

Hon. Mr. Anderson.

INDUSTRIAL CONCILIATION AND ARBITRATION AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Dispute affecting two or more districts may be the subject-matter of conciliation proceedings.</li> <li>3. Industrial unions and other labour organizations to keep proper accounts.</li> <li>4. Section 42 of Amendment Act, 1908, amended.</li> <li>5. County Councils and Road Boards exempted from operation of principal Act.</li> </ol> | <ol style="list-style-type: none"> <li>6. Awards to provide for setting up Disputes Committee.</li> <li>7. Section 5 of principal Act amended.</li> <li>8. Section 17 of principal Act amended.</li> <li>9. Section 66 of principal Act amended.</li> <li>10. Section 30 of Amendment Act, 1908, amended.</li> <li>11. Restriction as to payment of subscriptions, levies, &amp;c.</li> </ol> |
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A BILL INTITULED

AN ACT to amend the Industrial Conciliation and Arbitration Act, 1908, and to make certain other Provisions with respect to Labour Disputes. Title.

5 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, 1922, and shall be read together with Short Title.  
10 and deemed part of the Industrial Conciliation and Arbitration Act, 1908 (hereinafter referred to as the principal Act).

2. (1.) Notwithstanding anything to the contrary in the principal Act, any industrial association of employers or of workers including in its membership industrial unions in more than one industrial district Dispute affecting two or more districts may be the subject-matter of conciliation proceedings.  
15 may make application for the hearing by a Council of Conciliation of any industrial dispute affecting two or more industrial districts in which it has affiliated unions.

(2.) Such application shall be filed with the Clerk of Awards in one of the industrial districts affected by the dispute, and all the 20  
provisions of the principal Act or its amendments relating to the procedure to be followed in respect of conciliation proceedings shall, with the necessary modifications, apply to such application.

(3.) On the filing of any such application the industrial districts affected by the dispute shall be deemed to be one industrial district 25  
(herein referred to as a combined district), and the Clerk of Awards in the district in which the application is filed shall be deemed to be the Clerk for the combined district.

(4.) The Minister, on the application of the Clerk, shall forthwith nominate a Conciliation Commissioner, who shall thereupon be deemed to be the Conciliation Commissioner for the combined district. At any time during the hearing of the dispute the Minister may substitute another Conciliation Commissioner for the Commissioner so nominated, or may nominate an additional Commissioner to assist him.

(5.) In the case of any dispute to which this section relates the Commissioner may, at his option, whether the hearing is commenced or not, increase to any number not exceeding six the number of assessors that may be appointed on the recommendation of the applicants, and the number of assessors so fixed by the Commissioner shall be appointed accordingly, and a like number shall be appointed by the respondents, in accordance with the provisions in that behalf of the Industrial Conciliation and Arbitration Amendment Act, 1908.

(6.) If a full settlement of the dispute is not effected by the Council, the dispute shall be referred to the Court for settlement, and all the provisions of the principal Act relating to the procedure to be followed in respect to arbitration proceedings shall, with the necessary modifications, apply accordingly.

(7.) In any such case the place or places of hearing of the dispute by the Court shall be fixed by the Court.

Industrial unions  
and other labour  
organizations to  
keep proper  
accounts.

3. (1.) Every industrial union or industrial association, and every society bound by an agreement under section eight of the Labour Disputes Investigation Act, 1913, shall keep in proper form a correct account of its receipts and payments.

(2.) A general statement showing fully the assets and liabilities of the union, association, or society as at the end of its financial year, and the receipts and payments for the year, and also showing separately all amounts paid during that year by way of salary, allowances, wages, or otherwise howsoever to every officer, auditor, trustee, member of the committee of management, or other member of the union, association, or society, or of any union affiliated with the association, and any other particulars that the Registrar may require, shall be prepared in such form as the Registrar may from time to time require, within one month after the close of the financial year to which the statement relates.

(3.) The statement aforesaid shall, so soon as practicable after the close of the financial year, be audited in accordance with the rules of the union, association, or society, and a copy of the statement duly audited shall be transmitted to the Registrar within one month after the completion of the audit, being not later in any case than three months after the end of the financial year. The said copy shall be made available by the Registrar for inspection by any member of the union or society, or of any union affiliated with the association, as the case may be, at an office of the Department of Labour on a written or verbal application in that behalf, and any such member shall be entitled to make a copy thereof or such extracts therefrom as he thinks fit.

(4.) Such statement, together with the register of members and the books and accounts of the union, association, or society, shall be open at all reasonable times at the office of the union, association, or society to the inspection of the Registrar or of any person appointed in that behalf by the Registrar in writing, and the Registrar and every person so appointed by him shall be entitled to make such copies thereof or extracts therefrom as they think fit.

(5.) The Registrar may at any time and from time to time require any union, association, or society as aforesaid to submit its accounts to a public auditor appointed as such under the Friendly Societies Act, 1909, and it shall be the duty of the union, association, or society to  
5 submit its accounts for audit accordingly. In respect of the audit so directed the auditor shall have and may exercise all the powers and duties conferred upon auditors by section thirty-five of the last-mentioned Act.

(6.) Every union, association, or society which makes default in  
10 complying with any of the provisions of this section and every officer of any such union, association, or society so making default is liable on summary conviction to a fine of *five* pounds for every day or part of a day during which such default continues.

(7.) Every person who wilfully makes or orders to be made any false  
15 entry in or any omission from any statement prepared pursuant to this section or in any document purporting to be a copy of or extract from any such statement, is liable on summary conviction to a fine not exceeding *fifty* pounds for each offence.

4. Subsection one of section forty-two of the Industrial Concilia-  
20 tion and Arbitration Amendment Act, 1908, is hereby repealed, and the following subsection substituted therefor:—

Section 42 of  
Amendment Act,  
1908, amended.

“(1.) If at any time after the date fixed in pursuance of section  
thirty hereof for the hearing of the dispute the Council is satisfied that  
a settlement of the dispute will not thereby be arrived at, the Council  
25 shall deliver to the Clerk of Awards for the industrial district in which the dispute has arisen a notification to that effect under the hand of the Commissioner.

5. (1.) Notwithstanding the provisions of section seventy-one of  
the Industrial Conciliation and Arbitration Amendment Act, 1908, the  
30 provisions of any award shall not apply to or affect any County Council or Road Board save pursuant to an order of the Court in that behalf made on application by the County Council or Road Board, or by any union of workers on behalf of the employees of such Council or Board.

County Councils  
and Road Boards  
exempted from  
operation of  
principal Act.

(2.) On any such application the Court may apply the award  
with such modifications or variations (if any) as it thinks fit, to such  
County Council or Road Board, as the case may be.

6. In every award or industrial agreement made or entered into  
after the commencement of this Act provision shall be made for the  
40 setting-up of a Disputes Committee, whose function it shall be to endeavour to settle any dispute that may arise in the administration of the award or agreement, and to provide for any contingencies that may arise in relation to the subject-matter of the award or agreement and that are not covered by that award or agreement.

Awards to provide  
for setting up  
Disputes Committee.

7. Section five of the principal Act is hereby amended by omitting  
45 from subparagraph (viii) of paragraph (c) thereof all words after the words “and so that,” and substituting the words “no member shall be required to give more than three months’ notice of his intention to discontinue his membership, but the resignation of a member shall not  
50 be effective, save by leave of the committee of management, unless and until he has paid all fees, fines, levies, or other dues payable by him under the rules, and shall not exempt him from liability in respect of any act or omission while he was a member.”

Section 5 of  
principal Act  
amended.

Section 17 of  
principal Act  
amended.

8. (1.) Section seventeen of the principal Act is hereby amended by omitting from subsection one the words "a list of the members and officers (including trustees) of such union," and substituting the words "a return showing the names, addresses, and occupations of the officers and trustees of the union and also the number of members of the union."

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(2.) The principal Act and its amendments are hereby consequentially amended by omitting all references to the aforesaid list, and substituting references to the return required by the said section seventeen as amended by the foregoing provisions of this section.

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Section 66 of  
principal Act  
amended.

9. Section sixty-six of the principal Act is hereby amended by omitting paragraph (a) of subsection two thereof, and substituting the following:—

"(a.) (i.) The Governor-General shall by public notice appoint a day for the nomination of the following officers: A nominated member of the Court to be appointed on the recommendation of industrial unions of employers; an acting nominated member of the Court to be appointed on the like recommendation; a nominated member of the Court to be appointed on the recommendation of industrial unions of workers; an acting nominated member of the Court to be appointed on the like recommendation.

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"(ii.) No person shall be deemed to be a candidate unless he is nominated as follows: A nomination-paper in the prescribed form signed by the president and the secretary of the industrial union by whom the candidate is nominated and signed also by the candidate in token of his agreement to act if appointed, shall be delivered or posted to the Registrar, addressed to the Registrar's office in Wellington at any time after the publication of the said notice but so as to be received by him before noon on the day appointed for the nomination:

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"Provided that where a candidate is nominated for the position by more than one union it shall be sufficient if he signs one nomination-paper.

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"(iii.) Every such nomination-paper shall contain a statement that the candidate is nominated pursuant to a resolution passed at a special meeting of the union, and no nomination shall be valid unless such a resolution has been passed.

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"(iv.) If more than one candidate is nominated for any one office, then the Governor-General shall forward to all industrial unions of employers or of workers, as the case may be, a list of the persons nominated to be nominated member or acting nominated member on the recommendation of unions of employers or of workers, as the case may be, and shall call upon such unions to recommend from such list a suitable person for each such office.

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5 “(v.) Each industrial union may within one month after receipt of such request in accordance with a resolution passed at a special meeting of the union recommend to the Governor-General from such lists the names of two persons, one to be the nominated member and one to be the acting nominated member of the Court, and from the names submitted the Governor-General shall select the names of four persons for appointment as aforesaid.”

10 10. Section thirty of the Industrial Conciliation and Arbitration Amendment Act, 1908, is hereby amended by inserting the following subsection:—

Section 30 of Amendment Act, 1908, amended.

15 “(3A.) In any case where an award or industrial agreement is in force an application under this section, with respect to any matters to which the award or agreement relates or any matters relative thereto, may be made at any time not earlier than three months before the expiration of the currency of the award or agreement.”

20 11. (1.) No person shall be required to pay an entrance fee or other fee exceeding *five* shillings on his admission, or as a condition of his admission, as a member of any industrial union of workers, or of a society of workers bound by an agreement under section eight of the Labour Disputes Investigation Act, 1913, and no levy or other charge (except such subscription, if any, as may be payable in accordance with the rules) shall be or become payable by any

Restriction as to payment of subscriptions, levies, &c.

25 member until the expiration of at least one month after he has become a member.  
30 (2.) Any sums paid by a member of any such union or society in contravention of this section may be recovered by him or by an Inspector on his behalf as a debt due to him by the union or society, at any time before the expiration of six months after he has ceased to be a member of the union or society.