

20 GEO. V. No. 28, 1929. *Industrial Conciliation and Arbitration Act.*

**An Act to Make Better Provision for the Maintenance of Peace in Industry ; to Provide for the Regulation of the Conditions of Industries by means of Industrial Conciliation and Arbitration ; to Establish an Industrial Court and certain other Tribunals, and for other purposes.**

20 Geo. V.  
No. 28.  
THE  
INDUSTRIAL  
CONCILIATION AND  
ARBITRATION ACT  
OF 1929.

[ASSENTED TO 23RD DECEMBER, 1929.]

**B**E 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:—

PART I.—PRELIMINARY.

PART I.—  
PRELIMINARY.

1. This Act may be cited as "*The Industrial Conciliation and Arbitration Act of 1929.*" Short title.

2. This Act shall come into operation on a date to be proclaimed by the Governor in Council in the *Gazette*, which date is referred to as the commencement of this Act. Commencement of Act.

Provided that the provisions of this Act relating to the constitution of the Court, the constitution of Conciliation Boards, and the appointment of Conciliation Commissioners and the Actuary and Statistician, may, if the Governor in Council by Order in Council so prescribes, take effect on the passing of this Act ; and moreover any Orders in Council or regulations deemed necessary or expedient in regard to this Act may be promulgated or made on the passing of this Act.

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

PART I.—PRELIMINARY ;

PART II.—INDUSTRIAL COURT ;

PART III.—CONCILIATION COMMISSIONERS AND CONCILIATION BOARDS ;

PART IV.—INDUSTRIAL AGREEMENTS ;

PART V.—GENERAL PROVISIONS DEALING WITH COURT, CONCILIATION COMMISSIONER, AND BOARDS ;

## PART VI.—INDUSTRIAL UNIONS;

## PART VII.—GOVERNMENT EMPLOYEES;

PART VIII.—BREACHES OF AWARDS, AND OTHER  
OFFENCES;

## PART IX.—MISCELLANEOUS.

Repeal and  
savings.[First  
Schedule.]

4. Subject as is provided by this Act, either expressly or by necessary implication, the Acts referred to in the First Schedule are repealed to the extent indicated in the Schedule, which Acts are herein referred to as the repealed Acts:

Awards,  
registrations,  
&c.

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

(i.) —

- (a) All awards, orders, and industrial agreements,
- (b) All registrations of industrial unions,
- (c) All declarations or notifications under †*“The Profiteering Prevention Act of 1920,”*

made and registered under the powers and authorities of the repealed Acts and in force at the commencement of this Act shall, until rescinded or superseded, continue in force, and shall be deemed to have been made under this Act.

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

Provided that any such award or order shall be construed and have effect as if it had been modified so far as necessary in order to conform with the provisions of this Act, and any provision in any award or order inconsistent with sections six, fifty-three, and fifty-seven of this Act shall not be enforceable:

\* 31 Vic. No. 6 and amending Acts, *supra*, pages 15 *et seq.*† 10 Geo. V. No. 33, *supra*, page 9213.

Provided further that no rule (including any domestic rule) of any industrial union which is inconsistent with the provisions of this Act shall be enforceable.

In construing any declaration or notification under \**“The Profiteering Prevention Act of 1920,”* references to the Board of Trade and Arbitration shall be read as references to the Commissioner of Prices under \**“The Profiteering Prevention Act of 1920”* as amended by this Act.

- (ii.) All matters pending at such commencement <sup>Matters pending.</sup> under the repealed Acts before the Board of Trade and Arbitration may be continued under this Act, and shall be heard and determined by the Industrial Court established by this Act or referred by such Court to a Conciliation Board or Conciliation Commissioner, and such power of reference by the Court to such Conciliation Board or Conciliation Commissioner is hereby conferred, and on such reference such Board or Conciliation Commissioner, as the case may be, shall have and shall exercise all necessary powers and authorities and jurisdiction accordingly :

Provided that matters pending at such commencement under the repealed Acts under \**“The Profiteering Prevention Act of 1920,”* before the Board of Trade and Arbitration, may be continued before the Commissioner of Prices under \**“The Profiteering Prevention Act of 1920,”* as amended by this Act.

- (iii.) All documents relating to any matters or proceedings <sup>Documents.</sup> under the repealed Acts and filed or deposited with the Board of Trade and Arbitration shall be handed over to the Industrial Court and filed with that Court.
- (iv.) The registrar appointed under the repealed <sup>Registrar.</sup> Acts and holding office at the commencement of this Act shall be deemed to have been appointed as registrar under this Act.
- (v.) All Rules of Court and regulations <sup>Regulations.</sup> made under the repealed Acts and in force at the

\* 10 Geo. V. No. 33, *supra*, page 9213.

commencement of this Act shall, so far as is consistent with this Act, be deemed to have been made thereunder.

- (vi.) The minimum wage declaration of the Court (also called "the basic wage declaration") existing at the commencement of this Act shall continue and be in force until a fresh declaration is made by the Court under this Act.

Interpreta- tion.	5. Subject to this Act, in this Act, unless the context otherwise indicates, the following terms have the meanings respectively set against them, that is to say:—
Award.	"Award"—Award of a Conciliation Commissioner or of a Conciliation Board or of the Court: the term includes any variation of an award: the term, where necessary, also includes an industrial or other agreement made under the authority of this Act;
Calling.	"Calling"—Any calling, craft, business, or other occupation to which this Act applies;
Conciliation Board or Board.	"Conciliation Board" or "Board"—A Conciliation Board appointed under the authority of this Act;
Conciliation Commis- sioner.	"Conciliation Commissioner"—A Conciliation Commissioner appointed under the authority of this Act;
Court.	"Court"—The Industrial Court established by this Act, or a Judge thereof: the term also where necessary includes the Court constituted by the Judge and two Conciliation Commissioners;
Decision.	"Decision" includes any award or order of the Court or of a Conciliation Commissioner or of a Board;
Director of Labour.	"Director of Labour"—The Director of Labour appointed under * <i>"The Labour Exchanges Act of 1915"</i> : the term where necessary includes any labour agent for the time being deputed under the said Act to act for the Director of Labour;
Employee.	"Employee"—Any employee, male or female, in any manner engaged or employed in a calling

\* 6 Geo. V. No. 6, *supra*, page 6851.

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by an employer in work subject to the direction and control of an employer, and whether the employee's remuneration is to be according to time or by a system providing for an incentive wage or on the basis of payment by results or otherwise howsoever: the term does not include—

A State child within the meaning of \**“The State Children Act of 1911”*;

Any member of a family in the employment of a parent; or

Any aboriginal within the meaning of †*“The Aborigines Protection and Restriction of the Sale of Opium Acts, 1897 to 1901”*;

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, Employer. firm, or association employing one or more employees, whether on behalf of himself or any other person: the term includes the managing director or the manager of any company, firm, or association, corporate or unincorporate, and every manager for any employer, also local authorities, harbour boards, water authorities, and all other local bodies constituted by or under any Act: for the purpose of constituting a Conciliation Board the term includes a director, manager, or superintendent of an employer;

“Improver”—An employee who, by direction of Improver. the Court or Conciliation Commissioner (power to give such direction hereby being duly conferred) given in his case, is serving at a special wage a period of training with an employer for the purpose of becoming a

\* 2 Geo. V. No. 11, *supra*, page 5076.

† 61 Vic. No. 17 and amending Acts, *supra*, pages 3 *et seq.*

- qualified worker in a calling : the term does not include a State child as aforesaid, or any aboriginal as aforesaid ;
- Industrial agreement. “Industrial agreement”—A subsisting industrial agreement made under the repealed Acts or an industrial agreement made under this Act ;
- Industrial association or Industrial union. “Industrial association” or “Industrial union”—Any association, society, organisation, or union whatsoever of persons, firms, or companies, whether of employers or of employees, having as its principal object the protection or furtherance of the privileges, rights, or property of its members in connection with industrial matters : the term includes an industrial union ;
- 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, or the claim to be paid at certain rates for certain work over and above the basic wage in relation to margin of skill required therein ;
- Industrial dispute. “Industrial dispute”—Any dispute as to any industrial matter ;
- Industrial inspector. “Industrial inspector”—An industrial inspector appointed under this Act or the repealed Acts ;
- Industrial magistrate. “Industrial magistrate”—An industrial magistrate appointed under this Act or the repealed Acts ;
- 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 in any calling, or of persons who have been or who intend or propose to be or may become employers or employees in any calling, not involving questions which are or may be 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 in any calling, or the fixation of rates and conditions of piecework, or work in which a system of payment by results, or an incentive wage obtains, or other rates or prices paid or to be paid therein in respect of that employment, including the wages, allowances, or remuneration to be paid for work done during overtime or, subject to this Act, on holidays, or for other special work ;
- (b) The hours of employment in any calling, including the lengths of time to be worked to entitle employees therein to any given wages, allowances, remuneration, or prices, and what times shall be regarded as overtime ;
- (c) The sex, age, qualification, or status of employees, and the mode, terms, and conditions of employment, including the question whether any persons shall be disqualified for employment in a calling ;
- (d) 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 ;
- (e) The number or proportionate number of aged or infirm workers that may be employed by an employer in any calling, and the lowest prices or rates payable to them ;

- (f) The employment of any person or class of persons in any calling ;
- (g) The right to dismiss or to refuse to employ or reinstate in employment any particular persons or class of persons in any calling ;
- (h) Any established or alleged established custom or usage of any calling, either general or in any particular locality ;
- (i) All matters prescribed ;
- (j) All questions of what is fair and right in relation to any industrial matter, having regard to the interests of the persons immediately concerned and of the community as a whole ;
- (k) The regulation of the relations between employers and employees, or between employees and employees, or between employers and employers, 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 ;
- (l) Trusts, combinations, and agreements in restraint of trade ;
- (m) Any question of industrial demarcation ;
- (n) 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 lockout ;

Industrial  
union.

“ Industrial union ”—An industrial union registered as an industrial union under this Act ;

Judge.

“ Judge ”—A Judge of the Court, or any acting Judge thereof ;

Lock-out.

“ 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

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- (b) To incite, instigate, aid, abet, or procure any other lock-out ; or
- (c) 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 ;
- “Managerial office”—The office of an employee who is principally engaged in the direction and control of employees, but does not include the position of shopwalker, ganger, leading hand, or foreman ; Managerial office.
- “Minister”—The Secretary for Labour and Industry or other Minister of the Crown for the time being charged with the administration of this Act ; Minister.
- “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 Acts”—The Acts referred to in the First Schedule as being repealed, subject however as provided in section four of this Act ; Repealed Acts.
- “Rules of Court”—Rules made by the Court under this Act ; Rules of Court.
- “Strike”—The act of any number of 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, or wilfully delaying or obstructing the progress of work by what is known as the “go slow” method of strike, the said discontinuance, cessation, breach, refusal, or failure, or delay, or obstruction being due to or in pursuance of Strike.

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 incite, instigate, aid, abet, or procure any other strike ; or
- (c) 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.

“ This Act ”—This Act and all Orders in Council, Rules of Court, and regulations made under this Act: the term where necessary includes the repealed Acts.

Application  
of Act.

**6.** Save as next hereinafter provided, this Act applies to all callings whatsoever and to all persons whomsoever :

Provided that—

- (i.) Nothing in this Act applies to any State child within the meaning of \**“ The State Children Act of 1911 ”* or to persons engaged in domestic service or as gardener or handy man or yardman in private homes, or to persons engaged in a managerial office, or to persons employed in work such as is usually carried on in farming operations on dairy farms, fruit farms, or agricultural farms, or to casual workers such as noxious-weed destroyers, scrub cutters, ringbarkers, suckerers, or to jackeroos, book and store keepers on stations ; but this restriction shall not be construed to exclude from the provisions of this Act persons employed (a) in any capacity on farms in the sugar industry,

\* 2 Geo. V. No. 11, *supra*, page 5076.

or (b) in connection with shearing operations, or (c) in butter factories or cheese factories, or factories engaged in the manufacture of articles of commerce prepared by such process of manufacture from primary produce ;

For the purposes of this paragraph (i.) the term “ a person engaged in domestic service ” shall, without limiting in any wise the ordinary meaning of the term, also mean and include an employee engaged in domestic duties in any hospital whose daily average of occupied beds does not exceed nine ; also an employee engaged in domestic duties in any boarding or lodging house which provides accommodation for less than seven paying boarders or lodgers ; and also a cook on a station who cooks for less than four employees including overseers and jackeroos ;

And the term “ Jackeroo ” shall mean an employee who receives less than the wages prescribed for station hands and who, under an agreement with an employer, is obtaining experience in station work with a view to becoming an overseer, or manager, or owner, and who has separate quarters and conditions other than those of the ordinary station hand ;

- (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 operations of this Act, and thereupon while such order remains unrevoked this Act shall not apply to any such persons.

## PART II.—THE INDUSTRIAL COURT.

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7. (1.) The Board of Trade and Arbitration is hereby abolished and, subject as hereinafter provided, the members of the said Board of Trade and Arbitration shall go out of office.

(2.) There is hereby established a Court, to be called the “ Industrial Court,” which shall be a court of record and shall have a seal which shall be judicially noticed.

Abolition of  
Board of  
Trade and  
Arbitration.  
Constitution  
of Court.

(3.) The Governor in Council shall, by commission in His Majesty's name, appoint one of the Judges of the Supreme Court of Queensland to be the Judge of the Court :

Provided that the President of the Board of Trade and Arbitration appointed under the repealed Acts may, subject to this Act, continue in office during the term of his appointment under the repealed Acts, and may be the Judge of the Court under this Act accordingly.

Person  
qualified to  
be Judge of  
Supreme  
Court may  
be appointed  
Judge of  
the Court.

(4.) Notwithstanding anything contained in any Act or law to the contrary, the Governor in Council may, in lieu of appointing a Judge of the Supreme Court to be Judge of the Court, appoint by commission in His Majesty's name any person qualified to be appointed a Judge of the Supreme Court to be a Judge of the Court.

Additional  
Judges may  
be  
appointed.

(5.) 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 Judge of the Court in addition to the Judge of the Court 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 shall so act in that capacity and jurisdiction, and whilst so acting shall have and exercise all the like jurisdiction, authority, and powers of a Judge of the Court in addition to his jurisdiction, authority, and powers as a Judge of the Supreme Court.

Illness or  
absence.

Moreover, in the case of the illness or absence of the Judge of the Court the Governor in Council may appoint a Judge of the Supreme Court to act as Judge of the Court.

Such Judge, whilst acting in the capacity of Judge of the Court, shall have and exercise all the jurisdiction, authority, and powers of a Judge of the Court during such illness or absence as aforesaid.

Remunera-  
tion.

(6.) The Judge of the Supreme Court who under this Act is appointed Judge of the Court, or any other Judge of the Supreme Court who is appointed to act as Judge of the Court as hereinbefore provided, shall perform the functions of Judge of the Court under this Act without extra remuneration over and above the emoluments of his office as such Judge :

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Provided that if any person qualified to be appointed a Judge of the Supreme Court is appointed Judge of the Court, such person shall be paid such salary or remuneration for his services as the Governor in Council thinks fit.

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

(8.) A Judge of the Court, other than an acting Judge, shall be entitled to hold office for a period not exceeding five years, but shall be eligible for reappointment. Period of appointment.

(9.) If the period of office of any Judge or acting 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. Extension of period.

8. The Court may at any stage of the hearing of any appeal or reference under this Act appoint two assessors for the purpose of assisting it in relation to the appeal or reference concerned, and the assessors shall discharge such duties as are directed by the Court or as are prescribed. Assessors.

One of the assessors shall be a person nominated by such of the parties to the industrial cause as in the opinion of the Court have interests in common with the employers, and the other shall be a person nominated by such of the parties to the industrial cause as in the opinion of the Court have interests in common with the employees :

Provided, however, that the Court may appoint such assessors without nomination in the hearing of an industrial cause or the holding of an investigation.

Assessors shall receive such fees for their services as may be fixed by the Governor in Council in any particular case, or as may be prescribed.

Regulations may be made to give full effect to the objects of this section.

9. (1.) The Governor in Council may from time to time appoint an officer, to be called the Actuary and/or Statistician, whose duty it shall be to aid the Court or a Board or Conciliation Commissioner in respect of Appointment of Actuary and Statistician.

industrial causes, investigations, declarations, or appeals brought before such Court or Board or Conciliation Commissioner, as the case may be. Such Actuary and/or Statistician shall, on being required so to do, furnish the Court or Board or Conciliation Commissioner with any statistical information which the Court or Board or Conciliation Commissioner may require in respect of such industrial cause, investigation, declaration, or appeal.

Such Actuary and/or Statistician shall, if requested so to do, advise the Court or Board or Conciliation Commissioner as to what the probable economic effect of any award or declaration may be in relation to the community in general and/or the probable economic effect thereof upon the industry or industries concerned.

Actuary and  
Statistician  
to have  
powers of  
commission.

(2.) For the purposes of this section such Actuary and/or Statistician shall, for the purposes of this Act, have all the powers, authorities, and protection of a commission under \**“ The Official Inquiries Evidence Acts, 1910 to 1929,”* or any Act passed in substitution for or any amendment of those Acts.

Such Actuary and/or Statistician shall be an officer of the Public Service and shall be attached to the office of the Registrar-General or Bureau of Statistics or other body which may hereafter be appointed or prescribed.

Collection of  
statistics.

(3.) For the purpose of enabling any statistics to be collected, the Registrar-General and all prescribed persons shall, to the best of their knowledge and belief, when required by the Actuary and/or Statistician so to do, fill up and supply, in accordance with the instructions contained in or accompanying the prescribed form, the particulars specified in that form, or such other further particulars as may be requested.

Information  
to be  
supplied.

(4.) Every person shall, to the best of his knowledge and belief, answer all questions asked him by the Actuary and/or Statistician or by any duly authorised officer in that behalf necessary to obtain any information required for the purpose of any statistics to be collected.

(5.) Moreover, such Actuary and/or Statistician may obtain such information and statistics as he may require from the Registrar-General or Bureau of Statistics or other body which may hereafter be appointed or prescribed:

\* 1 Geo. V. No. 26, *supra*, page 748, and 20 Geo. V. No. 2 (this volume).

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(6.) Provided that any statistical information which may be supplied to the Court or Board or Conciliation Commissioner in accordance with the provisions hereinbefore set forth shall be made available to the parties to the industrial cause in any case where, in the opinion of the Court or Board or Conciliation Commissioner, such statistical information does not include any matters of a confidential and private nature.

10. (1.) Subject to this Act, the Court shall have jurisdiction over all industrial causes in any calling which are referred to it, or such jurisdiction as is conferred upon it under the provisions of this Act, or such jurisdiction as is prescribed. Moreover, the Court shall have exclusive jurisdiction to deal with questions of interpretation in respect of an industrial matter. Jurisdiction of Court.

(2.) Subject to this Act the Court shall not—

- (a) Except with the consent of a Board, or unless a Board has under subsection three hereof been shown to have been guilty of delay, entertain any industrial matter in respect of which such Board is about to make an award; or
- (b) Interfere with any award except on an appeal or intervention duly brought as hereinafter provided.

(3.) Notwithstanding anything contained in the last preceding subsection, any matters or things in relation to an industrial cause concerning which an agreement has been arrived at by the parties before a Board shall, to the extent to which an agreement has been arrived at, form an agreement under this Act and shall be registered as such by the Board. What matters to be referred to Court.

And moreover the only matters or things in relation to an industrial cause which shall be referred to the Court in respect of such industrial cause are such matters and things which the Conciliation Commissioner certifies as being matters or things upon which no agreement can be arrived at before the Board and concerning which there have been several genuine attempts to come to an agreement within the space of three months before such reference, and which the Commissioner considers it reasonable and desirable that the Court should decide and determine :

Provided, however, in the case of a dispute which in the public interest the Conciliation Commissioner thinks it desirable shall be referred to the Court before the expiration of three months, such Conciliation Commissioner is hereby empowered to refer such dispute to the Court at any time within such space of three months, which he in his discretion thinks fit.

Where  
appeal lies  
to Court.

11. (1.) Subject to this Act and except as herein provided, there shall be no appeal to the Court against any award of a Board or any part of the proceedings of a Board :

Provided that an appeal may be brought by any person bound by the award or aggrieved by the proceedings or by any industrial association interested thereon, on the ground that the Board, before making the award concerned or in proceedings for the variation of the award or in the certifying of any agreement, did not observe the bases as laid down by this Act.

(2.) When an appeal is made against an award or part thereof, such award (if the whole award is appealed against) or any part of an award (if part of an award only is appealed against) shall be automatically suspended: Provided however, that if such appeal is not allowed, the award shall take effect from the original date thereof, and the part thereof appealed against shall take effect from the original date of the award of which the part appealed against formed part.

Powers of  
Court on  
appeal.

(3.) On an appeal, the Court shall allow any person or industrial association interested to become a party to the proceedings, and may take fresh evidence, and shall have all the powers and authorities of a Board, and may confirm, vary, or rescind the award or make a new award, or may make such other orders as it thinks proper.

(4.) The term "Board" shall, where necessary for the purposes of sections ten and eleven, mean and include a Conciliation Commissioner.

General  
jurisdiction  
of the Court.

12. Notwithstanding anything contained in this Act, 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

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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 a conference has been held under this Act, and as to which no agreement has been reached, and which has been referred to the Court accordingly.

**13.** (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. Power to declare general rulings.

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

(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— Instances of such rulings.

- (a) The cost of living ;
- (b) The standard of living ;
- (c) The minimum rate of wages to be paid to persons of either sex (also referred to as the "basic wage");
- (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 be not 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.

Basic wage  
and standard  
hours.

(4.) Subject as hereinbefore provided, the Court shall from time to time have exclusive jurisdiction in respect of declaring what shall be—

- (a) The minimum rate of wages to be paid to persons of either sex (also referred to as the “basic wage”);
- (b) The maximum weekly hours to be worked (called the “standard hours”) in industry or in respect of particular industries.

Moreover, in declaring such minimum rate of wages the Court may declare an hourly rate and/or a daily rate and/or a weekly rate of wage, either generally or in respect of specified industries.

Court to  
make  
declarations  
as to basic  
wage and  
standard  
hours.

(5.) It shall be the duty of the Court, as soon as conveniently possible after the commencement of this Act, to make declarations as to—

- (a) The basic wage;
- (b) The maximum weekly hours to be worked in industry (called the “standard hours”).

(6.) The Court in its decisions or declarations shall take every reasonable care to avoid unnecessary duplication or overlapping with awards made by the Commonwealth Court of Conciliation and Arbitration constituted under the provisions of \* *The Commonwealth Conciliation and Arbitration Acts 1904–1928* or any Act amending the same.

(7.) The Court shall, in the matter of making declarations in regard to the basic wage or standard hours, take into consideration the probable economic effect of such declaration in relation to the community in general and the probable economic effect thereof upon industry or any industry or industries concerned.

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\* Commonwealth Acts, Vols. XXIV. page 171, and XXV. page 18, and 1928 Act.

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**14.** For the purposes of making any such declarations, the Court shall be constituted by the Judge and the two Conciliation Commissioners.

Constitution of Court in respect of declarations under s. 13.

**15.** Until a Conciliation Board has been constituted in respect of a calling or callings or groups of callings, the Court shall have full jurisdiction, power, and authority in respect of an industrial cause under this Act.

Powers of Court pending appointment of Board.

Moreover, until a Conciliation Board has been constituted in respect of a calling, or callings, or groups of callings, the Court shall have full jurisdiction, power, and authority to constitute a Conciliation Commissioner to be a Board, and such Board so constituted shall be a Board for the purposes of this Act.

Remission to Conciliation Commissioner.

**16.** The Court may remit to an industrial magistrate any proceedings for the recovery or enforcement of penalties incurred under this Act or claims by an industrial union or by an employee for arrears of wages due to him under any award or industrial agreement, 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.

Remission to industrial magistrate.

**17.** 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.

**18.** 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 Conciliation Commissioner or industrial magistrate, with or without directions and whether for report to the Court or for determination.

Appeals to be by way of rehearing.

**19.** Subject to this Act the jurisdiction of the Court in all industrial causes, whether original or by appeal, shall be exclusive.

Jurisdiction of Court to be exclusive.

**20.** (1.) Subject to this Act, every decision of the Court, whether constituted solely by the Judge or by the Judge and two Conciliation Commissioners, shall be final

Decision of Court to 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.

(2.) Except in any case where the question of jurisdiction is raised, proceedings in the Court as aforesaid 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 Industrial Court, 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 Industrial Court to be an industrial matter.

(3.) The validity of any proceedings or award of a Conciliation Commissioner or of a Board or of a chairman of a Board or industrial magistrate shall not be challenged, except as provided by this Act, and subject to an appeal to the Court the provisions of this section shall so extend and apply accordingly.

Form, effect,  
and  
continuance  
of award.

**21.** (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.

(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.

On whom  
award is to  
be binding.

**22.** Subject to this Act the award shall be binding on—

- (a) All parties to the industrial cause who appear or are represented before the Court ;
- (b) All parties who have been summoned to appear before the Court as parties to the cause, whether they have appeared in answer to the summons or not, unless the Court is of opinion that they were improperly summoned before it as parties ;

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- (c) All industrial associations connected with the calling to which the award applies ;
- (d) All members of industrial associations bound by the award ;
- (e) All employers and employees in the locality to which the award applies in the calling to which it applies ; and
- (f) All persons who, whether as employers or employees, are engaged in that calling in such locality at any time while the award remains in force.

**23.** (1.) 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.

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 association 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.

**24.** 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.

**25.** The Governor in Council may appoint any person to act as a deputy for the registrar 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.

PART III.—CONCILIATION COMMISSIONERS AND CONCILIATION BOARDS.

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BOARDS.

**26.** (1.) The Governor in Council shall appoint two Conciliation Commissioners for the State, upon such terms and conditions as to remuneration, tenure,

Conciliation Commissioners.

and otherwise as he thinks fit, and such Conciliation Commissioners shall have powers, authority, and jurisdiction in respect of the whole State.

(2.) Moreover, in any case where it may from time to time appear to the Governor in Council necessary or expedient so to do, the Governor in Council may appoint any person to act as a Conciliation Commissioner, whether in addition to any office of the Public Service which he holds at the time of such appointment or otherwise as he thinks fit.

(3.) Any person appointed pursuant to the provisions of subsection two of this section shall possess the like powers, jurisdiction, and authority as a Conciliation Commissioner appointed pursuant to subsection one hereof.

(4.) Such Conciliation Commissioners shall perform such duties and have and exercise such jurisdiction, powers, and authorities as are prescribed or as may be specially conferred from time to time by Order in Council.

Conciliation  
Boards for  
callings.

27. (1.) Conciliation Boards shall be constituted by the Court under such designations as the Governor in Council may from time to time by Order in Council declare for any one or more of the callings to which this Act applies, or the group or groups of different callings, to the intent that such groups of callings may be comprised within the jurisdiction and scope of one Conciliation Board.

Moreover the Governor in Council may by Order in Council declare that any transposition, division, combination, rearrangement, or regrouping of such callings as the Court may direct may be approved and shall take effect accordingly.

Appoint-  
ment of  
chairman.

(2.) The Court shall appoint a Conciliation Commissioner to be chairman for any Board so constituted.

Such chairman shall preside over the Board whereof he is appointed chairman.

Appoint-  
ment of  
other  
members.

(3.) The Minister shall appoint the other members of such Boards, who shall be nominated in that behalf as hereinafter provided.

Board  
constituted.

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

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BOARDS.  
Members.

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

One half in number of such other members shall be representatives of the employers, and shall be nominated as prescribed by the industrial union or unions of the employers in the calling or callings concerned, and at the date of their appointment *bona fide* and actual employers in the calling concerned; one half in number of such other members shall be representatives of the employees, and shall be nominated as prescribed by the industrial union or unions of the employees in the calling or callings concerned, and shall at the date of their appointment be *bona fide* and actual employees in the calling concerned.

Upon any failure to so nominate, representatives of employers or employees, as the case may be, shall be recommended by the Conciliation Commissioner and appointed by the Minister:

Provided also that where, in the opinion of the Conciliation Commissioner, it is impracticable or inadvisable to constitute a Board in the manner hereinbefore provided, or where in his opinion it is necessary and convenient in the public interest, such Conciliation Commissioner may recommend any person (whether an employer or employee, as the case may be, or not) whom he considers to be acquainted with the working of the industry to represent the employers or employees on the Board, and the Minister shall appoint such person.

An agent of any association may be permitted to be present to assist the Board in its deliberations.

(6.) Regulations may be made to give full effect to the objects and purposes of this subsection. Regulations.

(7.) In any case where any member of a Board is absent, the voting power of the remaining member representing the employers or employees (as the case may be) shall be deemed to be the decision exercised by the two members so representing the employers or employees, and as if such two members were actually present.

28. (1.) A Board may, with respect to the calling or callings or group or groups of callings for which it has been created, make an award determining or in Jurisdiction  
of Board.

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respect of any industrial cause in connection with such calling or callings or groups of callings.

Board to  
first attempt  
to settle  
dispute.

(2.) Moreover, in connection with the settlement of any industrial dispute in respect of such calling or callings or groups of callings no industrial dispute shall be referred to the Court until it has been first referred to a Conciliation Board or a Conciliation Commissioner.

Board to  
endeavour  
to effect a  
settlement.

(3.) It shall be the duty of the Board to endeavour to bring about a settlement of the dispute, and to this end the Board shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits and the right settlement thereof.

In the course of the inquiry the Board shall make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute.

Legal  
formalities  
may be  
dispensed  
with.

(4.) The procedure of the Board shall in all respects be absolutely in the discretion of the Board, and the Board shall not be bound to proceed with the inquiry in any formal manner or formally sit as a tribunal.

The Board may on the hearing hear any evidence that it thinks fit, whether such evidence would be legally admissible in a Court of law or not.

The inquiry shall be either public or private, as the Board thinks fit.

Meetings.

(5.) Meetings of the Board shall be held from time to time at such times and at such places in the district in which the dispute has arisen as the Commissioner appoints.

No such meeting shall be duly constituted unless the Commissioner is present thereat, but the absence of any of the members shall not prevent the exercise by the Board of any of its powers or functions.

Settlement.

(6.) If a settlement of the dispute is arrived at by the parties in the course of the inquiry, the terms shall be set forth in an industrial agreement, which shall be reduced to writing and signed by the other members on behalf of the employers and employees concerned.

Such agreement, on being certified by the chairman, shall be filed in the office of the registrar and shall have the effect of an industrial agreement under this Act, and the agreement of the Board shall be deemed the agreement of the parties who shall be bound thereby.

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(7.) If no settlement of the dispute is arrived at by the parties or by the members of the Board representing the parties, the Board shall endeavour to induce the parties to agree to some temporary and provisional arrangement until the dispute can be determined by the Court :

When no settlement.

(8.) Provided, however, that any agreement which has been arrived at by the parties shall, to the extent to which such an agreement has been arrived at, form an agreement under this Act and shall be registered as such by the Board.

Part agreement.

(9.) And moreover the only matters or things in relation to an industrial dispute which shall be referred to the Court are such matters and things which the Conciliation Commissioner certifies as being matters or things upon which no agreement can be arrived at before the Board and concerning which he further certifies that there have been several genuine attempts to come to an agreement within the space of three months before such reference, and which the Conciliation Commissioner considers it reasonable and desirable that the Court should decide and determine :

Matters referable to Court.

Provided, however, in the case of a dispute which in the public interest the Conciliation Commissioner thinks it desirable shall be referred to the Court before the expiration of three months, such Conciliation Commissioner is hereby empowered to refer such dispute to the Court at any time within such space of three months which he in his discretion thinks fit :

(10.) Provided, however, where no settlement and no part settlement has been arrived at, the Conciliation Commissioner shall refer the dispute to the Court for settlement, and thereupon the dispute shall be deemed to be before the Court :

Full reference.

Provided further that before any reference shall be made to the Court the parties may agree to accept the decision of the Conciliation Commissioner on any questions left to him by the other members of the Board and his decision shall, subject to this Act, be final and without appeal.

(11.) The Conciliation Board may have the assistance of the Actuary and/or Statistician in respect of any statistical information that it may require, or it may require the Registrar-General or Bureau of Statistics

Board to have assistance of Actuary.

or other body that may be appointed to furnish it with such statistical information as it may require, and such request shall be obeyed.

Conciliation Board to be bound by declarations as to basic wage and standard hours.

**29.** In regard to the making of awards, a Conciliation Board shall have regard to the declarations of the Court as to—

- (i.) The basic wage ;
- (ii.) The standard hours ;

as so fixed by the Court, and shall be bound by such declaration.

Effect of declarations of living wage.

**30.** Subject to this Act, no industrial agreement shall be entered into and no award made for a wage lower than the declared current basic wage.

Upon a declaration as to the basic wage during the currency of an award, the terms of such award affecting rates of pay shall be varied to accord with such declaration by the Registrar (subject to an appeal to the Court) and such variation of the award shall, upon publication in the *Gazette*, have effect as an award from the date of publication.

Failure of member to attend.

**31.** 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, the Minister may, on such matter having been reported to him by the Conciliation Commissioner, in his absolute discretion, declare his office vacant, and thereupon such member shall cease to hold office:

Provided that opportunity shall be given for such member to show cause in his defence.

Oath to be taken by members.

**32.** Each member of a Board shall, upon his appointment, take an oath not to disclose any matter or evidence before the Board or the Court relating to—

- (a) Trade secrets ; or
- (b) The profits or losses or the receipts and outgoings of any employer or employee ; 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 ;

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CONCILIATION  
COMMISSIONERS AND  
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BOARDS.

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

**33.** The Minister, on the recommendation of the Court, may at any time—

Dissolution of Board and removal of member.

(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 in prison, or is insolvent, or has ceased to reside in Queensland, or is not properly discharging his duties as a member of such Board.

**34.** (1.) Subject to the last preceding section, the members of a Board shall hold office for a period not exceeding three years from the date of their appointment, and then shall cease to hold office: Provided that a member may resign his office.

Period of office.

During any vacancy in a Board (other than in the office of chairman) caused by the resignation of a member, the continuing members may act as if no vacancy existed.

Effect of vacancy caused by resignation.

(2.) 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.

New Board.

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.

**35.** 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 nominated by the industrial associations concerned or recommended by the Conciliation Commissioner, as the case may require.

Appointment to vacancies.

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

Person may continue hearing.

**37.** Every appointment of a member of a Board shall be notified in the *Gazette*.

Gazettal of appointments.

Evidence of  
*Gazette.*

**38.** A copy of the *Gazette* containing a notice of such appointment purporting to have been published in pursuance of this Act shall be conclusive evidence that the person named in such notice was legally appointed to the office named, and had power and jurisdiction to act in such office, and such appointment shall not be challenged for any cause.

Exercise of  
powers.

**39.** All powers of a Board may be exercised by a majority of the members thereof. The Conciliation Commissioner shall not have a primary vote, but in the case of equality of voting the Conciliation Commissioner shall have a casting vote at the request of the parties before the Board.

Chairman  
may  
administer  
oaths, &c.

**40.** 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.

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.

Award of  
Board.

**41.** The award of a Board shall be signed by the chairman and forwarded to the registrar, who shall forthwith publish the same in the *Gazette* and notify the parties.

Award to  
remain in  
force for  
what period.

**42.** Subject only to appeal to the Court as hereinbefore provided and to the provisions herein contained relating to the suspension of the operation of any award or part thereof, an award of a Board shall, from a date fixed by the Board, within the locality for which the Board has jurisdiction, take effect and have the force of law, and shall not be in any manner liable to be challenged or disputed, and shall be binding on—

- (a) All industrial associations connected with the calling or callings to which the award applies ;
- (b) All members of industrial associations bound by the award ;
- (c) All employers and employees in the locality to which the award applies in the calling or callings to which it applies ; and

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(d) 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 ;

and shall remain in force for a period of twelve months, and also thereafter until it has been amended by another award of the Board or the Board or Court has made a new award with respect to the same matters.

When a Board is dissolved, such dissolution shall not affect the operation of any award made by such Board and then in force, but such award shall remain in force until suspended, superseded, or otherwise dealt with under this Act.

PART IV.—INDUSTRIAL AGREEMENTS.

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INDUSTRIAL  
AGREEMENTS.

**43.** (1.) Any industrial union or industrial association of employees or employers may make an agreement in writing for the prevention or settlement of an industrial dispute or relating to any industrial matter.

Industrial  
agreements  
may be  
made.

Every such agreement shall be made between an industrial union or industrial association of employees of the one part and an industrial union or industrial association of employers or some specified employer or employers of the other part.

(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 Conciliation and Arbitration Act of 1929,*” 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 or business therein specified.

(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.

Date of  
agreement.

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

Agreement  
to continue  
in force for  
parties not  
retired.

\* 20 Geo. V. No. 28 (this Act).

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.

44. (1.) A duplicate original of every industrial agreement shall, within sixty 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. A copy of the *Gazette* containing the agreement shall be received in all Courts and tribunals and before all persons as evidence of such agreement, without further proof.

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.

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

On whom  
agreement  
binding.

46. (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 or industrial association which is party thereto ; and
- (c) Every industrial union and every member for the time being of any industrial union which is for the time being represented on any such association ; and
- (d) Every worker who is, at any time whilst it is in force, employed by any employer on whom the agreement is binding.

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AGREEMENTS.

(2.) Industrial agreements shall be enforceable in the same manner as if they were awards of the Court under this Act. Enforcement of agreements.

47. Every 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 : Agreements may be varied, renewed, or cancelled.

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.

48. Subject to this Act, 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 association 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.

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.

49. Every industrial agreement entered into or deemed to have been made and entered into pursuant to section fifty-one of the repealed Act, and subsisting at the commencement of this Act, shall be deemed to have been made and entered into pursuant to this Part of this Act, and shall be construed and have effect accordingly. Existing industrial agreements.

PART V.—GENERAL PROVISIONS DEALING WITH COURT, CONCILIATION COMMISSIONER, AND BOARDS.

PART V.—  
GENERAL  
PROVISIONS  
DEALING WITH  
COURT,  
CONCILIATION  
COMMISSIONER, AND  
BOARDS.

50. The Court or Conciliation Commissioner or Board may make an award for an industry embracing more than one calling. Wages rates in callings in an industry where such callings are under another award.

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GENERAL  
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DEALING WITH  
COURT,  
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BOARDS.

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Judge or  
Commissioner to act  
whenever  
his  
mediation  
desirable.

**51.** The Judge or industrial magistrate or Conciliation Commissioner may act as a mediator in any industrial cause, whether or not it is within the jurisdiction of the Court or industrial magistrate or of the Conciliation Commissioner, in all cases in which it appears to him that his mediation is desirable in the public interest.

Judge or  
Conciliation  
Commissioner may  
convene  
compulsory  
conference.

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

(2.) Any person may be so summoned, notwithstanding that he is not connected with the dispute, if the Judge or industrial magistrate or Conciliation Commissioner 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 or industrial magistrate or Conciliation Commissioner, and in default shall be guilty of contempt of court, and, by order of the Judge or industrial magistrate or Conciliation Commissioner, shall be liable to a penalty not exceeding twenty pounds.

(4.) The conference may be held partly or wholly in public or in private, at the discretion of the Judge or industrial magistrate or Conciliation Commissioner, as the case may be.

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

Payment  
for certain  
holidays.

**53.** 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), Christmas Day, and the

\* 3 Geo. V. No. 17, *supra*, page 5463.

1929. *Industrial Conciliation and Arbitration Act.*

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twenty-fifth day of April (Anzac Day) or any day appointed under \**“The Holidays Act of 1912”* to be kept in place of any such holiday, shall be paid for at the rate of double time. All work done on the first day of January, the twenty-sixth day of January, Easter Monday, the birthday of the Sovereign, and Boxing Day, or any day appointed under \**“The Holidays Act of 1912”* to be kept in place of any such holiday, shall be paid for at the rate of time and a-half.

For the purposes of this provision, where the rate of wages is a weekly rate “double time” shall mean one day’s wages in addition to the prescribed weekly rate, or *pro rata* if there is more or less than a day.

For the purposes of this provision, where the rate of wages is a weekly rate, “time and a-half” shall mean one half-day’s wages in addition to the prescribed weekly rate, or *pro rata* if there is more or less than a day.

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.

And every award shall be deemed to contain provisions to the above effect.

Nothing in these provisions shall have reference to Sunday work.

Any provision in any existing award inconsistent with this section shall not be enforceable:

Provided that where under any existing award employees have worked on the first day of March, the seventeenth day of March, the twenty-third day of April, and the thirtieth day of November during the year one thousand nine hundred and twenty-nine, at ordinary rates and annual leave on full pay granted in lieu of extra payment for work done on such days, such portion of the annual leave as is proportionate to the time so worked on such days or any of them shall be preserved to employees for the current year:

Provided that nothing in this section shall prevent the Court or a Board from granting the equivalent of annual leave on full pay for work done on the aforesaid holidays.

\* 3 Geo. V. No. 17, *supra*, page 5463.

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GENERAL  
PROVISIONS  
DEALING WITH  
COURT,  
CONCILIATION  
COMMISSIONER,  
AND  
BOARDS.

Weekly  
hours.

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**54.** Subject to this Act, in respect of the matter of weekly hours, if there are any circumstances which make it essential or desirable for the efficient carrying-on of an industry, the Board may arrange such spread of hours and overtime as may be considered essential or desirable under the circumstances:

Provided always that overtime may in special circumstances and by mutual agreement of employer and employees concerned be approved for such number of hours' overtime as may be so mutually agreed upon.

The term "overtime" means time worked in excess of the maximum hours prescribed by the award.

An appeal shall lie to the Court from any decision of the Board under this section, and the Court shall make any order in the matter as it thinks fit and proper.

Factories  
and Shops  
Acts  
provision.

**55.** The Court or Board shall have jurisdiction, power, and authority in respect of 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 or Board 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.

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BOARDS.

Nothing in this section shall be deemed to permit of the Court or Board permitting night shopping in cases where at the commencement of this Act night shopping is not permitted:

Provided, however, that an award may contain provisions for the opening of shops and for the employing of employees at night on such terms as may be mutually agreed upon in relation to holiday periods.

**56.** The Court or Board shall, before making any award or certifying any agreement, and on proceedings for the variation or cancellation of an award or an agreement, take into consideration the probable economic effect of the agreement or award in relation to the community in general and the probable economic effect thereof upon the industry or industries concerned.

Economic  
effect of  
awards.

**57.** Where it is mutually agreed by the parties concerned or considered advisable by the Court or Board to grant preference to any particular union or organisations, such preference shall be granted only subject to the following conditions, that is to say:—

Preference.

- (i.) If any employer shall hereafter engage any worker coming within the scope of an award who shall not be a member of the union, and who shall not have made application to become a member thereof within fourteen days after his engagement and remain such member, the employer shall dismiss such worker from his service if requested to do so by the union, provided there is then a member of the union equally qualified to perform the particular work required to be done, and ready and willing to undertake the same:

Provided that where such an employee is already a financial member of another industrial union the employer shall be permitted to continue employing him until the expiry of his current union ticket, and the employee need not make application to join the union to which preference is granted until such expiry.

- (ii.) The provisions of the foregoing clause (i.) shall operate only if and so long as the rules of the union shall permit any worker coming

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within the scope of the award concerned of good character and sober habits, to become a member of the union upon payment of an entrance fee not exceeding five shillings (which sum shall be deemed to be part of the annual subscription) upon a written application, without a ballot or other election, and to continue a member upon payment of subsequent contributions not exceeding sixpence per week, unless the Court shall certify that sixpence per week is insufficient for the financial purposes of the union: Provided, however, that in no case shall the weekly contribution be more than one shilling per week.

Any provision in any existing award inconsistent with this section shall not be enforceable:

Provided however that nothing in the foregoing provisions of this section shall be construed to prevent or otherwise limit the power of any union to collect any contributions from any employee which may be mutually agreed upon for or in respect of any superannuation or benevolent or provident fund, or for any like purpose, to the satisfaction of the Registrar.

No discrimination.

**58.** Subject to this Act, no person shall be refused employment or in any way discriminated against on account of membership or non-membership of any industrial association.

No person who is an employer or employee shall be discriminated against or injured or interfered with in any way whatsoever on account of membership or non-membership of any industrial association.

Any person who acts or incites any other person to act in contravention of this section shall be liable to a penalty not exceeding ten pounds, and any industrial association which acts or incites any person to act or is in any way a party to or assists or encourages any person acting in contravention of this section shall be liable to a penalty not exceeding one hundred pounds.

Informality  
not to  
vitate  
award.

**59.** An award or order of the Court or Board shall not be void or in any way vitiated by reason merely of any informality or error of form or non-compliance with this Act.

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**60.** The Court, whenever it is practicable so to do, shall, so far as is consistent with the maintenance of industrial peace, deal only with the major general principles such as those concerning wages and hours of employment, overtime, and holidays. Other minor matters such as (and without limiting the generality of the expression "minor matters") demarcation, spread of hours, margin of skill, and/or incentive wage, may be dealt with by the Board. Moreover, the Court or Board may agree that certain matters in relation to an industrial cause may be referred or delegated to local shop committees, round-table committees, industrial councils, or voluntary committees, formed for the purpose of adjusting the industrial relationship between employer and employee, and with representation of employer and employee on such committees and councils. Such matters, on being reduced to writing in the form of a trade agreement, may be registered subject to this Act as an industrial agreement on receiving the certificate of the Conciliation Commissioner. Such Conciliation Commissioner shall make due inquiry whether such trade agreement contains, generally, conditions not less favourable to the employees concerned than any award so concerned may prescribe.

Court to  
deal with  
major  
general  
principles.

Regulations may be made to give full effect to the objects and purposes of this section, and, *inter alia*, in respect of the formation and constitution of such Committees and Councils concerned.

**61.** (1.) Where workers engaged upon different trades are employed in any one business of any particular employer, the Court (or, on reference by the Court to a Board or to a Conciliation Commissioner, the Board or the Conciliation Commissioner) may make one award applicable to such business and embracing, as the Court or Board or Conciliation Commissioner thinks fit, the whole or part of the various branches constituting the business of such employer.

Award  
embracing  
one  
business.

Before the Court shall exercise such power, notice shall be given to the respective industrial unions of workers engaged in any branch of such business.

(2.) Nothing in this Act shall prohibit or prevent the making of an industrial agreement applicable to one business and embracing the whole or part of the various branches constituting the business of any employer and the employees of such employer: Provided always

Industrial  
agreement  
embracing  
one business.

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that any such agreement shall generally contain conditions not less favourable to the employees concerned than any award concerned may so prescribe, and that any such agreement shall be approved by a Conciliation Commissioner.

Further  
general  
powers.

**62.** (1.) If it is proved to the Court constituted by the Judge and two Conciliation Commissioners, by the production of books used in connection with the carrying-on of an industry not of average prosperity, and by other evidence produced or tendered, that serious unemployment in an industry has resulted or will result from the operation of an award or industrial agreement, such Court, upon being satisfied that it is in the best interests of the industry concerned and after consultation with the Bureau of Statistics or other like body, may, either absolutely or upon terms—

- (a) Rescind or cancel any award or industrial agreement ; or
- (b) Exempt, either wholly or partly, from the provisions of an award or industrial agreement any employees, and may permit of an agreement being made on such bases as it may prescribe ; or
- (c) Have full discretion to make any award it thinks fit in the circumstances.

(2.) If it is proved to the Court constituted as aforesaid that the employees in any industry or the employees of any employer therein are or may become entitled to any benefit or bonus system or payment under any profit-sharing or copartnership or other incentive scheme, the Court, upon being satisfied that it is in the best interests of the industry concerned and on the mutual agreement of the employers and employees, may exempt, either wholly or partly, from the provisions of an award or industrial agreement such employees who are or may be entitled to such benefit or bonus system or payment under the profit-sharing or copartnership or other incentive scheme, and their employer.

Moreover, such Court may permit of the making of an agreement between the parties concerned.

The provisions of this section may be employed in respect of the employees employed in any one business of any particular employer.

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GENERAL  
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BOARDS.  
New  
industries.

(3.) If it shall appear to the Court constituted as aforesaid that a new industry has commenced in the State and that it will be detrimental to the continuance of such new industry, both as regards the employer and employees, if an award in such new industry shall be made, the Court, on application, may refrain from making and grant exemption from an award in respect of such new industry for such period of time not exceeding three years, and may permit of the employer and employees of such new industry making an agreement in regard to the working conditions thereof.

The term "new industry" shall not mean an industry of any like nature to an industry carried on in the State at the date of such application, but shall mean an industry of such a nature as one which is not carried on in competition with other industries and/or which is not being carried on in Queensland at the date of such application :

Provided always that if an industry of a like nature to the new industry in respect of which the Court has refrained from making an award has commenced within such period of three years, the Court may, after a period of twelve months from the date of such first application, review the question of the making of an award in respect of such new industry, or the Court may preserve the exemption from the making of an award granted in the first instance, and may permit of an exemption to the end of such exemption being granted in respect of the subsequent new industry concerned.

**63.** The Court, consisting of a Judge and two Conciliation Commissioners, shall fix and determine the wages, hours, and other conditions of employment in respect of employees engaged on special relief work under and pursuant to \*"*The Unemployed Workers Insurance Acts, 1922 to 1927,*" and any Act amending or in substitution of that Act.

**64.** In addition to and without in any way limiting the powers of the Governor in Council under this Act, the Governor in Council is hereby empowered from time to time by Order in Council to issue such orders and give such directions and prescribe such matters and things, whether in addition to or amendment of or in

\* 13 Geo. V. No. 28 and 18 Geo. V. No. 6, *supra*, pages 10073 and 11945.

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modification of this Act or any other Act, as will be calculated to give full effect to the objects and purposes of this Act, or as will be calculated to safeguard the requirements and well-being of the people and secure peace in industry. And every such order, direction, and rule shall be obeyed. Any such Order in Council made or purporting to be made under this Act shall be of the same validity as if it were enacted in and formed part of this Act, and shall be judically noticed, and shall not be questioned in any proceedings whatever.

Apprentices  
and young  
workers.

**65.** Subject to the provisions of \**“The Apprenticeship Acts 1924 to 1927,”* or any Act in substitution therefor, the Court or Board shall have jurisdiction in respect of minors under twenty-one years of age.

Industrial  
magistrates.

**66.** 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.

Powers and  
procedure of  
Court or  
Board or  
Conciliation  
Commissioner.  
[Schedule  
II.]

**67.** The provisions set forth in the Second 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.

Such provisions may also be extended to embrace and include matters dealing with the Conciliation Commissioner or any Board or conference.

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 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 Parliament passes a resolution disallowing any such provision, of which resolution notice has been given at any time within fourteen sitting days of Parliament 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.

\* 15 Geo. V. No. 12 and 18 Geo. V. No. 7, *supra*, pages 11032 and 11941.

## PART VI.—INDUSTRIAL UNIONS.

**68.** (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. Registration  
of industrial  
union.

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 rules of the applicant association or union and their administration or any domestic rules thereof are not contrary to an award and do not provide unreasonable conditions of membership upon any member or upon any applicant for membership, and do not impose unreasonable conditions upon the continuance of their membership, and are not in any other way tyrannical or oppressive ;
- (c) That such rules do not prevent or hinder members from observing the laws of the State or an award ;
- (d) That such rules do not prescribe any fine greater than ten shillings to be imposed upon members ;
- (e) That the application is *bona fide* in the interests of employees.

(4.) Any decision of the registrar under this section shall be subject to appeal to the Court as prescribed.

(5.) Any industrial association consisting of employees employed by the Government shall be qualified for registration as an industrial union under this Act.

Amendment  
of rules.

(6.) No alteration of any rule of an industrial union shall be valid until registered.

When rules  
not  
enforceable.

It shall be the duty of the registrar, before registering any alteration, to satisfy himself that the alteration is not in conflict with this Act or with any order or award.

(7.) No rule of any union which does not comply with provisions (b), (c), (d), and (e) of subsection three of this section shall be enforceable, whether in any Court of law or otherwise howsoever, against any person.

Particulars  
to be  
furnished on  
application  
for  
registration.

**69.** Every application for registration as an industrial union of employees shall be accompanied by—

- (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, including any domestic 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.

Registration  
of industrial  
union of  
employers.

**70.** 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.

Notice to be  
published.

**71.** Notice of such application under the last preceding section shall be published as prescribed.

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UNIONS.

**72.** 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 ;
  - (c) Two copies of the rules (including domestic 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.

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

No registration under same name.

**74.** (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.

Registration of several unions for the same calling.

(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 or Conciliation Commissioner, such unions may appear jointly or separately.

Amalgama-  
tion of  
unions.

**75.** (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.

(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.

Certificate of  
registration.

**76.** 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

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of the union therein mentioned, and that it has complied with the prescribed conditions to entitle it to be registered.

77. (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.

(2.) The list of members and officers and the rules of an industrial union shall be open to inspection at the office of the registrar by any person on the payment of a fee of two shillings and six pence. Document's open to inspection.

78. 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.

79. 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.

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

- (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 any domestic rules thereof or their administration are contrary to an award and provide unreasonable conditions upon membership of any member or upon any applicant for membership, or impose unreasonable conditions upon the continuance of their membership, or are in any way tyrannical or oppressive; or
- (d) That such rules prevent or hinder members from observing the law of the State or an award; or

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- (e) That an industrial union has wilfully neglected to obey any order or award of the Court or Board or Conciliation Commissioner, or has been found guilty of a breach of section eighty-seven of this Act;

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 Conciliation Commissioner, 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.

**81.** (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 VII.—  
GOVERNMENT  
EMPLOYEES.

PART VII.—GOVERNMENT EMPLOYEES.

Government employees.

**82.** 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 Commissioner of Main Roads in the case of the Main Roads Commission, or the Insurance Commissioner in the case of the State Government Insurance Office, or the Commissioner for Trade in the case of State

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MENT  
EMPLOYEES.

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.

83. (1.) With respect to the State railways open for traffic— Government railways.

(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.

(2.) With respect to the Police Force— 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 :

(3.) Provided that with respect to the industrial unions of the Police Force and the industrial unions of employees who are subject to the provisions of †*“The Public Service Act of 1922”* or any amendment thereof or any Act in substitution therefor, such unions shall not affiliate or register with or be subject to any other union or federation of unions or political organisations whatsoever. No affiliation.

Any such affiliation or registration existing at the commencement of this Act shall cease and determine accordingly.

Moreover any such industrial union of the Police Force or industrial union of employees who are subject to the provisions of †*“The Public Service Act of 1922”* or any amendment thereof or any Act in substitution therefor who contravenes or refuses to comply with the provisions of this subsection shall not be deemed to be an industrial union for the purposes of this Act :

Provided always that nothing in this subsection shall prevent or limit the affiliation or federation by one

\* 9 Geo. V. No. 20, *supra*, page 8591.

† 13 Geo. V. No. 31 and 15 Geo. V. No. 24, *supra*, pages 10159 and 11089.

industrial union of employees, who are subject to the provisions of \**“The Public Service Act of 1922”* or any amendment thereof or any Act in substitution therefor, with any other industrial union of employees who are likewise subject to the provisions of \**“The Public Service Act of 1922”* or any amendment thereof or any Act in substitution therefor, or affiliation with unions of such employees with any federation of unions of employees of Public Service employees of like nature obtaining in the States of the Commonwealth :

Provided also that nothing in this subsection shall prevent or limit the affiliation by the industrial union of State school teachers employed under and pursuant to the provisions of †*“The State Education Acts, 1875 to 1912,”* or any Act amending the same, with any federation of unions of teachers obtaining in the States of the Commonwealth.

Unions of  
Government  
employees.

**84.** In reference to any such industrial union as is mentioned in any of the two 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 :

Provided that the Court may refer matters in dispute to a conference composed of a representative or representatives of the Government and representatives of the Union, and that such conference may be a conference solely between the parties or may be presided over by a Conciliation Commissioner.

(3.) In any proceedings before the Court or Conciliation Commissioner, the employer may be represented by any officer whom he appoints in that behalf.

(4.) With the consent of all parties any party may be represented by counsel or solicitor :

\* 13 Geo. V. No. 31 and 15 Geo. V. No. 24, *supra*, pages 10159 and 11089.

† 39 Vic. No. 11 and amending Acts, *supra*, pages 614 *et seq.*

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Provided that in any proceedings respecting persons employed by the Government, other than State railway employees, or employees of the Main Roads Commission, or employees engaged in connection with sugar-works controlled by or vested in the corporation of "The Treasurer," or members of the Police Force, the Public Service Commissioner or any person whom he may, with the approval of the Chief Secretary, appoint in his stead may appear as the representative of the employer.

(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.

(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.) Notwithstanding anything in this Act to the contrary contained, Boards may be constituted by the Court for such sections of the Railway Service as the Governor in Council may by Order in Council declare. Any such Board shall be constituted in the manner prescribed, and regulations may be made prescribing the number of representatives, the mode of appointment or election of such representatives, and such other matters or things which may be necessary to give effect to the provisions of this subsection. Any such Board shall be presided over by a Conciliation Commissioner.

(8.) 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 Parliament.

PART VIII.—BREACHES OF AWARDS AND OTHER  
OFFENCES.Action for  
moneys due  
under  
awards.

85. (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”* or any amendment thereof.

(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.

(3.) The Court or, if the Court remits the matter to an industrial magistrate, such magistrate, may order such

\* 9 Geo. V. No. 19, *supra*, page 8495.† 13 Geo. V. No. 28, *supra*, page 10073.

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OTHER  
OFFENCES.

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.

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.

(4.) 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.

(5.) Nothing in this Act shall in anywise limit or affect the operation and provisions of \**The Wages Act of 1918*” in respect of any proceedings for the recovery of wages, and any proceedings for the recovery of wages under such last-mentioned Act may be had and taken accordingly : Saving of provisions of “The Wages Act of 1918.”

Provided that any claim for unpaid wages under such last-mentioned Act shall not extend to a claim for wages beyond a period of ninety days after such moneys

\* 9 Geo. V. No. 19, *supra*, page 8495.

have become due, or such extended period not exceeding six months (inclusive of such ninety days) as the Court may allow.

Disputes  
which may  
reasonably  
lead to strike  
or lock-out.

**86.** (1.) When a dispute has arisen, the nature of which threatens to disturb industrial peace or cause dislocation of trade or which may reasonably lead to a strike or a lock-out, such parties, either singly or severally, shall forthwith notify the Conciliation Commissioner, who shall thereupon take all action as he deems necessary to summon the Conciliation Board or a conciliation committee or may summon the representatives of the parties concerned to meet in conference:

Provided that any such action of summoning the Board, committee, or representatives to conference may, if the Commissioner so determines, be taken, whether he shall have received any such notification or not.

Such Commissioner shall preside at such Board or conciliation committee or conference and shall endeavour to induce the representatives of the parties to come to an agreement with a view of the settlement of the dispute.

For the purposes of this section any committee or conference so constituted shall be deemed to be a Board, and for the purposes of this section the provisions of section twenty-eight of this Act shall, *mutatis mutandis*, extend and apply generally.

Provisions  
when dispute  
in course of  
settlement.

(2.) In every case where an industrial dispute has been referred to a Conciliation Commissioner or the Board or Court or a conciliation committee or conference as aforesaid, the following special provision shall apply:—

Until the dispute has been finally disposed of by the Conciliation Commissioner or Board or Court or committee or conference, neither of the parties to the dispute shall, on account of the dispute, do or be concerned in doing, directly or indirectly, anything in the nature of a strike or lock-out or of a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute or anything arising out of the dispute or anything preliminary to the reference of the dispute and connected therewith.

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Effect of  
disobedience  
to s. 86.

**87.—**

If any such dispute arises as referred to in the provisions of subsection one of the last preceding section, and either party (being an employer or union of employers or a union of employees) refuses to attend such Board or committee or conference when being requested so to do, or

If default is made in respect of subsection two of the last preceding section by either party (being an employer or union of employers or union of employees),

then in case of a default by an employer or union of employers by the institution of a lock-out, such employer or union of employers shall be liable to a penalty not exceeding one thousand pounds.

And in the case of default by a union of employees by the institution of a strike, it is hereby declared that the Court shall declare, after a period of seven days from the beginning of the strike, that any award in connection with which the dispute relates shall be automatically suspended, and the said award shall be suspended accordingly; and, moreover, such union shall be debarred from preference for a term not exceeding three years.

Such suspension shall in the first instance have effect in the district and in relation to the employees in such district in which the offence is committed.

Moreover the Court may order that the suspension of the award shall affect not only the district in respect of which the dispute has arisen, but shall apply in such districts as may be covered by the award.

Moreover such suspension of the award concerned shall extend and apply until such time as the parties concerned, to whom such suspension applies, take action under the Act for the obtaining of a new award, and provided further that in any case in which the Court is of opinion that the case is of an aggravated nature, the Court may refuse to make a new award for such period as it thinks fit and proper.

**88. (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 Employer not to dismiss worker on account of application.

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 or is or has been a member of a Board.

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, or owing to the fact that such employee is or has been a member of a Board, was dismissed or injured in his employment or prejudiced for some reason other than that mentioned in this section.

Employee  
not to cease  
work on  
account of  
application  
of employer.

**89.** (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.

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.

**90.** (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:

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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 or any party to an award or industrial agreement 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.

**91.** 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 or Board or Conciliation Commissioner.

Obstruction  
of Court or  
Board or  
Conciliation  
Commis-  
sioner.

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

**92.** Any person who—

- (a) Resists or obstructs the Court, Board, or Conciliation Commissioner 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, Board, or Conciliation Commissioner;
- (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,

Obstructing  
officers and  
similar  
offences.

shall be liable to a penalty not exceeding fifty pounds.

PART VIII.—  
BREACHES OF  
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OTHER  
OFFENCES.

*Industrial Conciliation and Arbitration Act.* 20 GEO. V. No. 28,

Secret  
ballot.

**93.** The Court or Board or Conciliation Commissioner may, in any case in which the Court, Board, or Commissioner thinks it desirable in the interests of industrial peace so to do, demand that a secret ballot may be taken by any union in respect of any industrial matter or in respect of any resolution proposed for adoption by the union concerned.

Rules of Court may be made to provide for the taking of such secret ballot and for all necessary action and procedure in connection therewith.

False  
statements,  
&c., to  
employers.

**94.** 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.

Counselling  
or procuring  
offences.

**95.** (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.

Attempts.

(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.

General  
penalty.

**96.** 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.

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.

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AWARDS AND  
OTHER  
OFFENCES.

**97.** (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 anyone 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 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.

(4.) 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.

**98.** 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

Recovery of penalty imposed on union.

PART VIII.—  
BREACHES OF  
AWARDS AND  
OTHER  
OFFENCES.

*Industrial Conciliation and Arbitration Act.* 20 GEO. V. No. 28,

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.

Proceedings  
for offences  
generally.

**99.** 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.

**100.** 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 penalty to an amount not exceeding that permitted by this Act, or may reduce such penalty, as the Court deems proper ;
- (ii.) The Court may make such order concerning costs as it deems proper.

PART IX.—  
MISCEL-  
LANEOUS.

Powers of  
unions to  
recover  
fines, &c.

PART IX.—MISCELLANEOUS.

**101.** All fines, fees, levies, and dues payable under its rules to an industrial union or association 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 magistrates court :

Provided that a union shall not have the power to sue for levies made for political purposes or for levies made to assist in the conduct of any strike or lockout, whether in Queensland or elsewhere in the Commonwealth, or for any fine in excess of ten shillings.

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

Court, &c.,  
to be guided  
by equity  
and good  
conscience.

(a) The Court or any Board, or Conciliation Commissioner, 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 Commissioner, 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.

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

**103.** Every award shall prevail over any contract of service 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.

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.

**104.** 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.

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

**105.** On the hearing or determination of any industrial cause, before the Court or 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.

Representa-  
tion of  
parties at  
hearing.

But unless all parties consent thereto and except where any hearing involves the imposition of any penalty, or except on any appeal where the question of an interpretation of an award is under review, no party shall be represented by counsel or solicitor in any proceedings before the Court or Conciliation Commissioner or before a Board.

Record to be kept by employer.

**106.** 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 and also any special agreement which has been approved under this Act under which they are working respectively.

Award as to minimum wage to be posted up.

**107.** 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.

**108.** (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 or of a Conciliation Commissioner 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 or Conciliation Commissioner 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 the Court) be conclusive evidence that the facts were as stated.

Special mode of service may be directed.

**109.** When it is made to appear to the Court or to the Chairman of a Board or Conciliation Commissioner 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 Commissioner cannot

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promptly be effected in manner prescribed, such Court or chairman or Commissioner may in its or 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 it or 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.

**110.** (1.) The Court or a Board and (upon being authorised in writing by the Court) 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 or a Conciliation Commissioner, without any other warrant than this Act, may at any time during working hours—

Powers of entry to Board or Court for examination of factories, &c.

- (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 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 the Court or a Board or any member thereof, or any officer of the Court or other person, or Conciliation Commissioner, in the exercise of any power conferred by this section,

or who refuses or unduly delays to the Court or a Board or any officer of the Court, member of a Board, or other person authorised as aforesaid, or Conciliation Commissioner, 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.

Appointment  
and powers  
of industrial  
inspectors.

III. (1.) The Governor in Council may from time to time appoint industrial inspectors, who shall have the powers and duties prescribed :

Provided that no industrial inspector shall be a member of any association or union, whether of employers or employees :

Provided always that nothing hereinbefore contained shall prevent an industrial inspector from becoming a member or continuing to be a member of an industrial union of employees who are subject to the provisions of \**“The Public Service Act of 1922”* or any amendment thereof or any Act in substitution therefor :

Provided further that if any industrial inspector is at the commencement of this Act a member of an industrial union and as such is a contributor to any sickness or superannuation or unemployment or accident or death benefit fund which has been established by the industrial union concerned, nothing in this section shall prejudice or limit or otherwise affect the rights and privileges of such industrial inspector to continue to contribute to any such fund and to derive the benefit contributed therefor, and such industrial inspector may, for such purpose of contribution and benefit only, continue to be a member of the industrial union concerned.

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

\* 13 Geo. V. No. 31 and 15 Geo. V. No. 24, *supra*, pages 10159 and 11089.

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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.

(2.) It shall be the duty of industrial inspectors to see that the provisions of awards and orders under this Act 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.

(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.

Obstructing  
inspector.

Power of  
inspection  
by union  
officials.

**112.** Any officer of an industrial union of employees authorised in writing by the Court or Board or Conciliation Commissioner 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 converse with or otherwise hamper or hinder the employees during their working time, but 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.

**113.** 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.

Reference in  
other Acts.

**114.** Where in any other Act reference is made to the Board of Trade and Arbitration or any member thereof, such reference shall be and be deemed to be a reference to the Court.

Regulations.

**115.** (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.

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

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PART IX.—  
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(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 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 Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such Parliament 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.

**116.** (1.) All Orders in Council made under this Act shall be published in the *Gazette*. Provisions as to Orders in Council.

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

(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.

(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 be of the same effect as if it were contained in this Act and shall not be liable to be challenged or disputed in any Court whatever.

**117.** All moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament. Expenses to be paid out of moneys provided by Parliament.

*Amendment of \**"The Profiteering Prevention Act of 1920."**Administra-  
tion of  
Profiteering  
Prevention  
Act.

118. On the constitution of the Court as hereinbefore prescribed, the administration of the provisions of \**"The Profiteering Prevention Act of 1920"* shall be an administrative function of the Conciliation Commissioner who shall be appointed as hereinafter provided to be Commissioner of Prices in conjunction with his office as Conciliation Commissioner, and the following sections are inserted in \**"The Profiteering Prevention Act of 1920,"* namely:—

*"Commissioner of Prices and Officers.*Appoint-  
ment of  
Commis-  
sioner of  
Prices.

[5.] (1.) The Governor in Council may from time to time appoint any Conciliation Commissioner appointed under †*"The Conciliation and Arbitration Act of 1929"* to be also Commissioner of Prices.

Salary.

(2.) Such Commissioner may be appointed Commissioner of Prices, with or without any additional salary in respect of such office, as the Governor in Council thinks fit.

Disabilities.

(3.) The Commissioner shall not be a member of the Executive Council or of Parliament, and shall not act as a director, or auditor, or in any other capacity take part in the management of any bank, joint stock company, or other financial or business institution, or of any trade or business; and in any such case he shall be disqualified from holding the office of Commissioner.

Deputy  
Commis-  
sioner.

(4.) The Governor in Council may also appoint the secretary to the Commissioner to be the Deputy Commissioner of Prices, and during such term of office the Deputy shall, during any absence of the Commissioner, have all the powers and authorities, and shall perform all the duties of the Commissioner, and for the purposes of this Act shall be deemed in all respects to be the Commissioner.

Delegation  
of powers.

(5.) The Commissioner from time to time, on the authority of the Minister, may delegate to the Deputy Commissioner such of his duties, powers, and authorities as may be so authorised, and for the purposes of this Act the Deputy Commissioner shall perform and exercise such duties, powers, and authorities so delegated as if he were the Commissioner and shall in regard thereto be deemed in all respects to be the Commissioner."

\* 10 Geo. V. No. 33, *supra*, page 9213.† 20 Geo. V. No. 28 (this Act); [*semble*] "*The Industrial Conciliation and Arbitration Act of 1929.*"

*Amendment of \*<sup>1</sup>“The Criminal Code.”*

119. (1.) Section five hundred and thirty-four of <sup>Section 534.</sup> \*<sup>1</sup>“*The Criminal Code*,” as amended by section thirty-six of †<sup>2</sup>“*The Trade Union Act of 1915*” is amended as follows :—

In the said section five hundred and thirty-four, all words from and including the words “It is lawful for one or more person or persons” to and including the words ““Industrial dispute” have the same meaning as in ‡<sup>3</sup>“*The Industrial Peace Act of 1912*”” are repealed, and the following words are inserted in lieu thereof, namely :—  
“Attending at or near the house or place of work of another, or the approach to such house or place of work, in order merely to obtain or communicate information is not deemed a besetting within the meaning of this section.”

(2.) Section 543A of \*<sup>1</sup>“*The Criminal Code*,” which was <sup>Section 543A.</sup> inserted therein by section thirty-seven of †<sup>2</sup>“*The Trade Union Act of 1915*,” is repealed.

FIRST SCHEDULE.

Repeal of Acts.	Number of Act.	Extent of Repeal.
§ <sup>4</sup> “ <i>The Industrial Arbitration Act of 1916</i> ”	7 Geo. V. No. 16	The whole Act
§ <sup>4</sup> “ <i>The Industrial Arbitration Act Amendment Act of 1923</i> ”	14 Geo. V. No. 10	The whole Act
§ <sup>4</sup> “ <i>The Industrial Arbitration Act Amendment Act of 1924</i> ”	15 Geo. V. No. 25	The whole Act
§ <sup>4</sup> “ <i>The Industrial Arbitration Act Amendment Act of 1925</i> ”	16 Geo. V. No. 13	The whole Act
§ <sup>4</sup> “ <i>The Basic Wage Act of 1925</i> ”	16 Geo. V. No. 5	The whole Act
§ <sup>4</sup> “ <i>The Industrial Arbitration Acts Amendment Act of 1926</i> ”	17 Geo. V. No. 25	The whole Act

\* 63 Vic. No. 9, Schedule I., *supra*, page 344.

† 6 Geo. V. No. 31, *supra*, page 6909.

‡ Repealed by 7 Geo. V. No. 16, *supra*, page 7538.

§ *Supra*, pages 7538, 10587, 11052, 11296, 11305, and 11596.

## SECOND 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.

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 :

1929. *Industrial Conciliation and Arbitration Act.*

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 ;

The term "expert" shall also mean and include any officer of the Bureau of Statistics or other body hereafter to be established.

- (l) Conduct an inquiry into any matters or remit same to a Board or Conciliation Commissioner for inquiry ;
- (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 give all 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 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 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.

*Industrial Conciliation and Arbitration Act.* 20 GEO. V. No. 28,

Powers of  
Court as to  
interlocutory  
matters.

6. In any industrial cause a Judge or registrar or assistant registrar may make any order which he thinks just as to—

- (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 or registrar or assistant registrar, as the case may be, is empowered to hear or deal with when sitting in chambers.

Evidence.

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

- (a) On the application of any of the parties, and on payment of the prescribed fee, or, by direction of a member of the Court, 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;
- (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 a member of the Court 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 a member of the Court 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;

1929. *Industrial Conciliation and Arbitration Act.*

- (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.

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—

Contempt  
by 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.

9. The Court, in order to punish contempt of such Court, shall have all the protection, powers, jurisdiction, and authority which are possessed by the Supreme Court in respect of contempt of that Court; and for that purpose the provisions of the Rules of the Supreme Court made under "*The Judicature Act*" applicable to contempt of court, shall, *mutatis mutandis*, apply and be observed in the exercise, by the said Court, of such protection, powers, jurisdiction, and authority with respect to contempt :

Contempt of  
Court.

Provided always that any motion for an order that any person be committed to prison for his contempt may be made by the registrar or any other officer of the Court.

Without limiting the generality of the foregoing provisions, if any person wilfully insults a Judge of the Court or Conciliation Commissioner or registrar or any other officer of the Court during his sitting or attendance in or before the Court, or in going to or returning from the Court, or wilfully interrupts the proceedings of the Court, or otherwise misbehaves himself in or before the Court, the Court may order that the offender be taken into custody and detained till the rising of the Court; and the Court may, by a warrant under its 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.

*Industrial Conciliation and Arbitration Act.* 20 GEO. V. No. 28,

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.

Registrar's powers and duties.

**12.** The Court may direct the registrar to inquire into any matter as to which he requires information for the purpose of the exercise of the jurisdiction of the Court in any matter not being proceedings for a penalty under this Act, and the registrar shall inquire accordingly and report to the Court.

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

Reserved decision may be read by registrar.

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

(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 the Court 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 Court.

Adjournments of Court.

**14.** When the Court 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.

Recovery of penalties and other sums ordered by the 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.

License to improvers over 21 years old.

**16.** (1.) A Conciliation Commissioner or the registrar or, on appeal from the registrar or Conciliation Commissioner, 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 Conciliation Commissioner or Court or registrar thinks fit.

1929. *Industrial Conciliation and Arbitration Act.*

(2.) Upon receipt of an application for a license the Conciliation Commissioner or 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 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 Conciliation Commissioner or registrar, or, on appeal from the Conciliation Commissioner or registrar, to the Court, in the manner prescribed, for the revocation or cancellation thereof.

17. The registrar may, notwithstanding the provisions of any University 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 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.

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

(2.) The industrial magistrate 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 shall 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.

*Industrial Conciliation and Arbitration Act.* 20 GEO. V. No. 28, 1929.

Rules of  
Court.

19. (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 Board, or Conciliation Commissioner, 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, done, and by the Court and awards made by Boards or the Conciliation Commissioner; 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, or industrial unions;
- (g) Prescribing the powers, duties, and rights of any officer of the Court;
- (h) For the making and enforcement of industrial agreements;
- (i) Delegating the jurisdiction of the Court as permitted by this Act to a Board or Conciliation Commissioner or 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.) 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 shall be judicially noticed without further evidence than the production of a copy of the *Gazette*.

Such rules shall be laid before 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.

20 GEO. V. No. 22, 1929. *Workers' Compensation Acts Amendment Act.*

If 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.

(3.) 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.

## An Act to Amend "The Workers' Compensation Acts, 1916 to 1926," in certain particulars.

20 Geo. V.  
No. 22.

THE  
WORKERS'  
COMPENSA-  
TION ACTS  
AMENDMENT  
ACT OF 1929.

[ASSENTED TO 17TH DECEMBER, 1929.]

**B**E 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:—

1. This Act may be cited as "*The Workers' Compensation Acts Amendment Act of 1929*," and shall be read as one with \*"*The Workers' Compensation Acts, 1916 to 1926*," herein referred to as the Principal Act. The Principal Act and this Act may be collectively cited as "*The Workers' Compensation Acts, 1916 to 1929*." Short title  
and  
construction.

### *Amendments of the Principal Act.*

2. Section three of the Principal Act is amended as follows:—

(a) In subsection 2A, after the word "contractor" occurring in the second last line before the proviso to the said subsection, the words "and wages-men" are inserted; also, the words "a worker" occurring in the last line before the said proviso are repealed and the word "workers" is inserted in lieu thereof. Amendment  
of s. 3.

(b) After the said proviso the following additional provisions are inserted, namely:—

"For the purposes of this subsection the term "timber" shall mean and include sleepers, piles, poles, girders, logs, pit timber, or cord wood.

\* 6 Geo. V. No. 35, 7 Geo. V. No. 26, 9 Geo. V. No. 21, and 12 Geo. V. No. 29, *supra*, page 9851; 14 Geo. V. No. 5, 16 Geo. V. No. 18, and 17 Geo. V. No. 17, *supra*, pages 10596, 11313, and 11598.