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*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,  
26th October, 1922.*

[AS REPORTED FROM THE LABOUR BILLS COMMITTEE.]

*Legislative Council, 27th October, 1922.*

*Hon. Mr. Anderson.*

INDUSTRIAL CONCILIATION AND ARBITRATION  
AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title and commencement.</p> <p>2. Dispute affecting two or more districts may be the subject-matter of conciliation proceedings.</p> <p>3. Industrial unions and other labour organizations to keep proper accounts.</p> <p>4. Section 42 of Amendment Act, 1908, amended.</p> <p>5. County Councils and Road Boards exempted from operation of principal Act.</p>	<p>6. Section 5 of principal Act amended.</p> <p>7. Section 17 of principal Act amended.</p> <p>8. Section 66 of principal Act amended.</p> <p>9. Section 30 of Amendment Act, 1908, amended.</p> <p>10. Restriction as to payment of subscriptions, levies, &amp;c.</p> <p>11. Section 107 of principal Act amended.</p> <p>12. Registration of industrial union of workers with less than fifteen members.</p>
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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:—

10 1. (1.) This Act may be cited as the Industrial Conciliation and Arbitration Amendment Act, 1922, and shall be read together with and deemed part of the Industrial Conciliation and Arbitration Act, 1908 (hereinafter referred to as the principal Act). Short Title and commencement.

(2.) This Act shall come into force on the first day of January, nineteen hundred and twenty-three.

15 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 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. Dispute affecting two or more districts may be the subject-matter of conciliation proceedings.

20 (2.) Such application shall be filed with the Clerk of Awards in one of the industrial districts affected by the dispute, and all the 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.

25 (3.) On the filing of any such application the industrial districts affected by the dispute shall be deemed to be one industrial district (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

(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. 10

(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. 15

(7.) In any such case the place or places of hearing of the dispute by the Court shall be fixed by the Court. 20

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. 25

(2.) The Registrar may at any time and from time to time, if he has reason to believe that any accounts have not been properly kept or that any moneys have been misappropriated, 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 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. 30

(3.) Every union, association, or society which makes default in 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. 35

(4.) Every person who wilfully makes or orders to be made any false entry in or any omission from any books of account, is liable on summary conviction to a fine not exceeding *fifty* pounds for each offence. 40

Section 42 of Amendment Act, 1908, amended.

4. Subsection one of section forty-two of the Industrial Conciliation and Arbitration Amendment Act, 1908, is hereby repealed, and the following subsection substituted therefor:— 45

“(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 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. 50

5. (1.) Notwithstanding the provisions of section seventy-one of the Industrial Conciliation and Arbitration Amendment Act, 1908, the 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. Section five of the principal Act is hereby amended by omitting 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 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.

7. (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, trustees, and auditors of the union and also the number of members of the union."

Section 17 of principal Act amended.

(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.

(3.) In addition to the return required to be furnished pursuant to section seventeen of the principal Act as amended by this section, the Registrar or any Inspector of Awards may at any time require any industrial union or association to furnish within seven days a statement showing the names, addresses, and occupations of the officers of the union or association, and, in the case of an industrial union, showing the names, addresses, and occupations of any of its members.

(4.) Every union or association which makes default in complying with the provisions of the *last preceding* subsection, and every officer of any such union or association 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.

(5.) Every person who wilfully makes or orders to be made any false entry in or any omission from any statement prepared pursuant to subsection *three* hereof is liable on summary conviction to a fine not exceeding *fifty* pounds for each offence.

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

Section 66 of principal Act amended.

"(a.) (i.) The Governor-General shall by public notice, a copy of which will be sent by the Registrar to each industrial union, appoint a day for the nomination of the follow-

ing 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. 5

“(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 : 10 15

“ 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. 20

“(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. 25

“(iv.) If more than one candidate is nominated for any one office, the Registrar 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 each of such unions to recommend from such list a suitable person for each such office. 30 35

“(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 two of the persons so nominated, 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.” 40

9. Section thirty of the Industrial Conciliation and Arbitration Amendment Act, 1908, is hereby amended by inserting the following subsection :— 45

“(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 two months before the expiration of the currency of the award or agreement.” 50

10. (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 subscription exceeding one shilling per week and no levy or other charge shall be or become payable by any member until the expiration of at least one month after he has become a member.

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

(2.) No levy shall be payable by any member of a union save in accordance with the decision of the union expressed at a ballot taken on a proposal to charge such levy. For the purposes of this subsection a proposal shall be deemed to be carried only if a majority of the valid votes recorded at the ballot is in favour thereof.

(3.) 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.

11. Section one hundred and seven of the principal Act is hereby amended by omitting from subsection two all the words after the words "approved by the members," and substituting the following words: "by resolution passed by secret ballot at a special meeting of the union or of the unions concerned as the case may be."

Section 107 of principal Act amended.

12. Where in any case the number of members of a society of workers is not sufficient to qualify such society for registration as an industrial union in accordance with section five of the principal Act, the Registrar may register such society if he is satisfied that the number of members thereof is not less than twenty-five per centum of the total number of workers engaged in the industry in the industrial district or locality concerned:

Registration of industrial union of workers with less than fifteen members.

*New.*

Provided that no such union shall consist of less than five members.