

*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,

7th February, 1922.

Hon. Mr. Anderson.

INDUSTRIAL CONCILIATION AND ARBITRATION
AMENDMENT (No. 2).

ANALYSIS.

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A BILL INTITLED

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

BE IT ENACTED by the General Assembly of New Zealand in
5 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
10 Act, 1908 (hereinafter referred to as the principal Act). Short Title.

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Amendment Act, 1910, is hereby repealed: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 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 para-
graph (aa) of subsection two, the words "but in no case shall a union
have more than 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
30 earlier or earliest of such dates." Section 90 of
principal Act
amended.

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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Extension of principal Act to E.F.C.A.

6. The Society of Railway Servants called Engine-drivers, Firemen, and Cleaners' Association shall be deemed to be registered under the principal Act, and the provisions of paragraph (b) to (n) of section one hundred and twenty-one of the principal Act (relative to the Amalgamated Society of Railway Servants) shall, with the necessary modifications, apply with respect to the said association.

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Exemption of relief works.

7. 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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Provision in respect of casual vacancy in membership of Court.

8. (1.) When a casual vacancy 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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Arbitration Court may amend awards or industrial agreements with respect to rates of wages.

9. (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.

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(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:

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Proviso.

Provided that, after having ascertained the extent of any increase or decrease in the cost of living, and before making any general order under this section, the Court shall afford such opportunity as it thinks proper to representatives appointed by the parties bound by awards and industrial agreements to be heard by the Court with

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respect to the amount by which any rates of remuneration should be increased or decreased, save that the failure of any parties to appoint any such representatives shall not affect the validity of any general order made by the Court under this section.

5 (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
10 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
15 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
20 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
25 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
30 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
35 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
45 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
50 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. 5

(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. 10