

Act No. 3, 1899.

An Act to make provision for the prevention and settlement of Trade Disputes. [22nd April, 1899.]

CONCILIATION
AND
ARBITRATION.

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

1. This Act shall come into force on the first day of May, one thousand eight hundred and ninety-nine, and may be cited as the "Conciliation and Arbitration Act of 1899."

2. Where a difference exists or is apprehended between an employer or any class of employers and his or their employees, or between different classes of employees, the Minister, <sup>See 59 & 60 Vic.,
e. 30, s. 2.</sup> may, if he thinks fit, exercise all or any of the following powers, namely:—

- (a) Direct inquiry into the causes and circumstances of the difference.
- (b) Take such steps as to him may seem expedient for the purpose of enabling the parties to the difference to meet together, by themselves or their representatives, under the presidency of a chairman mutually agreed upon, or, in the event of their failing to agree, nominated by the Minister, with a view to the amicable settlement of the difference.
- (c) Failing such amicable settlement direct a public inquiry into the causes and circumstances of the difference on the application of either party. All such public inquiries shall be conducted by a Judge of the Supreme or District Courts, or the President of the Land Court.
- (d) On the application of either the employers, the employees, or both, and after taking into consideration the circumstances of the case, appoint a person or persons to act as conciliator or as a board of conciliation.
- (e) On the application of both parties to the difference appoint an arbitrator.

3. Every application shall be signed by the employer or ^{Application to be made.} employers or by a majority of his or their employees in the department of the business in which the controversy of difference exists, or their duly authorised agent, or by both parties, and shall contain a concise statement of the grievances complained of.

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Duties of conciliators or board of conciliation.

See 59 & 60 Vic., c. 30, s. 2.

Memorandum of settlement.

See 59 & 60 Vic., c. 20, s. 2.

Exclusion of 55 Vic. No. 32.

Procedure may be made applicable.

See 59 & 60 Vic., c. 30, s. 3.

Enforcing attendance of witnesses.

See 55 Vic. No. 29, s. 22.

Powers of entry for purposes of viewing. See 55 Vic. No. 29, s. 22.

4. If any person or persons be appointed to act as a conciliator or as a board of conciliation, he or they shall inquire into the causes and circumstances of the difference by communication with the parties, and otherwise shall endeavour to bring about a settlement of the difference, and shall report his or their proceedings to the Minister.

5. If a settlement of the difference is effected either by conciliation or by arbitration, a memorandum of the terms thereof shall be drawn up and signed by the parties or their representatives, and a copy thereof shall be delivered to and kept by the Minister.

6. The Arbitration Act, 1892, shall not apply to the settlement by arbitration of any difference or dispute to which this Act applies, but any such arbitration proceedings shall be conducted in accordance with such of the provisions of the said Act or such of the regulations made by the Governor under the powers contained in the tenth section of this Act, or under such other rules or regulations as may be mutually agreed upon by the parties to the difference or dispute.

7. (1) Any arbitrator or person authorised by the Minister to conduct a public inquiry at his own instance or at the request in writing of either party may summon any witness or witnesses to appear and give evidence on oath or affirmation; and if any person so summoned shall not appear at the time and place specified in such summons, or give some reasonable excuse for the default, or, appearing according to such summons, shall not submit to be examined as a witness and give evidence touching the matter of the difference, provided reasonable travelling expenses have been tendered to such witness by the party or parties at whose instance the summons is issued, then any police or stipendiary magistrate, (proof on oath, in the case of any person not appearing according to such summons, having been first made before such magistrate of the due service of such summons on every such person by delivering the same to him or by leaving the same at the usual place of abode of such person) may by warrant under his hand commit any such person so making default in appearing, or appearing and refusing to give evidence, to some prison or place of detention for any time not exceeding one calendar month, or until such person shall submit himself to be examined and give his evidence before such arbitrator or person authorised as aforesaid: Provided always that in case such inquiry shall be concluded before such offender shall submit to be examined and give evidence as aforesaid, then such offender may be imprisoned for the full term of such commitment, and any witness appearing before any such arbitrator or person authorised shall have the same protection and be subject to the same liabilities as a witness giving evidence in any case tried in the Supreme Court.

(2) Any arbitrator, or person authorised by writing under his hand, or any person authorised as aforesaid by the Minister to conduct a public inquiry, may at any time enter upon any manufactory, building,

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building, workshop, factory, mine, mine-workings, shed, or premises of any kind whatsoever, wherein or in respect of which any work is being, or has been done or commenced, or any matter or thing is taking or has taken place, which has been made the subject of a reference to such arbitrator or person authorised by the Minister; and inspect and view any work, material, machinery, appliances, matter, or thing whatsoever other than books or statements of accounts being in such manufactory, building, workshop, factory, mine, mine-workings, shed, or premises. And any person who shall hinder or obstruct any such arbitrator or person authorised as aforesaid in the exercise of any power conferred on such persons by this section, or who shall refuse to such persons entrance during any such time as aforesaid to any such manufactory, building, workshop, factory, mine, mine-workings, shed, or premises, shall for every such offence incur a penalty not exceeding fifty pounds, to be recovered in a summary way before any stipendiary or police magistrate.

8. Any person attending on summons otherwise than at the request of either party shall be paid reasonable travelling expenses, and a notice to that effect shall be served upon him, and any person summoned as a witness who has received such notice and fails to attend shall be liable under section seven, although no expenses have been tendered to him. In addition to such expenses the Minister may make any person attending on summons whether at the request of either party or not any allowance whether for loss of time or otherwise to which the arbitrator or person authorised by the Minister to conduct a public inquiry may consider him justly entitled.

9. All expenses connected with the administration of this Act, not expressly provided for, including the reasonable expenses of and allowances to persons attending on summons otherwise than at the instance of a party or both parties, and the remuneration of any persons appointed to carry out the provisions of this Act shall be paid out of such annual appropriations as Parliament shall make for that purpose.

10. The Governor may make regulations for the purpose of giving effect to any of the provisions or requirements of this Act; and all such regulations, not being inconsistent with this Act, shall have the full effect of law on publication in the Gazette.