

# COMMONWEALTH CONCILIATION AND ARBITRATION.

## No. 6 of 1911.

An Act to amend the *Commonwealth Conciliation and Arbitration Act 1904-1910*.

[ Assented to 23rd November, 1911.]

**B**E 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 1911*.

Short title  
and citation.

(2.) The *Commonwealth Conciliation and Arbitration Act 1904-1910* 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 1904-1911*.

2. Section four of the Principal Act is amended by omitting, from the definition of "Industrial dispute", the words, "arising between an employer or an organization of employers on the one part and an organization of employees on the other part".

Definition of  
"Industrial  
dispute."

3. Section four of the Principal Act is amended by omitting therefrom the definition of "Industry", and inserting in its stead the following definition :—

Definition of  
"Industry."

" 'Industry' includes—

- (a) any business, trade, manufacture, undertaking, or calling of employers, on land or water ;
- (b) any calling, service, employment, handicraft, or industrial occupation or avocation of employees, on land or water ; and
- (c) a branch of an industry and a group of industries."

4. The registration, as an organization under the Principal Act, of any association purporting to be registered before the commencement of this Act shall be deemed to be as valid to all intents and purposes, and to have constituted the association an organization as effectually as if this Act had been in force at the date of the registration.

Application  
to organizations  
registered  
before  
commencement  
of this Act.

Look-outs  
or strikes after  
industrial  
agreement.

5. Section seven of the Principal Act is amended—  
(a) by omitting the words “in any industry”; and  
(b) by omitting the words “in that industry”.

Prejudicing  
employees for  
membership of  
organization.

6. Section nine of the Principal Act is amended—  
(a) by inserting, after the words “injure him in his employment”, the words “or alter his position to his prejudice”;  
(b) by omitting the words “Twenty pounds” and inserting in their stead the words “Fifty pounds”; and  
(c) by inserting, after the words “injured in his employment”, wherever they occur, the words “or prejudiced”.

Penalty for  
ceasing work  
on account of  
employer's  
membership of  
organization.

7. Section ten of the Principal Act is amended by omitting the words “Ten pounds” and inserting in their stead the words “Twenty-five pounds”.

Compulsory  
conference.

8. Section sixteen A of the Principal Act is amended by inserting after sub-section (1.) the following sub-section:—

“(1A.) ‘Any person’ in the last preceding sub-section includes not only persons engaged in or connected with an industrial dispute, but also any person engaged in or connected with any dispute relating to industrial matters (whether extending beyond the limits of a State or not), and related in any way to an industrial dispute; and also includes any person, whether connected with an industrial dispute or not, whose presence at the conference the President thinks is likely to conduce to the prevention or settlement of an industrial dispute.”

Power to award  
costs.

9. After section seventeen of the Principal Act the following section is inserted:—

“17A. The Court or President may order any party to any application to pay to any other party such costs and expenses, including expenses of witnesses, as it or he thinks fit, but so that no costs shall be allowed for the services of any counsel, solicitor, or agent.”

Cognizance of  
disputes.

10. Section nineteen of the Principal Act is amended—

(a) by omitting the words “in the prescribed manner; and”; and

(b) by adding at the end thereof the words “and

“(d) All industrial disputes as to which the President has held a conference under section sixteen A of this Act, and as to which no agreement has been reached, and which the President has thereupon referred to the Court.”

Certificate of  
Registrar.

11. Section twenty-one of the Principal Act is amended by omitting the words “that any dispute relating to industrial matters is” and inserting in their stead the words “that a specified industrial dispute exists and is”.

**12.** Section twenty-four of the Principal Act is amended—

(a) by inserting in sub-section (1.), after the words “agreement between the parties”, the words “as to the whole or any part of the dispute”, and

(b) by omitting the whole of sub-section (2.), and inserting in its stead the following sub-section :—

“(2.) If no agreement between the parties as to the whole of the dispute is arrived at, the Court shall, by an award, determine the dispute, or (if an agreement has been arrived at as to a part of the dispute) so much of the dispute as is not settled by the agreement.”

Award in default of agreement.

**13.** Section twenty-five of the Principal Act is amended by omitting the words “in any proceeding under this Act” and inserting in their stead the words “in exercising any duties or powers under or by virtue of this Act”.

Exercise of powers under the Act.

**14.** Section thirty-one of the Principal Act is amended—

(a) by inserting, after the word “award”, the words “or order”, and

(b) by inserting, after the words “called in question”, the words “or be subject to prohibition or mandamus”.

Awards and orders not to be challenged.

**15.** Paragraph (h) of section thirty-eight of the Principal Act is amended—

(a) by inserting, after the word “matter”, the words “or part of a matter”;

(b) by inserting, after the words “determining the dispute”, the words “or part of the dispute”;

(c) by inserting, after the words “appears that the dispute”, the words “or part”;

(d) by omitting, after the words “trivial, or”, the words “that the dispute”.

Power to refrain from hearing matter or part of matter.

**16.** Section thirty-eight B of the Principal Act is amended—

(a) by inserting, after the words “industrial dispute”, the words “or to the demands made by the parties in the course of the dispute”; and

(b) by adding at the end of the section the words “or of preventing further industrial disputes”.

Relief not limited to demands made in course of dispute.

**17.** Section forty A of the Principal Act is amended—

(a) by inserting, after the word “appoint,” the words “or give power to appoint”;

(b) by inserting, after the word “fixing,” the word “determining,”; and

(c) by inserting, after the word “fixed,” the word “determined,”.

Board of Reference.

Amendment  
of s. 55 of  
Principal Act.

18. Section fifty-five of the Principal Act is amended—

- (a) by inserting in sub-section (1.) after the words " following associations " the words " or persons " ;
- (b) by inserting in paragraph (a) of sub-section (1.) after the word " aggregate " the words " or any employer who has " .

Power of  
organization to  
change its  
name.

19. The Principal Act is amended by inserting, after section fifty-eight, the following section :—

" 58A. An organization 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."

Application for  
cancellation of  
registration.

20. Section sixty of the Principal Act is amended—

- (a) by omitting the words " appears to the Registrar ", and inserting in their stead the words " appears to the Court, on the application of any organization or person interested or of the Registrar " ;
- (b) by omitting all words, from and including the words " he shall make application ", to the end of sub-section (1.), and inserting in their stead the words " the Court shall order the registration of the organization to be cancelled, and thereupon it shall be cancelled accordingly " ; and
- (c) by omitting the whole of sub-sections (2.) and (3.).

Proclaimed  
organizations.

21. Section sixty-two of the Principal Act is amended by inserting, after the word " association ", where it first occurs, the words " whether registrable under this Act or not " .

Industrial  
agreements

22. Section seventy-three of the Principal Act is amended by inserting, after the words " industrial disputes ", the words " existing or future " .

Term of  
industrial  
agreement.

23. Section seventy-five of the Principal Act is amended by omitting the words " three years " and inserting in their stead the words " five years " .

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