

New Zealand.

ANALYSIS.

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1911, No. 33.

Title. AN ACT to amend the Industrial Conciliation and Arbitration Act, 1908. [28th October, 1911.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. (1.) This Act may be cited as the Industrial Conciliation and Arbitration Amendment Act, 1911, and shall form part of and be read together with the Industrial Conciliation and Arbitration Act, 1908 (hereinafter referred to as the principal Act).

Commencement of Act.

(2.) This Act shall commence on the first day of March, nineteen hundred and twelve.

Cancellation of registration not to affect award, &c.

2. Where the registration of a union or association is cancelled for the purpose of the issue of a fresh certificate or of the union or association being registered under a new name, such cancellation shall not affect the operation of any award or industrial agreement in force to which the original union or association was a party.

Industrial agreement may be made into award.

3. Where it is proved to the Court that an industrial agreement (whether made before or after the commencement of this Act) is binding on employers who employ a majority of the workers in the industry to which it relates in the industrial district in which it was made, the Court shall, on the application of any of the parties to the agreement, declare the same to be an award unless, in the opinion of the Court, such agreement is, by reason of its provisions, against the public good or is in excess of the jurisdiction of the Court.

4. (1.) Notwithstanding anything to the contrary in the principal Act, an industrial association of employers or workers may make application to the Court in the first instance for an award to apply to more than one industrial district.

Dispute covering more than one industrial district

(2.) The application shall contain the particulars mentioned in paragraphs (a) to (d) of subsection four of section thirty of the Industrial Conciliation and Arbitration Amendment Act, 1908, and such of the provisions of that section as are applicable shall extend and apply accordingly.

(3.) The application shall be filed with the Clerk of Awards in each of the industrial districts in which the award is intended to apply.

(4.) Notice of the application shall be given in the prescribed form to the parties who it is intended shall be bound by the award.

(5.) The application shall be heard at such place or places as the parties may agree on, or, in default of such agreement, as the Court, on the application of any party after notice in the prescribed form to the other parties to the dispute, directs.

(6.) The Court may, if it thinks fit, make an award upon such application, and that award shall bind as parties all trades-unions, industrial unions, industrial associations, and employers in all or one or more of the industrial districts for which the application has been filed.

5. (1.) Not later than three clear days before the hearing of a dispute the respondents shall lodge with the Commissioner a statement in detail admitting such of the claims of the applicants as they desire to admit, or making a counter-proposal with respect to the claims of the applicants or some or one of them, and a copy of that statement shall be sent to the applicants by the Commissioner.

Counter-proposal to be lodged.

(2.) On the hearing of the dispute no counter-proposal by the respondents shall be considered other than those contained in the said statement except with the leave of the Commissioner on such terms and conditions as he deems just.

(3.) This section shall extend and apply with the necessary modifications to a dispute brought before the Court in the first instance pursuant to section four of this Act.

6. Notwithstanding anything in section ninety-two of the principal Act, the Court may, on the application of any party to an award, extend the award so as to join and bind as parties thereto all trade-unions, industrial unions, industrial associations, and employers in New Zealand who are connected with or engaged in the same industry as that to which the award applies :

Provision for Dominion award in certain cases.

Provided that the Court shall not act under this section unless it is satisfied that the conditions of employment or of trade are such as make it equitable to do so.

7. (1.) When a recommendation of a Council of Conciliation is filed with the Clerk of Awards together with the notification that no settlement has been arrived at, the Clerk shall, as soon as practicable, give notice in the prescribed form to the parties to the dispute of the filing of the recommendation and of the place where it

Procedure where no settlement is arrived at.

may be seen, and requiring them if they disagree with the recommendation to signify their disagreement within one month, and, if they so desire, to state reasons for such disagreement.

(2.) If within the time aforesaid no notice of disagreement has been filed, the Clerk shall as soon as possible thereafter give notice in the prescribed form to the parties of the fact, and the recommendation shall, as from seven days after the date of that notice, operate and be enforceable in the same manner as an award duly executed and filed by the parties; and the Clerk shall indorse the recommendation accordingly.

(3.) If any party to the dispute duly signifies his disagreement with the recommendation, the dispute shall be referred by the Clerk to the Court for settlement, and thereupon the dispute shall be before the Court, and the Court may, after hearing any of the parties that have signified their disagreement, incorporate the terms of the recommendation in an award.

(4.) If it appears to the Court that any reason given for disagreement with the recommendation is trivial or frivolous, it may disregard such disagreement, and the parties so disagreeing shall be deemed to have concurred in the recommendation.

(5.) Where a notification that no settlement has been arrived at has been delivered to the Clerk of Awards and the Council makes no recommendation for the settlement of the dispute, the Clerk shall forthwith refer the dispute to the Court for settlement, and thereupon the dispute shall be deemed to be before the Court.

Repeal.

(6.) Section forty-six of the Industrial Conciliation and Arbitration Amendment Act, 1908, is hereby repealed.

References to Registrar to the Court to refer to Clerk of Awards.

8. In the event of there being no Registrar, or of his absence, all references in the principal Act to the Registrar to the Court shall hereafter be deemed to be references to the Clerk of Awards of the industrial district to which the subject-matter relates.

Repeal.

9. Section nineteen of the Industrial Conciliation and Arbitration Amendment Act, 1908, is hereby repealed, and the following substituted in lieu thereof:—

Appeal from Magistrate to Court of Arbitration.

“19. (1.) Any party to any such action may, if the amount of the claim is not less than five pounds, appeal to the Court of Arbitration against the judgment of the Magistrate in that action.

“(2.) Except as provided by this section, there shall be no appeal from the judgment of the Magistrate in any such action.

“(3.) On any appeal under this section the Court of Arbitration shall have the same powers as the Supreme Court has in respect of an appeal from a Magistrate's Court, and the determination of the Court of Arbitration shall be final.

“(4.) In respect of any such appeal, sections one hundred and fifty-three to one hundred and fifty-eight and sections one hundred and sixty and one hundred and sixty-one of the Magistrates' Courts Act, 1908, shall (subject to the provisions of this section) apply, and shall be read as if the references therein to the Supreme Court were references to the Court of Arbitration.

“(5.) No such action shall be removed into the Supreme Court.”

10. No award of the Court shall contain any provision that is inconsistent with any statute which makes special provision for any of the matters before the Court. Awards to be in conformity with statutory provisions.

11. A sitting of the Court shall be held in the Cities of Auckland, Wellington, Christchurch, and Dunedin at least once in every three months to deal with any disputes which have been referred to the Court. Periodical sittings of the Court.

12. (1.) The principal Act is hereby further amended as follows:— Miscellaneous amendments.

(a.) As to section five: By inserting in paragraph (b), subparagraph (i), after the word "society," the words "with the locality in which the members and officers reside or exercise their calling":

(b.) As to section twenty, subsection two: By inserting, after the word "award" (wherever it occurs), the words "or industrial agreement"; and after the word "awards" the words "or industrial agreements":

(c.) As to section twenty, subsection three: By adding at the end of the subsection the words "on any existing award or industrial agreement":

(d.) As to section ninety-six, subsection one: By inserting, after the word "thereto," the words "or a copy of the award certified under the hand of the Clerk of Awards, or any official printed copy of the award published by the Labour Department":

(e.) As to section one hundred and seven, subsection two: By inserting, before the words "in manner following," the words "of the union or of each of the unions concerned"; by omitting from paragraph (a) the words "in the case of an industrial union"; by omitting the word "and" after the word "minutes" in the same paragraph; and by omitting paragraph (b):

(f.) As to section one hundred and seven, subsection three: By omitting the words "or of the governing body of the industrial association":

(g.) As to section one hundred and thirteen, subsection one: By omitting from paragraph (c) the words "by any party."

(2.) The Industrial Conciliation and Arbitration Amendment Act, 1908, is hereby amended as follows:—

(a.) As to section ten, subsection seven: By inserting, after the word "appeal," the words "to the Court of Arbitration":

(b.) As to section thirty-two, subsection four: By omitting the words "one clear day," and substituting the words "three clear days":

(c.) As to section fifty, subsection one: By inserting, after the word "eight," the words "one hundred and thirteen."