party; and, if the person filing the same is acting as agent or otherwise on behalf of any person, corporation, or industrial association, trade union of employees, or industrial union, stating that fact, and also stating the parties addressed for service.

Representation of persons, corporations, and industrial associations.

11. Except where otherwise expressly provided by the Act or by these Rules, if any motion, summons, complaint, application, or other document is required by these Rules to be taken out, made, or signed, or any step is required to be taken by any person, corporation, or industrial association, trade union of employees, or industrial union, such motion, summons, complaint, application, or document may be taken out, made, or signed, and such steps may be taken on behalf of such person, corporation, or industrial association by the following persons:—

- (a) In the case of any person, by such person or by any other person duly appointed by him in writing;
- (b) In the case of a corporation, by the member or officer duly authorised under the seal of the corporation to represent it, or by an agent duly appointed by it in writing;
- (c) In the case of an industrial association, trade union of employees, or industrial union, by a member or officer of the same duly appointed in writing to represent it.

In all cases all written appointments for the purpose of this Rule shall be filed.

Withdrawal of process.

12. Any motion, complaint, summons, or application may be withdrawn by leave of the Court upon notice of such withdrawal being filed:

Provided that where any complaint of an offence is sought to be withdrawn and any arrangement has been come to between the parties with respect to such withdrawal or a discontinuance or non-prosecution of the proceedings, a full statement, signed by the parties and duly setting forth the terms of such agreement, shall be filed, and shall be submitted to the Court by the Registrar upon the application for the leave of the Court to withdraw. Failure to disclose any such arrangement for withdrawal or for discontinuance or non-prosecution of a complaint shall be deemed to be a contempt of Court and punishable accordingly.

Exhibits.

13. No party to any proceedings shall be at liberty to take any exhibit out of Court without an order of a Judge.

* Paragraph inserted by Rules of Court of 8th May, 1922 (*Gazette of 13th May, 1922*).

Searches.

14. No person shall be at liberty to search the proceedings in any matter to which he is not a party or by which he is not bound without an order of the Registrar.

The Registrar and his office.

*15. (1) The Registrar shall keep an office at the place where the Court is held at Brisbane and at Townsville; such offices shall be kept open on such days and for such hours as the Court from time to time appoints.

(2) The Registrar shall cause the books to be kept in the form approved by the Court: Provided that all books of account shall be kept in the form approved by the Auditor-General of Queensland.

(3) The Registrar shall—

- (a) Sign and issue summonses and warrants and other process of the Court.
- (b) Register all records, orders, and awards.
- (c) Keep minutes of the proceedings of the Court.
- (d) Act in Court as Registrar, and keep and sign the minute-book of the Court.
- (e) Cause a note of all motions, complaints, summonses, orders, awards, judgments, decisions, executions and returns thereto, and of all other proceedings of the Court or consequent thereon, to be entered from time to time in proper books to be kept at his office.
- (f) Have the custody of the seal of the Court and the custody of the stamp of the Registrar. He shall affix the seal of the Court to all process documents and instruments where required by the Act or these Rules; in all other cases he shall affix the stamp of the Registrar to all documents issued from his office or filed therein.
- (g) Take charge of and keep an account of all fees, fines, penalties, forfeitures, and other moneys paid or payable under the Act or these Rules, and of all moneys paid into or out of Court or paid to or by him under the Act or these Rules.
- (h) When required, submit his accounts to be audited by the Auditor-General of Queensland or his officers.

Seal of the Court.

16. There shall be a seal of the Court, which shall bear the Royal Crown, with the words "Court of Industrial Arbitration of Queensland."

Stamp of Registrar.

17. There shall be a stamp of the Registrar, which shall bear the Royal Crown, and the words, "Industrial Registrar, Queensland." It shall be constructed so as to stamp the date on any documents stamped with it.

Fees.

18. All fees authorised to be collected or received shall be collected by the Registrar and his officers in sterling money of the realm or Treasury or Commonwealth notes. Any document in respect of which any fee ought to be paid shall not be received or filed unless or until such fee has been duly paid.

Table of fees.

19. The fees to be demanded and paid in the Court shall be those set forth in the following table:—

	<i>s.</i>	<i>d.</i>
On every summons or notice of motion issued, including filing fee ..	2	6
On every order or determination of the Court, or Judge, including filing	2	6
Affixing Seal of Court to any document	5	0
On filing Industrial Agreement or rescission or variation of Industrial		
Agreement	5	0
On filing affidavit	1	0
On filing any other document	2	0
Search	1	0
Inspection	1	0
For preparation of any document, per folio of seventy-two words ..	1	0
For first copy of any document, per folio of seventy-two words ..	0	4
For carbon copies thereof, per folio of seventy-two words ..	0	2
On every order or determination of the Registrar (including filing fee)	2	6
For certificate of Registrar	2	6

ORDER III.—THE COURT.

Rotation.

*1. Subject to the power of transfer, every matter which shall be commenced in the Court in the Brisbane Registry shall be assigned to and marked with the name of one of the Judges resident at Brisbane in rotation.

Transfer.

2. Any cause or matter may, at any stage, be transferred from one Judge to another by consent of the two Judges or by Rule of Court.

3. Any Judge may, at the request or with the consent of any other Judge to whom a matter is assigned, or in the absence of such other Judge, hear such cause or matter or any application therein, and for that purpose it shall not be necessary that any order for transfer shall be made or consent of the parties obtained.

4. Subject to the power of transfer, if the hearing of a matter takes place before a Judge other than the Judge to whom the same is assigned, the matter shall from that time be deemed to be transferred to the Judge before whom the hearing took place.

Consolidation.

5. Matters may be consolidated by order of the Court, or of any Judge to whom any of the matters is assigned, in any case in which it appears that substantially the same question is involved in all the matters or that the decision in one matter will determine the other or others. The application may be made by any person who is a party to two or more of the causes or matters.

Judge to hold Court.

6. The Judges shall attend and hold the Court at the place appointed at such times as are appointed by them.

Notice of sittings.

7. Notice of the days on which the Court is appointed to be held shall be put up in a conspicuous place in the Court House and in the Registrar's Office, or shall be otherwise published as the Court directs.

Chambers.

8. Judges may sit in Chambers at any time and at any place within the State.

Subject to these Rules, a Judge may exercise in Chambers any jurisdiction of the Court except the hearing of proceedings for offences.

Judge may prohibit publication of reports.

9. The Judge may, if he thinks fit, make an order prohibiting the publication of a report of any proceedings or any part thereof in any matter being heard or which has been heard before the Court which in his opinion on public grounds ought not to be published:

Provided that nothing herein contained shall prevent the publication of a report of such parts of, or of the facts connected with, such proceedings as are not so prohibited.

When any such order has been made, a copy thereof shall be posted by the Registrar or other officer in some conspicuous place where notices are usually posted at the Court House in which such matter is then being or was heard.

Any person who publishes a report of any such proceedings or any part thereof in respect of which such order has been made and posted shall be guilty of contempt of Court and punishable accordingly.

Business.

10. The business of the Court shall be taken at such times and in such order as the Court may appoint.

Vacations.

11. The vacations and the holidays of the Court shall be those of the Supreme Court of Queensland, Brisbane, provided that if the Court or a Judge deems it necessary Court or Chamber business may be taken during vacation.

* Printed as amended by Rule of Court of 8th May, 1922 (*Gazette* of 13th May, 1922).

Return date, how fixed, &c.

12. The date on which any summons, motion, or complaint shall be made returnable to and set down for hearing by the Court shall be fixed by the Registrar.

Procedure before Registrar.

13. The Registrar shall have the following powers in relation to any matter by the Act or the Judge or these Rules referred to him:—

- (a) To summon persons as witnesses, administer oaths, and take affidavits, and examine parties and witnesses.
- (b) To adjourn any matter or hearing.
- (c) To amend or give leave to amend any application, notice, or other proceedings.
- (d) To extend the time prescribed for the lodging of any document or the doing of any act (whether that time has expired or not).

The foregoing powers, if exercised on the application of a party, may be exercised on such terms as the Registrar thinks fit.

Every order made by the Registrar shall be signed by him and stamped and filed.

ORDER IV.—JURISDICTION OF THE COURT.

(A.) ORIGINAL.

Reference to the Court under s. 7 (1).

1. (1) Every reference of an industrial matter or industrial dispute in any calling made to the Court under subsection 1 of section 7 of the Act shall be in writing and filed.

(2) Such reference, if by an industrial union, or employers, or employees, shall be signed by the union, or persons making the same, and shall set forth all facts which are relied upon by the applicant or applicants as ground for the exercise by the Court of its jurisdiction over the matter or dispute in question in the calling concerned.

Carriage of proceeding.

(3) The person, if any, named by the Court as having the carriage of the proceedings, shall take all the necessary steps in such proceedings until their final determination by the Award of the Court.

(4) If no such person is named by the Court, the Court may in any case order that the Registrar shall have the carriage of the proceedings, and take all such steps accordingly.

(5) In all cases the mode of proceeding and the steps to be taken therein shall be determined from time to time by the Court upon a summons for directions.

Compulsory conference under s. 21.

2. For the purpose of summoning any person to attend a compulsory conference under section 21 of the Act, a summons shall be issued by the Registrar in Form 2 of the Schedule hereto.

(B.) ON APPEAL.

Motion for appeal.

3. Every appeal from the Award of a Board or any part thereof or any proceedings of the Board shall be instituted by motion upon notice, and upon the filing of such motion the pendency of the appeal shall be deemed to begin.

Further proceedings.

4. All further proceedings on the appeal shall be had and taken in the manner directed by the Court from time to time upon a summons for direction.

(C.) PROCEEDINGS FOR THE ENFORCEMENT OF PENALTIES.

Complaint.

5. Except where otherwise provided by the Act, proceedings for the enforcement of penalties incurred under the Act in respect of offences other than the penalties referred to in sections 67, 69, 70, and 71 of the Act shall be commenced by complaint before a Justice of the Peace.

By whom laid.

6. The complaint may be made or laid by the complainant in person or by his counsel or solicitor or other person authorised in that behalf.

Remission.

7. Upon the making or laying of the complaint, the proceedings shall be and are hereby remitted to an Industrial Magistrate.

Summons.

8. When such complaint is made or laid, the Justice may issue his summons. The summons shall be directed to the defendant, and shall state shortly the matter of such complaint, and require him to appear at a certain time and place before an Industrial Magistrate to answer the complaint and to be further dealt with according to law.

Hearing and determination.

9. Subject to the Act, the provisions of "The Justices Acts, 1886 to 1909," relating to the summoning of witnesses, hearing and determination of a simple offence by Justices, and the enforcement of the decision of Justices with respect to a simple offence and the recovery of any penalty, costs, or expenses imposed or ordered to be paid with respect thereto and the consequences of default in paying the same and all forms appropriate thereto shall *mutatis mutandis* apply to and be observed in the hearing and determination by the Industrial Magistrate of the offence so charged, in the enforcement by the Industrial Magistrate of his decision thereon, in the recovery of any penalty, costs, or expenses imposed or ordered to be paid with respect thereto, and in consequence of default in paying the same; and the Industrial Magistrate shall for all the said purposes have the powers of a Police Magistrate in regard to simple offences.

10. Where any charge in respect of an offence is to be heard and determined by the Court, the proceedings shall be commenced by complaint before the Registrar, who shall issue his summons, and the proceedings as nearly as may be shall be the same as in proceedings before an Industrial Magistrate.

(D.) CLAIMS FOR WAGES.*Plaint.*

11. Claims for arrears of wages due under an award, order, or industrial agreement shall be commenced by plaint before a Justice of the Peace.

By whom laid.

12. The plaint may be made by the plaintiff in person or by his counsel or solicitor or other person authorised in that behalf.

Remission.

13. Upon the making of the plaint, the proceedings shall be and are hereby remitted to an Industrial Magistrate.

Summons.

14. When such plaint is made, the Justice may issue a summons. The summons shall be directed to the defendant, and shall state shortly the subject-matter of the plaint, and require him to appear at a certain time and place before an Industrial Magistrate to answer the plaint.

Hearing.

15. The matter shall be heard and determined by the Industrial Magistrate.

Enforcement of order.

16. If the Magistrate orders any sum to be paid, a certificate under his hand, specifying the amount payable and the respective parties or persons by and to whom the same is payable, may be filed in the Court, and shall thereupon, according to its tenour, be enforceable in all respects as if it were an order of the Court; for such certificate may be filed in any Court having civil jurisdiction to the extent of such amount, and shall thereupon, according to its tenour, be enforceable in all respects as if it were a judgment of such Court.

(E.) APPEALS FROM INDUSTRIAL MAGISTRATES.

‡ * * * * * *

* 50 Vic. No. 17 and 9 Edw. VII. No. 11 (Statutes, pp. 1132 *et seq.*)

† Words from "or" to "such Court" inserted by Rule of Court published in *Gazette*, 1st February, 1919.

‡ Rule 17 deleted by Rule of Court of 8th May, 1922 (*Gazette* of 13th May, 1922).

Notice.

18. Any party to a proceeding before an Industrial Magistrate who desires to appeal from the decision may do so by giving notice in writing within seven days after the decision is pronounced to the Industrial Magistrate and to the other or respondent party.

Documents.

19. A copy of such notice, the complaint, and of the depositions, and other proceedings before the Industrial Magistrate, shall thereupon be transmitted by the Industrial Magistrate to the Registrar.

Recognisance.

20. The appellants shall at the time of giving such notice to the Industrial Magistrate enter into recognisance before the Industrial Magistrate, with or without surety or sureties and in such sum as is directed by the Industrial Magistrate, condition to prosecute such appeal without delay, and to submit to the judgment of the Court and pay such costs as the Court shall award. The appellant, if then in custody, shall be liberated upon the recognisance being further conditioned for his appearance before the same or some other Industrial Magistrate within a reasonable time, not less than ten days after the judgment of the Court is given, to abide by such judgment, unless the decision appealed against is reversed.

Evidence.

21. Unless the Court orders that additional evidence shall be taken, the appeal, which shall be by way of rehearing, shall be heard and determined upon the evidence and proceedings before the Industrial Magistrate.

Time and place.

22. The Industrial Magistrate shall forthwith advise the Registrar (by telegram if the case was not heard within one hundred miles of Brisbane) of any appeal. The Registrar shall thereupon advise the Industrial Magistrate of the time and place fixed for the hearing of the appeal, and the Industrial Magistrate shall cause the parties to be notified thereof.

(F.) GENERAL.

Applications to the Court.

23. Applications to the Court, unless otherwise allowed or ordered by the Court, or by the Act or these Rules, shall be made by summons or by motion upon notice. Summonses shall be in Form No. 3 of the Schedule hereto.

Motions shall be in Form No. 4 of the Schedule hereto.

Applications by motion.

24. The following applications to the Court shall be made by motion upon notice, namely:—

- (a) Appeals as hereinbefore provided (other than appeals from Industrial Magistrates);
- (b) Applications to prohibit any proceeding of a Board;
- (c) Applications to rescind or vary any award, decision, recommendation, direction, appointment, reference, or other act made or done by the Court;
- (d) Applications for an order in the nature of an injunction; .
- (e) Applications to commit any person for contempt of Court made by any other person than the Registrar or other officer of the Court, or other than for a contempt in the face of the Court:

Provided that if the Court so permits, a motion for an interim order in the nature of an injunction may be made *ex parte* without notice.

Every notice of motion shall set forth the grounds and reasons for the application, and shall be verified by affidavit, and served on all other parties as prescribed.

Other applications.

25. Save as provided in the last preceding Rule, and unless otherwise ordered by the Court, and except in the case of proceedings for offences or the recovery of penalties or forfeitures, all applications to the Court may be made by summons.

Enforcement of judgments and orders.

26. Every judgment, decision, and order of the Court shall be drawn up and verified and executed and recovered upon and otherwise enforced in the manner in which judgments and orders of the Supreme Court of Queensland or of a Judge thereof are respectively drawn up, verified, executed, and recovered upon, and otherwise enforced against the person, lands, and goods of the parties affected, according to the circumstances of the case. And for that purpose the provisions of the Rules of the Supreme Court made under "*The Judicature Act*" and all forms thereunder applicable to the matters aforesaid within the jurisdiction of the said Supreme Court shall, so far as can be, apply and be observed with such variations and modifications to meet particular cases as the Court may either generally or in any particular case approve.

Nothing in this Rule shall apply to proceedings for offences, or for the recovery of any penalty or forfeiture after conviction of an offence, or when the costs or expenses incurred are ordered to be paid in respect of any proceeding for an offence.

Costs and expenses.

27. The costs and expenses in respect of proceedings and other matters to which these Rules apply may be allowed by the Court upon a scale not exceeding the scale allowed in the said Supreme Court in respect of like proceedings in the said Court and pursuant to the said Supreme Court Rules.

Withdrawal of consent.

28. When all parties to an industrial cause have consented to be represented by counsel or solicitor in any proceedings before the Court, or before a Board, no party shall withdraw his consent without leave of the Court or Board.

ORDER V.—SERVICE OF PROCESS.*Service by parties.*

1. Parties shall effect service of all documents and proceedings unless the Court otherwise directs or unless it is otherwise prescribed.

Service upon persons.

2. Service of process upon any person shall be effected by leaving such process with such person or by tendering such process to such person, or by leaving such process with any person apparently above the age of fourteen years at the residence or usual place of business of the person intended to be served, or where such person has filed an address for service at such address, or by posting such process in a prepaid registered letter addressed to such person at such address.

Service upon corporations and industrial associations.

3. Service of any process upon any corporation shall be effected by leaving such process with the secretary or manager thereof, or by tendering such process to such secretary or manager, or by posting such process in a prepaid registered letter to such secretary or manager, at the registered office of such corporation, or where such corporation has filed an address for service at such address.

Service of any process upon an industrial union or association shall be effected by leaving such process with the secretary thereof, or by tendering such process to such secretary, or by posting such process in a prepaid registered letter to such secretary at the last known office of the union or association, or where such union or association has filed an address for service at such address.

Service by officer of Court.

4. Any officer of the Court shall when required by the Registrar serve any process or document required to be served by the Registrar, and the charge in respect of such service shall be paid in the first instance by the party having the carriage of the matter.

Substituted service.

5. When personal or other service of any proceedings is required by the Act or these Rules, and it is made to appear to a Judge that prompt service cannot be effected, a Judge may make such order for substituted or other service or the substitution of notice by letter, telegram, public advertisement, or otherwise as may seem just.

Time for service of summons, &c.

6. Every summons, notice of motion, or notice of application required to be served shall be served upon the party concerned at least two clear days before the return day thereof, or the day on which it is proposed to move or apply, unless the Court gives leave for shorter service.

* 40 Vic. No. 6 (Statutes, p. 2401).

Duty of person serving.

7. If the service of any process has been personal, the person who served it shall endorse on the copy of the process delivered to him by the Registrar the fact and mode of such service. If the service has not been personal, he shall endorse on the copy of the process the statement which has been made by the person to whom the process was delivered or other circumstances from which it may be inferred that the service of the process has come to the knowledge of the person to be served.

If the summons has not been served, the person whose duty it was to serve it shall endorse on such copy the fact and the reason for such non-service, and shall deliver the process and such copy to the Registrar. Such copy shall be produced to the Court by the Registrar at the time of the hearing.

ORDER VI.—BALLOTS.Ballot under s. 65.*

1. When a ballot is required to be taken by the Registrar, under section 65 of the Act, among the employers or employees, as the case requires, in the calling concerned, the following provisions shall apply:—

(i.) The Registrar, upon receiving an application in writing from the duly authorised agent of employers or of employees who are not members of an industrial union registered under the provisions of the Act, may take a ballot amongst the employers or employees, as the case requires. Such application shall set forth the matter in dispute and be accompanied by a list of such employers or employees, with their addresses.

(ii.) The Registrar shall be the returning officer at the ballot, and all proceedings had and taken and things done by persons deputed by him in connection with the ballot shall be had, taken, and done in his name.

(iii.) The Registrar shall cause to be compiled a roll or rolls of persons entitled to vote at the ballot from the list accompanying application, or from such lists as may be otherwise provided by those concerned. For the purpose of obtaining such lists, all employers or employees or their agents or secretaries of their associations shall, upon receiving the oral or written request of the Registrar or by advertisement inserted by him in any local paper, forthwith supply a list of persons who are entitled to vote at such ballot.

(iv.) The Registrar shall fix the place and time for the taking of the ballot.

(v.) The Registrar may appoint presiding officers, poll clerks, scrutineers, and other persons as officers to assist at the taking of the ballot, and may appoint any of these as his deputy.

(vi.) The Registrar or his deputy shall have authority to preserve order at the ballot; and all persons shall be excluded from the ballot-room except persons who are present for the purpose of voting, and the Registrar and his officers.

(vii.) The Registrar or his deputy shall provide ballot-papers, and all such other proper means and accessories as are necessary for taking the ballot.

(viii.) The voting shall be secret.

(ix.) No voter shall be entitled to give more than one vote.

(x.) The ballot shall be taken by voting-papers only.

(xi.) The voting-paper shall be in the following form:—

“THE INDUSTRIAL ARBITRATION ACT OF 1916.”

No. on Roll:

VOTING-PAPER.

In the matter of a proposed strike [or lockout] in the calling of
because [concisely state reason].

Are you in favour of striking?

YES.

NO.

Directions.

Mark an “X” in the square opposite the word “YES” if you are in favour of striking, or in the square opposite the word “NO” if you are not in favour thereof.

Should an “X” be marked in both squares, or should such mark be placed outside the squares, the voting-paper shall be informal and invalid.

* Original Order VI. repealed and new Order substituted by Rule of Court published in *Gazette*, 23rd November, 1918.

(xii.) The Registrar or his deputy shall, as soon as practicable after the hour fixed for the close of the poll, count the votes received.

(xiii.) The Registrar may direct that the ballot be carried out by posting or delivering to him or his deputy the voting-papers under sealed cover or envelope to be provided by him or his deputy.

(xiv.) For such purpose the Registrar or his deputy shall forward to each voter a voting-paper whereon is marked the roll number of such voter; such number being on one corner of the voting-paper and concealed by having the corner folded over and pasted down.

(xv.) All voting-papers, rolls, and documents used at the ballot shall be kept in the custody of the Registrar.

(xvi.) The Registrar shall report the result of the ballot, together with the details of the voting, to the Court, and shall record in his office a certificate of such result under his hand and seal.

ORDER VII.—INDUSTRIAL AGREEMENTS.

Duplicate original.

1. The Registrar of the Court shall cause the duplicate original of every industrial agreement filed and registered under the provisions of this Act to be numbered, and shall note thereon the date of the registration thereof, and shall keep a "Register Book" in which shall be inserted the registered number, the date of making, date of registration, term, and *précis* of the contents thereof. He shall, at the request of the party presenting the agreement for registration, endorse upon the original agreement, if produced for the purpose, a memorandum in the Form numbered 5 in the Schedule hereto.

Mode of retirement.

2. The notice signifying intention to retire from an industrial agreement shall be in Form numbered 6 in the Schedule hereto, and shall be filed with the Registrar of the Court. A copy of such notice shall at the same time be forwarded by the party retiring by ordinary prepaid post to each of the other parties to the agreement, directed to their usual or last known addresses.

Variation or cancellation.

3. Application for leave to vary or cancel an industrial agreement which has been made a common rule may be made to the Court *ex parte*.

Concurrence.

4. The notice signifying concurrence with an industrial agreement shall be in Form numbered 7 in the Schedule hereto, and shall be filed with the Registrar of the Court.

Application for common rule.

5. An application to the Court for a declaration that an industrial agreement shall have the effect of an award and be a common rule of the industry or industries to which it relates shall be in the Form numbered 8 in the Schedule hereto. In case such application is made on behalf of an Industrial Union or Industrial Association of Employers, it shall be signed in accordance with the rules of such union or association.

6. The Registrar of the Court of Industrial Arbitration shall cause notice of the said application and of the proposed date and place of hearing thereof, in the Form numbered 9 in the Schedule hereto, to be advertised in a newspaper circulating in the locality specified in the said agreement or to be forwarded by prepaid registered post to all parties likely in the opinion of the Court to be affected.

7. Any person desiring to be heard in opposition to the said application must, within fourteen days of the publication of the said notice, or from the date of the receipt thereof, file with the Registrar of the Court a notice in Form numbered 10 in the Schedule hereto.

ORDER VIII.

When any industrial cause has been remitted to a Board for determination and award, or for inquiry and report, all meetings of the Board shall be convened by the chairman by notice served upon the members thereof. Such notices shall be in Form 11 of the Schedule hereto.

All parties to such remission shall be summoned to attend the meetings of the Board by the chairman. Such summons shall be in Form No. 12 of the Schedule hereto.

ORDER IX.—AGED AND INFIRM WORKERS.

Applications by aged or infirm workers, under section 19 (1) of the Schedule to the Act, shall be filed with an Industrial Magistrate; thereupon the application shall be deemed to be remitted to such Magistrate.

THE SCHEDULE.

[Form 1.]

[Ord. II. r. 1.]

Title of proceedings.

In the Court of Industrial Arbitration of Queensland.

The President [*or Mr. Justice* . . .].

No. . . . of 19 . . .

In the matter of [*state the matter in which the proceedings are taken.*]

[Form 2.]

[Ord. IV. r. 2.]

"THE INDUSTRIAL ARBITRATION ACT OF 1916."

Summons to Compulsory Conference.

To . . . , of . . .

In the matter of the . . . calling and for the purpose of preventing [*or settling*] an industrial dispute therein.

You are hereby summoned to attend at . . . on the . . . day of . . . at . . . o'clock a.m. [*or p.m.*] at a conference in the above matter, to be presided over by the President of the Court of Industrial Arbitration [*or Mr. Justice Macnaughton, a Judge of the Court of Industrial Arbitration*].

[NOTE.—Section 21 (3) of "*The Industrial Arbitration Act of 1916*" provides that any person summoned to a compulsory conference 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 one hundred pounds.]

Dated at . . . this . . . day of . . . , 19 . . .

(Seal of the Court)

Registrar.

[Form 3.]

[Ord. IV. r. 23.]

"THE INDUSTRIAL ARBITRATION ACT OF 1916."

Summons—General Form.

[Heading.]

To . . . , of . . .

You are hereby summoned to appear before this Honourable Court at . . . day . . . of . . . , 19 . . . , at 10 o'clock in the forenoon, or so soon thereafter as the Court may hear the summons upon the application of . . . that [*state nature of application*].

Dated at . . . this . . . day of . . . , 19 . . .

(Seal of the Court)

Registrar.

[Form 4.]

[Ord. IV. r. 23.]

"THE INDUSTRIAL ARBITRATION ACT OF 1916."

Notice of Motion—General Form.

[Heading.]

To . . . , of . . .

Take notice that this Honourable Court will be moved by . . . at such time as may be fixed by order on summons for directions; or so soon thereafter as he may be heard, that [*state nature of application*].

Dated at . . . this . . . day of . . . , 19 . . .

Applicant.

[Ord. VII. r. 1.]

[Form 5.]

"THE INDUSTRIAL ARBITRATION ACT OF 1916."

Memorandum of Registration of Industrial Agreement.

A duplicate original of the within industrial agreement was filed in my office on the _____ day of _____, 19____, and was registered No. _____ in the Register of Industrial Agreements kept by me.

Dated this _____ day of _____, 19____.

Registrar.

[Ord. VII. r. 2.]

[Form 6.]

"THE INDUSTRIAL ARBITRATION ACT OF 1916."

Notice of Retirement from Industrial Agreement.

To the Registrar of the Court of Industrial Arbitration.

Take notice that the following Industrial Union [or Industrial Association of Employers or employer], namely _____, one of the parties of the Industrial Agreement dated the _____ day of _____, 19____, made between _____ and _____ and filed at your office, and numbered _____, and which expires [or expired] on the _____ day of _____, 19____, will retire from such Agreement and cease to be a party thereto at the expiration of thirty days from the date of the filing hereof.

Dated this _____ day of _____, 19____.

Signed on behalf of the above first-named Union [or Association].

[Seal.]

{ Signed as prescribed by the rules
of Industrial Union [or
Industrial Association of
Employers]

[or signed by the abovenamed _____ Employer.]

Filed at my office this _____ day of _____, 19____.

Registrar.

[Ord. VII. r. 4.]

[Form 7.]

"THE INDUSTRIAL ARBITRATION ACT OF 1916."

Notice of Concurrence in Industrial Agreement.

To the Registrar of the Court of Industrial Arbitration.

Take notice that I [or we], _____, the undersigned, hereby signify my [or our] concurrence as employer [or employers or Industrial Association of Employers or Industrial Union] in an industrial agreement, dated the _____ day of _____, 19____, made between _____ and _____ and filed at your office and numbered _____ in the Register of Industrial Agreements kept by you.

Signature.	Occupation.	Address.

We, the undersigned, being the original parties to the said industrial agreement, hereby consent to the abovenamed _____ becoming a party thereto.

Signature of original parties {

Dated this _____ day of _____, 19____.

Filed this _____ day of _____, 19____.

Registrar.

[Form 8.] [Ord. VII. r. 5.]

“THE INDUSTRIAL ARBITRATION ACT OF 1916.”

In the Court of Industrial Arbitration.

No. _____

In the matter of an industrial agreement dated the _____ day of _____, 19____, made between _____ and _____ registered No. _____; and in the matter of an application by _____ for a declaration that the said agreement be made a common rule.

Application to have Agreement made a Common Rule.

Application is hereby made to the Court of Industrial Arbitration for a declaration under Section 56 of “*The Industrial Arbitration Act of 1916*,” that the Industrial Agreement dated the _____ day of _____, 19____, entered into between _____ of the one part and _____ of the other part, and a duplicate original of which Agreement was duly filed with the Registrar of the Court and registered No. _____ in the Industrial Agreements Register, shall have the effect of an award and be a common rule of the _____ industry [or industries] having effect over _____ [district or locality].

2. The applicant is [or is not] a party to the said industrial agreement.

Dated this _____ day of _____, 19____.

Applicant.
Address for service.

Filed this _____ day of _____, 19____.

Registrar.

[Form 9.] [Ord. VII. r. 6.]

“THE INDUSTRIAL ARBITRATION ACT OF 1916.”

In the Court of Industrial Arbitration.

Notice of Application to have Industrial Agreement made a Common Rule.

Notice is hereby given that an application has been made by _____ asking the Court to declare that the industrial agreement dated the _____ day of _____, 19____, made between _____ and _____ registered No. _____ shall have the effect of an award of the Court and be a common rule of the _____ industry [or industries] in the _____ locality.

Any person likely to be affected by any order or declaration made on the said application and desiring to be heard in opposition must within fourteen days from the date hereof lodge with the Registrar of the Court and serve upon the applicant a notice of objection.

Particulars may be obtained from the undersigned.

Dated this _____ day of _____, 19____.

Registrar.

[Form 10.] [Ord. VII. r. 7.]

“THE INDUSTRIAL ARBITRATION ACT OF 1916.”

In the Court of Industrial Arbitration.

No. _____

In the matter of an industrial agreement dated the _____ day of _____, 19____, made between _____ and _____ registered No. _____; and in the matter of an application by _____ for a declaration that the said agreement be made a common rule.

Notice of Objection to Application that Agreement be made a Common Rule.

To

Take notice that on the hearing of the application above referred to objection will be offered by the undersigned to any order being made in the terms of the said application.

Dated this _____ day of _____, 19____.

Objector.
Address.

Filed this _____ day of _____, 19____.

Registrar.

[Ord. VIII.]

[Form 11.]

“THE INDUSTRIAL ARBITRATION ACT OF 1916.”

BOARD.

Notice of Meeting—General Form.

[Heading.]

To _____, of _____, member of the _____ Board.

You are hereby notified that a meeting of the above Board will be held at _____ on the _____ day of _____, at _____ o'clock a.m.

Dated at _____ this _____ day of _____, 19 _____.

Chairman.

[Ord. VIII.]

[Form 12.]

“THE INDUSTRIAL ARBITRATION ACT OF 1916.”

BOARD.

Summons—General Form.

[Heading.]

To _____, of _____.

You are hereby summoned to appear before the above Board, at _____ on the _____ day of _____, 19 _____, at 10 o'clock in the forenoon, or as soon thereafter as the Board may hear the summons on application of that [state nature of application].

Dated at _____ this _____ day of _____, 19 _____.

Chairman.

Dated at Brisbane this nineteenth day of January, 1917.

T. W. McCAWLEY, P.

ALLAN W. MACNAUGHTON, J.

JOHN J. MCGEE, Registrar.

REGULATIONS.

Department of Public Works,

Brisbane, 19th October, 1923.

His Excellency the Governor, with the advice of the Executive Council, and in pursuance of the provisions of "*The Industrial Arbitration Act of 1916*" and "*The Industrial Arbitration Act Amendment Act of 1923*," has been pleased to make the following Regulations.

W. FORGAN SMITH,

Secretary for Public Works.

Preliminary.

1. From and after the nineteenth day of October, 1923, the Regulations made under "*The Industrial Arbitration Act of 1916*," on the 26th January, 1917, shall be repealed, and the following shall constitute the Regulations for carrying out the provisions of "*The Industrial Arbitration Act of 1916*" and "*The Industrial Arbitration Act Amendment Act of 1923*":

Provided that such repeal shall not affect the previous operation of any regulation so repealed or anything duly suffered, done, or commenced to be done under any regulation so repealed, or any right, privilege, obligation, or liability acquired, accrued, or incurred under any regulation repealed.

Definitions.

2. Unless the context or subject-matters otherwise require, words and phrases used in these Regulations shall have the same meanings, and include the same matters and things, as when used in "*The Industrial Arbitration Act of 1916*" and "*The Industrial Arbitration Act Amendment Act of 1923*" (hereinafter referred to as "*The Industrial Arbitration Acts, 1916 to 1923*" and "the Acts").

INDUSTRIAL UNIONS.

Registration of Industrial Union of Employees or of Employers.

3. Application to the Registrar for registration as an Industrial Union of Employees shall be made in writing in the Form 1 hereto, and be accompanied by an affidavit made by applicant in the Form 2 hereto.

4. Application to the Registrar for registration as an Industrial Union of Employers shall be made in writing in the Form 3, 4, or 5 hereto, whichever is applicable, and be accompanied by an affidavit made by applicant in the Form 6, 7, or 8 hereto, whichever is applicable.

5. When such application is made the applicant shall, within fourteen days from the time of filing such application, cause a notice in Form 9 hereto to be published in some metropolitan daily newspaper; and where the office of the proposed Industrial Union is situate at some place more than twenty miles distant from the General Post Office,

Brisbane, the applicant shall, in addition, also cause the notice to be published in some other newspaper ordinarily circulating in the district. The applicant shall defray cost of such publication, and forthwith file a copy of every such newspaper with the Registrar.

Objections thereto.

6. Within fourteen days from the date of the publication of application for registration, any Industrial Union or employer may file with the Registrar, in Form 10 hereto, notice of objection to the proposed registration, and stating such of the grounds mentioned in section 26 of the Acts as are relied upon, together with affidavits in support thereof, and shall, within the said period, serve copies of the notice of objection and of the said affidavits on the applicant.

7. Within seven days after service of the notice of objection and affidavits, the applicant may file with the Registrar affidavits in answer to the notice of objection, and shall, within the said period, serve copies thereof on the objector.

8. The Registrar, on fixing a day for considering the objection, shall give notice thereof to the objector and the applicant in Form 11 hereto.

Hearing and determination.

9. On the day so fixed, or on any later day to which the hearing is adjourned, the Registrar shall hear and determine the matter on such evidence as may be adduced, and on such records of the Court or of the office of the Registrar as the Registrar thinks proper to refer to.

Appeal from Registrar.

10. Every appeal from a decision of the Registrar under sections 26, 27A, and 27B of the Acts, in respect of an objection taken as therein enacted or on refusal of registration, shall be made within twenty-one days thereafter by motion upon notice.

Bracketing of registration.

11. When an application is made for registration as an Industrial Union for a calling for which another Industrial Union is already registered, and such application is accepted by the Registrar, the Registrar shall notify the Industrial Union first registered in the Form 12 hereto of his intention to bracket with the registration of such Union the registration of another Industrial Union.

Opposition to bracketing.

12. Within fourteen days from the giving of notice by the Registrar, the Industrial Union may file with the Registrar, in Form 13 hereto, notice of opposition to the proposed bracketing, stating the grounds of opposition which are relied upon, together with affidavits in support thereof, and shall, within the said period, serve copies of the notice of opposition and of the said affidavits on the applicant.

13. Within seven days after service of the notice of opposition and affidavits, the applicant may file with the Registrar affidavits in answer to the notice of opposition, and shall, within the said period, serve copies thereof on the opposer.

14. The Registrar, on fixing a day for considering the opposition, shall give notice thereof to the opposer and the applicant in Form 14 hereto.

Certificate of registration.

15. When the Registrar has registered an Industrial Union he shall issue a certificate of registration in Form 15 hereto.

Returns of members.

16. Every Industrial Union shall forward so as to reach the Industrial Registrar not later than the thirty-first day of March in each year a return, signed by two officers of the Industrial Union, setting out the names of its members as at the last preceding thirty-first day of December, with the dates (so far as known) on which they became members of the organisation, and stating that it contains a true statement of the persons appearing from the Industrial Union's register of members to have been members of the Industrial Union on the said thirty-first day of December.

Returns of officers.

17. Within fourteen days after any change takes place in the officers of an Industrial Union, the Industrial Union shall forward to the Registrar a statement (in duplicate) of the change which has taken place, and a complete list of the officers of the Industrial Union.

Alteration of rules.

18. (1) Within fourteen days after any alteration has been made in the rules of an Industrial Union, the Industrial Union shall forward to the Registrar two copies of the alterations of the rules, certified by the secretary or other authority.

(2) The Certificate must show that the copies are true copies of the alterations, and that the alterations were made in accordance with the rules of the Industrial Union.

Balance-sheet.

19. Once at least in every year a true statement showing the receipts and expenditure of the Industrial Union during the preceding year, and the assets and liabilities of the organisation at the date thereof, shall be prepared (in duplicate) and signed by the secretary or treasurer or other authority, and audited and signed by the auditor, and shall be forwarded to the Registrar. The time when the statement shall be so prepared and forwarded shall be within fourteen days after the periodical audit of the accounts of the Industrial Union, as provided for in its rules.

Industrial agreements.

20. Within thirty days after an Industrial Union has become a party to an Industrial Agreement, the secretary or other authority of such Industrial Union shall file a duplicate original of such Industrial Agreement with the Registrar.

Penalty for default.

21. Any Industrial Union making default in any of the Regulations Nos. 16, 17, 18, and 19, shall be liable to a penalty not exceeding £2 per week for each week of such default.

Application for change of name of an Industrial Union.

22. An application for the change of the name of an Industrial Union may be in accordance with Form 16, and shall be made to the Registrar, and shall be signed by two or more officers of the Industrial Union.

23. Every application shall be in duplicate, and shall be accompanied by a statutory declaration setting forth the facts on which the applicant relies.

Application to amend registration respecting callings.

24. Application to amend the registration of an Industrial Union in respect to the callings which it represents shall be made in the Form 17 hereto.

INDUSTRIAL BOARDS.

Nominations.

25. Nominations for representatives of employees or employers as members of an Industrial Board shall be lodged with the Registrar within seven days of the constitution of the Board by the Minister.

Nominations of employees.

26. Nominations of employees by an Industrial Union shall be in Form 18 hereto, and shall be lodged with the Registrar within seven days.

Nominations of employers.

27. Nominations of employers shall be in Form 19 hereto, and be signed by at least three employers in the calling or callings to which the Board applies, and, where there are less than three employers, by the actual number of employers.

Nomination of chairman.

28. The nomination of chairman shall be in Form 20 hereto, and lodged with the Registrar not later than fourteen days from the date of the constitution of the Industrial Board.

Failure to nominate representatives.

29. Upon failure to nominate representatives of employers or employees, as the case may be, the Registrar shall accordingly so certify to the Court in Form 21 hereto.

Secretary.

30. The Registrar may direct an officer to act as secretary to an Industrial Board.

Oath.

31. Each member of a Board shall upon his appointment take an oath in Form 22 hereto.

Payment of members.

32. (1) The fee payable to the chairman of an Industrial Board for the time occupied by him in presiding at meetings of the Board shall be at the rate of 3s. per hour, with a minimum of 10s. for each meeting at which he shall preside.

(2) The fee payable to every other member of an Industrial Board for the time occupied by him in attendance at meetings of the Board (including meetings of such members for the purpose of electing a chairman) shall be at the rate of 2s. per hour, with a minimum of 5s. for each meeting at which such member shall attend.

(3) First-class return fares shall be allowed to the chairman or any other member of an Industrial Board obliged to travel by railway, ship, or coach from his residence in order to attend a meeting of the Board (railway fares to include sleeping berths where necessary).

(4) The chairman and any other member of an Industrial Board who attends a meeting of the Board held at a place distant not less than twenty miles from his place of residence shall be paid for the time actually and necessarily absent from such place of residence through such attendance—

(a) In the case of the chairman, at the rate of 22s. 6d. per day;

(b) In the case of any other member, at the rate of 15s. per day:

Provided that no such payment shall be made in respect of any day on which the Board is sitting.

LICENSES.

Application for improvers' licenses.

33. Application for licenses for improvers shall be made to the Registrar in Form 23 hereto.

Improvers' licenses.

34. Licenses to improvers shall be in Form 24 hereto.

35. Notification by the Registrar to the secretary of an Industrial Union of the grant of such licenses shall be in Form 25 hereto.

[Form 1.]

“THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923.”

(Section 26, Regulation 3.)

Application for Registration of an Industrial Association [or Trade Union] of Employees.

In pursuance of the provisions of “The Industrial Arbitration Acts, 1916 to 1923,” we, the secretary and president [or chairman] of the Industrial Association [or Trade Union], hereby make application for registration of the said Industrial Association [or Trade Union] as an Industrial Union of Employees under the said Acts.

We annex hereto—

- (1.) List of the members of the applicant Industrial Association [or Trade Union] of employees (marked “A”).
- (2.) A list of the officers of the Industrial Association [or Trade Union] of Employees, viz.:—The President [or chairman], the Secretary, the members of the committee of management [or executive committee], and all salaried officers, with their official designations (marked “B”).
- (3.) Two copies of the rules of the Industrial Association [or Trade Union] of Employees (each marked “C”).
- (4.) A copy of a resolution passed in accordance with the rules by a majority of the members present at a general meeting of the Industrial Association [or Trade Union] of Employees, or by other competent authority in the Industrial Association [or Trade Union] of Employees, in favour of registration under this Act (marked “D”).
- (5.) A list of callings comprised in the membership or objects of the Industrial Association [or Trade Union] of Employees (marked “E”).
- (6.) The localities or districts in which the members of the Industrial Association [or Trade Union] of Employees exercise their callings (marked “F”).

Secretary of Industrial Association
[or Trade Union] of Employees.

President [or Chairman] of Industrial Association
[or Trade Union] of Employees.

To the Industrial Registrar, Brisbane.

[Form 2.]

"THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923."

(Section 26, Regulation 3.)

Affidavit to Accompany Application for Registration of an Industrial Association [or Trade Union] of Employees.

We, _____, secretary and president [or chairman] of the _____ Industrial Association [or Trade Union] of Employees, make oath and say as follows:—

That we are the secretary and president [or chairman] respectively of the _____ Industrial Association [or Trade Union] of Employees.

That, to the best of our belief, there is no other existing Industrial Association [or Trade Union] of Employees, whether registered or not registered, the name of which is identical with the proposed name, or so nearly resembles the name as to cause confusion.

That the place of meeting for the business of the abovenamed Industrial Association [or Trade Union] of Employees, and registered office to which all communications and notices may be addressed is at _____

That the whole of the objects for which the abovenamed Industrial Association [or Trade Union] of Employees is established are set forth in rule No. _____ of the rules hereto annexed.

That the conditions under which persons may become members of the applicant Industrial Association [or Trade Union] of Employees, and may continue to be such members, are set forth in rule No. _____ of the rules hereto annexed.

That the fines and forfeitures to be imposed on members are set forth in rule No. _____ of the rules hereto annexed.

That the matter of making, altering, amending, and rescinding rules is set forth in rule No. _____ of the rules hereto annexed.

That the registration of the _____ Industrial Association [or Trade Union] of Employees as an Industrial Union will not unjustly affect any other Industrial Union, and that such registration is *bonâ fide* in the interests of employees, and not in the interests of an employer or employers.

That, to the best of our knowledge and belief, all the statements in this our affidavit are true.

Signed and sworn by the said _____ (Signatures.)
the _____ Industrial Association [or Trade Union] of Employees,
at _____ this _____ day of _____, 19____, before me.
A Justice of the Peace.

Signed and sworn by the said _____, president [or
chairman] of the _____ Industrial Association [or Trade Union] of
Employees, at _____ this _____ day of _____, 19____,
before me.
A Justice of the Peace.

To the Industrial Registrar, Brisbane.

[Form 3.]

"THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923."

(Sections 27A and 27B, Regulation 4.)

*Application for Registration as an Industrial Union of Employers.**By a Person.*

In pursuance of the provisions of "The Industrial Arbitration Acts, 1916 to 1923," I [state full name of applicant] [state calling of applicant (such as builder, draper, boot manufacturer. &c.)], of [state place where business is carried on (such as workshop, shop, factory, farm, &c., and its location)], hereby make application for registration as an Industrial Union of Employers under the style or title of [set out name of Industrial Union].

Annexed hereto I submit—

(1.) A list of the callings in which employees are employed by me (marked "A").

(2.) A statement showing that I have in the aggregate throughout the six months next preceding the date of the application, employed on an average, taken per month, not less than fifty employees (marked "B").

(3.) An affidavit in support hereof.

Dated at _____ this _____ day of _____, 19____.

To the Industrial Registrar, Brisbane.

(Signature of Applicant.)

[Form 4.]

"THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923."

(Sections 27A and 27B, Regulation 4.)

*Application for Registration as an Industrial Union of Employers.**By an Association of Persons or Incorporated Companies.*

In pursuance of the provisions of "*The Industrial Arbitration Acts, 1916 to 1923*," we, whose names are undersigned, being a majority of the members of the executive governing body of the Association [*set forth style or title of Association*] hereby make application for registration as an Industrial Union of Employers under the style or title of [*set forth style or title of Industrial Union of Employers*].

Annexed hereto we submit—

- (a) A list (marked "A") showing the names of the employers or incorporated companies constituting the Association, with the places in which such employers or incorporated companies carry on business.
- (b) A list (marked "B") showing the names of the officers of the Association, viz.:—The president or chairman, the secretary, the members of the committee of management or executive committee, and all salaried officers, with their official designations.
- (c) Two copies of the Rules of the Association (marked "C").
- (d) A copy of a resolution (marked "D") passed in accordance with the rules by a majority of the employers or incorporated companies constituting the Association, or by other competent authority in the Association in favour of registration of the Association under this Act.
- (e) A list (marked "E") of the callings in which employees are employed by the persons or companies constituting the Association.
- (f) A statement (marked "F") showing the manner of control of the property of the Association as such, and the investment of the funds of the Association, as distinguished from the property and funds respectively of the constituent member or members of the Association.
- (g) An affidavit in support hereof.

Dated this day of , 19 .

(Signatures of Applicants.)

To the Industrial Registrar, Brisbane.

[Form 5.]

"THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923."

(Sections 27A and 27B, Regulation 4.)

*Application for Registration as an Industrial Union of Employers.**By an Incorporated Company.*

In pursuance of the provisions of "*The Industrial Arbitration Acts, 1916 to 1923*," we, whose names are undersigned, being a majority of the governing body of the Incorporated Company named [*set out name of Incorporated Company and place where it carries on business*] hereby make application for registration as an Industrial Union of Employers under the style or title of [*set out name of Industrial Union of Employers*].

Annexed hereto we submit—

- (1.) A list (marked "A") of the officers of the said Company, the president or chairman, the secretary, the members of the committee of management, or executive committee, with their official designations, distinguishing those who are salaried officers.
- (2.) A list (marked "B") of the callings in which employees are employed by the said Company.
- (3.) A statement (marked "C") showing that the said Company has, in the aggregate, throughout the six months next preceding the date of this application, employed on an average, taken per month, not less than fifty employees.
- (4.) An affidavit in support hereof.

Dated this day of , 19 .

(Signatures.)

To the Industrial Registrar, Brisbane.

[Form 6.]

"THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923."

(Sections 27A and 27B.)

*Affidavit annexed to Application for Registration as an Industrial Union of Employers.**By a Person.*

I, _____ make oath and say as follows:—

1. That the statements made by me in the documents marked "A" and "B" annexed to my application for Registration as an Industrial Union of Employers, are, to the best of my knowledge and belief, true in every particular.

2. That to the best of my knowledge and belief there is no other existing Industrial Union of Employers which I should join.

3. That to the best of my knowledge and belief my registration will not unjustly affect any other Industrial Union of Employers.

(Signature of deponent.)

Signed and sworn by _____ at _____ on the _____ day
of _____, 19____, before me.

A Justice of the Peace.

[Form 7.]

"THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923."

(Sections 27A and 27B, Regulation 4.)

*Affidavit annexed to Application for Registration as an Industrial Union of Employers.**By an Association of Persons or Incorporated Companies.*

We [set forth names of members of executive governing body of Association who make oath] make oath and say as follows:—

1. That we are the [set forth official titles of each respectively] respectively of the Association of persons or Incorporated Companies.

2. That we are a majority of the executive governing body of the [set forth name of Association] Association of persons or Incorporated Companies.

3. That the lists, resolution, and statement marked "A," "B," "D," "E," and "F," annexed to our application, are correct and true in every particular.

4. That there is no other Industrial Union of Employers which our Association should join.

5. That the place of meeting of our Association, and registered offices to all communications and notices may be addressed, is at _____

6. That the conditions under which an Association of persons and of Incorporated Companies may become members of the applicant Association, and may continue to be such members, are set forth in rule No. _____ of the rules herewith annexed.

7. That the fines and forfeitures to be imposed on members are set forth in rule No. _____ of the rules herewith annexed.

8. That the registration of [set forth name of applicant Association] as an Industrial Union of Employers will not unjustly affect any other Industrial Union of Employers.

9. That to the best of our knowledge and belief all the statements in this our affidavit are true.

(Signatures.)

Signed and sworn by _____ before me _____ this _____ day
of _____, 19____.

A Justice of the Peace.

[Form 8.]

"THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923."

(Sections 27A and 27B, Regulation 4.)

*Affidavit annexed to Application for Registration as an Industrial Union of Employers.**By an Incorporated Company.*

We [set forth full names of majority of governing body of Company] make oath and say as follows:—

1. That we are the [set forth official titles of the majority of governing body making oath] respectively.

2. That we are the majority of the governing body or executive of [set forth name of applicant Company].

3. That the statements made in the lists and statements marked "A," "B," and "C" annexed to our application are correct and true.

4. That the registration of [set forth name of applicant Company] as an Industrial Union of Employers will not unjustly affect any other Industrial Union of Employers.

5. That the statements made in this our affidavit are true to the best of our knowledge and belief.

(Signatures.)

Signed and sworn by _____ at _____ this _____ day
of _____, 19____, before me.

A Justice of the Peace.

[Form 9.]

"THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923."

(Section 26, Regulation 5.)

Notice of Application to Register as an Industrial Union.

Notice is hereby given that application has been made to register as an Industrial Union under "The Industrial Arbitration Acts, 1916 to 1923," [here set out the title of the applicant] under the style or title of [here set out the name of the Industrial Union].

All notices of objection to such registration must be lodged with me within fourteen days from the date hereof.

Dated this _____ day of _____, 19____. Industrial Registrar.

[Form 10.]

"THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923."

(Section 26, Regulation 6.)

Objection to Registration as an Industrial Union.

(Before the Industrial Registrar.)

In the matter of the application by [here set out the title of the applicant] for registration as an Industrial Union under "The Industrial Arbitration Acts, 1916 to 1923."

Take notice that I, A.B., of _____, object to the registration of [here set out title of applicant], on the ground _____, and will appear before the Industrial Registrar to be heard in support of such objection at such place and time and on such day as he may appoint.

Affidavits in support of such objection are hereto annexed.

This objection is made by me on behalf of [here set out title of Industrial Union objecting].

Dated at _____, this _____ day of _____, one thousand nine hundred and _____.

(Signature.)

[Form 11.]

"THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923."

(Section 26, Regulation 8.)

Notification to Applicant for Registration and Objectors.

In the matter of the application by [here set out title of the applicant], for registration as an Industrial Union under "The Industrial Arbitration Acts, 1916 to 1923."

Take notice that I have fixed the day of , 19 , at of the clock in the noon, at , for the purpose of considering the objection filed by to the granting of the application abovementioned.

Dated at , this day of , one thousand nine hundred and

Industrial Registrar.

To

[Form 12.]

"THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923."

(Section 29, Regulation 11.)

Notice of Intention to Bracket Registration of an Industrial Union.

Notice is hereby given that application has been made by [here set out title of applicant] to register as an Industrial Union under "The Industrial Arbitration Acts, 1916 to 1923," under the style or title of [here set out name of Industrial Union], and that I intend to bracket the registration of the said Industrial Union with that of [here set out name of other Industrial Union].

All notices of opposition to such bracketing must be lodged with me within fourteen days from the date hereof.

Dated this day of , 19 .

Industrial Registrar.

[Form 13.]

"THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923."

(Section 29 (2), Regulation 12.)

Notice of Objection to Bracketing of Registration.

In the matter of the application of [here set out title of applicant] for registration under "The Industrial Arbitration Acts, 1916 to 1923."

Take notice that I, A.B., secretary [or president, or chairman, or other authority] of the Industrial Union of Employees [or Employers] oppose the bracketing of the registration of the said with that of the Industrial Union of Employees [or Employers] on the following grounds:—

And that I will appear before the Industrial Registrar to be heard in support of such opposition at such place and time and on such day as he may appoint.

Affidavits in support of such opposition are hereto annexed.

Dated at this day of , 19 .

To the Industrial Registrar.

(Signature.)

[Form 14.]

(Section 29 (2), Regulation 14.)

"THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923."

Notification of Date fixed for Consideration of Opposition to Bracketing of Registration.

In the matter of the application of [here set out title of applicant] for registration under "The Industrial Arbitration Acts, 1916 to 1923."

Take notice that I have fixed the day of , 19 , at of the clock in the noon, at for the purpose of considering the opposition filed by [here set out title of opposing Industrial Union] to the bracketing of the Registration of with that of .

Dated at this day of 19 .

Industrial Registrar.

[Form 15.]

"THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923."

Certificate of Registration of an Industrial Union.

I [here set out name and title of Registrar] hereby certify that on the _____ day of _____, one thousand nine hundred and _____ [here set out title of Industrial Union] was at Brisbane, in the State of Queensland, registered by that name under "The Industrial Arbitration Acts, 1916 to 1923" as an Industrial Union.

Dated at _____, in the State of Queensland, this _____ day of _____, 19 _____.

Industrial Registrar.

[Form 16.]

"THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923."

(Section 34, Regulation 22.)

Application for the Change of Name of an Industrial Union.

Application is hereby made by [here set out name of Industrial Union] for the change of name of the said Industrial Union to [here set out change required.]

The grounds upon which this application is founded are as follows:—[here set out grounds in numbered paragraphs].

Dated the _____ day of _____, 19 _____.

NOTE.—To be addressed to the Industrial Registrar, and to be signed by two officers of the Industrial Union.

[Form 17.]

"THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923."

(Section 35, Regulation 24.)

Application to Amend Registration of Industrial Union in Respect to Callings.

In pursuance of the provisions of "The Industrial Arbitration Acts, 1916 to 1923," we, the secretary and president [or chairman or other authority] of the _____ Industrial Union of Employees [or Employers], registered under the said Acts on the _____ day of _____, 19 _____, hereby make application to amend such registration in respect of the callings it represents as follows:—

Dated at _____ this _____ day of _____, 19 _____.

Secretary,

President [or Chairman, or other authority].

To the Industrial Registrar, Brisbane.

[Form 18.]

"THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923."

(Section 39 (5), Regulation 26.)

Nomination of Employees' Representative.

We, the secretary and president [or chairman] of the _____ Industrial Union, hereby nominate _____ of _____, as employees' representative member of the _____ Industrial Board.

Dated this _____ day of _____, 19 _____.

(Signature of Secretary.)

(Signature of President or Chairman.)

[Common seal of Industrial Union.]

Consent of nominees.

I, the abovenamed _____, hereby consent to such nomination.

(Signature.)

To the Industrial Registrar, Court of Industrial Arbitration.

[Form 19.]

“THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923.”
(Section 39 (5), Regulation 27.)

Nomination of Employers' Representative.

We, the undersigned employers in the calling or callings within the jurisdiction of the _____ Industrial Board, hereby nominate _____, of _____, as an employers' representative member of the said Industrial Board.

Dated this _____ day of _____, 19 ____ . (Signatures.)

Name: _____ Occupation: _____ Address: _____

Consent of nominee.

I, the abovenamed _____, hereby consent to such nomination. (Signature.)

To the Industrial Registrar, Court of Industrial Arbitration.

[Form 20.]

“THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923.”
(Section 39 (3), Regulation 28.)

Nomination of Chairman of Industrial Board.

We, the undersigned members of the _____ Industrial Board, hereby nominate _____, of _____, as chairman of such Industrial Board.

Dated this _____ day of _____, 19 ____ . (Signatures of Members.)

Consent of nominee.

I, the abovenamed _____, hereby consent to such nomination.

Dated this _____ day of _____, 19 ____ . (Signature.)

To the Industrial Registrar, Court of Industrial Arbitration, Brisbane.

[Form 21.]

“THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923.”
(Section 39 (6), Regulation 29.)

Failure to Nominate Members of Industrial Board—Certificate of Registrar.

This is to certify that the employers [or employees] in the callings concerned have failed to nominate representative members of the _____ Industrial Board.

Dated this _____ day of _____, 19 ____ . (Signature.)

Industrial Registrar.

[Form 22.]

“THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923.”
(Section 43, Regulation 31.)

Oath of office.

I, _____, of _____, in the State of Queensland, member of the _____ Industrial Board for _____, do sincerely promise and swear that I will faithfully exercise and discharge the powers and duties of my office without fear or favour to any person, and will not therein wilfully make any false or inaccurate statement, or disclose any matter or evidence before the Board or the Court relating to—

- (a) Trade secrets; or
- (b) The profits or losses or the receipts and outgoings of any employer; or
- (c) The books of an employer or witness produced before the Board or the Court; or
- (d) The financial position of any employer or of any witness.

(Signature of Member.)

Sworn before me at _____, on this _____ day of _____ 19 ____ .
Police Magistrate.

[Form 23.]

“THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923.”
(Schedule, Clause 18, Regulation 33.)

Application for License to Work as Improver.

To the Industrial Registrar,

Court of Industrial Arbitration of Queensland, Brisbane.

I hereby make application for a license to work as an improver at not less than the wage fixed for improvers of _____ years' experience under the Award.

Applicant's full name:

Applicant's address:

Applicant's age last birthday:

Applicant's occupation:

How long employed in such occupation, and by whom:

Name and address of last or present employer:

Wages received in last or present employment:

Wages for which license is required:

Reasons why license is required:

For office use only.

Issued for _____ months from

Post to:

License No. _____ accordingly.

Industrial Union notified:

(Signature of Applicant.)

(Date.)

[Form 24.]

“THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923.”
(Schedule, Clause 18, Regulation 34.)

License to Work as Improver.

Office of the Industrial Registrar,

Brisbane, _____, 19 .

This is to certify that I am satisfied that _____, of _____, has not had the full experience prescribed for improvers by the _____ Award, and I hereby grant this license to the said person to work as an improver at the calling of _____ for a period of _____, at a wage of not less than _____ per hour [or day or week], such rate being not less than the wage fixed by the said Award for an improver of the like experience.

(Signature.)

Industrial Registrar.

TAKE NOTICE.—This license must be returned to Registrar on expiration of period for which it is issued; also, it must be produced on the demand of an Industrial Inspector.

[Form 25.]

“THE INDUSTRIAL ARBITRATION ACTS, 1916 TO 1923.”
(Schedule, Clause 18, Regulation 35.)

To the Secretary,

Industrial Union.

Take notice that I have granted a license to _____, of _____, to work as an improver in the calling of _____ under the award of _____ for a period of _____ months from the _____ day of _____, 19 .

Dated this _____ day of _____, 19 .

Industrial Registrar.

Apprenticeship Regulations.

Department of Public Works,

Brisbane, 28th September, 1923.

His Excellency the Governor, with the advice of the Executive Council, and in pursuance of the provisions of "*The Industrial Arbitration Acts, 1916-1923*," has been pleased to make the following Regulations.

W. FORGAN SMITH.

1. These Regulations shall apply to the skilled industries, crafts, occupations, and callings mentioned in Schedule I. hereto, and to such other skilled industries, crafts, occupations, and callings as the Governor in Council may from time to time approve.

2. These Regulations shall apply only in such areas as the Governor in Council may from time to time direct. The Governor in Council may direct that the whole or part only of these Regulations shall apply to any specified area.

3. No minor shall, after the date of these Regulations, be employed or engaged in any of the industries, crafts, occupations, or callings to which these Regulations apply except subject to the conditions of apprenticeship or probationership herein contained:

Provided that the Minister, on the recommendation of the Group Apprenticeship Committee, may exempt from the provisions of this regulation any class or classes of minors employed or engaged in any of such industries, crafts, occupations or callings, whose employment is not, in the opinion of the Minister, of such a nature as will permit or require them to become skilled craftsmen.

For the purposes of these Regulations a minor means a person not less than fourteen years of age and not more than eighteen years of age who is employed or engaged in any industry, craft, occupation, or calling, and who customarily works under the direction of or in association with an employer, master, or journeyman in such industry, craft, occupation, or calling upon the material and with the tools or implements used in such industry, craft, occupation, or calling.

4. Any person desirous of becoming an apprentice shall notify the Director of Labour, who shall keep a register of such person. Every employer desirous of obtaining an apprentice shall take as an apprentice only a person whose name is so registered. Every apprentice shall be employed on probation for a period of three months to determine his fitness or otherwise for apprenticeship, and shall work only for such hours per day and for such remuneration as may be prescribed by any Industrial Award applicable. In the event of his becoming an apprentice, such probationary period shall be counted as part of the term of apprenticeship.

Any person desirous of becoming an apprentice who lives outside the Petty Sessions District of Brisbane may notify the labour agent nearest to the area in which he resides, and such labour agent shall

inform the Director of Labour of such notification, and the Director of Labour shall include the name of such person in the register referred to in Regulation 4 of these Regulations.

5. Whenever the Minister considers it so desirable, he may in respect of any specified trade prescribe public examinations, which shall be passed by every boy before he may become apprenticed to any such trade. He may also determine what certificate of education may be regarded as entitling the holder to exemption from such examination.

6. As regards any trade that may be determined by the Minister, a qualifying entrance examination may be dispensed with; provided that every candidate for apprenticeship to that trade shall produce a certificate from a head teacher that he has been educated up to the standard prescribed for the third half-year of the fourth class for State schools.

7. A board to be called the "Apprenticeship Executive" shall be constituted as follows:—

- (a) Two representatives appointed by the Minister, one of whom shall be chairman, and who shall also act *ex officio* as chairman of the Group Apprenticeship Committees;
- (b) One representative of employers appointed by the Queensland Employers' Federation;
- (c) One representative of employees appointed by the Trades and Labour Council;
- (d) Two representatives each of employers and the unions elected by the respective representatives on the Group Apprenticeship Committees hereinafter provided for.

The Minister may change his representatives from time to time; the Queensland Employers' Federation and the Trades and Labour Council may each change its representative from time to time; and the Group Apprenticeship Committees may change their representatives from time to time. Every such appointment or change shall be notified in the *Gazette*.

In the absence of any representative, the authority appointing him may, in writing, appoint a proxy with power to act and vote for such absent representative at any meeting or meetings as may be required.

8. Four members of the Executive shall constitute a quorum. The chairman shall have a casting vote.

9. A secretary to the Apprenticeship Executive shall be appointed by the Minister, and he shall also act as secretary to the Group Apprenticeship Committees hereinafter provided for. He shall not be regarded as a member of the Executive or of the Group Apprenticeship Committees.

10. The duties of the Apprenticeship Executive shall include the following:—

- (a) To advise the Minister as to the industries, crafts, occupations, or callings which should be regarded as skilled industries, crafts, occupations, or callings for the purposes of these Regulations.
- (b) To advise the Minister as to the grouping of the trades.
- (c) To advise the Minister as to the character of any entrance examination which may be prescribed for apprentices.

- (d) To advise on such other matters as may from time to time be delegated to them by the Minister.
- (e) To advise the Minister on any matter involving or bearing upon any general principle of apprenticeship.
- (f) To collaborate with the Group Apprenticeship Committees or Advisory Committees on any matters relating to apprentices.

11. For each trade or group of trades as determined by the Minister there shall be a board called the "Group Apprenticeship Committee."

12. Each Group Apprenticeship Committee shall consist of the following:—

- (a) The chairman of the Apprenticeship Executive, who shall act as chairman.
- (b) Equal numbers of representatives appointed by the employers and industrial union or unions of employees in the trade or group of trades. The number of such representatives on each committee shall be determined by the Minister.

Such representatives may be changed from time to time by the employers or union of employees as the case may be.

In the absence of any representative, the authority appointing him may, in writing, appoint a proxy with power to act and vote for such absent representative at any meeting or meetings as may be required.

Each trade representative shall, as far as possible, have an expert knowledge of the trade which he represents.

13. Three members of a Group Apprenticeship Committee shall constitute a quorum. The chairman shall have a casting vote.

14. The duties of each Group Apprenticeship Committee shall include the following:—

- (a) To receive from the Director of Labour the nominations of entrants for each trade or group of trades;
- (b) To make representations to the Minister with a view to securing reconsideration of nominations with which the Group Apprenticeship Committee does not concur;
- (c) To advise the Minister as to the apprenticeship of each nominee and his indentures, having due regard to the workshop or calling in which he shall be employed;
- (d) To submit recommendations to the Minister as to the matters to be taught to apprentices;
- (e) To submit recommendations to the Minister in regard to examinations, if any, which shall be passed by apprentices during their period of training, and to the granting of certificates of competency;
- (f) To advise the Minister concerning the educational facilities that should be provided for the purposes of apprenticeship examinations during the prescribed period of training;
- (g) To submit recommendations to the Minister as to the supervision of facilities provided by employers, so that apprentices may gain proficiency in their trades;
- (h) To advise the Minister on any matter relating to apprentices, apprenticeship, or training;
- (i) To collaborate with the Apprenticeship Executive or other Group Apprenticeship Committees on any matter relating to apprenticeship.

15. Boards to be called "Advisory Committees" may be appointed by the Minister in such areas as he may consider desirable, to advise in regard to any apprenticeship matter in that area. Such committees shall consist of the following:—

- (a) The local labour agent or such other representative as the Minister may appoint, who shall also act as chairman;
- (b) Two representatives appointed by the employers in the trade or group of trades;
- (c) Two representatives appointed by the industrial union or unions of employees in the trade or group of trades:

Provided that when any matter affecting any trade which is not directly represented on the committee is being considered, two representatives, appointed one each by the employers and the union or unions of employees respectively in such trade, shall be associate members for the determination of such matter.

The powers and duties of the Advisory Committee shall include such of the powers and duties of Group Apprenticeship Committees as the Minister in each case may determine.

16. (i.) No employer shall refuse employment to any person, or dismiss any employee from his employment, or injure him in his employment or alter his position to his prejudice, by reason merely of the fact that the employee is a member of the Apprenticeship Executive or of any Group Apprenticeship Committee or Advisory Committee, or by reason merely of anything said or done or omitted to be done by any such person or employee in the course of his duty as such member.

Any person who contravenes this provision shall be liable to a penalty not exceeding fifty pounds for each person so refused employment, or employee so dismissed or injured in his employment; moreover, the Court shall award to any such person as last aforesaid such sum as is reasonable compensation for loss of or injury in his employment, and order that he shall, if he has been dismissed from or prejudiced in employment, be forthwith reinstated to his former employment or grade; and every such order shall be obeyed.

(ii.) In any proceeding for any contravention of this regulation, it shall lie upon the employer to show that any person proved to have been refused employment, or any employee proved to have been dismissed or injured in his employment or prejudiced whilst acting as such member, was refused employment or dismissed or injured in his employment or prejudiced for some reason other than that mentioned in this regulation.

17. Any of the powers given by these Regulations to the Minister may be delegated by the Minister to the Director of Labour or any officer acting in the place of the Director of Labour.

18.—

- (a) At the end of the period of probation of each apprentice, if mutually agreed upon by the employer and the legal guardian of the boy, but not otherwise, he may become an apprentice under indenture.
- (b) The Group Apprenticeship Committee may, in any case where it seems to the Committee expedient to do so, order that the probationary period of employment be extended for a further period not exceeding three months.
- (c) Such indenture shall be completed within two months of the termination of the probationary period.

- (d) All indentures of apprenticeship shall be drawn up on a form approved by the Minister, and signed by the employer, the legal guardian of the apprentice, the apprentice, and the chairman of the Group Apprenticeship Committee. In any case where there is no Group Apprenticeship Committee, the indentures shall be signed by the Director of Labour.
- (e) There shall be three copies of each indenture, of which one copy shall be held by the employer, one shall be held by the legal guardian of the apprentice, and one copy shall be retained by the Director of Labour.
- (f) The Group Apprenticeship Committee shall have power to transfer an apprentice from one employer to another either temporarily or permanently—
 - (i.) If the employer does not provide the necessary facilities for the apprentice to become proficient in his trade; or
 - (ii.) Upon the application of the employer or the apprentice for good cause shown.
- (g) The transfer of every indenture shall be on a form approved by the Minister, and shall be made out in quadruplicate, and shall, unless the Minister otherwise directs, be signed by the late employer or his assigns, the legal guardian of the apprentice, the apprentice, the chairman of the Group Apprenticeship Committee (or if there is no Group Apprenticeship Committee, then the Director of Labour), and the new employer. The transfer form shall be completed within two months of the date on which the transfer is effected.
- (h) There shall be four copies of the form of transfer, of which one copy shall be held by the late employer, one shall be held by the new employer, one shall be held by the legal guardian of the apprentice, and one shall be retained by the Director of Labour.
- (i) All existing indentures entered into prior to these Regulations coming into force shall continue to have full effect, subject to any modifications imposed by these Regulations, and shall be deemed to have the same effect as if they had been entered into in accordance with these Regulations.
- (j) From and after the passing of these Regulations any employer who demands, accepts, or agrees to accept, any consideration, premium, gift, forbearance, or allowance in connection with the employment or indenturing by him of any probationer or apprentice shall be deemed to be guilty of a breach of these Regulations.

19. (i.) An apprentice may, for the purposes of these Regulations, be indentured to an industrial union or to industrial unions functioning in a trade, industry, occupation, or calling, and arrangements may be made by such union or unions for the employment of such apprentice or apprentices.

(ii.) An apprentice may, for the purpose of these Regulations, be indentured to an association of employers functioning in a trade, industry, occupation, or calling, and arrangements may be made by such association of employers for the employment of such apprentice.

20. Such Union or Unions or Association shall sign and seal the indenture of apprenticeship and shall also appoint a person or persons, being an officer or officers of the Union or Unions or Association, who

shall be deemed to be an employer for the purpose of these Regulations, and shall be responsible for the observance thereof, and shall also sign and seal such indenture.

21. The employer of every apprentice shall teach such apprentice, or cause him to be taught, the industries, crafts, occupations, or callings in relation to which he is bound apprentice, by competent instruction in a gradual and complete manner, and shall give such apprentice a reasonable opportunity to learn the same, and receive, during the period of his apprenticeship, such technical, trade, and general education and training as may be prescribed or as may be directed. And every apprentice shall, during the period of his apprenticeship, faithfully serve his employer for the purpose of being taught the industry, craft, occupation, or calling in relation to which he is bound, and shall also conscientiously and regularly accept such technical, trade, and general instruction and training as may be prescribed or directed as aforesaid, in addition to the teaching that may be provided by his employer.

22. Every indenture entered into in accordance with these Regulations shall contain, in addition to such other conditions as the Minister may prescribe—

- (a) The names and addresses of the parties to the indenture;
- (b) The date of birth of the apprentice;
- (c) A description of the industry, craft, occupation, or calling or combination of industries, crafts, occupations, or callings to which the apprentice is to be bound;
- (d) A description of the processes to be taught in the employer's workshop or business during the course and for the purposes of the apprenticeship;
- (e) The date at which the apprenticeship is to commence and the period of apprenticeship;
- (f) A condition requiring the apprentice to obey all reasonable directions of the employer, and requiring the employer and apprentice to comply with the terms of the relative Industrial Award so far as they concern the apprentice;
- (g) The general conditions of apprenticeship.

23. Every indenture entered into by the employer and the legal guardian of the apprentice shall be for such period as may be specified by the industrial award for the trade or calling in which the apprentice is engaged, but shall not in any case exceed five years, unless otherwise determined by the Court of Industrial Arbitration.

24. Where in any case it is reported to the Minister that any employer or group of employers has not in his or their employ the number of apprentices in proportion to the journeymen employed equal to the proportion allowed or required by the industrial award or awards relating to the callings concerned, the Minister may apply to the Court of Industrial Arbitration for such investigation and order as the Court may deem necessary to ensure that each employer or group of employers shall employ and train a specified minimum number of apprentices.

25. The earliest and latest age at which apprenticeship may begin may be determined in relation to any particular trade, calling, occupation, or industry by the Court of Industrial Arbitration on application by any party interested.

26. Every indenture shall include a provision that it may be cancelled, subject to the Minister's approval, by mutual consent, by the employer and the legal guardian of the apprentice giving one month's notice in writing to the Minister and to the parties concerned that such apprenticeship shall be terminated. On the termination of such apprenticeship, from whatever cause, the employer shall give the apprentice, on the prescribed form, a certificate stating what time he has served, full particulars of the branches of the trade or industry in which he has received instruction, the proficiency attained, and shall also notify the industrial union or unions concerned.

27. In the event of an employer being unable to provide work for the apprentice or to mutually agree with the legal guardian of the apprentice to cancel the indenture or to arrange a transfer, application may be made to the Group Apprenticeship Committee to arrange for such transfer or to have such indentures cancelled.

28. Where in any case an employer is temporarily unable to provide work to employ an apprentice for his full time, application may be made by the employer to the Minister for permission to employ the apprentice for such lesser time per week or per month, and at such remuneration, as the Minister, on the recommendation of the Group Apprenticeship Committee, may determine, being not less than the proportionate amount of the rate of wages prescribed by the industrial award for the trade, calling, or industry.

29. Where in any case special workshop or other facilities are provided by any employer for the training of apprentices, the Minister, on the recommendation of the Group Apprenticeship Committee, may, by order, prescribe the number of apprentices such employer may employ, notwithstanding any Award of the Court of Industrial Arbitration prescribing the proportion of apprentices to journeymen to be employed.

Notice of such order shall be given to the industrial union and to the employers' association concerned.

30. Where in any case the Minister is of opinion that the number of apprentices being trained in any trade, industry, craft, occupation, or calling is insufficient to meet the requirements of the particular trade, industry, craft, occupation, or calling in the matter of skilled artisans, he may apply to the Court of Industrial Arbitration to make such investigation and order as may be deemed necessary to permit or require any employer to employ such further number of apprentices as may be directed. Notice of such order shall be given to the industrial union and to the employers' association concerned.

31.—

- (a) Every apprentice shall attend a technical college, vocational classes, or classes of instruction, for instruction in such subjects as may be determined by the Minister on the recommendation of the Group Apprenticeship Committee from time to time for the respective trade, industry, craft, occupation, or calling.
- (b) Notice of such determination shall be given in the *Government Gazette*.
- (c) The Minister may also determine, on the recommendation of the proper Group Apprenticeship Committee, the total period

during which apprentices to any particular trade, industry, craft, occupation, or calling are to attend such technical college or classes.

- (d) Reports as to attendance, conduct, and progress at technical college classes shall be supplied periodically to employers by the Group Apprenticeship Committee, and every employer shall once each year forward to the Group Apprenticeship Committee such particulars concerning the apprentice's progress and work in the shop as may be asked for by such Committee.
- (e) Every apprentice attending a technical college or class of instruction shall be bound to submit himself to examination at the places and times prescribed by the Minister.
- (f) Such examinations shall, where possible, include theory and practice as applied to the trade, industry, craft, occupation, or calling to which the apprentice is indentured.
- (g) The Apprenticeship Executive shall each year issue a certificate to each apprentice indicating his degree of proficiency, taking into consideration the term of apprenticeship served. A duplicate of such certificate shall be tendered by each apprentice with his employer and the secretary of the union, each of whom shall keep the same in safe custody and produce the same for inspection by the relative Group Committee whenever demanded by the latter to do so.
- (h) On the apprentice producing to his employer a certificate that he has secured a record of 80 per centum of attendances at technical college or other prescribed classes signed by the officer in charge of such college or classes his employer shall refund to the apprentice all fees paid in respect of the tuition given at any technical college or classes to the apprentice for the purpose of his apprenticeship.
- (i) If any apprentice produces to his employer a certificate that he has gained an average of 75 per centum or over at the examinations in theory and/or practice for his respective trade or calling signed by the person conducting such examination, his employer shall pay him as from the date of such certificate and for twelve months thereafter 5 per centum additional wages over and above that prescribed in the relative industrial award: Provided that not more than one such increase shall be given in any one year.
- (j) It shall be lawful, with the approval of the Group Apprenticeship Committee, for the employer to withhold the increase in wages accruing to the apprentice in accordance with the scale set forth in the relative industrial award from any apprentice who fails to satisfy the Group Apprenticeship Committee at the examination tests.
- (k) Where in any case it is shown to the satisfaction of the Group Apprenticeship Committee for the particular trade, calling, craft, industry, or occupation that any apprentice, by reason of his engagement on country work, cannot conveniently attend a technical college or other prescribed classes, the Group Apprenticeship Committee may direct that such of these Regulations as relate to attendance at a technical college or other prescribed classes, and to examinations, shall

not apply to such apprentice, but subject to such conditions as the Group Apprenticeship Committee may direct.

32. The employer shall pay the apprentice for all time lost through sickness or statutory holidays: Provided that payment for such sickness shall not exceed a total of one month in each year: Provided further that where the time lost through sickness exceeds at any one time four working days the employer may demand from the apprentice the production of a medical certificate, and that an apprentice shall not be entitled to receive any wages from his employer for any time lost through the result of an accident not arising out of or in the course of his employment.

33. The employer shall pay the apprentice, in respect of time lost through compulsory military or naval training, the amount by which the wages prescribed by the industrial award for the trade, calling, craft, occupation, or industry exceeds the amount received by the apprentice from the Department of Defence: Provided, however, that this clause shall not apply to military or naval training imposed through failure to attend compulsory parades.

All time lost by reason of compulsory military or naval training, other than the additional training mentioned in the above proviso, shall count as part of the apprenticeship.

34. When an apprentice attends a technical college, vocational classes, or other class or classes of instruction during his ordinary working hours, where such is prescribed, the time so occupied shall be regarded as part of the term of his apprenticeship, and the employer shall not be entitled to make any deduction from the wages of the apprentice for such time.

35. When an apprentice is absent from work, without the consent of his employer, for any cause other than sickness or in pursuance of the provisions of these Regulations, the employer shall be entitled to deduct from the wages of the apprentice an amount proportionate to the time so lost.

36. Upon the completion of the period of training prescribed for apprenticeship, each apprentice shall be required to pass the final examination test to the satisfaction of the Group Apprenticeship Committee, and upon passing this test shall be provided with a certificate to that effect.

37. Every apprentice shall, on completing the full period of training prescribed by his indentures, and on passing the prescribed examination, be paid at the rate prescribed for journeymen by the industrial award for the trade, industry, craft, occupation, or calling at which he is engaged.

38. The Director of Labour shall prepare a roll of apprentices containing—

- (a) A complete record of all applications to become apprentices;
- (b) A record of all apprentices and probationers placed with employers;
- (c) A record of all employers with whom apprentices are placed, and the facilities available for training;

- (d) A record of the progress of each apprentice, recording the result of the periodical training ;
- (e) Any other particulars the Minister may direct.

39. Every industrial inspector appointed in pursuance of the provisions of "*The Industrial Arbitration Acts, 1916 to 1923*," shall have the power to enter any premises, make such inspection of the premises, plant, machinery, or work upon which any apprentice is employed or could be employed, interview any apprentice or employee, examine any books or documents of the business relating to the wages and conditions of apprentices, interrogate the employer in regard to any of the abovementioned matters, and generally do any act relating to matters covered by these Regulations, in the same manner as if all matters covered by these Regulations were embodied in an award of the Court of Industrial Arbitration, and subject to the same restrictions.

40. With a view to determining whether the number of apprentices being trained in any particular trade, calling, craft, occupation, or industry is sufficient to meet the future requirements of the said trade, calling, craft, occupation, or industry in the matter of skilled artisans, the Director of Labour may require any employer to furnish him with any specified information relating to the said trade, calling, craft, occupation, or industry, or relating to the employees engaged therein.

41. Before any application is made by any person to the Court of Industrial Arbitration or to any Industrial Magistrate for a permit to work at any trade, calling, craft, occupation, or industry at a lesser rate of wage than is prescribed by any industrial award, the Court or such Industrial Magistrate shall, where practicable, require such person to undergo such practical test at the class of work for which the application is made as may be directed, with a view to ascertaining the applicant's state of efficiency, the value of his services, and the additional period of training he requires in order to make him an efficient journeyman. Such examination shall be conducted by the Group Apprenticeship Committee.

42. The jurisdiction, power, and duty to deal with all matters specified in paragraphs (i.), (ii.), (iii.), (iv.), and (v.) of subsection (1A) of section ninety-two of "*The Industrial Arbitration Acts, 1916 to 1923*," and which are not otherwise dealt with in these Regulations, are hereby delegated to the Court of Industrial Arbitration.

43. Non-compliance by any person with the provisions of these Regulations, or with the terms of any indenture executed in accordance with these Regulations, shall be deemed to be a breach of the Regulations. Any person convicted of a breach of these Regulations shall, except where otherwise expressly provided, be liable to a penalty not exceeding twenty pounds. For the purposes of this Regulation, the term "person" shall also include any firm, company, industrial union, association, group of persons, or corporation.

44. Proceedings in respect of breaches of these Regulations shall, except where otherwise provided, be by complaint, and be heard and determined in a summary manner by the Court of Industrial Arbitration or on remission by an Industrial Magistrate.

SCHEDULE I.

Bread Baking.

Building Trades—

Bricklaying
Carpentry and joinery
Painting
Signwriting
Plumbing
Stonemason's work
Plastering.

Electrical Trades.

Engineering Trades—

Fitting and turning
Blacksmithing
Moulding
Boiler-making
Pattern-making
Copper-smithing
Motor mechanic's work.

Furniture Trades—

Cabinet-making
French polishing and staining
Wickerwork
Wood-turning
Wood-machining

Venetian blind making

Bedding-making

Upholstering

Glass bevelling

Piano and reed organ tuning and
repairing

Pipe organ building and tuning

Polishing.

Leather Trades—

Harness-making (including strap-
ping)

Riding saddle making

Buggy saddle making

Collar-making

Bag-making (including clicking)

Trunk and case making

Fancy leather working and sport-
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Composing

Letterpress machining

Bookbinding

Lithography

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