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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,
1st September, 1903.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Rt. Hon. R. J. Seddon.

ARBITRATION COURT EMERGENCY.

ANALYSIS.

Title.

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| 1. Short Title. | 3. Appointment of acting members of Court. |
| 2. On the illness of member of the Court, acting member may be appointed. | 4. When acting member to act. |

A BILL INTITLED

AN ACT to provide for a Temporary Appointment in the event of a Member of the Court being absent through Illness or other Cause. Title.

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

1. The Short Title of this Act is "The Arbitration Court Emergency Act, 1903"; and it shall form part of and be read together with "The Industrial Conciliation and Arbitration Act, 1900" (hereinafter referred to as "the principal Act"). Short Title.

2. (1.) Whenever a member of the Court (other than the President) suffers from illness that is likely to prevent him from attending any sitting of the Court, and to prevent him from so attending for a period of at least seven days after the day fixed for such sitting, he shall notify the Clerk thereof. On the illness of member of the Court, acting member may be appointed.

(2.) Where the Clerk is satisfied that any member of the Court (other than the President) is unable through illness or any other cause to attend any sitting of the Court, and for a period of at least seven days after the day fixed for such sitting will be unable to attend, he shall notify the President thereof.

(3.) The President shall thereupon, by telegram or other expeditious means, request the secretary of the Employers' Association at each of the following places—namely, Auckland, Wellington, Christchurch, and Dunedin—or the secretary of each of the industrial unions of workers in such places, as the case may require, to recommend on behalf of his association or union the name of some person, and from the names so recommended the President shall select one willing to act, and recommend him to the Governor for appointment as an acting member of the Court in the place of the member so unable to attend :

Provided that if for the space of three clear days after such request no name is recommended to the President as aforesaid, he may himself recommend some fit person to the Governor for appointment.

(4.) This section shall remain in force only until the next appointment of members of the Court under the principal Act, when it shall be deemed to be repealed. 5

Appointment of
acting members
of Court.

3. Whenever after the passing of this Act industrial unions are requested by the Governor, under section sixty-three of the principal Act, to recommend to the Governor persons to be members of the Court, each such union shall recommend the names of two persons, one to be the member and one to be the acting member, and from the names so recommended the Governor shall select four persons as follows:— 10

One from the persons recommended by the unions of employers and one from the persons recommended by the unions of workers, and shall appoint them to be members of the Court; and 15

One from the persons recommended by the unions of employers and one from the persons recommended by the unions of workers, and shall appoint them to be acting members of the Court. 20

When acting
member to act.

4. (1.) If at any time either of the members of the Court so appointed is unable by reason of illness or other cause to attend any sitting of the Court on the day fixed for the same, and it is likely that he will be unable to attend any sitting of the Court within seven days after the day so fixed, he may notify the Clerk thereof. 25

(2.) If at any time the Clerk (whether or not he has been so notified) is satisfied that any such member is by reason of illness or other cause unable to attend any sitting of the Court on the day fixed for the same, and it is likely that he will be unable to attend for seven days after the day so fixed, he shall notify the President thereof, who shall thereupon summon the acting member appointed as aforesaid on the recommendation of the industrial unions of employers or of workers, as the case may be, to attend the sittings of the Court, and to act as a member of the Court during the absence of the member who is unable to attend, and while so acting he shall have and may exercise all the powers, functions, and privileges of the member for whom he is acting. 30 35

(3.) On receipt by the Clerk of a notice in writing, signed by the member of the Court, that he is able to resume the duties of his office, the acting member shall cease to act as aforesaid: 40

New Proviso.

Provided that if he shall then be employed upon the hearing of a case he shall complete such hearing before so ceasing to act. 45

(4.) The absence of the member of the Court while the acting member is so acting shall not be deemed to have created a casual vacancy under section sixty-seven of the principal Act.