

Hon. Mr. Reeves.

INDUSTRIAL CONCILIATION.

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A BILL INTITULED

Title.	AN ACT to encourage the Formation of Industrial Unions and Associations, and to facilitate the Settlement of Industrial Disputes.	
Preamble.	WHEREAS it is desirable to provide for adjustment of labour disputes and for the settlement of differences between employers and employed :	5
	BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—	10
Short Title.	1. The Short Title of this Act is “ The Industrial Conciliation Act, 1891.”	
Commencement.	It shall come into force on the <i>first</i> day of <i>October</i> , one thousand eight hundred and ninety-one.	
Act not to affect “ Trade Union Act, 1878.”	2. Nothing in this Act contained shall be construed to repeal or in any way affect or supersede any provisions of “ The Trade Union Act, 1878.”	15
Interpretation.	3. In this Act, unless the context otherwise requires,—	
	“ Association ” means any association of unions registered pursuant to this Act :	
	“ Certified ” means certified in manner prescribed :	20
	“ Committee ” means the committee of any union :	
	“ Council ” means the council of any association :	
	“ Court ” means a Court of Arbitration constituted under this Act, and, where a particular Court is referred to, means the Court for the provincial district wherein any matter in dispute arises :	25
	“ Industrial agreement ” means an industrial agreement made pursuant to this Act :	
	“ Industrial award ” means an industrial award made pursuant to this Act :	30
	“ Industrial dispute ” means any dispute arising between employers and unions of employes in relation to industrial matters as herein defined :	
	“ Industrial matters ” includes all matters relating to pay, wages, hours of employment, sex or age of employes, the employment of children or young persons, dismissals, refusals to employ any particular persons or class of persons, nature of work, privileges, rights, or duties of employers or employes in any industry :	35
	“ Industry ” means any business, trade, undertaking, or employment of an industrial character :	40

“Minister” means the Colonial Secretary :

“Person” includes every person, company, and corporate body :

5 “Prescribed” means prescribed by regulations made pursuant to this Act :

“President” means the President of any Court of Arbitration constituted under this Act :

“Public notice” means a notice by advertisement published in the *Government Gazette* :

10 “Registrar” means the Registrar of Friendly Societies :

“Secretary” means secretary of a union :

15 “Supreme Court office” means the Supreme Court office in the judicial district wherein any matter arises ; and where there are two such offices it means that one of such offices which is nearest to the place or locality wherein any such matter arises :

“Union” means an industrial union registered pursuant to this Act.

20 Words in this Act referring to any Court, person, officer, office, place, locality, union, association, or other matter or thing shall be construed distributively as referring to each Court, person, officer, office, place, locality, union, association, or matter or thing to whom or to which the provision is applicable.

PART I.

REGISTRATION OF UNIONS.

25 4. Any number of persons residing within the colony lawfully associated for the purpose of protecting or furthering the interests of employers or employes in or in connection with any industry in the colony may register their society as an industrial union pursuant to this Act in manner prescribed, and in compliance with the following requisites :—

(1.) An application for registration shall be forwarded to the Registrar signed by two or more officers of the society.

35 (2.) Such application shall be accompanied by a statement of the name by which it is desired that the union shall be registered, and by a copy of the rules by which it is desired that the affairs of the union shall be regulated.

(3.) Such rules shall specify the purposes for which the union is formed, and shall provide for—

40 (a.) The appointment and continuance of a committee of management and a chairman and secretary, and the supplying any vacancy occurring through any cause prescribed by the rules, or by death or resignation :

45 (b.) The powers of the committee, and the control of the committee by general meetings, and the mode of the exercise of the powers of the committee, and of the control of general meetings, and the mode in which industrial agreements and any other deeds or documents respectively shall be made and by whom executed on behalf of the union :

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Applications for registration.

Rules.

(c.) The mode in which persons shall become or cease to be members, and so that no member shall 'discontinue his membership without giving at least three months' previous written notice to the secretary of intention so to do, nor until such member has paid all fees or other dues payable by him to the union under its rules. 5

(d.) The conduct of the business of the union at some convenient address to be specified, and to be called the registered office of the union.

The rules may also provide for any other matters not contrary to law desired by the persons making the application for registration, and the rules may provide for their repeal or alteration, but so that the requisites of subsection *three* of this section shall always be provided for. 10

Name.

5. There shall be inserted in the registered name of every industrial union the word employers or employés, according to whether such union shall be a union of employers or employés. 15

Registration.

6. On being satisfied that registration is desired by a majority of the members of the union, and that the provisions of section *four* in relation to an application for registration have been complied with, the Registrar shall register the society, without fee, as an industrial union pursuant to the application, and shall issue a certificate of registry, which, unless proved to have been cancelled, shall be conclusive evidence of the fact of such registration and of the validity thereof. 20 25

Trade Unions may be registered under this Act.

7. Any trade union registered under "The Trade Union Act, 1878," may be registered by the same name under this Act by making a formal application to the Registrar for the purpose, without complying with the requirements of section *four* of this Act; and the Registrar shall register such trade union accordingly, and issue a certificate of registration forthwith. 30

No unions to be registered by similar names.

8. No industrial union shall be registered under a name identical with that by which any other industrial union has been registered under this Act, or by which any trade union has been registered under "The Trade Union Act, 1878," or so nearly resembling any such name as to be likely to deceive the members or the public. 35

No trade union may make an industrial agreement under this Act unless such union is registered under this Act, notwithstanding its registration under "The Trade Union Act, 1878."

For the purposes of this Act, every branch of a trade union shall be considered a distinct union, and may be separately registered under this Act. 40

Effect of registration.

9. The effect of registration shall be to render the union, and all persons who may be members thereof at the time of registration, or who may thereafter become members thereof, subject to the jurisdiction hereby given to Boards of Conciliation and Courts of Arbitration respectively, and liable to all the provisions of this Act, and bound— 45

(a.) By the rules of the union during the continuance of the membership. 50

(b.) By all industrial agreements and industrial awards made by or affecting the union at any time during the membership.

Cancellation of registration.

10. Any union may at any time through the committee apply to the Registrar in manner prescribed for a cancellation of the

registration thereof, and the Registrar, after giving six weeks' public notice of his intention so to do, may cancel such registration; but no registration shall be cancelled during the progress of any conciliation or arbitration affecting such union until the Board or Court has made its decision or award; nor in any case unless the Registrar shall be satisfied that the cancellation is desired by a majority of the members of the union, and no cancellation of any registration shall relieve any union, or any member thereof, from the obligation of any industrial agreement or industrial award.

11. If any person whilst bound by the rules of any union shall in any particular make default in compliance therewith, he shall for every such default be guilty of an offence against this Act, punishable by a penalty not exceeding *ten* pounds, or such lesser sum as shall be fixed by the rules of the union. Enforcement of rules.

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PART II.

REGISTRATION OF ASSOCIATIONS.

12. Any council representing any number of unions established within the colony may register itself as an industrial association, pursuant to this Act in manner prescribed, and on compliance with the following requisites:— Application for registration.

- (1.) An application for registration shall be forwarded to the Registrar, signed by a majority of the members of such council:
- (2.) Such application shall be accompanied by a statement of the name by which it is desired that the unions shall be associated, and by a copy of the rules by which it is desired that the affairs of the association shall be regulated:
- (3.) Such rules shall specify the purposes for which the association is formed, and shall provide for— Rules.
 - (a.) The appointment and continuance of council of management and chairman, secretary, or other officers; and the supplying any vacancy occurring through any cause prescribed by the rules, or by death or resignation;
 - (b.) The powers of the council, and the control of the council by general meetings, and the mode of the exercise of the powers of the council, and of the control of general meetings, and the mode in which industrial agreements and any other deeds or documents respectively shall be made and by whom executed on behalf of the association;
 - (c.) The mode in which unions shall become or cease to be members, but so that no union shall discontinue their membership without giving at least six months' previous written notice to the chairman of intention so to do, nor until such union has paid all fees or other dues payable by it to the association under the rules thereof;
 - (d.) The conduct of the business of the association at some convenient address to be specified, and to be called the registered office of the association.

The rules may also provide for any other matters not contrary to law desired by the persons making the application for registration,

- and the rules may provide for their repeal or alteration, but so that the requisites of subsection *three* of this section shall always be provided for.
- Name.** 13. There shall be inserted in the registered name of every industrial association the word employers or employés, according to whether such associations shall be a union of employers or employés. 5
- Registration.** 14. On being satisfied that the provisions of section *twelve* in relation to an application for registration have been complied with, the Registrar shall register, without fee, the council representing the unions applying for association as an industrial association pursuant to their application; and shall issue a certificate of registry which, unless proved to have been cancelled, shall be conclusive evidence of the fact of such registration and of the validity thereof. 10
- Effect of registration.** 15. The effect of registration shall be to render the association and all unions and all persons who may be members thereof at the time of registration, or who may thereafter become members thereof, or of any associated union, subject to the jurisdiction hereby given to Boards of Conciliation and Courts of Arbitration respectively, and liable to all the provisions of this Act, and bound— 15
- (a.) By the rules of the association during the continuance of the membership; 20
- (b.) By all industrial agreements and industrial awards made or affecting the association at any time during the membership.
- Withdrawal** 16. Any union desiring to withdraw from any association may, on compliance with the rules of the association relating to withdrawal, procure from the Registrar a certificate of withdrawal. 25
- Cancellation.** 17. Any association may at any time, through the council, apply to the Registrar in manner prescribed for a cancellation of the registration thereof, and the Registrar, after giving six weeks' public notice of his intention so to do, may cancel such registration; but no registration shall be cancelled during the progress of any conciliation or arbitration affecting such association until the Board or Court has made its decision or award, nor in any case unless the Registrar shall be satisfied that the cancellation is desired by a majority of the members of the associated unions; and no cancellation of any registration shall relieve any association or associated union, or any member thereof, from the obligation of any industrial agreement or industrial award. 30 35
- Enforcement of rules.** 18. If any union or person whilst bound by the rules of any association shall in any particular make default in compliance therewith, such union or person shall for every such default be guilty of an offence against this Act, punishable by a penalty, in the case of a union, not exceeding *one hundred* pounds, and in the case of an individual not exceeding *ten* pounds, or in either case such lesser sum as shall be fixed by the rules of the association. 40 45

PART III.

INDUSTRIAL AGREEMENTS.

- Industrial agreements.** 19. Industrial agreements may be made between unions and associations, or between unions or associations and any other persons, regulating or in relation to industrial matters, or for the prevention 50

or settlement of disputes and differences in any wise relating thereto, or for any other object or purpose for which any industrial agreement may be made under this Act.

20. Every industrial agreement shall be for a term to be specified
 5 therein, not exceeding five years from the date of the making thereof, and shall be in a form commencing as follows: "This industrial agreement made in pursuance of 'The Industrial Conciliation Act, 1891,' this day of , between ," and the date of the making of such agreement shall be the date when such agreement
 10 shall be first executed by any party thereto, and such date and the names of all unions, associations, or persons parties to such agreement shall be truly stated therein.

Term and form.

21. A duplicate of every industrial agreement shall be filed in
 15 the Supreme Court office of the district within thirty days of the making thereof, and a fee of *five* shillings shall be paid in respect of every agreement so filed.

Duplicate to be filed.

22. Every industrial agreement duly made and executed shall be
 20 binding on the parties thereto and on every person who at any time during the term of such agreement is a member of any union or association party thereto, and on every person who in manner prescribed shall signify to the Registrar of the Supreme Court where such agreement is filed concurrence therein, and all such persons shall be entitled to the benefit thereof.

Effect of industrial agreement.

23. Every industrial agreement may be varied, renewed, or
 25 cancelled by any subsequent industrial agreement made by the persons bound thereby, but so that no person shall be deprived of the benefit of any industrial agreement by any subsequent industrial agreement by which he shall not be bound.

Alteration of agreement.

24. If any union or association or person bound by any industrial
 30 agreement shall in any particular make default in compliance therewith, or commit or suffer a breach thereof, such union or association or person shall for every such default or breach be guilty of an offence against this Act, punishable by a penalty not exceeding such amount as shall be fixed by such industrial agreement; and if no amount
 35 shall be so fixed, then in the case of an union or association not exceeding *five hundred* pounds, and in the case of an individual not exceeding *fifty* pounds.

Enforcement of agreement.

Nothing herein contained shall deprive any person who may be
 40 damnified of his right of action for redress or compensation in respect of any default or breach of an agreement

25. The rules of any association or any industrial agreement or
 award may fix and determine what shall constitute a default or breach of an agreement by a union or association within the meaning of this Act.

Rules may define a default.

45 PART IV.

BOARDS OF CONCILIATION.

26. For the purpose of this Act, Boards of Conciliation shall be
 of two classes, as follows:—

Boards of Conciliation.

- 50 (1.) Trade Boards of Conciliation for the settlement of disputes arising in relation to any one and the same industry; and
 (2.) District Boards of Conciliation for the settlement of disputes arising in relation to several different industries.

Trade Boards for industries.

27. Trade Boards of Conciliation shall be constituted by industrial agreement, and shall consist of any number of persons, one-half to be appointed respectively by the employers and the union or unions of employes engaged in the particular industry.

The persons so chosen shall, at their first meeting, elect one of their number to be chairman of the Board, and any casual vacancy in the chairmanship shall be supplied in the same manner at some subsequent meeting. Every chairman shall hold office for so long as he continues a member of the Board, unless he shall by letter addressed to the Board sooner resign the chair. 5 10

Constitution by industrial agreement.

28. Any industrial agreement may provide for the constitution or alteration of a Trade Board, and the term of office of its members, and for supplying vacancies thereon, and for all matters necessary to give effect to the *last-preceding* section.

Quorum.

29. The presence of the chairman, and not less than one-half in number of the other members of a Trade Board of Conciliation, shall be necessary to constitute a meeting, and in all questions the decision of the Board shall be determined by a majority of their votes; and in case of equality of votes the chairman shall have a second or casting vote. 15 20

Decisions.

Jurisdiction of Trade Boards.

30. Every Trade Board of Conciliation shall have such jurisdiction for the settlement of industrial disputes between the persons and unions bound by such industrial agreement as shall be confided to them by such agreement, and, except so far as shall be negatived or modified by such agreement, shall exercise such jurisdiction in such manner, and within the limits of such jurisdiction shall have the same powers and discretions as District Boards of Conciliation. 25

District Boards for provincial districts.

31. District Boards of Conciliation may be constituted in manner prescribed within provincial districts and for all industries carried on therein, and shall have jurisdiction for the settlement of industrial disputes occurring in such districts which may be referred to them by any unions or associations of employers and employes respectively by resolution of the unions or associations concerned, or be referred to them by industrial agreement. 30 35

(1.) On the petition of any number of unions of employers and employes respectively, in a provincial district where no District Board of Conciliation exists, the Governor by warrant may direct a District Board to be constituted for such district. 40

(2.) Every District Board shall consist of persons chosen by the unions of employers and of employes respectively in the provincial district:

(3.) The members of the Board shall hold office for three years, and shall be elected triennially in manner prescribed by the unions of employers and employes engaged in industries in the district, such unions separately voting for and electing an equal number of such members: 45

(4.) The persons so chosen shall, at their first meeting, elect some person, not being one of their number, to be chairman of the Board, and any casual vacancy in the chairmanship shall be supplied in the same manner at some subsequent meeting. Every chairman shall hold office for three years from the date of his election, subject to section *thirty-three*. 50

32. The presence of the chairman and of not less than one-half in number of the other members of a District Board of Conciliation shall be necessary to constitute a quorum.

Quorum.

In all matters coming before any District Board of Conciliation the decision of the Board shall be determined by a majority of the votes of the members present, exclusive of the chairman, except in the case of an equality of such votes, in which case only the chairman shall vote, and his vote shall decide the question.

Decision of questions.

33. The following persons shall be disqualified from being appointed or elected as members or chairmen of any Trade or District Board, and if so elected shall be incapable of continuing to be such members or chairmen:—

Disqualification.

(1.) A bankrupt or insolvent who has not obtained his final order of discharge;

(2.) Any person convicted of perjury or any felony; or

(3.) Any person of unsound mind.

Any casual vacancy occurring among the members of any Board by death, disqualification, or resignation by letter addressed to the Board, shall be supplied in the same manner as the original appointment or election was made, and the person so appointed or elected shall hold office in the Board only for the residue of the term of his predecessor therein.

Casual vacancies.

34. Every Board of Conciliation shall, in such manner as it shall think fit, carefully and expeditiously inquire into and investigate any industrial dispute of which it shall have cognisance, and all matters affecting the merits of such dispute or the right settlement thereof; and, for the purposes of any such inquiry, shall have all the powers of a Board of Commissioners appointed by the Governor in Council under "The Commissioners' Powers Act, 1867."

Procedure.

35. In the course of any such inquiry and investigation the Board shall make all such suggestions and do all such things as shall appear to them as right and proper to be made or done for securing a fair and amicable settlement of the matters in dispute by agreement between the parties; and, if no such settlement shall be arrived at, shall decide the question according to the merits and substantial justice of the case, and make their recommendation or decision in writing, which shall be under the hand of the chairman of the Board.

Boards may compel witnesses to attend, &c.

Settlement of dispute.

36. In particular, but without limiting the general power given Boards generally by the *last-preceding* section, any District Board may

Reference to sub-committee or to Court of Arbitration.

(1.) Temporarily refer the matters in dispute to a committee of their number, consisting of an equal number of representatives of employers and employés, who shall endeavour to reconcile the parties; or

(2.) Absolutely refer any matter before them for settlement by the Court of Arbitration.

37. The Minister, by any writing under his hand, in the event of the period of office of the member of any District Board expiring whilst such Board shall be seized of any matters in dispute, may continue such member in office for any time not exceeding altogether one month, in order to enable such member to take part in the settlement of such matters in dispute.

Power to continue member in office.

Constitution of
Boards to be notified
to Supreme Court.

38. The chairman of every Trade or District Board shall deposit in the Supreme Court office forthwith after his own election to the Board a statutory declaration of his election and of the appointment of the members constituting the said Board. For every such deposit there shall be paid to the Supreme Court a fee of *two shillings and sixpence*. 5

Existing Boards of
Conciliation may
come under Act.

39. Upon a resolution of the majority of any Board of Conciliation, or other Board of a similar nature established at any time previous to the commencement of this Act, and upon the registration under this Act of all the unions represented by such Board, and upon the chairman of the said Board satisfying the Minister that the requirements of section *twenty-seven* or *thirty-one* (whichever is applicable to the Board) have been duly complied with in respect of the constitution of the Board, the chairman of the said Board may deposit in the Supreme Court Office a statutory declaration of his election and of the appointment of the members constituting the said Board; and thereupon such Board shall be deemed to be constituted under this Act, and subject to the provisions thereof. 10 15

Decision of Boards
subject to review by
Court of Arbitration.

40. If any union or association is dissatisfied with the decision of any Board of Conciliation on any matter brought before such Board under the provisions hereinbefore contained, such union or association may bring such matter before the Court by petition, and such Court shall have power and jurisdiction to review such decision, in the same manner as if the original question on which such decision was given had been initiated in the said Court by industrial agreement. 20 25

PART V.

COURTS OF ARBITRATION.

Courts of Arbitra-
tion established.

41. For every provincial district within the colony there shall be established a Court for the purposes of this Act, which shall be called "the Court of Arbitration." 30

Constitution of
Courts.

42. The Court for each provincial district shall be appointed by the Governor in Council. It shall consist of a President and two other members (herein called Assessors).

Mode of appoint-
ment.

Of the Assessors, one may be recommended to the Governor in Council by unions or associations representative of employers, and one by unions or associations representative of employés, within such provincial district; but no recommendation shall be received from any unions or associations in respect of the President of the Court. 35 40

Tenure of office.

43. Every member of the Court shall hold office for three years from the date of his appointment, and shall be eligible for reappointment, and any casual vacancy occurring in the membership by death, mental incapacity, bankruptcy, conviction for perjury or felony, resignation, or removal shall be supplied in the same manner as the original appointment was made. 45

Jurisdiction of
Courts.

The Governor may remove any member of the Court from office, for any reason he shall think sufficient, or for continued absence from the meetings of the Court.

44. The Court of Arbitration shall have jurisdiction for the settlement of all such industrial disputes as shall be referred to it by 50

any Board of Conciliation, or by any industrial association, or by petition under sections *forty* or *fifty-nine*, or by way of compulsory arbitration pursuant to section *sixty-one*, or by industrial agreement; and for such purpose may summon any party to a dispute to appear
5 before it.

The Court shall have full and exclusive jurisdiction to determine the matters in dispute, and it shall proceed to hear, consider, and determine such matters in such manner and time as it thinks fit, with full power to adjourn the consideration of any matter, wholly or
10 in part, for any period, or without stating any period.

45. Within five days after any dispute has been referred to the Court the President thereof shall fix a suitable time and place for the Court to meet to hear and determine the dispute, and shall give at least forty-eight hours' written notice to the Assessors of such
15 time and place.

46. The President shall have power to administer oaths and affirmations to all witnesses who shall appear before the said Court, and all wilful false swearing or false affirmation in any proceedings in the Court under this Act shall be deemed and held to be wilful
20 perjury, and shall be indictable and punishable as such; and on any indictment it shall be sufficient to prove that the oath or affirmation was administered by the person acting as President aforesaid.

47. For the purpose of enabling the Court to carry out the provisions and intention of this Act, the President shall, in relation to the
25 requiring and compelling the attendance of any person or party to a dispute to appear before it, the requiring and compelling of the attendance of witnesses and the receiving or hearing of evidence, the punishment of contempt, and the enforcement of the orders of the Court, be deemed to have and may exercise all the powers and duties of a
30 Resident Magistrate under "The Resident Magistrates Act, 1867," and "The Resident Magistrates' Evidence Act, 1870;" and the provisions of the said Acts, *mutatis mutandis*, shall be applicable to all proceedings in Courts of Arbitration under this Act.

48. The Assessors shall sit along with the President, and the
35 majority of the members of the Court present may decide and finally determine the said matters or any of them in such manner as they shall find to stand with equity and good conscience.

49. If either of the Assessors shall neglect or fail to attend a meeting of the Court without good cause shown to the satisfaction
40 of the President the Assessor present and the President may nevertheless act as fully as if both the Assessors were present.

50. In the absence of the President any Assessor may from time to time adjourn any meeting of the Court to such time and place as he may deem proper.

45 51. Either party to the dispute may appear personally or by agent, or, with the consent of all the parties, by counsel or solicitor, and may produce before the Court such witnesses, books, and documents as such party may think proper; and the President shall have power to summon any person to give evidence before the Court, or to
50 produce any books, papers, and documents before the Court.

The Court shall be at liberty to receive or require any such evidence as it shall think fit, whether the same shall be strictly legal evidence or not.

Procedure.

Fixing of time and place for settlement of dispute.

President to have power to administer oaths and affirmations.

Powers of President

Voting at meetings of Board.

Non-attendance at Board meetings.

Adjournment of meeting.

Appearance of parties concerned.

Witnesses.

Court may refer matters for inquiry by any Board of Conciliation.

52. The Court may refer any matters referred to them from time to time to a Trade or District Board of Conciliation for investigation and report, where it shall think such Board may arrive more easily at a settlement thereof, and the award of the Court shall be based on the report of such Board.

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Court may dismiss frivolous matters with costs.

53. The Court may at any time dismiss any matter referred to it which it shall think frivolous or trivial, and any award in such case shall be limited to an order upon the party bringing the matter before the Court for payment of all costs of bringing the same.

Award.

54. After hearing evidence, the Court shall make an award, in writing, stating the settlement of the dispute heard and determined, and such award shall be under the hand of the President.

Costs.

55. The Court in its award may order either party to pay to the other party costs and expenses as it may deem reasonable, and the same or any other costs ordered by the Court to be paid may be recovered as a debt by the party entitled thereto under the award of the Court from the party liable therefor.

Validity of award.

56. In all legal and other proceedings it shall be sufficient to produce the award and prove the signature of the President, and it shall not be necessary to prove any conditions precedent entitling the Court or President to make such award.

Proceedings of Court under this Act not to be impeached.

57. Proceedings in any Court of Arbitration under this Act shall not be impeached or held bad for want of form, nor shall the same be removable to any Court by *certiorari* or otherwise; and no award or proceeding of any Court of Arbitration shall be liable to be challenged, appealed against, reviewed, quashed, or called in question by any Court on any account whatsoever.

No abatement.

No proceedings in any Court shall abate by reason of the death of any member of the Court or of any party to such proceedings, but the same may be continued and disposed of by the successor in office of such member or representative of the party so dying.

PART VI.

GOVERNMENT RAILWAYS.

Railway Commissioners to be subject to jurisdiction of Courts of Arbitration.

58. The management of Government railways under "The Government Railways Act, 1887," shall be deemed to be an industry within the meaning of this Act; and, notwithstanding anything contained in the Act in this section first mentioned, the Railway Commissioners appointed thereunder may make an industrial agreement with the Amalgamated Society of Railway Servants and either the said Commissioners or the said society may refer any dispute between them to a Court of Arbitration established under Part V. of this Act; and the said Commissioners, notwithstanding as aforesaid, may give effect to any terms of an award made by such Court.

The said Society may be registered as a union under this Act; and the Commissioners shall be deemed to be employers within the meaning and for the purposes of this Act.

On petition Court may compel Commissioners to submit to arbitration.

59. In case the Commissioners shall neglect or refuse to agree with the said society to refer any matter in dispute to a Court of Arbitration as aforesaid, the society may petition the Court

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within the provincial district where any dispute arises to hear and determine such dispute, and the Court, upon such petition, and if it shall consider the dispute sufficiently grave to require it, may issue a summons to the Commissioners requiring them to appear
 5 before such Court, and to submit the matters in dispute to the decision of the Court, and may compel the attendance of the said Commissioners for such purpose.

PART VII.

COMPULSORY ARBITRATION.

60. If any industrial dispute shall hereafter arise between any
 10 employer and any union, or between any unions and associations, the Minister may on petition of the employer, or not less than twenty employes of such union in the first case, or on petition of all unions or associations representing not less than forty employers and four
 15 hundred employes respectively in the second case, inquire into the nature and extent of such dispute, in such manner as he shall think fit, for the purpose of ascertaining whether or not it should be settled by compulsory arbitration.

Inquiry by Minister.

61. If after such inquiry the Minister shall certify to the Governor that the dispute is one which should be settled by means of
 20 compulsory arbitration the Governor, by Proclamation published in the Government Gazette, may declare that all matters in dispute as aforesaid, to be mentioned in such Proclamation, or any of such matters, to be specified in such Proclamation, shall be referred to a
 25 Trade or District Board of Conciliation or to a Court of Arbitration to be mentioned in such Proclamation for settlement, and the same shall stand referred accordingly.

Compulsory reference.

In every such case all the provisions of the Parts of this Act respectively applicable to the proceedings before a Board of Conciliation or a Court of Arbitration shall extend and apply accordingly as
 30 fully as if the matter had been originally referred to such Board or Court under the foregoing provisions of this Act.

PART VIII.

ENFORCEMENT OF AWARDS AND AGREEMENTS.

62. Every award of a Court shall specify the unions, associations,
 35 and persons on which it is intended that it shall be binding, and the period, not exceeding *five* years from the making thereof, during which its provisions may be enforced.

Terms of awards.

63. A Court may order that a duplicate of any award shall be
 40 filed in the office of the Supreme Court, and, by leave of that Court or a Judge thereof, such award may be enforced in the same manner as a judgment or order of the Supreme Court to the same effect, and such Court or Judge shall have full power to make such orders and give such directions as may be necessary to give effect to this enactment.

Court may order duplicate to be filed.

45 Thereafter during the period within which its provisions may be enforced, such award shall be binding upon all unions, associations, and persons upon which it shall be declared that it shall be binding, and upon all members of such unions and associations.

Limitation of liability under award.

64. No process shall be issued for the enforcement of any such award by a payment from any union, association, or person of a greater sum than *five hundred* pounds, or from any individual on account of his membership of an union or association of any greater sum than *ten* pounds.

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Process against property of unions or associations.

65. For the purpose of enforcing compliance with any such award and subsisting order or direction of the Supreme Court, or a Judge thereof, process may be issued and executed against the property of any union or association, or in which any union or association shall have any beneficial interest, and whether vested in trustees or howsoever otherwise the same may be held, in the same manner as if such union or association was an incorporated company and the absolute owner of such property or interest.

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Application of moneys received under process.

66. All moneys which shall be received by virtue of any process for enforcing compliance with any award shall be applied in such manner as the award may direct, and, in default of or subject to any such direction, in such manner as the President of the Court of Arbitration in the provincial district may decide, for the benefit of those interested in the performance of the award.

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Provision for enforcement of awards to apply.

67. All provisions hereinbefore in this Part of this Act contained with reference to the enforcement of awards shall apply to the enforcement of industrial agreements and of penalties thereunder in like manner as if agreements had been mentioned in such provisions whenever awards are referred to.

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PART IX.

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MISCELLANEOUS.

Half-yearly lists of associations.

68. Every half-year, in the months of *April* and *October*, there shall be forwarded to the Registrar by every association a certified list of the unions constituting such association.

Half-yearly lists of unions.

69. Every half-year, in the same months, there shall be forwarded to the Registrar by every union a certified list of the members of such union.

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Alterations of rules.

70. Certified copies of all alterations of the rules of any union or association shall forthwith as such alterations are made be forwarded to the Registrar.

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Penalty on non-compliance.

71. Every association or union making default in forwarding to the Registrar any list or copy required to be forwarded by either of the *three last-preceding* sections shall be guilty of an offence against this Act, punishable by a penalty not exceeding *two* pounds for every week during which such default continues; and every member of the council of any such association or committee of any such union who wilfully permits such default shall be guilty of a similar offence, punishable by a penalty not exceeding *five* shillings for every week during which he wilfully permits such default.

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Matters may be decided by Registrar.

72. The Registrar, on the request of any person interested, shall investigate and decide in such manner as he shall think fit any matter relating to the rules or repeal or alteration of the rules, or any membership or cesser of membership of any union or association, and a certificate of the Registrar dealing with any such question shall be conclusive evidence of the matter therein stated, unless such certifi-

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cate shall be varied by a subsequent certificate of the Registrar, in which case the subsequent certificate shall prevail.

73. The Registrar shall only once reopen, for the purpose of varying, any matter which he shall have disposed of by a certificate, and then only with the previous written consent of the Minister.

Reopening of matters decided by Registrar.

74. The Minister may review, annul, rescind, or vary any act or decision of the Registrar in any manner which he shall think fit, and if the Minister shall annul, rescind, or vary any such act or decision he shall, within fourteen days thereafter, if Parliament be then sitting, or if Parliament be not then sitting, then within fourteen days after the first meeting of Parliament thereafter, lay before both Houses of Parliament a return showing the mode in which he has annulled, rescinded, or varied such act or decision, and his reasons for such annulment, rescission, or variation.

Minister may review decision of Registrar.

75. The Governor from time to time may make all such rules or regulations not inconsistent with this Act, either applicable generally or to meet particular cases, as may be necessary or desirable to carry out the objects and purposes, or as he may consider convenient for the administration and execution thereof, or for establishing District Boards of Conciliation; and by any such regulations may prescribe such fees to be paid (including fees to Presidents and Assessors of Courts of Arbitration, and by whom the same shall be paid,) in relation to such administration as he shall think fit.

Regulations.

Nothing herein shall supercede any fees for the time being in force in the Supreme Court in relation to any proceedings or filing documents therein, otherwise than as is herein expressly provided.

All such regulations shall be published in the *Government Gazette*, and within fourteen days after the making thereof shall be laid before both Houses of Parliament, if Parliament be then sitting, and if Parliament be not then sitting, then within fourteen days after the beginning of the next session of Parliament, and shall have the force of law from the date of such publication.

Publication of regulations.

76. Any union or association may sue or be sued for the purposes of this Act or otherwise in the name by which it is registered, and service of any process on the chairman or secretary, or at the registered office of the union or association shall be sufficient for all purposes.

How unions or associations may sue.

77. Every proceeding for any offence against this Act, not being an indictable offence, may be had and taken before and be heard and determined in a summary way by any Resident Magistrate or two Justices of the Peace under the provisions of "The Justices of the Peace Act, 1882."

Summary jurisdiction.

78. All penalties recovered under sections *eleven* and *eighteen* shall, after deducting therefrom all costs and expenses of recovering the same, be paid to the union or association in respect of which the default arose for which the penalty was inflicted; and all other penalties recovered under this Act shall be paid into the Public Account and form part of the Consolidated Fund.

Application of penalties.