

Serial Number 1952/100



**THE INDUSTRIAL CONCILIATION AND ARBITRATION  
AMENDMENT REGULATIONS 1952**

FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 14th day of  
May 1952

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Industrial Conciliation and Arbitration Act 1925, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Industrial Conciliation and Arbitration Amendment Regulations 1952, and shall be read together with and deemed part of the Industrial Conciliation and Arbitration Regulations 1927\* (hereinafter referred to as the principal regulations).

(2) The principal regulations and these regulations and the previous amendments of the principal regulations now in force† may be cited together as the Industrial Conciliation and Arbitration Amendment Regulations 1927–52.

\* *Gazette*, 13 January 1927, Vol. I, page 9.

† Amendments —

*Gazette*, 12 May 1932, Vol. II, p. 1249.

*Gazette*, 15 September 1932, Vol. III, page 1995.

*Gazette*, 23 July 1936, Vol. II, page 1390.

Statutory Regulations 1936–37, Serial number 1937/286, page 1009.

Statutory Regulations 1940, Serial number 1940/41, page 92.

Statutory Regulations 1945, Serial number 1945/72, page 176.

Statutory Regulations 1948, Serial number 1948/94, page 291.

Statutory Regulations 1949, Serial number 1949/40, page 198.

Fees and Travelling Allowances Act 1951, section 10 (2).

**APPEALS AGAINST REFUSAL TO RECORD RULES**

2. (1) Every appeal to the Court against the refusal of the Registrar to record a rule or an amendment or alteration of a rule under section 4 of the Industrial Conciliation and Arbitration Amendment Act 1951 shall be brought by notice in the form No. 1 in the Schedule hereto, which shall be filed, together with six copies thereof, with the Clerk of Awards for the industrial district from which the application for the recording of the rule or amendment or alteration was made.

(2) The Clerk shall forward one copy of the notice to the Registrar, who shall transmit to the Clerk all papers in reference thereto, and thereupon the appeal shall be deemed to be before the Court.

**EXEMPTION FROM UNION MEMBERSHIP**

3. Every application to the Registrar for a certificate of exemption from membership of a union under section 6 of the Industrial Conciliation and Arbitration Amendment Act 1951 shall be in the form No. 2 in the Schedule hereto, and shall be forwarded to the Registrar together with two copies thereof.

4. A certificate of exemption from membership of a union shall be in the form No. 3 in the Schedule hereto.

**EXEMPTION FROM AMENDMENT TO AWARD**

5. (1) An application to the Court for total or partial exemption from an amendment to an award under section 92 (1) (c) of the principal Act shall be in the form No. 4 in the Schedule hereto, and shall be filed with the Clerk together with six copies thereof and as many additional copies as the Clerk may require.

(2) The Clerk shall send to each original party concerned, and to any other person whom he considers it proper to notify, a copy of the application together with a notification in the form No. 5 in the Schedule hereto.

**EXTENDING TIME FOR APPEALS**

6. Regulation 3 of the Industrial Conciliation and Arbitration Amendment Regulations 1937 is hereby amended by omitting the words "fourteen days", and substituting the words "twenty-one days".

7. Regulation 2 of the Industrial Conciliation and Arbitration Amendment Regulations 1948 is hereby amended by omitting the words "fourteen days of the pronouncement of the decision", and substituting the words "twenty-one days after the date of the decision".

**NOTICE OF AWARDS, ETC., MADE BY DEPUTY JUDGES AND  
MAGISTRATES**

8. Notice to the parties of the making of an award, judgment, order, or other instrument by a Deputy Judge or a Stipendiary Magistrate shall be given by or on behalf of the Deputy Judge or Stipendiary Magistrate concerned to the parties and representatives of the parties present at the hearing of the proceedings in respect of which the award, judgment, order, or other instrument was made.

## APPLICATIONS FOR INQUIRIES INTO ELECTIONS

9. (1) An application for an inquiry into an election in respect of any office in a union or branch thereof under Part II of the Industrial Conciliation and Arbitration Amendment Act 1951 shall be in the form No. 6 in the Schedule hereto, and shall be forwarded to the Registrar together with six copies thereof and as many additional copies as the Registrar may require.

(2) If the application is granted by the Registrar, it shall be filed by the Registrar with the Clerk of Awards for the industrial district in which the election has been or is being conducted, together with five copies thereof and as many additional copies as the Clerk may require.

(3) The Clerk shall forward the documents forthwith to the Court wherever it may be sitting in order that arrangements may be made for the holding of the inquiry.

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SCHEDULE

[Form No. 1

*Under the Industrial Conciliation and Arbitration Act 1925 and Its Amendments*

NOTICE OF APPEAL FROM REFUSAL OF REGISTRAR TO RECORD RULE

To the Clerk of Awards at .....

THE [Name of society or union or association], being dissatisfied with the refusal of the Registrar to record the undermentioned rule (or amendment or alteration of a rule) on the ground that it is unreasonable or oppressive, hereby appeals to the Court to make inquiry as to whether the Registrar's refusal as aforesaid should be insisted on or waived.

[Set out rule or amendment or alteration.]

Dated at ....., this ..... day of ..... 19..

(To be signed by two officers of society or union or association.)

..... of the said Society, Union, or Association.

..... of the said Society, Union, or Association.

[Form No. 2

*Under the Industrial Conciliation and Arbitration Act 1925 and Its Amendments*

APPLICATION TO REGISTRAR FOR CERTIFICATE OF EXEMPTION FROM UNION MEMBERSHIP

To the Registrar of Industrial Unions,  
Wellington.

1. I hereby apply on religious grounds for a certificate of exemption from membership of the undermentioned union covering the calling in which I am employed.

2. The following particulars are supplied in support of my application :—

- Surname (in block letters) :.....
- Christian names :.....
- Full residential address :.....
- Present occupation :.....
- Name of employer :.....
- Full name of union :.....
- Religious denomination :.....
- Grounds of application :.....

Dated at ....., this ..... day of ..... 19..

.....  
Signature of Applicant.

NOTE.—You may, if you so desire, submit with this application a written statement setting out in detail the reasons for the application, and any other relevant information, and at the same time forward any documentary evidence or statement of facts you desire to present.

To the Conscientious Objection Committee.

This application is referred for hearing pursuant to section 6 of the Industrial Conciliation and Arbitration Amendment Act 1951.

Kindly notify me in due course whether you are satisfied that the applicant's religious objections are genuine.

Dated at Wellington, this ..... day of ..... 19..

.....  
Registrar of Industrial Unions.

The Registrar of Industrial Unions,  
Wellington.

(Strike out whichever is not applicable.) { Objections genuine.  
Objections not genuine.

Dated at ....., this ..... day of ..... 19..

....., Chairman,  
Conscientious Objection Committee.

[Form No. 3

*Under the Industrial Conciliation and Arbitration Act 1925 and Its Amendments*

## CERTIFICATE OF EXEMPTION FROM UNION MEMBERSHIP

THIS is to certify that [Name], of [Address], [Occupation], having satisfied the Conscientious Objection Committee appointed under the Military Training Act 1949 that his (her) religious objections to being a member of a union are genuine, and having paid to the credit of the Social Security Fund an amount equal to the subscription fixed by the [Name of union] Industrial Union of Workers, is hereby exempted from membership of that union for the period from ..... 19.. to ..... 19.., both dates inclusive.

Dated at Wellington, this ..... day of ..... 19..

.....  
Registrar of Industrial Unions.

NOTE.—This certificate permits the employment or the continuation of the employment of the person named therein for the period specified therein as if that person were a member of the union to which the certificate relates.

Application for a certificate of exemption for any subsequent period must be made before the expiration of the period specified in this certificate.

[Form No. 4

*Under the Industrial Conciliation and Arbitration Act 1925 and Its Amendments*

## APPLICATION TO COURT FOR TOTAL OR PARTIAL EXEMPTION FROM AMENDMENT TO AN AWARD

In the matter of an amendment dated ....., copy attached hereto, to the ..... award, dated ..... (Book of Awards, Vol. ...., p. ....).

To the Clerk of Awards at .....

THE undersigned, not being an original party to the above award, hereby makes application for total (or partial) exemption from the above amendment to the said award upon the following grounds: [*Set out grounds in detail*].

Dated at ....., this ..... day of ..... 19..

Signature : .....

[Form No. 5

*Under the Industrial Conciliation and Arbitration Act 1925 and Its Amendments*

## NOTICE OF APPLICATION TO COURT FOR TOTAL OR PARTIAL EXEMPTION FROM AMENDMENT TO AN AWARD

In the matter of an amendment dated ..... to the ..... award, dated ..... (Book of Awards, Vol. ...., p. ....).

To .....

TAKE notice that an application to the Court for total (or partial) exemption from the above amendment to the said award has been filed with me. If you propose to oppose the application, and give me written notice to that effect, the time and place of the hearing of the said application will be notified to you in due course. A copy of the application is attached.

Dated at ....., this ..... day of ..... 19..

.....  
Clerk of Awards.

Under the Industrial Conciliation and Arbitration Act 1925 and Its Amendments

## APPLICATION FOR INQUIRY INTO ELECTION

To the Registrar of Industrial Unions,  
Wellington.

1. Pursuant to section 28 of the Industrial Conciliation and Arbitration Amendment Act 1951, we, the undersigned financial members of the ..... Industrial Union of ....., claim that there has been an irregularity in or in connection with the election of the [Insert name of office or position] of the union [or insert name of branch concerned] and hereby make application for an inquiry by the Court of Arbitration into the matter.

2. The irregularity which is claimed to have occurred is as follows: [Give details].

3. The facts relied on by us in support of the application are as follows: [Give details].

4. Attached is a statutory declaration by one of the applicants declaring that the facts set out in this application are, to the best of the applicant's knowledge and belief, true.

Dated at ....., this ..... day of ..... 19..

.....  
Signatures of at least ten financial members.

## FOR USE OF REGISTRAR

Registrar's decision { (a) Application granted: [Signature].  
(b) Application refused: [Signature].

(If application granted, Registrar should complete the following reference of the matter to the Court.)

To the Clerk of Awards, .....

Being satisfied that there are reasonable grounds for an inquiry into the question whether there has been an irregularity in or in connection with the election referred to in the above application which may have affected or may affect the result of the election and that the circumstances of the matter justify an inquiry by the Court, and having granted the application for an inquiry, I hereby refer the matter to the Court accordingly.

The Returning Officer or other person who conducted the election has been given a reasonable opportunity to show cause why the application should not be granted.

Dated at Wellington, this ..... day of ..... 19..

.....  
Signature of Registrar of Industrial Unions.

T. J. SHERRARD,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

[This note is not part of the regulations, but is intended to indicate their general effect.]

Regulations 2, 3, 4, 5, 8, and 9 are complementary to the Industrial Conciliation and Arbitration Amendment Act 1951, and prescribe the procedure to be followed and the forms to be used:—

- (a) In appealing against a refusal of the Registrar of Industrial Unions to record a rule on the ground that it is unreasonable or oppressive:
- (b) In applying for exemption from union membership on religious grounds:
- (c) In making application for total or partial exemption from an amendment made to an award at the request of the original parties:
- (d) In giving notice to the parties of the making of awards, &c., by Deputy Judges and Stipendiary Magistrates:
- (e) In applying for an inquiry into an alleged irregularity in connection with an election for an office in a union or a branch of a union.

Regulations 6 and 7 extend from fourteen days to twenty-one days the time within which an appeal may be filed against a decision of a Stipendiary Magistrate or Deputy Judge acting under an order of delegation of the Court of Arbitration.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 15 May 1952.

These regulations are administered in the Department of Labour and Employment.