

NAVAL LOAN REPEAL.

No. 6 of 1910.

An Act to repeal the *Naval Loan Act 1909*.

[Assented to 16th August, 1910.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *Naval Loan Repeal Act 1910*. Short title.
 2. The *Naval Loan Act 1909* is repealed. Repeal.
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COMMONWEALTH CONCILIATION AND ARBITRATION.

No. 7 of 1910.

An Act to amend the *Commonwealth Conciliation and Arbitration Act 1904-1909*.

[Assented to 29th August, 1910.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

- 1.—(1.) This Act may be cited as the *Commonwealth Conciliation and Arbitration Act 1910*. Short title and citation.
- (2.) The *Commonwealth Conciliation and Arbitration Act 1904-1909* is in this Act referred to as the Principal Act.
- (3.) The Principal Act, as amended by this Act, may be cited as the *Commonwealth Conciliation and Arbitration Act 1904-1910*.

Definitions.

2. Section four of the Principal Act is amended—

- (a) by inserting in the definition of "Employee", after the word "industry", the words "and includes any person whose usual occupation is that of employee in any industry;"
- (b) by omitting therefrom the definition of "Industrial dispute" and inserting in its stead the following definition:—
 "Industrial dispute" means an industrial dispute extending beyond the limits of any one State and includes—
- (I.) any dispute as to industrial matters arising between an employer or an organization of employers on the one part and an organization of employees on the other part, and
- (II.) any dispute in relation to employment in an industry carried on by or under the control of the Commonwealth or a State, or any public authority constituted under the Commonwealth or a State, and
- (III.) any threatened or impending or probable industrial dispute;"
- (c) by inserting in the definition of "Industrial matters" at the end thereof the following words "and includes 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 society as a whole;" and
- (d) by omitting from the definition of "Industry" the words "excepting only persons engaged in domestic service, and persons engaged in agricultural, viticultural, horticultural, or dairying pursuits" and inserting in their stead the words "and includes a branch of an industry and a group of industries".

3. After section sixteen of the Principal Act the following section is inserted:—

"16A.—(1.) The President 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 so summoned shall attend the conference and continue his attendance thereat as directed by the President.

Penalty: Five hundred pounds.

"(3.) The conference may be held partly or wholly in public or in private, at the discretion of the President."

4. Section nineteen of the Principal Act is amended by inserting, after the word "cognizance", the words "for purposes of prevention and settlement".

President may
convene
compulsory
conference.

Disputes of
which the Court
has cognizance.

5. After section twenty-one of the Principal Act the following section is inserted :—

“21A. A certificate of the Registrar that any specified persons were at any specified time members of any specified organization shall (subject to review by the President under section seventeen of this Act) be conclusive evidence that the facts are as stated.”

Certificate as to membership of organization.

6. Section twenty-five of the Principal Act is amended—

- (a) by inserting, after the words “industrial dispute,” the words “and in any proceeding under this Act” ;
- (b) by inserting, after the word “Court,” the words “or the President” ;
- (c) by inserting, after the word “its,” the words “or his” ; and
- (d) by inserting, after the word “it,” the words “or he” .

Power to decide according to merits.

7. Section twenty-seven of the Principal Act is amended—

- (a) by omitting therefrom the words “or by leave of the President”, and by inserting after the words “counsel or solicitor” the words “or paid agent” .

Representation of parties.

8. After section thirty-eight of the Principal Act the following sections are inserted :—

“38A. The Court may, at any time before the determination of an industrial dispute of which it has cognizance, allow the amendment, on such terms as it thinks fit, of the plaint or of any subsequent proceeding.

Power of amendment.

“38B. In making an award or order, the Court shall not be restricted to the specific relief claimed by the parties to the industrial dispute, but may include in the award or order any matter or thing which the Court thinks necessary or expedient for the purpose of preventing or settling the dispute.”

Relief not limited to claim.

9. Section forty of the Principal Act is repealed, and the following section substituted in its stead :—

“40.—(1.) The Court, by its award, or by order made on the application of any organization or person bound by the award, may—

- (a) direct that, as between members of organizations of employers or employees and other persons (not being sons, or daughters of employers) offering or desiring service or employment at the same time, preference shall, in such manner as is specified in the award or order, be given to such members, other things being equal ; and

Power to grant minimum wage and preference for members of organization.

- (b) prescribe a minimum rate of wages or remuneration (in which case the Court shall, on the application of any party to the industrial dispute, or of any organization or person bound by the award), make provision for fixing, in such manner and subject to such conditions as are specified in the award or order, a lower rate in the case of employees who are unable to earn the minimum wage so prescribed.

“(2.) Whenever, in the opinion of the Court, it is necessary, for the prevention or settlement of the industrial dispute, or for the maintenance of industrial peace, or for the welfare of society, to direct that preference shall be given to members of organizations as in paragraph (a) of sub-section (1) of this section provided, the Court shall so direct.”

10. After section forty of the Principal Act the following section is inserted :—

Board of
Reference.

“40A. The Court, by its award, or by order made on the application of any organization or person bound by the award, may—

- (a) appoint, for the purposes of the award, a Board of Reference consisting of one or more persons ; and
- (b) assign to the Board of Reference the function of allowing, approving, fixing, or dealing with, in the manner and subject to the conditions specified in the award or order, any specified matters or things which under the award or order may require from time to time to be allowed, approved, fixed, or dealt with by the Board.”

Application of
funds of
organization to
political
purposes.

11. Section fifty-five of the Principal Act is amended by omitting from sub-section (1) all words from and including the words “Provided that no such organization”.

Alteration of
Schedule B.

12. Schedule B to the Principal Act is repealed and the following Schedule shall be substituted therefor :—

“SCHEDULE B.

CONDITIONS TO BE COMPLIED WITH BY ASSOCIATIONS APPLYING FOR
REGISTRATION AS ORGANIZATIONS.

- I. The affairs of the association shall be regulated by rules specifying the purposes for which it is formed, and providing for the following matters in relation to the association :—
 - (a) A committee of management and officers ;
 - (b) The powers and duties of the committee and of officers ;
 - (c) The removal of members of committee and of officers ;
 - (d) The control of the committee by the members, either as a whole, or in district meetings, or by a general governing body, or otherwise ;
 - (e) The mode in which industrial agreements and other documents may be executed by or on behalf of the association ;
 - (f) The power of bringing industrial disputes before the Court ;
 - (g) The times when and terms on which persons shall become or cease to be members ;
 - (h) The mode in which the property is to be controlled and the funds invested ;
 - (i) The yearly or other more frequent audit of the accounts ;
 - (j) The conditions under which funds may be disbursed for ordinary and extraordinary purposes ;
 - (k) The keeping of a register of the members ;
 - (l) The registered office ; and
 - (m) The repeal and alteration of, and addition to, the rules.
- II. The rules of an association may also provide for any other matter not contrary to law.
- III. No two associations shall be registered as organizations under the same name.
- IV. An application, in the prescribed form, for registration of an association as an organization must be made to the Industrial Registrar, or to the Deputy Industrial Registrar in charge of the Registry in the State where the office of the association is situated, and shall be signed by two or more officers of the association.

V. Every application for registration shall be in duplicate and shall be accompanied by—

- (a) Two copies of a list of the members and officers of the association, so far as known to those signing the application ;
- (b) Two copies of the rules of the association ; and
- (c) Two copies of a resolution passed in accordance with the rules by a majority of the members present at a general meeting of the association in favour of registration of the association as an organization ; or
- (d) Two copies of a resolution passed by an absolute majority of the committee of management in favour of registration of the association as an organization."

SURPLUS REVENUE.

No. 8 of 1910.

An Act relating to the Financial Relations between
the Commonwealth and the several States.

[Assented to 2nd September, 1910.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *Surplus Revenue Act 1910*.

Short title.

2. The *Surplus Revenue Act 1908* is amended—

Amendments to
*Surplus
Revenue Act
1908.*

(a) by repealing section four, and

(b) by omitting from paragraph (b) of section five the words
“(subject to section eighty-seven of the Constitu-
tion)”.

3. From and after the thirty-first day of December One thousand nine hundred and ten, section eighty-seven of the Constitution shall cease to have effect, so far as it affects the power of the Commonwealth to apply any portion of the net revenue of Customs and Excise towards its expenditure, and so far as it affects the payment of any balance by the Commonwealth to the several States, or the application of such balance towards the payment of interest on the debts of the several States taken over by the Commonwealth.

Cesser of the
Braddon clause
of the
Constitution.