

Right Hon. Mr. Massey.

INDUSTRIAL CONCILIATION AND ARBITRATION
AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Right of admission to membership of union in certain cases.</p> | <p>3. Dismissal of member from union.</p> <p>4. Considerations on appeal.</p> <p>5. Provision as to certain societies of railway servants.</p> |
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A BILL INTITULED

AN ACT to amend the Industrial Conciliation and Arbitration Act, 1908. Title.

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

1. This Act may be cited as the Industrial Conciliation and Arbitration Amendment Act, 1915, and shall form part of and be read together with the Industrial Conciliation and Arbitration Act, 1908 (hereinafter referred to as the principal Act). Short Title.

2. (1.) In any case where an industrial union of workers is bound by an award or industrial agreement, or other agreement, in which provision is made for preference of employment for members of the union, any competent worker in the industry who is of good character and sober habits and against whose admission to the union there is no reasonable ground of objection shall, notwithstanding anything in the rules of the union, be entitled to become a member of the union on application in writing and on payment of such entrance fee (if any), not exceeding *ten* shillings, as is prescribed by the rules of the union for the admission of members. Right of admission to membership of union in certain cases.

(2.) Every application as aforesaid, if accompanied by a payment or tender of payment of the prescribed entrance fee, shall be deemed to be granted unless within seven days after the service thereof on the union notice in writing, under the hand of the secretary, is served on the applicant that it is refused.

(3.) Any worker whose application as aforesaid is refused may appeal from such refusal to the Judge of the Court or (at the option of the appellant) to any Magistrate exercising jurisdiction in the district in which the appellant resides.

(4.) The appeal shall be instituted by notice of appeal filed in the office of the Court or Magistrate's Court within *seven* days after receipt by the appellant of notice of the refusal. A copy of the notice of appeal shall within the like *seven* days be served on the union by the appellant. 5

(5.) Within seven days after service of a copy of the notice of appeal on the union it shall file in the office of the Court or Magistrate's Court a notice setting out the grounds on which the appellant was refused admission, and shall within the same period serve a copy of such notice on the appellant. 10

(6.) The appeal shall be heard by the Judge or Magistrate at such time and place as he appoints, of which not less than *three* days' notice shall be given to the parties.

(7.) On the hearing of the appeal the Judge or Magistrate may either allow or disallow the same, and his decision thereon shall be final and conclusive. 15

(8.) Pending the hearing of the appeal the employment of the appellant by an employer who is bound by the award or agreement shall not be deemed a breach of the provisions of the award or agreement relating to preference of employment for members as aforesaid: 20

Provided that, if the appeal is dismissed, the employer shall forthwith, on the receipt of notice in writing to that effect, under the hand of the secretary of the union, without notice dismiss the appellant from his employment. 25

(9.) If the Judge or Magistrate allows the appeal, the appellant shall, as from the date of his application for admission to the union, or such later date as the Judge or Magistrate determines, be deemed to have been duly admitted a member of the union and entitled to all the rights, privileges, and advantages, and subject to all the duties and liabilities of such membership. 30

(10.) Any notice required by this section to be served shall be deemed sufficiently served if sent by prepaid post addressed to the person intended to be served, and shall (unless the contrary is proved) be deemed to have been served on him on the day on which it would be delivered in the ordinary course of post. 35

Dismissal of member from union.

3. (1.) Every member of an industrial union of workers which is bound by an award or industrial agreement, or other agreement, in which provision is made for preference of employment for members of the union, who is a competent worker in the industry, and is of good character and sober habits, and against whose retention as a member of the union there is no reasonable ground of objection, shall notwithstanding anything in the rules of the union be entitled to remain a member of the union on payment by him of such contributions not exceeding at the rate of *one* shilling a week as are prescribed by the rules of the union. 40 45

(2.) The membership of a member of any such union shall not be determined unless notice of such determination is served upon him by writing under the hand of the secretary of the union.

(3.) Any member whose membership is so determined as aforesaid may appeal from such determination in the manner prescribed by the *last preceding* section, and the provisions of that section shall, with the necessary modifications, apply to such appeal. 50

4. In considering any appeal under this Act, the Court or Magistrate shall have regard— Considerations on appeal.

- (a.) To the claim of the appellant that he is a competent worker in the industry and is of good character and sober habits; and
- (b.) To the claim by the union that the admission of the appellant to the union or his retention therein would be likely to disturb industrial peace.

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5. (1.) The provisions of section one hundred and twenty-one of the principal Act (relating to the Amalgamated Society of Railway Servants) shall, with the necessary modifications, extend and apply to the New Zealand Railway Officers' Institute and the New Zealand Locomotive Engine-drivers, Firemen, and Cleaners Association, and to any other society of railway servants recognized for the purposes of this section by the Minister by notice in the *Gazette*.

Provision as to certain societies of railway servants.

(2.) Any society to whom the provisions of the said section one hundred and twenty-one are extended as aforesaid may register under the principal Act as an industrial union of workers.