

Section 100.

SECOND SCHEDULE.

FORM OF PROTEST WHICH MAY BE USED.

Know all men that I, A.B. [householder], of _____ in the State of _____, in the Commonwealth of Australia, at the request of C.D., did on the _____ day of _____, 19____, at _____, demand payment [or acceptance] of the bill of exchange hereunder written, from E.F., to which demand he made answer [state answer, if any], wherefore I now, in the presence of G.H. and J.K., do protest the said bill of exchange.

(Signed)

A.B.
G.H. } Witnesses.
J.K. }

N.B.—The bill itself should be annexed, or a copy of the bill and all that is written thereon should be underwritten.

COMMONWEALTH CONCILIATION AND ARBITRATION.

No. 28 of 1909.

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

[Assented to 13th December, 1909.]

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

Short title.

1.—(1.) This Act may be cited as the *Commonwealth Conciliation and Arbitration Act 1909*.

(2.) The *Commonwealth Conciliation and Arbitration Act 1904* 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 1904-1909*.

2. Part II. of the Principal Act is amended by omitting sections nine and ten and inserting in lieu thereof the following sections:—

Employer not to
dismiss employee
on account of
application.

“9.—(1.) No employer shall dismiss any employee from his employment or injure him in his employment by reason merely of the fact that the employee is an officer or member of an organization, or of an association that has applied to be registered as an organization or is entitled to the benefit of an industrial agreement or award.

Penalty : Twenty pounds.

“(2.) No proceeding for any contravention of this section shall be instituted without the leave of the President or the Registrar.

“(3.) 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 whilst an officer or member of an organization or such an association or whilst entitled as aforesaid, was dismissed or injured in his employment for some reason other than that mentioned in this section.

Onus on employer.

“10.—(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 organization, or of an association that has applied for registration as an organization or is entitled to the benefit of an industrial agreement or award.

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

Penalty: Ten pounds.

“(2.) No proceeding for any contravention of this section shall be instituted without the leave of the President or the Registrar.

“(3.) 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 organization or such an association or was entitled as aforesaid, to show that he ceased so to work for some reason other than that mentioned in this section.”

Onus on employee.

3. Section forty-three of the Principal Act is repealed and the following section substituted in lieu thereof:—

“43.—(1.) The President may, subject to the approval of the Governor-General, make rules not inconsistent with this Act or the Regulations—

Rules of Court.

- (a) for regulating the practice and procedure of the Court ; and
- (b) for prescribing the duties of the Industrial Registrar, the Deputy Industrial Registrars, and any other officers of the Court.

“(2.) Subject to this Act and to the rules, the practice and procedure of the Court and the duties of the Industrial Registrar, the Deputy Industrial Registrars, and other officers of the Court shall be as directed by the President.

“(3.) All such rules shall—

- (a) be notified in the *Gazette* ;
- (b) take effect from the date of notification, or from a later date specified in the rules ; and
- (c) be laid before both Houses of the Parliament within thirty days of the making thereof, or, if the Parliament is not then sitting, within thirty days after the next meeting of the Parliament.

“(4.) If either House of the Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such rules have been laid before such House disallowing any rule, such rule shall thereupon cease to have effect.”

Amendment of
s. 59 of
Principal Act.

4. Section fifty-nine of the Principal Act is amended—

- (a) by omitting the word “may” and inserting in lieu thereof the words “shall, unless in all the circumstances he thinks it undesirable so to do”; and
(b) by omitting the words “in the State in which the application is made.”

Amendment of
s. 83 of
Principal Act.

5. Section eighty-three of the Principal Act is amended by adding at the end thereof the following sub-section :—

“(2.) Nothing in this section shall be taken to derogate from the power of the Court to punish for contempt.”

SEAMEN'S COMPENSATION.

No. 29 of 1909.

An Act relating to compensation to Seamen for injuries suffered in the course of their employment.

[Assented to 13th December, 1909.]

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

Short title.

1. This Act may be cited as the *Seamen's Compensation Act* 1909.

Commencement.

2. This Act shall commence on a day to be fixed by proclamation.*

Definitions.
Cf. 6 Edw. 7,
c. 58, s. 13.

3.—(1.) In this Act, unless the contrary intention appears—

“The Comptroller-General” means the Comptroller-General of Customs :

“County Court” means a County Court, District Court, or Local Court of any State, or any Court exercising in any part of the Commonwealth a limited civil jurisdiction and presided over by a Judge or a Police, Stipendiary, or Special Magistrate :

“Dependants” means such of the members of the seaman's family as were wholly or in part dependent upon the earnings of the seaman at the time of his death, or who would, but for the incapacity due to the accident, have been so dependent; and where the seaman—

(a) being the parent or grandparent of an illegitimate child, leaves the child so dependent upon his earnings, or

* Proclaimed to commence 1st March, 1910. See *Gazette*, 5th March, 1910, p. 669.