

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,
12th May, 1936.*

[AS AMENDED BY THE LABOUR BILLS COMMITTEE.]
Legislative Council, 15th May, 1936.

Hon. Mr. Armstrong.

INDUSTRIAL CONCILIATION AND ARBITRATION AMENDMENT.

ANALYSIS.

- | | |
|--|--|
| Title. | 17. Requiring all workers who are subject to any award or industrial agreement to be members of a union. |
| 1. Short Title. | 18. With intent to secure effective operation of award, Court may confer on union officials rights of entry on employers' premises and certain other rights. |
| 2. Extension of definition of term "industrial matters" as set out in section two of principal Act and as judicially construed. | 19. Where deemed practicable new awards to fix working-hours at not more than forty hours a week. |
| 3. Court to fix basic rates of wages. | 20. Court may amend existing awards in respect of working-hours. |
| 4. Further provisions restricting the registration of new unions. Repeal. | 21. Saturday work to be eliminated where practicable. |
| 5. Provision for registration of New Zealand unions of employers and workers. | 22. Further extension of powers of Court to amend awards. |
| 6. Registration of New Zealand union in relation to industries in respect of which no union is in existence. | 23. Exemption from general order of Court extending award to unspecified unions or unspecified employers. |
| 7. Registration of New Zealand union in relation to industry or industries in respect of which one or more unions are in existence. | 24. Consequential amendment of section 93 of principal Act. |
| 8. Effect of registration of New Zealand union. | 25. Suit instituted by any Inspector of Awards may be continued by any other such Inspector. |
| 9. Restriction on registration of unions while New Zealand union in existence. | 26. Extension of time for commencing actions under principal Act. |
| 10. Provision for registration of industrial unions covering two or more industrial districts. | 27. Section 143 of principal Act (imposing restrictions on amounts chargeable as admission fees or as subscriptions to unions) amended. |
| 11. Rate of remuneration of additional Conciliation Commissioners to be fixed by Parliament. | 28. Restricting application of awards and industrial agreements in cases where work not carried on for pecuniary gain of employer. Consequential repeal. |
| 12. Where settlement of industrial dispute is effected by Council of Conciliation, terms of settlement to be embodied in industrial agreement. Exemptions. | 29. Application of awards and industrial agreements to relief and certain other workers. |
| 13. Mode of execution of industrial agreements effected by Council of Conciliation. | 30. Inspector of Awards may recover arrears of wages on behalf of worker subject to an award or industrial agreement. |
| 14. Restoring to Court of Arbitration its former jurisdiction in relation to industrial disputes. | |
| 15. Procedure where settlement not arrived at but Council makes recommendation for settlement. | |
| 16. Repealing spent and superseded provisions of Act of 1932. | |

2 *Industrial Conciliation and Arbitration Amendment*

A BILL INTITULED

Title. AN ACT to amend the Industrial Conciliation and Arbitration Act, 1925.

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

Short Title. 1. This Act may be cited as the Industrial Conciliation and Arbitration Amendment Act, 1936, and shall be read together with and deemed part of the Industrial Conciliation and Arbitration Act, 1925 (hereinafter referred to as the principal Act).

See Reprint of Statutes, Vol. III, p. 939

Extension of definition of term "industrial matters" as set out in section two of principal Act and as judicially construed.

2. Whereas it has been judicially decided that the definition in general terms of the expression "industrial matters" contained in section two of the principal Act is in some respects restricted by the specification in paragraphs (a) to (f) of the said definition of certain matters as industrial matters: And whereas it is desirable that all such restrictions of the general definition be removed, and that the definition be further extended as hereinafter appearing: Be it therefore enacted as follows:—

(a) The definition of the expression "industrial matters" in section two of the principal Act is hereby amended by repealing paragraphs (a) to (f) thereof, and by omitting in consequence the words "and, without limiting the general nature of the above definition, includes all matters relating to":

(b) The said definition is hereby further amended by adding, after the words "indictable offence", the words "and includes all matters affecting the privileges, rights, and duties of industrial unions or industrial associations or the officers of any such union or association".

Court to fix basic rates of wages.

3. (1) The Court shall of its own motion, within *three* months after the commencement of this Act, make a general order fixing a basic rate of wages for adult male workers employed in any industry to which any award or industrial agreement relates, and, by the same or a similar order, shall, within the same time, fix a basic rate of wages for adult female workers so employed.

(2) Any general order made under this section may from time to time, at intervals of not less than six months in any case, be amended by a subsequent general order made by the Court, either of its own motion or on application made to the Court by any industrial union or industrial association.

(3) Every general order made under this section shall come into force on a date to be specified in that behalf in the order.

5 (4) In fixing a basic rate of wages under this section the Court shall have regard to the general economic and financial conditions then affecting trade and industry in New Zealand, the cost of living, and any fluctuations in the cost of living since the last order, if any, was made under the authority of this section.

10 (5) The basic rate of wages for adult male workers fixed under the authority of this section shall be such a rate as would, in the opinion of the Court, be sufficient to enable a man in receipt thereof to maintain a wife and three children in a fair and reasonable standard of
15 comfort.

(6) Except as provided in the *next succeeding* subsection, while any general order fixing a basic rate of wages remains in force, no adult male or female worker employed in any industry to which any award or industrial
20 agreement relates shall receive less than the basic rate of wages for male or female workers, as the case may be, anything to the contrary in any such award or industrial agreement notwithstanding.

(7) Any general order made under this section may
25 make provision for the issue to any worker of a permit to accept a wage lower than the basic rate of wages. The provisions of section one hundred and forty-five of the principal Act (providing for the issue of permits to accept a wage below that prescribed in any award
30 for ordinary workers) shall, so far as applicable, apply with respect to the issue and duration of permits under this subsection.

4. (1) Where at any time after the passing of this Act application is made for the registration of any society
35 (including a trade-union) as an industrial union of employers or as an industrial union of workers, and there is in the same industrial district an existing union of employers or of workers, as the case may be, registered in respect of the same industry (whether or not the
40 maximum number of members of that union is limited by its rules or otherwise), or there is in the same industrial district an existing trade-union which was registered as such before the first day of May, nineteen hundred and thirty-six, and to which the members of the

Further provisions restricting the registration of new unions.

4 *Industrial Conciliation and Arbitration Amendment*

applicant society could properly belong, the Registrar shall not register the applicant society as an industrial union except with the concurrence of the Minister.

Repeal.

(2) This section is in substitution for section eleven of the principal Act, and that section is hereby repealed accordingly. 5

Provision for registration of New Zealand unions of employers and workers.

5. (1) Any society that is lawfully associated for the purpose of protecting or furthering the interests of employers or workers, as the case may be, engaged throughout New Zealand in or in connection with any specified industry or related industries may, with the concurrence of the Minister but not otherwise, be registered as an industrial union of employers or as an industrial union of workers, as the case may be, if the Registrar is satisfied— 10 15

(a) Where application is made for the registration under this section of an industrial union of employers, that the applicant society has a branch of not less than three members in each of at least *four* industrial districts: 20

(b) Where application is made for the registration under this section of an industrial union of workers, that the applicant society has a branch of not less than fifteen members in each of at least *four* industrial districts. 25

(2) Where a union is registered in accordance with this section, the name of the union shall be “The New Zealand [*Here insert descriptive reference to the industry or related industries concerned*] Industrial Union of Employers”, or “The New Zealand [*Here insert descriptive reference to the industry or related industries concerned*] Industrial Union of Workers”, as the case may be, and the reference in the registered name to New Zealand shall be deemed to satisfy the requirements of section seven of the principal Act that the name of the union shall specify the locality in which the majority of its members reside or exercise their calling. 30 35

Registration of New Zealand union in relation to industries in respect of which no union is in existence.

6. Where application is made for the registration of any society as a New Zealand union of employers or as a New Zealand union of workers, as the case may be, in connection with any industry or industries in connection with which there is not, at the time of application, any existing registered union of employers or workers, as the case may be, the society shall, subject to the provisions 40

of the *last preceding* section, be registered on compliance with the requirements of section five of the principal Act.

7. Where application is made for the registration of any society as a New Zealand union of employers or as
5 a New Zealand union of workers, as the case may be, in connection with any industry or industries in connection with which one or more unions of employers or workers, as the case may be, are then registered under the principal Act, the Registrar shall refuse to register the
10 society as a New Zealand union unless he is satisfied either—

Registration of New Zealand union in relation to industry or industries in respect of which one or more unions are in existence.

(a) That the existing union or that all the existing unions of employers or workers, as the case may be, concur in the application for the
15 registration of the society as a New Zealand union; or

(b) That a majority of all the employers or workers, as the case may be, in New Zealand, being
20 members of any such existing union as aforesaid, are in favour of the registration of a New Zealand union.

8. (1) On the registration of a New Zealand union of employers or of workers the registration of all existing
25 unions of employers or workers, as the case may be, connected with the same industry or industries shall be deemed to be cancelled unless the Minister, by direction in writing given either before or after the registration of the New Zealand union, otherwise determines in respect of any such existing union or
30 existing unions. No such direction shall be given by the Minister in respect of any existing union unless he is satisfied that a majority of the members of that union desire that its registration should not be cancelled.

Effect of registration of New Zealand union.

(2) The registration of a New Zealand union or the
35 cancellation of the registration of any union in accordance with this section shall not affect the operation of any industrial agreement or award in force at the date of registration, but all such agreements and awards shall continue in force until superseded or otherwise terminated
40 in accordance with the provisions of the principal Act, and while so in force shall be binding on all employers and workers who would be bound thereby if the New Zealand union had not been registered or the registration of any other union had not been
45 cancelled.

6 *Industrial Conciliation and Arbitration Amendment*

Restriction on registration of unions while New Zealand union in existence.

9. While a New Zealand union of employers or workers, as the case may be, is in existence, in respect of any industry or related industries, the Registrar shall not register for any industrial district or other locality any society as a union of employers or workers, as the case may be, in respect of the same industry or industries, unless he is satisfied that not less than two-thirds of all employers or workers, as the case may be, who are engaged or employed in the district or other locality to which the application relates are members of the society in respect of which the application for registration is made. 5 10

Provision for registration of industrial unions covering two or more industrial districts.

10. (1) The provisions of sections *five to nine* hereof shall apply with the necessary modifications to permit of the registration as an industrial union of employers or as an industrial union of workers, as the case may be, of any society lawfully associated for the purpose of protecting or furthering the interests of all the employers or all the workers, as the case may be, engaged in or in connection with any specified industry or related industries, in the North Island, or in the South Island, or in any two or more specified industrial districts: 15 20

Provided that no society shall be registered under this section as an industrial union of employers unless it has a branch of not less than three members in each of at least two industrial districts, and no society shall be registered under this section as an industrial union of workers unless it has a branch of not less than fifteen members in each of at least two industrial districts. 25

(2) In the application of the provisions of the said sections *five to nine* hereof to unions registered under this section, or to applications for the registration of any union under this section, all references therein to "New Zealand" shall be read (as the case may require) as references to the North Island, or to the South Island, or to the particular industrial districts concerned, and all references therein to existing unions shall be read (as the case may require) as references to unions registered in respect of an industrial district in the North Island, or to unions registered in respect of an industrial district in the South Island, or to unions registered in respect of some industrial district directly concerned in the registration, or the application for the registration, of the new union. 30 35 40

11. Subsection four A of section forty of the principal Act (as set out in section two of the Industrial Conciliation and Arbitration Amendment Act, 1932) is hereby amended by omitting the words "prescribed by regulations under this Act", and substituting the words "appropriated by Parliament for the purpose".

Rate of remuneration of additional Conciliation Commissioners to be fixed by Parliament.
1932, No. 4

12. (1) If a settlement of an industrial dispute is arrived at by the parties in the course of an inquiry held before a Council of Conciliation in accordance with the provisions of the principal Act, the terms of the settlement shall be set forth as an industrial agreement. Except as provided in the *next succeeding* section (with respect to the mode of execution), all the provisions of the principal Act relating to industrial agreements shall apply with respect to industrial agreements made under this section.

Where settlement of industrial dispute is effected by Council of Conciliation, terms of settlement to be embodied in industrial agreement.

(2) At any time within one month after any such agreement has been filed in the office of the Clerk of Awards any employer, trade-union, industrial union, or industrial association bound thereby may apply to the Court for total or partial exemption from such agreement, and the Court may grant such exemption accordingly or may refuse to grant exemption.

Exemptions.

(3) The fact that application for exemption from the terms of any such agreement has been made and has not been disposed of shall not relieve any person or any union or association from his or its obligation to conform to the agreement :

Provided that where application for total or partial exemption from the operation of an agreement to which this section refers is made as aforesaid by any employer, trade-union, industrial union, or industrial association that was not bound by, or that was wholly or partially exempted from, the provisions of any former award or industrial agreement for which the first-mentioned agreement has been substantially substituted, such employer, trade-union, industrial union, or industrial association, as the case may be, shall, pending the determination of the Court on the application for exemption, be exempt from the operation of the said agreement to the same extent, as nearly as may be, as he or it was exempt from the operation of the former award or industrial agreement.

13. (1) Every industrial agreement made under the *last preceding* section shall be executed on behalf of the parties by the assessors.

Mode of execution of industrial agreements effected by Council of Conciliation.

8 *Industrial Conciliation and Arbitration Amendment*

(2) Section fifty-five of the principal Act is hereby amended by omitting from subsection one the words "by all the parties thereto, or their attorneys or representatives", and substituting the words "on behalf of the parties by the assessors".

5

(3) The execution of any industrial agreement by assessors pursuant to this section shall be conclusive proof that a settlement in terms of the instrument of agreement has been arrived at by the parties to the dispute.

Restoring to Court of Arbitration its former jurisdiction in relation to industrial disputes.

14. (1) If a settlement of an industrial dispute is not arrived at in the course of an inquiry held before a Council of Conciliation in accordance with the provisions of the principal Act, and no recommendation for the settlement of the dispute is made by the Council in accordance with the provisions of section fifty-four of that Act, the Clerk shall forthwith refer the dispute to the Court for settlement, and thereupon the dispute shall be before the Court; and in the meantime the Council shall endeavour to induce the parties to agree to some temporary and provisional arrangement to operate until the dispute can be determined by the Court.

10

15

20

(2) The *last preceding* subsection shall apply with respect to disputes existing at the commencement of this Act as well as to disputes that may hereafter arise.

Procedure where settlement not arrived at but Council makes recommendation for settlement. Cf. 1925, No. 24, s. 57; see Reprint of Statutes, Vol. III, p. 965

15. (1) When notification is given to the Clerk of Awards, in accordance with section fifty-three of the principal Act, that a settlement of an industrial dispute has not been arrived at, and the Council has made a recommendation for the settlement of the dispute in accordance with the provisions of section fifty-four of that Act, the Clerk of Awards shall, as soon as practicable, give notice in the prescribed form to the parties to the dispute of the filing of the recommendation and of the place where it may be seen, and shall require them, if they disagree with the recommendation, to signify their disagreement within one month, and, if they so desire, to state reasons for their disagreement.

25

30

35

(2) If within the time aforesaid no notice of disagreement has been filed, the Clerk shall as soon as possible thereafter give to the parties notice in the prescribed form of the fact that no notice of disagreement has been filed, and the recommendation shall, as from seven days after the date of that notice, operate and be enforceable in the same manner as if it were an industrial agreement; and the Clerk shall endorse the recommendation accordingly.

40

45

Industrial Conciliation and Arbitration Amendment 9

(3) If any party to the dispute duly signifies his disagreement with the recommendation the dispute shall be referred by the Clerk to the Court for settlement, and thereupon the dispute shall be before the Court, and the Court may, after hearing any of the parties that have signified their disagreement, incorporate the terms of the recommendation in an award.

(4) If it appears to the Court that any reason given for disagreement with the recommendation is trivial or frivolous it may disregard such disagreement, and the parties so disagreeing shall be deemed to have concurred in the recommendation.

16. (1) Sections *twelve* to *fifteen* of this Act are generally for the purpose of restoring to the Court the jurisdiction in relation to industrial disputes which it was empowered to exercise prior to the passing of the Industrial Conciliation and Arbitration Amendment Act, 1932, and sections five, six, seven, eight, nine, ten, eleven, and fourteen of that Act and the Schedule thereto are hereby repealed.

Repealing spent and superseded provisions of Act of 1932.

1932, No. 4

(2) Section fifty-eight of the Finance Act, 1933 (No. 2), is hereby repealed.

1933, No. 41

17. (1) In every award made after the passing of this Act the Court shall make provision to the effect that, while the award continues in force, it shall not be lawful for any employer bound thereby to employ or to continue to employ in the industry to which the award relates any adult person who is not for the time being a member of an industrial union of workers bound by that award or who is not for the time being a member of a trade-union which was registered as such before the first day of May, nineteen hundred and thirty-six, and which is bound by that award.

Requiring all workers who are subject to any award or industrial agreement to be members of a union.

(2) In every industrial agreement made after the passing of this Act there shall be or be deemed to be included therein a provision to the effect that, while the industrial agreement continues in force, it shall not be lawful for any employer bound thereby to employ or to continue to employ in the industry to which the agreement relates any adult person who is not for the time being a member of an industrial union of workers bound by that agreement or who is not for the time being a member of a trade-union which was registered as such before the first day of May, nineteen hundred and thirty-six, and which is bound by that agreement.

10 *Industrial Conciliation and Arbitration Amendment*

(3) Every award or industrial agreement in force on the date of the passing of this Act shall, on the expiration of one month after that date, be deemed to be amended as if there were then inserted therein a provision to the effect that, while the award or industrial agreement continues in force, it shall not be lawful for any employer bound thereby to employ or to continue to employ in the industry to which the award or agreement relates any adult person who is not for the time being a member of an industrial union of workers bound by that award or agreement or who is not for the time being a member of a trade-union which was registered as such before the first day of May, nineteen hundred and thirty-six, and which is bound by that award or agreement.

(4) Every person who is obliged to become a member of any union by the operation of the foregoing provisions of this section shall be entitled to become a member of that union on application made in accordance with its rules, and in so far as the rules of any union are inconsistent with the provisions of this subsection they shall be null and void:

Provided that nothing in this subsection shall apply so as to oblige any union to admit any person to its membership at any time while its maximum membership is fixed by or in accordance with any award or order of the Court if by the admission of such person the prescribed maximum membership of the union would be exceeded. Any award or order made by the Court (whether before or after the passing of this Act) in so far as it fixes the maximum membership of any union shall be deemed to be within the jurisdiction of the Court.

(5) Notwithstanding anything in the foregoing provisions of this section, the following provisions of this subsection shall apply to permit the employment of non-unionists in the special circumstances hereinafter mentioned, namely:—

(a) In the case of a person who is debarred from admission to any union bound by an award or agreement, by reason of any limitations imposed on the membership of the union in accordance with the *last preceding* subsection, that person may be employed by any employer

bound by that award or agreement at any time while there is no member of the union available to perform the particular work required to be done, and ready and willing to undertake it:

5 (b) Any other non-unionist may be continued in employment by an employer bound by an award or agreement during any time while there is no member of a union bound by that award or agreement who is available to perform
10 the particular work required to be done, and is ready and willing to undertake it.

(6) For the purposes of this section a person of the age of eighteen years or upwards, and every other person who for the time being is in receipt of not less
15 than the minimum rate of wages prescribed for adult workers by any award or agreement, shall be deemed to be an adult.

18. (1) With intent to secure the effective operation of any award, the Court may include therein all such
20 provisions as it considers reasonably necessary, and in particular may include provisions to confer on the secretary or any other officer or representative of any industrial union of workers power to enter at all reasonable times upon the premises of any employer bound by the
25 award, and there to interview any workers, but not so as to interfere unreasonably with the employer's business.

With intent to secure effective operation of award, Court may confer on union officials rights of entry on employers' premises and certain other rights.

(2) Any provisions that are expressed in the award to be made under the authority of this section shall be deemed to relate to industrial matters within the meaning
30 of the principal Act, and may be at any time revoked or amended by the Court, of its own motion, on such grounds as to the Court seem sufficient.

19. (1) In every award made after the passing of this Act the Court shall fix at not more than forty the
35 maximum number of hours (exclusive of overtime) to be worked in any week by any worker bound by the award unless, in the opinion of the Court, after hearing representatives of employers and of workers, it would be impracticable to carry on efficiently any industry to
40 which the award relates if the working-hours were so limited :

Where deemed practicable new awards to fix working-hours at not more than forty hours a week.

New.

45 Provided that no such award, in so far as it fixes the maximum weekly number of working-hours at forty or less, shall take effect before the first day of September, nineteen hundred and thirty-six.

(2) Where in any award made after the passing of this Act the maximum number of hours (exclusive of overtime) to be worked by any worker in any week is

12 *Industrial Conciliation and Arbitration Amendment*

fixed in excess of forty, the Court shall indicate in the award the grounds which, in the opinion of the Court, made impracticable the fixing of forty hours as the maximum number of hours to be worked in any week.

Court may amend existing awards in respect of working-hours.

20. (1) On application made by any industrial union, industrial association, or employer bound by an award or industrial agreement in force at the passing of this Act the Court shall, by order made as soon as possible after the filing of the application, amend the award or agreement by fixing at not more than forty the maximum number of hours (exclusive of overtime) to be worked in any week by any worker bound by the award or agreement, unless, in the opinion of the Court, after hearing representatives of the employers and the workers concerned, it would be impracticable to carry on efficiently any industry to which the award or agreement relates if the working-hours were so limited. Where on application made under this subsection the Court declines, on the ground of impracticability, to reduce to forty the maximum weekly working-hours provided for in the award, it may nevertheless amend the award by reducing the maximum weekly working-hours provided for therein so as to provide for a maximum intermediate between forty hours and the maximum provided for in the award.

(2) Any order made under this section *before the first day of September, nineteen hundred and thirty-six, shall take effect on that date, and every other order made under this section shall take effect on a day to be fixed therein in that behalf, being not later than one month after the date of the order.*

(3) Where by an order of the Court made under this section the maximum number of hours to be worked in any week, as fixed by any award or industrial agreement, is reduced, any rates of pay fixed in the award or agreement shall, if necessary, be increased, either directly by the Court or indirectly by the operation of the order, so that the ordinary rate of weekly wages of any worker bound by the award or agreement shall not be reduced by reason of the reduction made in the number of his working-hours.

Saturday work to be eliminated where practicable.

21. In any order made by the Court under either of the *last two preceding* sections, fixing at forty the maximum weekly working-hours, the Court shall endeavour to fix the daily working-hours so that no part of the working period falls on a Saturday.

22. (1) Section ninety-two of the principal Act is hereby amended by omitting the word "specified" from paragraph (b) of subsection one thereof, and also from the third proviso to that paragraph. Subject to the provisions of this section, the powers conferred on the Court by the said paragraph (including the said proviso), or by subsection three of the same section, may be exercised in respect of any trade-union, industrial union, industrial association, or employer, whether specified in the order of the Court or not.

Further extension of powers of Court to amend awards.

(2) The said section ninety-two is hereby further amended by repealing the first proviso to paragraph (b) of subsection one, and substituting the following proviso:—

"Provided that the Court shall not, under the authority of this paragraph, extend an award to join and bind any employer as party thereto unless it is satisfied that a majority of the employers in the district who are engaged in the industry to which the award relates are already bound by the award:"

23. (1) Where the Court, pursuant to the powers conferred on it by section ninety-two of the principal Act as amended by the *last preceding* section, extends any award so as to join and bind as party thereto any unspecified trade-union, industrial union, industrial association, or employer, any such trade-union, industrial union, industrial association, or employer may, at any time within one month thereafter, apply to the Court for total or partial exemption from the award, and the Court may grant such exemption accordingly or may refuse to grant such exemption.

Exemption from general order of Court extending award to unspecified unions or unspecified employers.

(2) The fact that application for exemption from the terms of any award has been made under this section and has not been disposed of shall not relieve any person or any union or association from his or its obligation to conform to the award.

24. Section ninety-three of the principal Act is hereby amended by adding to subsection two the words:—

Consequential amendment of section 93 of principal Act

"Provided that where application is made that the award be extended so as to join as party thereto any unspecified trade-union, industrial union, industrial association, or employer, it shall be sufficient compliance with this section if notice of the application is given by advertisement or otherwise in such manner as may be prescribed by rules of Court, or, in the absence of such rules, in such manner as the Court directs."

14 *Industrial Conciliation and Arbitration Amendment*

Suit instituted by any Inspector of Awards may be continued by any other such Inspector.

Extension of time for commencing actions under principal Act.

Section 143 of principal Act (imposing restrictions on amounts chargeable as admission fees or as subscriptions to unions) amended.

See Reprint of Statutes, Vol. III, p. 1021

Restricting application of awards and industrial agreements in cases where work not carried on for pecuniary gain of employer.

25. Section one hundred and thirty of the principal Act is hereby amended by adding to subsection three the following words: "Any such action that is brought at the suit of an Inspector of Awards may be continued by the same or any other Inspector of Awards".

5

26. (1) Sections one hundred and forty-one and one hundred and forty-six of the principal Act are hereby respectively amended by omitting therefrom the word "six", and in each case substituting the word "twelve".

(2) The extension of time for the commencement of actions provided for in the *last preceding* subsection shall apply in any case where the cause of action has arisen within twelve months before the commencement of this Act.

10

27. (1) Section one hundred and forty-three of the principal Act is hereby amended by omitting from subsection one the words "and no subscription exceeding one shilling per week".

15

(2) The said section is hereby further amended by inserting, after subsection two thereof, the following subsection:—

20

"(2A) It shall not be competent for any industrial union of workers, or for any society of workers bound by an agreement under section eight of the Labour Disputes Investigation Act, 1913, to provide in its rules for the payment by its members of subscriptions exceeding one shilling a week unless the rules, in so far as they relate to the subscriptions payable by members, have been adopted at a meeting of which not less than seven days' notice in writing was sent to every member, and such notice contained an express statement to the effect that the purpose or one of the purposes for which the meeting was called was to adopt rules providing for the payment by members of subscriptions at a rate exceeding one shilling a week."

25

30

35

28. (1) No award or industrial agreement shall affect the employment of any worker who is employed by any charitable or religious organization in any industry that is carried on by it otherwise than for pecuniary gain.

(2) Except as provided by the *last preceding* subsection, the fact that any work is not carried on for the pecuniary gain of the employer shall not restrict the application of any award or industrial agreement, whether such award or agreement has been made before or is made after the passing of this Act.

40

45

Industrial Conciliation and Arbitration Amendment 15

(3) This section is in substitution for section one hundred and fifty-four of the principal Act, and that section is hereby accordingly repealed.

Consequential repeal.

5 29. (1) Section one hundred and fifty-five of the principal Act is hereby repealed.

Application of awards and industrial agreements to relief and certain other workers.

(2) Section thirteen of the Industrial Conciliation and Arbitration Amendment Act, 1932, is hereby repealed.

10 30. Without affecting any other civil remedies for the recovery of wages payable to any person employed in an industry to which any award or industrial agreement under the principal Act relates, civil proceedings for the recovery of such wages may be taken by any Inspector of Awards, in the name and on behalf of the person entitled to payment, in any case where the Inspector is

15 satisfied that default in payment has been made

Inspector of Awards may recover arrears of wages on behalf of worker subject to an award or industrial agreement.

New.

Cf. 1921-22, No. 42, s. 32 (e); see Reprint of Statutes, Vol. III, p. 216

, and
that such default is not due to false statements knowingly made by the worker to the employer.