

Hon. Mr. Anderson.

INDUSTRIAL CONCILIATION AND ARBITRATION
AMENDMENT (No. 2).

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Status of Judge of Arbitration Court.</p> <p>3. Section 66 of principal Act amended.</p> <p>4. Section 90 of principal Act amended.</p> <p>5. Amendment of awards with consent of parties.</p> <p>6. Section 121 of principal Act amended.</p>	<p>7. Section 131 of principal Act amended.</p> <p>8. Qualification of assessors.</p> <p>9. Provision in respect of casual vacancy in membership of Court.</p> <p>10. Amendment of awards and industrial agreements having regard to cost of living.</p> <p>11. Offences in connection with awards and industrial agreements.</p>
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A BILL INTITULED

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

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, 1921-22 (No. 2), 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.

10 2. (1.) Section sixty-five of the principal Act is hereby amended by repealing subsection three. Repeals.

(2.) Section four of the Industrial Conciliation and Arbitration Amendment Act, 1910, is hereby repealed:
15 *New.*

Provided that the repeal of the said section shall not affect the superannuation rights of any person while acting as a Judge of the Court of Arbitration who has heretofore been appointed a Judge of the Supreme Court. Proviso.

20 3. Section sixty-six of the principal Act as amended by section fifty-five of the Industrial Conciliation and Arbitration Amendment Act, 1908, is hereby further amended by inserting, after the words "for every complete fifty of its members" in subparagraph (ii) of paragraph (aa) of subsection two, the words "but in no case shall a union have more than three *five* votes." Section 66 of principal Act amended.

25 4. Section ninety of the principal Act is hereby amended by omitting from paragraph (d) of subsection one the words "the date of the award," and substituting the words "the date on which the award is expressed to come into force, or if the award fixes different dates on which different provisions shall come into force, then from the earlier or earliest of such dates." Section 90 of principal Act amended.

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Amendment of awards with consent of parties.

5. In addition to the powers conferred on the Court by sect on ninety-two of the principal Act, the Court may, if it is satisfied that all the parties to an award are desirous that the award should be reviewed by the Court, amend the provisions of that award for such purpose and in such manner as the Court thinks fit.

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Section 121 of principal Act amended.

6. Section one hundred and twenty-one of the principal Act is hereby amended by omitting paragraph (n), and substituting the following paragraph :—

“(n.) For the purposes of the appointment of members of the Court the society shall not be deemed to be an industrial union.”

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Struck out.

Section 131 of principal Act amended.

7. Section one hundred and thirty-one of the principal Act is hereby amended by adding the words “or to any local authority or public body.”

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New.

7A. Notwithstanding the provisions of section seventy-one of the amending Act of 1908, the provisions of any award or industrial agreement or of any agreement entered into under the Labour Disputes Investigation Acts, 1913, shall not apply to or affect any local authority or public body in respect of any relief works carried out by special resolution of such local authority or public body.

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Struck out.

Qualification of assessors.

8. Section thirty of the Industrial Conciliation and Arbitration Amendment Act, 1908, is hereby amended by repealing subsection five, and substituting the following subsection :—

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“(5.) Every person so recommended as an assessor must be actually and *bona fide* engaged or employed either as an employer or as a worker in the industrial district and in the industry or in any one of the industries in respect of which the dispute has arisen :

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“Provided that in the case of a dispute affecting women or girls the Commissioner may appoint as one of the assessors some person not qualified as aforesaid, but being a person resident in the industrial district who possesses a knowledge of the industry or industries in respect of which the dispute has arisen.”

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Provision in respect of casual vacancy in membership of Court.

9. (1.) When a casual vacancy occurs *exists* in the office of nominated member of the Court the Governor-General, in lieu of requesting the industrial unions to make a recommendation in accordance with section sixty-six of the principal Act, may appoint as nominated member the acting nominated member appointed on the recommendation of industrial unions of employers or of workers, as the case may be. Every person so appointed shall hold office as nominated member only for the residue of the term of his predecessor.

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(2.) In the event of the appointment of the acting nominated member as the nominated member a casual vacancy shall be deemed to exist in the office of acting nominated member, and the Governor-General may either proceed to fill such vacancy in the same manner as in the case of an original appointment or may allow such vacancy to continue until the expiry of the term of office of such acting nominated member.

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Struck out.

5 10. (1.) Section eighteen of the War Legislation and Statute Law Amendment Act, 1918, as amended by section eight of the Industrial Conciliation and Arbitration Amendment Act, 1920, shall continue in force until the thirtieth day of April, nineteen hundred and *twenty-two*, and shall then expire.

10 (2.) The Court of Arbitration shall be deemed to have had jurisdiction since the passing of the War Legislation and Statute Law Amendment Act, 1918, to order that any amendment of an award or industrial agreement made under section eighteen or section nineteen of that Act should have effect as from the date specified in that behalf in the amending order, and the said section eighteen is hereby consequentially amended as from the passing of the said Act by omitting from subsection two the word "later," and substituting the word
15 "other."

20 (3.) Every provision contained in any award or industrial agreement, or incorporated therein by virtue of any amending order made by the Court of Arbitration under the authority of section eighteen or section nineteen of the War Legislation and Statute Law Amendment Act, 1918, whereby increases in or additions to the rates of remuneration of any workers are granted in accordance with any increase in the cost of living affecting such workers, shall cease to operate on the thirtieth day of April, nineteen hundred and *twenty-two*.

25 (4.) On and after the first day of May, nineteen hundred and *twenty-two*, the following provisions shall apply:—

(a.) The Court of Arbitration may, as soon as conveniently may be after the first day of May, nineteen hundred and *twenty-two*, and as soon as conveniently may be after the first day of November, nineteen hundred and *twenty-two*, proceed to ascertain the rate of increase or decrease in the cost of living as on the thirty-first day of March, nineteen hundred and *twenty-two*, and as on the thirtieth day of September, nineteen hundred and *twenty-two*, respectively, as compared with the average cost of living for the six months ended on the thirtieth day of September, nineteen hundred and
30 twenty, and may by general order increase or reduce the rates of remuneration payable under the provisions of any award or industrial agreement as it considers just and equitable.

40 (b.) The Court, in making such order, shall have regard to the economic and financial conditions affecting trade and industry in New Zealand and all other relevant considerations, and may make such increase or reduction as it thinks just and equitable having regard to a fair standard of living.

45 (c.) Such general order shall be filed in the office of the Clerk of Awards in every industrial district, and shall be deemed to have been incorporated in every award and industrial agreement in force in such industrial district as from the first day of May, nineteen hundred and *twenty-two*, or as from the first day of November, nineteen hundred and *twenty-two*, as the case may be, and shall continue in operation for a period of six months thereafter or until varied by a subsequent order.
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Amendment of awards and industrial agreements having regard to cost of living.

(d.) The Court may, by the same or a subsequent order, on its own motion or on the application of any party to an award or industrial agreement, make such provision as it considers just and equitable for any class or section of workers if it is satisfied that by reason of the special provisions of any awards or industrial agreements affecting such workers, or of economic conditions affecting any trade or industry, or any other relevant considerations such class or section of workers should be excluded from the operations of any such general order :

Provided that the Court shall not reduce the rate of remuneration of any such workers to a lower wage than will, in the opinion of the Court, enable such workers to maintain a fair standard of living.

(e.) No application under the *last preceding* paragraph shall be made by any industrial union or industrial association unless and until a proposal to make such application has been approved by the members of the union or of each of the unions comprised in the association, as the case may be, in the same manner as if the application were an application to which section one hundred and seven of the principal Act applies.

(f.) Every application under paragraph (d) of this subsection shall state the special grounds on which the application is based, and shall be filed with the Clerk of Awards in each of the industrial districts to which the award or industrial agreement relates.

(g.) When a date has been fixed by the Court for the hearing of such application the Clerk shall forthwith give notice to the parties concerned.

(5.) For the purposes of this section the expression "rates of remuneration" includes basic rates of wages and bonuses, and references to the cost of living shall be deemed to import a reference to a fair standard of living for the workers affected by any award or industrial agreement or by any order of the Court made under this section.

New.

10A. (1.) At any time and from time to time while this section remains in force the Court of Arbitration shall have power, subject to the conditions hereinafter expressed, to amend, in such manner as it thinks fit, the provisions of awards or industrial agreements under the principal Act, in so far as such provisions determine the rates of remuneration of any workers.

(2.) In exercising the powers conferred upon it by this section the Court shall have regard to any increase or decrease in the cost of living since the half-year ended on the thirtieth day of September, nineteen hundred and twenty, and to the economic and financial conditions affecting trade and industry in New Zealand, and all other relevant considerations, and may, by general order, make such increase or reduction in the rates of remuneration payable under the provisions of any award or industrial agreement as it thinks just and equitable, having regard to a fair standard of living.

Arbitration Court may amend awards or industrial agreements with respect to rates of wages.

(3.) Such general order shall be filed in the office of the Clerk of Awards in every industrial district, and shall be deemed to have been incorporated in every award and industrial agreement in force in such industrial district as from the date of the order, or as from such later date as may be specified in the order in that behalf, and shall have effect according to its tenor:

Provided that no such general order shall be expressed to come into operation before the first day of May, nineteen hundred and *twenty-two*.

(4.) The Court may, by the same or a subsequent order, of its own motion, or on the application of any party to an award or industrial agreement, make such provision as it considers just and equitable for any class or section of workers if it is satisfied that by reason of the special provisions of any awards or industrial agreements affecting such workers, or of economic conditions affecting any trade or industry, or any other relevant considerations, such class or section of workers should be excluded from the operation of any such general order:

Provided that the Court shall not reduce the rate of remuneration of any such workers to a lower wage than will, in the opinion of the Court, enable such workers to maintain a fair standard of living.

(5.) No application under the *last preceding* subsection shall be made by any industrial union or industrial association unless and until a proposal to make such application has been approved by the members of the union or of each of the unions comprised in the association, as the case may be, in the same manner as if the application were an application to which section one hundred and seven of the principal Act applies.

(6.) Every application under subsection *four* of this section shall state the special grounds on which the application is based, and shall be filed with the Clerk of Awards in each of the industrial districts to which the award or industrial agreement relates.

(7.) When a date has been fixed by the Court for the hearing of such application the Clerk shall forthwith give notice to the parties concerned.

(8.) For the purposes of this section the expression "rates of remuneration" includes basic rates of wages and bonuses, and references to the cost of living shall be deemed to import a reference to a fair standard of living for the workers affected by any award or industrial agreement or by any order of the Court made under this section.

(9.) This section is in substitution for section eighteen of the War Legislation and Statute Law Amendment Act, 1918, as amended by section eight of the Industrial Conciliation and Arbitration Amendment Act, 1920. The said enactments shall continue in force until the thirtieth day of April, nineteen hundred and *twenty-two*, and shall then be deemed to be repealed, save that the repeal of the said enactments shall not affect the operation of any award or industrial agreement amended thereunder, and every such award or agreement shall continue to operate as if those sections had remained in force until a general order applicable thereto comes into force under this section.

(10.) This section shall come into operation on the first day of April, nineteen hundred and *twenty-two*, and shall continue in force until

the thirty-first day of December, nineteen hundred and *twenty-three*, and no longer.

(11.) The repeal or expiry of this section shall not affect the operation of any award or industrial agreement amended pursuant thereto, and every such award or industrial agreement as so amended shall continue to operate as if this section had remained in force. 5

Struck out.

Offences in connection with awards and industrial agreements.

11. (1.) Every person who dissuades or attempts to dissuade any two or more workers from accepting work under the conditions prescribed by any award or industrial agreement with intent to defeat any of the provisions of such award or agreement, or with intent to prevent or hinder the carrying-on of work under the provisions thereof, or in furtherance of a dispute between employers and workers, is liable on summary conviction to a fine of *ten* pounds in the case of a worker bound by such award or agreement, or of *fifty* pounds in the case of any person other than a worker bound by such award or agreement. 10 15

(2.) Every person who dissuades or attempts to dissuade any employer from employing any two or more workers under the conditions prescribed by any award or industrial agreement with intent to defeat any of the provisions of such award or agreement, or with intent to prevent or hinder the carrying-on of work under the provisions thereof, or in furtherance of a dispute between employers and workers, is liable on summary conviction to a fine of *fifty* pounds in the case of an employer bound by such award or agreement, or of *one hundred* pounds in the case of any person other than an employer bound by such award or agreement. 20 25