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VICTORIÆ REGINÆ.

A.D. 1894.

No. 598.

An Act to facilitate the Settlement of Industrial Disputes.

[Assented to, December 21st, 1894.]

WHEREAS it is desirable to facilitate the settlement of industrial disputes—Be it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows, that is to say: Preamble.

1. This Act may be cited for all purposes as the “Conciliation Act, 1894.” Short title.

2. This Act shall come into force on the first day of January, one thousand eight hundred and ninety-five. Commencement.

3. In the construction of this Act the following words have the following meanings, that is to say— Interpretation.

“Industry” means any avocation, business, trade, undertaking, calling, or employment:

“Industrial matters” includes all matters relating to pay, wages, hours, privileges, rights, or duties of employers or employes in any industry:

“Industrial disputes” includes all disputes relating to industrial matters:

“Industrial agreement” means an industrial agreement made pursuant to this Act:

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- “Industrial award” means an industrial award made by a board of conciliation pursuant to this Act:
- “Minister” means the Minister of Industry:
- “Registrar” means the Industrial Registrar:
- “Union” means an Industrial Union registered pursuant to this Act:
- “Committee” means the Committee of any Union:
- “Secretary” means secretary of a Union:
- “Association” means any association of Unions registered pursuant to this Act:
- “Chairman” means chairman of an association:
- “Council” means the Council of any association:
- “Organization” means any Union or Association:
- “Prescribed” means prescribed by regulation made pursuant to this Act:
- “Certified” means certified in manner prescribed:
- “Public notice” means notice by advertisement published in the *Government Gazette*, and twice in a newspaper circulating in the district interested:
- “Person” includes every person, company, and corporate body:
- “Conciliation purposes” means the holding of meetings for the purpose or in the course of the settlement of industrial disputes, and whether of the disputing parties or their delegates or representatives, or boards of conciliation, committees, or otherwise.

Parts.

4. This Act is divided into ten parts, as follows—

- PART I. The Minister and Registrar:
- PART II. Registration of Unions:
- PART III. Registration of Associations:
- PART IV. Industrial Agreements:
- PART V. Boards of Conciliation:
- PART VI. Compulsory Conciliation:
- PART VII. Enforcement of Industrial Awards and Agreements:
- PART VIII. Penalties on certain Lockouts and Strikes:
- PART IX. Reports on Industrial Disputes:
- PART X. Miscellaneous.

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5. No award under this Act shall affect any person who has not submitted to the jurisdiction of the Board of Conciliation' making the same, either by being a member of any organization, or by registration as a voter of a local Board of Conciliation, or by the execution of an industrial agreement.

What persons affected by award.

PART I.

THE MINISTER AND REGISTRAR.

PART I.

6. The Governor shall appoint some member of the Executive Council to be Minister of Industry.

Minister of Industry.

7. The Minister shall vacate his office whenever he shall cease to be a member of the Executive Council.

Vacation of office.

8. The Governor shall also appoint an Industrial Registrar, and such other officers as shall be required to carry out the purposes of this Act, and shall assign to such Registrar and officers such duties as he shall think fit.

Industrial Registrar.

9. No member of either House of Parliament, except the Minister of Industry, shall be eligible for appointment to any office of profit under this Act until he has ceased to be a member of either House for at least six months.

Members of Parliament ineligible until expiration of six months.

PART II.

REGISTRATION OF UNIONS.

PART II.

10. Any number of persons lawfully associated for the purpose of protecting or furthering the interests of employers or employes in, or in connection with, any industry, may register their society as an Industrial Union pursuant to this Act in manner prescribed, and in compliance with the following requisites:—

Applications for registration.

1. An application for registration shall be forwarded to the Registrar, signed by two or more officers of the society:

2. Such application shall be accompanied by a statement of the name by which it is desired that the Union shall be registered, and by a copy of the rules by which it is desired that the affairs of the Union shall be regulated:

3. Such rules shall be approved by the Registrar and shall specify the purposes for which the Union is formed, and shall provide for—

a. The appointment and continuance of a Committee of Management and Secretary:

b. The

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b. The powers of the Committee, and the control of the Committee by general meetings, and the mode of the exercise of the powers of the Committee, and of the control of general meetings, and the mode in which industrial agreements shall be made and executed on behalf of the Union:

c. The mode in which persons shall become or cease to be members and shall pay the membership subscriptions, and so that no member shall discontinue his membership without giving at least two calendar months' previous written notice to the secretary of intention so to do.

d. The conduct of the business of the Union at some convenient address to be specified, and to be called the registered office of the Union.

Membership may be discontinued.

11. Any member of such an Association not previously registered under this Act may discontinue his membership of such Association within ten days of the registration of the said Association as an Industrial Union.

Rules.

12. The rules may also provide for any other matters not contrary to law desired by the persons making the application for registration, and the rules may provide for their repeal or alteration, but so that the requisites of sub-division 3 of the preceding section shall always be provided for.

Name.

13. In the name of every Industrial Union the word employers, or employés, shall be introduced, according to whether such Union shall be a Union of employers or employés.

Registration.

14. On compliance with the requisites to an application for registration, the Registrar shall give public notice of the receipt of such application; and if within two calendar months after the giving of such notice he shall be satisfied that a ballot has been taken, and that it is the desire of at least two-thirds of the members of the society that the registration should proceed, he shall register the society as an Industrial Union pursuant to the application, but if he shall not be so satisfied he shall take no further steps in the matter.

Mode of registration.

15. Registration shall be effected by the publication in the *Government Gazette*, and twice in a newspaper circulating in the district interested, of a notice signed by the Registrar in the form in Schedule A, and such notice shall be conclusive evidence of the fact of such registration and of the validity thereof.

Effect of registration.

16. The effect of registration shall be to render the Union, and all persons then or thereafter members thereof, subject to the jurisdiction hereby given to Boards of Conciliation, and liable to all the provisions of this Act, and bound—

a. By the rules of the Union during the continuance of the membership:
b. By

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b. By all industrial agreements and industrial awards made by or affecting the Union at any time during the membership.

PART II.

17. Any Union may at any time through the Committee apply to the Registrar in manner prescribed for a cancellation of the registration thereof, and the Registrar after giving two calendar months' public notice of his intention, may cancel such registration, by the publication in the *Government Gazette* of a notice in the form contained in Schedule B to this Act: Provided always that no registration shall be cancelled unless the Registrar shall be satisfied that the cancellation is desired by at least two-thirds of the members of the Union, and no cancellation of any registration shall relieve any Union, or any member thereof, from the obligation of any industrial agreement or industrial award.

Cancellation of registration.

18. If any person, whilst bound by the rules of any Union, shall in any particular make default in compliance therewith, he shall for every such default be guilty of an offence against this Act, punishable by a fine not exceeding Five Pounds, or such lesser sum as shall be fixed by the rules of the Union.

Enforcement of rules.

PART III.

REGISTRATION OF ASSOCIATIONS.

PART III.

19. Any number of Unions may register themselves as an Industrial Association pursuant to this Act in manner prescribed, and on compliance with the following requisites—

Applications for registration.

1. An application for registration shall be forwarded to the Registrar, signed by a majority of the members of the committee of each Union desiring to be associated:
2. Such application shall be accompanied by a statement of the name by which it is desired that the Unions shall be associated, and by a copy of the rules by which it is desired that the affairs of the Association shall be regulated:
3. Such rules shall be approved by the Registrar, and shall specify the purposes for which the Association is formed, and shall provide for—
 - a. The appointment and continuance of council of management and chairman:
 - b. The powers of the council, and the control of the council by general meetings, and the mode of the exercise of the powers of the council, and of the control of general meetings, and the mode in which industrial agreements shall be made and executed on behalf of the Association.
 - c. The mode in which Unions shall become or cease to be members, and shall pay their membership subscriptions, but so that no Union shall discontinue their membership without giving at least six calendar months' previous written notice to the chairman of intention so to do: d. The

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d. The conduct of the business of the Association at some convenient address to be specified, and to be called the registered office of the Association.

Rules.

20. The rules may also provide for any other matters, not contrary to law, desired by the persons making the application for registration, and the rules may provide for their repeal or alteration, but so that the requisites of sub-division 3 of the preceding section shall always be provided for.

Name.

21. In the name of every Industrial Association the word employers or employés shall be introduced, according to whether such associations shall be a Union of employers or employés.

Registration.

22. On compliance with the requisites to an application for registration the Registrar shall give public notice of the receipt of such application, and at the expiration of two calendar months after the giving of such notice he shall register the Unions applying for association as an Industrial Association pursuant to their application, but so that he shall except from such registration any Union in respect to which he shall not be satisfied that a ballot has been taken and that at least two-thirds of the members thereof desire such association.

Mode of registration.

23. Registration shall be effected by the publication in the *Government Gazette*, and twice in a newspaper circulating in the district interested, of a notice signed by the Registrar in the form in Schedule A, and such notice shall be conclusive evidence of the fact of such registration and of the validity thereof.

Effect of registration.

24. The effect of registration shall be to render the Association, and all Unions and persons then or thereafter members thereof, or of any Associated Union, subject to the jurisdiction hereby given to Boards of Conciliation and liable to all the provisions of this Act, and bound—

- a.* By the rules of the Association during the continuance of the membership :
- b.* By all industrial agreements and industrial awards made or affecting the Association at any time during the membership.

Withdrawal.

25. Any Union desiring to withdraw from any Association may, on compliance with the rules of the Association relating to withdrawal, procure from the Registrar a certificate of withdrawal.

Cancellation.

26. Any Association may at any time, through the council, apply to the Registrar in manner prescribed for a cancellation of the registration thereof, and the Registrar after giving two calendar months' public notice of his intention may cancel such registration by the publication in the *Government Gazette*, and twice in a newspaper circulating

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32. Any industrial agreement may be varied, renewed, or cancelled, by any subsequent industrial agreement made by any persons bound thereby, but so that no person shall be deprived of the benefit of any industrial agreement by any subsequent industrial agreement by which he shall not be bound.

Enforcement.

33. If any organization or person bound by any industrial agreement shall in any particular make default in compliance therewith, such organization or person shall for every such default be guilty of an offence against this Act, punishable by a fine not exceeding such amount as shall be fixed by such industrial agreement; and if no amount shall be so fixed, then in the case of an organisation not exceeding Five Hundred Pounds, and in the case of an individual not exceeding Fifty Pounds.

PART V.**PART V.****BOARDS OF CONCILIATION.****Boards of Conciliation.**

34. For the purpose of this Act, Boards of Conciliation shall be of two classes, as follows:—

1. Private Boards of Conciliation:
2. Public Boards of Conciliation; and Public Boards of Conciliation shall be of two kinds, as follows:—
 - a. Local Boards of Conciliation:
 - b. The State Board of Conciliation.

Private Boards.

35. Private Boards of Conciliation shall be constituted by industrial agreement, and shall have such jurisdiction for the settlement of industrial disputes between the organizations and persons bound by such industrial agreement as shall be confided to them by such agreement, and, except so far as shall be negatived or modified by such agreement, shall exercise such jurisdiction in such manner, and within the limits of such jurisdiction shall have the same powers and discretions as Public Boards of Conciliation.

Local Boards.

36. Local Boards of Conciliation may be constituted in manner prescribed for particular localities and for particular industries, and shall have jurisdiction for the settlement of industrial disputes occurring in such localities, and industries, or referred to them by way of compulsory conciliation, or by industrial agreement. Compliance with the following requisites shall be essential to the constitution of a Local Board of Conciliation:—

1. The limits of the locality in which the Board shall have jurisdiction shall be the limits of one or more Municipalities or District Councils:

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PART V.

2. No Board shall be constituted except in pursuance of a petition to the Minister, in manner prescribed, praying for the constitution thereof, and a licence from the Governor authorising the constitution thereof; and no such licence shall be granted unless proof shall have been previously given, in manner prescribed, and to the satisfaction of the Registrar, that the constitution of a Local Board of Conciliation in the particular locality and industry is desired by at least one-half respectively of the employers and employés engaged in such industry in such locality, and the Registrar shall have certified the Minister to that effect:
3. No licence shall be granted until the expiration of at least six weeks after public notice shall have been given by the Minister that the Registrar has certified as required by the preceding section:
4. The licence shall fix the number of the members of the Board, and the locality and industry in which the Board shall have jurisdiction, and such licence shall be in duplicate, and one part shall be retained by the Registrar and the other shall be delivered to the petitioners; and a copy of every such licence shall forthwith after its issue be published in the *Government Gazette*, and twice in a newspaper circulating in the district interested:
5. The members of the Board, except the chairman, shall be elected annually in manner prescribed by the employers and employés engaged in the particular industry and locality, employers and employés separately voting for, and electing an equal number of, such members:
6. The persons so elected shall, at their first meeting, elect some other person to be chairman of the Board, and any casual vacancy in the chairmanship shall be supplied in the same manner at some subsequent meeting. Every chairman shall hold office for two years unless previously removed, and every chairman shall be eligible for re-election:
7. Electoral rolls, containing the names and addresses of all persons entitled and desiring to vote at the election of members of the Board, shall be compiled and kept in manner prescribed; the rolls of employers and employés being kept separate and distinct, and no person whose name does not appear on the electoral roll shall be entitled to vote at any such election; and no person whose name is entered as a voter shall be entitled to have his name removed, except on giving at least one calendar month's notice in manner prescribed; no person shall be enrolled as a voter without his written application to be enrolled:
8. No person shall be entitled to have his name entered on an electoral roll unless, being an employer, he shall have been engaged in the particular industry and locality for at least two months immediately preceding the time of such entry;

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nor unless, being an employé, he shall have followed the occupation of an employé in such industry and locality for at least the same time, and the name of any person entered on any such electoral roll shall be liable to be struck off if at any time he shall, for a period of at least twelve months, cease to be engaged as an employer in the particular industry and locality, or to follow the occupation of an employé in such industry and locality :

9. The Registrar may correct any electoral roll in any manner which he shall think fit, and his decision as to the right of any person to be entered as a voter on any electoral roll shall be subject to a right of appeal to the President of the State Board.

State Board.

37. The State Board shall have jurisdiction for the settlement of all such industrial disputes as shall be referred to it by way of compulsory conciliation pursuant to section 50, or by the President pursuant to section 51, or by industrial agreement.

Mode of appointment.

38. The State Board shall be appointed by the Governor, and shall consist of seven members, of whom three may be recommended to the Governor by organizations representative of employers and three by organizations representative of employés. Until there shall be an organization representative of employers and an organization representative of employés, the recommendations mentioned in this section may be made by the Federated Employers' Council of South Australia on behalf of employers, and by the United Trades and Labor Council of South Australia on behalf of employés.

President.

39. No recommendation shall be received from any organization in respect of the remaining member of the State Board, and such remaining member shall also be president of the Board.

The President of the State Board shall be entitled to hold office during good behavior for five years, and shall be eligible for re-appointment, and shall not be liable to removal except on addresses to the Governor from both Houses of Parliament during one session thereof praying for his removal.

The President of the State Board of Conciliation shall be charged with the duty at all times, by all lawful ways and means, of reconciling the parties to industrial disputes in all cases in which it shall appear to him that his mediation is desirable in the public interest.

Tenure of office.

40. Every member of the State Board, other than the President, shall hold office for two years subject to resignation or removal, but shall be eligible for re-appointment, as provided by section 38, and any casual vacancy occurring in the membership shall be supplied in the same manner as the original appointment was made.

Governor may appoint other persons to be members of the Board.

41. If by reason of special knowledge required, or from any cause, it shall appear to the President that the State Board of Conciliation, for

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for the purposes of any investigation, report, or award, should be constituted either wholly or partially of other members than the ordinary members, the Governor, on receiving the certificate of the President to that effect, may appoint other persons to be members of the State Board in addition to or substitution for the ordinary members, but for the purposes only of such investigation, report, or award, but so that the equal representation of employers and employés shall always be maintained, and the right to recommend the appointment of representatives shall apply to appointments under this section as well as to original appointments.

42. Every Public Board of Conciliation shall, in such manner as it shall think fit, carefully and expeditiously inquire into and investigate any industrial dispute of which it shall have cognizance, and all matters affecting the merits of such dispute or the right settlement thereof. Procedure.

43. In the course of such inquiry and investigation the Board shall make all such suggestions and do all such things as shall appear to them as right and proper to be made or done for securing a fair and amicable settlement of the matters in dispute by agreement between the parties, and if no such settlement shall be arrived at, shall, by an award, decide the question according to the merits and substantial justice of the case. Settlement of dispute.

44. In particular, but without limiting the general power given to the Board by the preceding section, it shall be lawful for the Board to temporarily refer the matters to a committee of their number, consisting of an equal number of representatives of employers and employés, who shall endeavor to reconcile the parties. Reference to sub committee.

45. In all matters coming before any Public Board of Conciliation the decision of the Board shall be determined by a majority of the votes of the members present, exclusive of the president or chairman, except in the case of an equality of such votes, in which case only the president or chairman shall vote, and his vote shall decide the question. Voting.

46. Five members of a Public Board of Conciliation shall be necessary to constitute a quorum. Quorum.

47. Every Board of Conciliation shall have full powers for requiring and compelling the attendance and examination of witnesses, and such powers shall be exercised in such manner as may be prescribed. Boards may compel witnesses to attend, &c.

48. It shall be lawful for the Minister, by any writing under his hand, in the event of the period of office of the member of any Public Board expiring whilst such Board shall be seized of any matters in dispute, to continue such member in office for any time not exceeding altogether two months, in order to enable such member to take part in the settlement of such matters in dispute. Power to continue member in office.

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PART VI.

COMPULSORY CONCILIATION.

Inquiry by President.

49. If any industrial dispute shall hereafter arise between any organizations it shall be lawful for the President to inquire into the nature and extent of such dispute, in such manner as he shall think fit, for the purpose of ascertaining whether or not it should be settled by compulsory conciliation.

Compulsory reference.

50. If after such inquiry the President shall certify to the Governor that the dispute is one which should be settled by means of compulsory conciliation, it shall be lawful for the Governor, by Proclamation published in the *Government Gazette*, to declare that all matters in dispute between the organizations, to be mentioned in such Proclamation, or any of such matters, to be specified in such Proclamation, shall be referred to the State Board of Conciliation to be mentioned in such Proclamation for settlement, and the same shall stand referred accordingly.

Reference from Local to State Board.

51. If at any time it shall be made to appear to the President that any industrial dispute which would otherwise come before or be settled by any Local Board of Conciliation is likely to be more satisfactorily disposed of by the State Board of Conciliation, it shall be lawful for the President, by any writing under his hand, at the request of the Local Board, to refer such dispute to the State Board for settlement, and the same shall stand referred accordingly.

PART VII.

PART VII.

ENFORCEMENT OF AWARDS AND AGREEMENTS.

Terms of awards.

52. Every award shall specify the organizations and persons on which it is intended that it shall be binding, and the period not exceeding two years from the making thereof, during which its provisions may be enforced.

Parties bound.

53. Unless otherwise expressed therein, the award of every Local Board of Conciliation and of the State Board of Conciliation in the matter of any dispute referred to the State Board from a Local Board by the President, pursuant to section 51, shall be binding during the period thereof on all employers and employes in the particular locality and industry for which the Local Board is constituted, and whose names are entered as voters on the electoral roll of the Local Board at the time of the making of the award.

Duplicate to be filed.

54. A duplicate of every award shall be filed in the office of the Registrar, and of every organization affected, and thereafter during the period during which its provisions may be enforced it shall be binding upon all organizations and persons upon which it shall be declared that it shall be binding and upon all members of such organizations.

55. The

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55. The Registrar, at the instance of any organization or person interested, shall do all things necessary for enforcing any award against any organization or person bound thereby.

PART VII.

Registrar to enforce.

56. Every court of the province and every officer thereof shall act in aid of the Registrar in enforcing compliance of the award as fully and effectually, and to all intents and purposes as if such award were a decree, order, or judgment of every such court duly made and given, and such award shall be deemed to be a decree, order, or judgment of every such court, and the process of every such court as shall be required by the Registrar shall be issued and executed for enforcing such compliance in like manner as upon the decree, order, or judgment of such court.

Courts to act in aid Registrar.

57. Unless otherwise ordered by the award, no process shall be issued for the enforcement of any award by a payment from any organization or person of a greater sum than One Thousand Pounds, or from any individual, on account of his membership of an organization, of any greater sum than Ten Pounds.

Award to be limited to One Thousand Pounds.

58. For the purpose of enforcing compliance with any award process may be issued and executed against the property of any organization, or in which any organization shall have any beneficial interest, and whether vested in trustees or howsoever otherwise the same may be held, in the same manner as if such organization was an incorporated company and the absolute owner of such property or interest.

Process against property of organizations.

59. No fees of court shall be charged for the issue or execution of any process for compelling compliance with any award.

Fees.

60. All moneys which shall be received by virtue of any process for enforcing compliance with any award shall be applied in such manner as the award may direct, and, in default of or subject to any such direction, in such manner as the Registrar may decide, for the benefit of those interested in the performance of the award.

Application of moneys received under process.

61. Any person wilfully making default in compliance with any award, unless such award shall otherwise direct, shall be guilty of an offence against this Act, punishable on summary conviction by a fine not exceeding Twenty Pounds, or by imprisonment, with or without hard labor, for any term not exceeding three calendar months.

Enforcement of award.

62. All provisions hereinbefore in this part of this Act contained with reference to the enforcement of awards shall apply to the enforcement of industrial agreements (unless therein negatived or limited) in like manner as if agreements had been mentioned in such provisions whenever awards are referred to.

Provision for enforcement of awards to apply.

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PART VIII.

PART VIII.

PENALTIES ON CERTAIN LOCK-OUTS AND STRIKES.

Penalty on lock-out.

63. If any organization of employers or any member thereof shall counsel, take part in, support, or assist directly or indirectly any lock-out on account of any industrial dispute for the settlement of which any Board of Conciliation shall have jurisdiction, such organization or member shall be guilty of an offence against this Act, punishable by a fine in the case of an organization not exceeding Five Hundred Pounds, or in the case of an individual not exceeding Twenty Pounds.

Penalty on strike.

64. If any organization of employes or any member thereof shall counsel, take part in, support, or assist directly or indirectly any strike on account of any industrial dispute for the settlement of which any Board of Conciliation shall have jurisdiction, such organization or member shall be guilty of an offence against this Act, punishable as mentioned in the preceding section.

PART IX.

PART IX.

REPORTS ON INDUSTRIAL DISPUTES.

Industrial report.

65. If any industrial dispute shall hereafter arise, it shall be lawful for the President to inquire into the nature and extent of such dispute for the purpose of ascertaining whether or not it should be investigated and reported upon by the State Board of Conciliation.

Procedure for investigation.

66. If after such inquiry the President shall certify that the dispute is one which should be investigated and reported upon by the State Board of Conciliation, it shall be lawful for the Governor, by Proclamation published in the *Government Gazette*, and twice in a newspaper circulating in the district interested, to declare that all matters in dispute specified in such Proclamation shall be referred to the State Board of Conciliation to be mentioned in such Proclamation for investigation and report, and the same shall stand referred accordingly.

Investigation and report.

67. The State Board of Conciliation to whom any matters may be referred, pursuant to the preceding section, shall have and exercise all the powers and functions of the State Board of Conciliation sitting for the settlement of an industrial dispute, except that they shall have no power to make an award, but they shall decide the question according to the merits and substantial justice of the case by a report which shall not be enforceable, but shall be filed in the office of the Registrar.

Report may be made instead of award.

68. In any case in which it shall appear to a Board of Conciliation having authority to make an award for the settlement of an industrial dispute that such a course is preferable, it shall be lawful for such Board to refrain from making an award, and to decide the question

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question according to the merits and substantial justice of the case by a report which shall not be enforceable, but shall be published as directed by the Board or in manner prescribed.

PART IX.

PART X.

PART X.

MISCELLANEOUS.

69. The Minister may permit any Government building to be temporarily used for conciliation purposes, free of any charge.

Temporary accommodation.

70. Every half-year, in the months of March and September, there shall be forwarded to the Registrar a certified list of any Unions constituting the Association.

Half-yearly lists of Unions.

71. Every half-year, in the same months, there shall be forwarded to the Registrar a certified list of the members of every Union.

Half-yearly lists of members.

72. Certified copies of all alterations of the rules of any organization shall forthwith, as such alterations are made, be forwarded to the Registrar.

Alterations of rules.

73. Every organization making default in forwarding to the Registrar any list or copy required to be forwarded by sections 70, 71, or 72, shall be guilty of an offence against this Act, punishable by a fine not exceeding Two Pounds for every day during which such default continues; and every member of the council or committee of any such organization who wilfully permits such default shall be guilty of a similar offence, punishable by a fine not exceeding Five Shillings for every day during which he wilfully permits such default.

Penalty on non-compliance.

74. The Registrar, on the request of any person interested, shall investigate and decide in such manner as he shall think fit any matter relating to the rule or appeal, or alteration of the rules, or membership or cesser of membership of any organization, and any certificate of the Registrar dealing with any such question shall be conclusive evidence of the matter therein stated, unless such certificate shall be varied by a subsequent certificate of the Registrar, in which case the subsequent certificate shall prevail.

Matters may be decided by registrar.

75. The Registrar shall only once re-open for the purpose of varying any matter which he shall have disposed of by a certificate, and then only with the previous written consent of the President.

Re-opening of matters decided by registrar.

76. The President may review, annul, rescind, or vary any act or decision of the Registrar in any manner which he shall think fit, and if the President shall annul, rescind, or vary any such act or decision, he shall, within fourteen days thereafter, if Parliament be then sitting, or if Parliament be not then sitting, then within fourteen days after the first meeting of Parliament thereafter, lay before

President may review decision of registrar.

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before both Houses of Parliament a return showing the mode in which he has annulled, rescinded, or varied such act or decision, and his reasons for such annulment, rescission, or variation.

Removals by Minister.

77. It shall be lawful for the Minister, by any writing under his hand, to remove from office any member of any Board of Conciliation who shall be proved to the satisfaction of the Minister to have misconducted himself in such office, or to be unfit to discharge the duties thereof, or to have refused, neglected, or delayed to discharge any such duties.

Appearance before Board.

78. No counsel, solicitor, or agent shall appear before or be heard by any Board unless personally interested in the dispute under consideration.

Proceedings of Board not to be quashed.

79. No award or proceeding of any Board of Conciliation shall be liable to be challenged, appealed against, reviewed, quashed, or called in question by any Court on any account whatsoever.

Regulations

80. The Governor may make all such regulations, not inconsistent with this Act, either applicable generally or to meet particular cases, as may be necessary or desirable to carry out the objects and purposes, or as he may consider convenient for the administration and execution thereof.

Publication of regulations.

81. All regulations made before the first day of February, one thousand eight hundred and ninety-five, shall be published in the *Government Gazette*, and shall thereafter have the force of law; and all subsequent regulations shall be laid before Parliament for fourteen days, and, except so far as the same may be disapproved within that time by resolution of either House of Parliament, shall be published in the *Government Gazette*, and after such publication thereof shall have the force of law; and any regulation made before the first day of February, one thousand eight hundred and ninety-five, shall cease to operate if disapproved of by resolution of either House within fourteen days after the commencement of the next Session of Parliament.

Penalty on persuading to commission of offence.

82. Every person who shall persuade, or endeavor to persuade, any other person to commit an offence against this Act, shall himself be guilty of an offence against this Act, punishable by the penalty attached to the first mentioned offence.

How organizations may sue.

83. Any organization may sue or be sued, for the purposes of this Act or otherwise, in the name by which it is registered, and service of any process on the chairman or secretary, or at the registered office of the organization, shall be sufficient for all purposes.

Rules may define default.

84. The rules of any Association, or any industrial agreement or award, may fix and determine what shall constitute a default by an organization within the meaning of this Act.

85. Every

Conciliation Act.—1894.

85. Every proceeding for any offence against this Act may be had and taken before, and be heard and determined in a summary way by, any Special Magistrate or two Justices of the Peace, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6 of 1850, intituled "An Ordinance to facilitate the performance of the duties of Justices of the Peace out of Sessions with respect to Summary Convictions and Orders," or of any Act now in force, or hereafter to be in force, relating to the duties of Justices of the Peace with respect to summary convictions and orders; and all convictions and orders made by such Magistrate or Justices may be enforced as in the said Ordinance or in any other Act as aforesaid is or shall be provided.

PART X.

Summary jurisdiction.

86. There shall be an appeal to the Local Court of Adelaide of Full Jurisdiction only from every conviction by any Special Magistrate or Justices for any offence against this Act, and from every order dismissing any information or complaint, or from every order dismissing any information or complaint, or from any other order made by such Magistrate or Justices under this Act; and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts, or any Act to be hereafter in force regulating such appeals; but the Local Court of Adelaide aforesaid shall have power to make such order as to the payment of the costs of the appeal as it shall think fit, although such costs may exceed Ten Pounds.

Appeals.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

KINTORE, Governor.

Conciliation Act.—1894.

SCHEDULES.

SCHEDULE A.

Conciliation Act, 1894.

The [*here insert name of Union or Association*] Industrial Union (*or Association*) is registered as an Industrial Union (*or Association*), pursuant to the above Act.

Dated this day of , 18 .

A.B., Industrial Registrar.

SCHEDULE B.

Conciliation Act, 1894.

The registration of [*here insert name of Union or Association*] Industrial Union (*or Association*) as an Industrial Union (*or Association*), pursuant to the above Act, is hereby cancelled.

Dated this day of , 18 .

A.B., Industrial Registrar.