

*Rt. Hon. R. J. Seddon.*

INDUSTRIAL CONCILIATION AND ARBITRATION  
AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Deputy Registrar.</p> <p>3. Proceedings to continue on change in Board or Court.</p> | <p>4. Combining to defeat award.</p> <p>5. When dismissal of employee breach of Act.</p> <p>6. Inspectors of Awards.</p> <p>7. Enforcement of awards.</p> |
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A BILL INTITULED

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

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

1. The Short Title of this Act is "The Industrial Conciliation and Arbitration Amendment Act, 1903"; and it shall form part of and be read together with "The Industrial Conciliation and Arbitration Act, 1900" (hereinafter referred to as "the principal Act"). Short Title.

2. The Governor may from time to time appoint some fit person to be Deputy Registrar of Industrial Unions, who shall, under the control of the Registrar, perform such general official duties as he is called upon to perform under this Act or by the Registrar, and who in case of the illness, absence, or other temporary incapacity of the Registrar shall act in his name and on his behalf, and while so acting shall have and may exercise all the powers, duties, and functions of the Registrar. Deputy Registrar.

3. Where any change takes place in the members constituting the Board or the Court, any proceeding or inquiry then in progress shall not abate or be affected, but shall continue and be dealt with by the Board or the Court as if no such change had taken place: Provided that the Board or the Court may require evidence to be retaken where necessary. Proceedings to continue on change in Board or Court.

4. If during the currency of an award it appears that any industrial union or association, or any combination of either employers or workers, has taken proceedings intended or likely to defeat any of the provisions of the award, such union, association, or combination, and every member thereof respectively, shall be deemed to have committed a breach of the award, and shall be liable accordingly. Combining to defeat award.

When dismissal of  
employee breach of  
Act.

5. Every employer who dismisses from his employment any employee by reason merely of the fact that the employee is a member of an industrial union, or is entitled to the benefit of an award, order, or agreement, shall be deemed to have committed a breach of the award, order, or agreement, and shall be liable accordingly. 5

Inspectors of  
Awards.

6. (1.) Every Inspector appointed under "The Factories Act, 1901," shall be an Inspector of Awards under the principal Act, and shall be charged with the duty of seeing that the provisions of any industrial agreement, or award, or order of the Court are duly observed. 10

(2.) Every Inspector of Mines appointed under either "The Coal-mines Act, 1891," or "The Mining Act, 1898," shall be an Inspector of Awards, and shall see *be charged with the duty of seeing* that the provisions of any such agreement, award, or order are duly observed in any coal-mine or mine within his district. 15

(3.) In the discharge of such duty an Inspector of Awards may require any employer *or worker* to produce for his examination such books, papers, and documents as may be necessary for the purposes of this section; and, in addition, every such Inspector shall have and may exercise all the powers conferred on Inspectors of Factories by section six of "The Factories Act, 1901," and that section and section seven of the same Act shall, *mutatis mutandis*, extend and apply to Inspectors of Awards; *and except for the purposes of this Act, and in the exercise of his functions under this Act, an Inspector shall not disclose to any person any information which in the exercise of such functions he acquires; and any Inspector who shall, in contravention of this Act, divulge any information shall be liable to a penalty not exceeding fifty pounds.* 20 25

*Struck out.*

Enforcement of  
awards.

7. (1.) Notwithstanding anything in the principal Act, all proceedings for enforcing any award (whether made before or after the commencement of this Act) shall be heard and determined by a Stipendiary Magistrate, whose decision shall, subject to the next succeeding subsection, be final. 30

(2.) Any party to the proceedings may,— 35

(a.) Where the amount in dispute does not exceed fifty pounds, with the leave of the Magistrate; or

(b.) Where such amount exceeds fifty pounds, without such leave,—

appeal from the decision of the Magistrate on any point of law. 40

(3.) Such appeal shall be made to the Court of Arbitration in the manner provided by "The Magistrates' Courts Act, 1893," in cases of appeal to the Supreme Court on point of law, and the provisions of that Act relating to such appeals shall, *mutatis mutandis*, apply to appeals under this section. 45