

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
October, 1901.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Rt. Hon. R. J. Seddon.

INDUSTRIAL CONCILIATION AND ARBITRATION
AMENDMENT.

ANALYSIS

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Definition of "worker" amended.</p> <p>4. Registration of a foreign company represented by agent.</p> <p>5. Trade-unions parties to industrial agreement.</p> <p>6. Section 50 of principal Act amended.</p> <p>7. Names of members of the Board to be gazetted.</p> <p>8. Amendment of section 52 of principal Act.</p> <p>9. Oath of members of the Board.</p> <p>10. Trade-unions may be bound by award.</p> <p>11. Awards made prior to principal Act to continue in force.</p> <p>12. Court may extend award to other parties.</p>	<p>13. Section 86 of principal Act amended.</p> <p>14. Trade-unions may be joined as parties.</p> <p>15. Amendment of sections 88 and 94 of principal Act.</p> <p>16. Enforcement of awards, &c.</p> <p>17. Section 94 of principal Act amended.</p> <p>18. Resolution to refer dispute.</p> <p>19. Further protection of workers in case of a dispute.</p> <p>20. Cancellation of registration of defunct union.</p> <p>21. Power to refer disputes direct to Court.</p> <p>22. Registrar may state case.</p> <p>23. Board may state case.</p> <p>24. Award may be applied to different trades in one business.</p>
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A BILL INTITULED

AN ACT to amend "The Industrial Conciliation and Arbitration Act, 1900."

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

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| <p>1. The Short Title of this Act is "The Industrial Conciliation and Arbitration Amendment Act, 1901," and it shall form part of and be read together with "The Industrial Conciliation and Arbitration Act, 1900" (hereinafter called "the principal Act").</p> <p>2. In this Act and in the principal Act, if not inconsistent with the context, "trade-union" means any trade-union registered under "The Trade Union Act, 1878," whether registered under that Act before the passing of the principal Act or not.</p> <p>3. The definition of "worker" in the principal Act is hereby repealed, and the following substituted in lieu thereof:—
"Worker" means any person of any age, of either sex, employed by any employer to do any skilled or unskilled manual or clerical work for hire or reward.</p> <p>4. Where a company registered out of New Zealand is carrying on business in New Zealand through an agent acting under a power of attorney, such company may be registered as an industrial union of employers, and in such case the provisions of section five</p> | <p>Short Title.</p> <p>Interpretation.</p> <p>Definition of "worker" amended.</p> <p>Registration of a foreign company represented by agent.</p> |
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of the principal Act shall be deemed to be complied with if the application to register is made under the hand of the agent for the company, and is accompanied by--

- (1.) Satisfactory evidence of the registration or incorporation of the company; 5
- (2.) Two copies of its articles of association or rules;
- (3.) The situation of its registered office in New Zealand;
- (4.) A copy of the power of attorney under which such agent is acting; and
- (5.) A statutory declaration that such power of attorney has not been altered or revoked. 10

Trade-unions parties to industrial agreement.

5. Section twenty-four of the principal Act, relating to parties to industrial agreements, is hereby amended by inserting the words "trade-unions or" after the words "shall in every case be," in subsection one thereof. 15

Section 50 of principal Act amended.

6. Section fifty of the principal Act is hereby amended by striking out all the words after the word "Conciliators," in the fourth line, and substituting the words "shall, on the application of either party to the dispute, and in the prescribed manner, be constituted from time to time to meet any case of industrial dispute." 20

Names of members of the Board to be gazetted.

7. The notice of the names of the members and Chairman of the Board shall be inserted in the *Gazette* by the Registrar; and section forty of the principal Act is hereby amended accordingly.

Amendment of section 52 of principal Act.

8. Section fifty-two of the principal Act, relating to the procedure for reference of an industrial dispute, is hereby amended by inserting the word "barrister" between the word "counsel" and the word "solicitor," and by inserting the words "whether acting under a power of attorney or otherwise," after the words "No counsel or solicitor," in subsection eight thereof, and by inserting at the end of the same subsection the words, "or unless he is a *bona fide* principal in the dispute." *employer or worker in the industry to which the dispute relates.* 25 30

Oath of members of the Board.

9. The oath required by subsection eleven of section fifty-three of the principal Act to be taken by members of the Board may, in the absence of a Judge of the Supreme Court, be taken before a Stipendiary Magistrate or such other person as the Governor from time to time authorises in that behalf. 35

Trade-unions may be bound by award.

10. Section eighty-six of the principal Act, relating to the terms to be specified in an award of the Court, is hereby amended as follows:— 40

- (1.) As to subsection one thereof: By inserting the words "trade-union," next after the words "being in every case each"; and
- (2.) As to subsection three thereof: By inserting the words "trade-union," next after the words "subsequent party thereto every." 45

Awards made prior to principal Act to continue in force.

11. Any award made prior to *in force at* the coming into operation of the principal Act shall, notwithstanding the expiration of the currency of such award, continue in force and shall have been deemed to have been in force until a new award shall have been made under 50

the principal Act, except where, subject to the provisions of subsection two of section twenty of the principal Act, the registration of an industrial union of workers bound by such award has been cancelled.

12. With respect to any award made before *in force at* the coming into operation of the principal Act, the Court may, upon notice to any person, trade-union, industrial union, or industrial association, or employer within the district and engaged in the industry to which the award applies, not an original party thereto, extend such award and its provisions to such person, trade-union, industrial union, or industrial association, or employer.

Court may extend award to other parties.

13. Section eighty-six of the principal Act is hereby amended by the insertion of the following additional paragraphs:—

Section 86 of principal Act amended.

(4.) The Court may, in any award made by it, limit the operation of such award to any city, town, or district being within or part of any industrial district.

(5.) The Court shall in such case have power, on the application of any employer, industrial union, or industrial association in any industrial district within which the award shall have effect, to extend the provisions of such award (if such award shall have been limited in its operation as aforesaid) to any person, employer, industrial union, or industrial association within such industrial district.

(6.) The Court may, if it thinks fit, limit the operation of any award heretofore made under the principal Act to any particular town, city, or locality in any industrial district in which such award now has effect.

(7.) The limitation or extension referred to in the preceding paragraphs five and six shall be made upon such notice to and application of such parties as the Court may in its discretion direct.

14. Section eighty-seven of the principal Act, relating to the power of the Court to extend an award so as to bind persons not parties thereto, is hereby amended by inserting the words "trade-union," next after the words "as party thereto any specified," in subsection two thereof.

Trade-unions may be joined as parties.

15. Section eighty-eight of the principal Act, relating to the application to be made to the Court to extend an award to certain persons, is hereby amended by inserting the words "trade-union" next after the words "that section, every," in subsection two thereof; and section ninety-four of the principal Act, subsection six, is hereby amended by inserting the words "trade-union" after the words "industrial union" wherever they occur in the said subsection.

Amendment of sections 88 and 94 of principal Act.

16. Proceedings for the enforcement of any industrial agreement, or award, or order of the Court shall may be taken by the Inspector of Factories of the district, and in any such case it shall not be necessary for a union or association to pass any resolution or take any ballot authorising such proceedings.

Enforcement of awards, &c.

17. Subsection six of section ninety-four of the principal Act, relating to the enforcement of awards, is hereby amended by inserting the words "a trade-union or" next after the words "in the case of," and also by inserting the words "a trade-union or" next after the words "if the judgment debtor is."

Section 94 of principal Act amended.

Resolution to refer dispute.

18. Section ninety-nine of the principal Act, relating to the special meeting to refer a dispute to the Board or Court, is hereby amended by inserting the words "present at the meeting" next after the words "majority of all the members."

Struck out.

Further protection of workers in case of a dispute.

19. (1.) Section one hundred of the principal Act, preserving the relationship of employer and employed pending the settlement of a dispute, is hereby amended by inserting at the end of subsection one thereof the words "or anything preliminary to the reference of the dispute and connected therewith."

(2.) In case either of the parties shall interrupt the relationship of employer and employed by the dismissal of any of the employés, or by any of the employés discontinuing work, the onus of proving that such discontinuance of work or such dismissal was not done in contravention to section one hundred shall, in every case before the Court for a contravention of such said section, be on the employer if he dismisses as aforesaid, and shall be on the employé if he discontinues work as aforesaid."

New Clause.

19A. Section one hundred of the principal Act, preserving the relationship of employer and employed pending the settlement of a dispute, is hereby amended—

(1.) By inserting at the end of subsection one thereof the words "or anything preliminary to the reference of the dispute, and connected therewith":

(2.) By adding thereto the following subsection—

"(3.) The dismissal of any worker, or the discontinuance of work by any worker, pending the final disposition of an industrial dispute, shall be deemed to be a default under this section, unless the party charged with such default satisfies the Court that such dismissal or discontinuance was not on account of the dispute."

Cancellation of registration of defunct union.

20. (1.) If an industrial union makes default in forwarding to the Registrar the returns required by section seventeen of the principal Act, and the Registrar has reasonable cause to believe that the union is defunct, he may send by post to the last known officers of the union a letter calling attention to the default, and inquiring whether the union is in existence.

(2.) If within two months after sending such letter the Registrar does not receive a reply thereto, or receives a reply from any one or more of the officers to the effect that the union has ceased to exist, he may insert in the *Gazette*, and send to the last known officers of the union, a notice declaring that the registration of the union will, unless cause to the contrary is shown, be cancelled at the expiration of six weeks from the date of such notice.

(3.) At the expiration of the time mentioned in the notice the Registrar may, unless cause to the contrary is shown, strike the name of the union off the register, and shall publish notice thereof in the *Gazette*, and thereupon the registration of the union shall be cancelled.

21. Either party to an industrial dispute which has been referred to a Board of Conciliation may, *previous to the hearing of such dispute by the Board*, file with the Clerk an application in writing requiring the dispute to be referred to the Court of
5 Arbitration, and that Court shall have jurisdiction to settle and determine such dispute in the same manner as if such dispute had been referred to the Court under the provisions of section fifty-eight of the principal Act.
22. The Registrar may, in any matter arising in or out of the
10 performance of his duties, state a case for the advice and opinion of the Court.
23. The Board may, in any matter coming before it, state a case for the advice and opinion of the Court.
24. Where ~~workmen~~ *workers* engaged upon different trades are
15 employed in any one business of any particular employer, the Court may make one award applicable to such business, and embracing, as the Court may think fit, the whole or part of the various branches constituting the business of such employer. Before the Court shall exercise such power, notice shall be given to the respective industrial
20 unions of workers engaged in any branch of such business.
- Power to refer disputes direct to Court.
- Registrar may state case.
- Board may state case.
- Award may be applied to different trades in one business.