

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Thursday, the 17th Day of September, 1908.

INDUSTRIAL CONCILIATION AND ARBITRATION AMENDMENT BILL.

Hon. Mr. MILLAR, in Committee, to move the following amendments:—

Wherever the word “fine” has been substituted by the Labour Bills Committee for the word “penalty” restore the word “penalty.”

Wherever the word “Commissioner” has been substituted by the Labour Bills Committee for the word “Council” restore the word “Council.”

Clause 3: Restore the words “or have been” in line 16.

Clause 4: Omit all words after “any” in line 36 to and including the word “employers” in line 43, and substitute the following words:—

“employer, in closing his place of business, or suspending work therein, or dismissing any of the workers employed by him, or refusing or failing after any such dismissal to employ any worker so dismissed, the said closing, suspension, dismissal, refusal, or failure being.”

Clause 4 (a): Omit the word “employers” in line 3, and substitute the word “employer.”

Clause 4A: Omit this clause.

Clause 5 (1): Omit all words after “industry” in line 14, and substitute the following:—

“every worker who is or becomes a party to the strike and who is at the commencement of the strike bound by any award or industrial agreement affecting that industry is liable to a penalty not exceeding ten pounds.”

Clause 5 (2): Omit all words after “industry” in line 23, and substitute the following:—

“every employer who is or becomes a party to the lock-out and who is at the commencement of the lock-out bound by any award or industrial agreement affecting that industry is liable to a penalty not exceeding two hundred pounds.”

Clause 5: Add the following subclause:—

(3.) No worker or employer shall be liable to more than one penalty in respect of the same strike or lock-out, notwithstanding the continuance thereof.

Clause 6 (1): Omit the words “Where any award applicable to any industry is in force” in line 32. Omit the word “a” in line 33, and substitute the words “an unlawful.” Omit the word “a” in line 34, and substitute the words “any such.” Omit the words “in such industry” in line 34. Omit the word “a” at the end of line 35, and substitute the words “any such.”

Clause 6 (2): Omit the word “such” in line 42, and substitute the words “any unlawful.”

Clause 6 (3): Omit the words "Every person who while any such" in line 49, and substitute the words "While any unlawful."

Omit the word "or" after the word "impending" in line 50.

Omit the word "otherwise" in line 51, and substitute the word "disapproval."

Clause 6 (3A): Omit this subclause.

Clause 6 (3B): Omit this subclause.

Clause 6 (4): Restore this subclause.

Clause 8: Omit the words "Industrial Conciliation and Arbitration Act, 1908," and substitute the words "principal Act."

Clause 9 (3): Omit the word "ten" in line 49, and substitute "twenty-five."

Clause 9 (4): Insert after "five," in line 53, the words "or section six"; omit "the other," in line 3, and substitute "any other of those sections."

Clause 10 (1): Omit the word "five," in line 8, and substitute the word "six."

Clause 10 (5): Omit this subclause, and substitute the following sub-clauses:—

(5.) The industrial union or industrial association against which any such order of suspension is made may appeal therefrom in the same manner as from the judgment or conviction in respect of which the order is made, and on any such appeal the Court in which it is heard may confirm, vary, or quash the order of suspension, and may make such order as to the costs of the appeal as the said Court thinks fit.

(5A.) Every judgment or conviction in respect of which any such order of suspension is made shall be subject to appeal, whether on a point of law or fact, whatever may be the amount of that judgment or of the fine imposed by that conviction.

Clause 19 (3): Omit the words "one hundred and fifty-nine to one hundred and sixty-four and sections one hundred and sixty-six and one hundred and sixty-seven," and substitute the words "one hundred and fifty-three to one hundred and fifty-eight and one hundred and sixty and one hundred and sixty-one."

Clause 20: Add the following provisos:—

Provided that notwithstanding anything to the contrary in section twenty-seven of the Wages Protection and Contractors' Liens Act, 1908, where application is made in pursuance of any such judgment for the attachment of the wages of any worker an order of attachment may be made in respect of the surplus of his wages above the sum of two pounds a week in the case of a married worker, or above the sum of one pound a week in the case of an unmarried worker:

Provided also that for the purpose of any such application for attachment, all wages which may at any time thereafter become due to the judgment debtor by any employer, although they are not yet earned or owing, and whether they become due in respect of any contract of service existing at the time of the application or made at any later time, shall be deemed to be a debt accruing to the judgment debtor within the meaning of the provisions of the Magistrates' Courts Act, 1908, relating to the attachment of debts; and on the making of any order of attachment in respect of such wages the employer shall pay into Court from time to time, as those wages become due and payable, such sum as is sufficient to satisfy the charge imposed thereon by the order of attachment.

Add the following new clause :—

Penalties may
be recovered
in Court of
Arbitration.

21A. (1.) Notwithstanding anything hereinbefore contained, any action for the recovery of a penalty under this Act may be brought by an Inspector of Awards in the Court of Arbitration instead of in a Magistrate's Court.

(2.) The decision of the Court of Arbitration in any such action shall be final.

Procedure.

(3.) The procedure in actions so brought in the Court of Arbitration shall be determined by regulations to be made by the Governor in Council in pursuance of this Act.

(4.) The provisions of sections *fifteen*, *sixteen*, and *seventeen* of this Act shall, so far as applicable, extend and apply to any action so brought in the Court of Arbitration, and shall in respect of any such action be read as if every reference in those sections to a Magistrate was a reference to the Court of Arbitration, and as if every reference therein to the Clerk of the Magistrate's Court was a reference to the Registrar of the Court of Arbitration.

(5.) A certificate of the judgment of the Court of Arbitration in any such action, under the hand of the Registrar of that Court, specifying the amount payable under the judgment and the persons by and to whom it is payable, may be filed in any Magistrate's Court or Magistrates' Courts, and the said judgment shall thereupon be deemed to be a judgment duly recovered in an action for a penalty under this Act in the Court or in each of the Courts in which a certificate has been so filed, and shall be enforceable in all respects accordingly.

Clause 23: Omit the word "person" in line 37, and substitute the words "persons by and."

Add the following new clause :—

Unsatisfied
judgment not to
be a bar to
action at suit of
another
plaintiff.

24A. Judgment recovered at the suit of any person for a penalty under this Act shall not, until and unless it is fully satisfied, be a bar to any other action at the suit of any other plaintiff for the recovery of the same penalty.

Clause 26 (5A): Omit the word "the" where it first occurs in line 41, and substitute the word "any."

Clause 27 (1): Omit all words after "industrial union" in line 5, and substitute "industrial association or employer being a party to an industrial dispute may make application in the prescribed form to the Commissioner exercising jurisdiction within that part of New Zealand in which the dispute has arisen that the dispute may be heard by a Council of Conciliation."

Clause 30: Omit "Magistrate," in line 34, and substitute "Commissioner."

Add the following subclause :—

(3.) The validity of the appointment of any assessor by a Commissioner shall not be questioned in any Court or in any proceedings.

Clause 35 (2): Omit this subclause.

Clause 36 (1): Omit all words to the word "shall," inclusive, in line 35, and substitute "After the expiration of one month from the date fixed in pursuance of section *twenty-eight* hereof for the hearing of the dispute, the Council shall, unless a settlement of the dispute has been sooner arrived at by the parties, and embodied in an industrial agreement duly executed in manner aforesaid."

Clause 37: Omit the words "be referred to and" in line 50.

Clause 38: Omit from subclause (2) all words after "forthwith" in line 8, and substitute "refer the dispute to the Court for settlement, and thereupon the dispute shall be deemed to be before the Court."

Add the following subclause:—

(3.) The Clerk of Awards shall also publish the recommendation of the Commissioners in such manner as is prescribed by regulations.

Add the following new clauses:—

Repeal.

43A. Sections fifty-one and fifty-two of the principal Act are hereby repealed.

Commissioner may take steps to secure a voluntary settlement of disputes.

40A. The Commissioner may at any time, if he thinks fit, after application has been made to him under section twenty-seven of this Act, and whether assessors have been appointed or not, take such steps as he deems advisable, whether by way of a conference between the applicants and respondents or otherwise, with intent to procure a voluntary settlement of the dispute.

Clause 44A: Omit this clause, and substitute the following clause:—

44B. Section two of the principal Act is hereby amended by omitting from the definition of worker the words "skilled or unskilled manual or clerical."

Add the following new clauses:—

Section 17 of principal Act amended.

45A. Section seventeen of the principal Act is hereby amended by omitting from subsection one thereof the words "of the members and officers (including trustees) of such union," and substituting therefor the words "containing the names of the officers and trustees of such union, and a statement of the number of the members of the union."

Section 92 of principal Act amended.

47A. Section ninety-two of the principal Act is hereby amended by inserting in subsection one thereof the following paragraph:—

"(aa.) Power to amend the provisions of the award where such amendment is deemed necessary or advisable by reason of any alteration of the circumstances in which the award was made or in the matters to which it relates."

Section 97 of principal Act amended.

47B. Section ninety-seven of the principal Act is hereby amended by omitting therefrom all words after the words "breach of the award."

Clause 51 (3): Omit the words "but do not include a building in course of erection."

Clause 53 (2): Omit the words "Industrial Conciliation and Arbitration Act, 1908," and substitute the words "principal Act."

Clause 56B: Omit this clause, and substitute the following:—

56C. No award or industrial agreement made after the passing of this Act shall affect the employment of any worker who is employed otherwise than for the direct or indirect pecuniary gain of the employer.

Clause 58: Omit the word "reference," and substitute the word "proceedings."

Clause 59 (4): Omit all the words after "progress," in line 19, and substitute "so soon as the recommendation of the Council has been delivered to the Clerk of Awards."