

Hon. Mr. Millar.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT  
AMENDMENT.

ANALYSIS.

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A BILL INTITULED

Title.	AN ACT to amend the Industrial Conciliation and Arbitration Act, 1905.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title.	1. This Act may be cited as the Industrial Conciliation and Arbitration Act Amendment Act, 1907, and shall form part of and be read together with the Industrial Conciliation and Arbitration Act, 1905 (hereinafter referred to as the principal Act).	10
Commencement of Act.	2. This Act shall come into operation on the first day of January, nineteen hundred and <i>eight</i> .	
No future reference of dispute to Conciliation Board.	3. (1.) After the coming into operation of this Act no industrial dispute shall be referred to any Board of Conciliation or special Board of Conciliators under the principal Act.	15
	(2.) In the case of any industrial dispute which, at the time of the coming into operation of this Act, has been already referred to any Board of Conciliation or special Board of Conciliators, further proceedings for the settlement of that dispute shall be taken in the same manner as if this Act had not been passed.	20
Dispute not to be referred in first instance to Court.	4. (1.) After the coming into operation of this Act no industrial dispute shall be referred in the first instance to the Court, but the Court shall have and exercise in respect of industrial disputes the appellate and other jurisdiction hereinafter provided for.	
	(2.) In the case of any industrial dispute which, at the time of the coming into operation of this Act, has been already referred to the Court, further proceedings for the settlement of that dispute shall be taken in the same manner as if this Act had not been passed.	25
	(3.) The provisions of this section are subject to all other provisions in this Act contained.	30
	<i>Industrial Councils.</i>	
Reference of dispute to Industrial Council.	5. (1.) Any industrial dispute may be referred for settlement to an Industrial Council constituted in accordance with this Act.	
	(2.) Any <i>industrial union or industrial association which is a</i> party to an industrial dispute may make application in the prescribed manner to the Clerk of Awards for the district in which the dispute has arisen, for the establishment of an Industrial Council for the settlement of that dispute.	35
Establishment and constitution of Industrial Council.	(3.) On the receipt of any such application the Clerk shall give written notice thereof to the Minister of Labour, and the Governor may thereupon establish, for the industrial district in which the dispute has so arisen, an Industrial Council, consisting of seven members.	40
	(4.) One of the said members (being the President) shall be elected by the other members in manner hereinafter provided.	45
	(5.) Three of the other members shall be persons who are or have been employers engaged in the industry in which the dispute has arisen (whether in the same or in another industrial district), and these members shall be appointed by the Governor on the recommendation of the industrial union or unions of employers	50

in the industry and industrial district in which the dispute has arisen. If there is no such industrial union in existence at the time when application is made as aforesaid for the establishment of an Industrial Council, then the said three members shall be appointed  
5 by the Governor on the recommendation of the employers who are at that time engaged in the industry to which the dispute relates in the industrial district in which the dispute has arisen.

(6.) The three remaining members of the Industrial Council shall be persons who are or have been workers engaged in the  
10 industry in which the dispute has arisen (whether in the same or in another industrial district), and these members shall be appointed by the Governor on the recommendation of the industrial union or unions of workers in the industry and industrial district in which the dispute has arisen :

15 Provided that under special circumstances, and with the approval of the Minister of Labour, persons who are not and have not been workers engaged in the said industry may be so recommended and appointed.

(7.) All recommendations for the appointment of members of an  
20 Industrial Council shall be made in manner prescribed by regulations.

Recommendations for appointment of members.

(8.) If any default is made in making any such recommendation as aforesaid, the Governor may appoint any person or persons otherwise qualified, notwithstanding such default.

Appointment on default of recommendation.

(9.) Whenever it is lawful under the principal Act or its amend-  
25 ments to make a single award for two or more industries, these industries shall, for the purpose of the establishment of an Industrial Council and the appointment of the members thereof, be deemed to be a single industry.

One award for two or more industries.

(10.) As soon as practicable after the appointment of members by  
30 the Governor as aforesaid the Clerk shall appoint a time and place for such members to meet for the purpose of appointing the President, and shall give to each such member at least two clear days' written notice of the time and place so appointed.

(11.) At such meeting the members shall by a majority of their  
35 number elect some person not being one of their number to be President of the Council.

(12.) If for any reason a President is not elected within seven days after the date fixed for the said meeting, the Governor may appoint some person to be President.

(13.) On the election or appointment of the President the  
0 Industrial Council shall be deemed to be established, and the Minister of Labour shall publish in the *Gazette* a notification thereof, together with the names of the President and other  
45 members of the said Council, and such notification shall specify the industrial district for which the said Council has been established, and the industry in which the industrial dispute has arisen. A copy of the *Gazette* containing such notification shall be conclusive proof that the said Council is duly constituted, and of all other matters so set forth in the said notification.

Notification of establishment of Council to be gazetted.

(14.) If any member of an Industrial Council dies, or resigns by  
50 notice in writing delivered to the Clerk, or otherwise ceases to be a member thereof, the Governor may appoint some other qualified person in his place.

*New subclause.*

(15.) If any member of an Industrial Council fails without reasonable cause to attend the meeting of the Council at which the decision of the Council is intended to be given, he may be removed by the Governor, and the Governor may appoint some qualified person in his place. 5

**Jurisdiction of Industrial Council.**

6. (1.) An Industrial Council shall have jurisdiction to hear and determine the industrial dispute in respect of which it was established, and to make an award for the settlement thereof, and such award shall have effect within the industrial district for which the Council has been so established, or within such portion of that district as the Council in its award determines. 10

(2.) The award of the Council shall be made within one month after the Council is established, or within such extended time as in special circumstances the Council thinks fit.

(3.) The award of the Council shall be signed by the President, and shall be deposited in the office of the Clerk of the district for which the Council has been established. 15

(4.) The said award so deposited shall be open for inspection without charge during office hours by all persons interested therein, and the Clerk shall, upon application, supply certified copies of such award for a prescribed fee. 20

**Dissolution.**

7. Immediately on making its award an Industrial Council shall *ipso facto* be dissolved, *but the President of such Council shall continue to hold office during the currency of the award, and may, if so desired by the parties to the award, give any interpretation of such award or, with the consent of the Minister, summon the Industrial Council.* 25

**Remuneration.**

8. Members of Industrial Councils shall be paid such fees as are from time to time prescribed, and such fees shall be paid out of such moneys as are from time to time appropriated by Parliament for this purpose. 30

**Oath of office and secrecy.**

9. Before entering on the exercise of their office the members of an Industrial Council shall make oath or affirmation before the Clerk that they will faithfully and impartially perform the duties of their office, and that (except in discharge of their duties) they will not disclose to any person any evidence or other matter brought before the Council. The Clerk is hereby empowered to administer such oath or take such affirmation accordingly. 35

**Quorum.**

10. (1.) The presence of the President and at least four other members of an Industrial Council shall be necessary to constitute a sitting of the Council. 40

**Decision of Council.**

(2.) The decision of a majority of the members present at a sitting of the Council, or if the members present are equally divided in opinion, then the decision of the President, shall be the decision of the Council. 45

**Parties to proceedings.**

11. (1.) The parties to any proceedings before an Industrial Council shall be industrial unions, industrial associations, or employers.

(2.) The Council shall have the same powers in respect of the citation, joinder, or striking out of parties, as are now possessed by the Court. 50

12. (1.) Subject to the provisions of this Act, and to any regulations made under the authority of this section, the provisions of the principal Act and its amendments with respect to the procedure in proceedings before the Court shall apply to the procedure in proceedings before an Industrial Council. Provisions of principal Act as to procedure to apply.

(2.) The Governor may, by Order in Council gazetted, make regulations, consistent with this Act, determining the procedure in all proceedings before an Industrial Council.

13. Subject to this Act, an Industrial Council or the President thereof shall have in respect of any industrial dispute referred to the Council in accordance with this Act the same powers and duties that are now possessed by or imposed upon the Court or the Judge thereof respectively in respect of an industrial dispute referred to the Court. Powers and duties of Council.

14. Subject to this Act, an award made by an Industrial Council shall have the same operation and effect as an award made by the Court under the provisions of the principal Act or its amendments. Operation and effect of award.

15. Subject to this Act, all provisions of the principal Act or any amendments thereof now in force which relate to the Court or to the Judge thereof, or to the members thereof, or to the awards thereof shall be deemed to relate also to an Industrial Council or to its President, or members, or awards respectively. Provisions of principal Act as to Court to apply to Councils.

16. Every reference in any Act now in force to the awards of the Court shall be deemed to apply also to awards made by an Industrial Council. Reference to awards of Court to apply to awards of Council.

*New clause.*

16A. Every award made by an Industrial Council shall come into operation on a day to be stated in such award, not being earlier than twenty-eight days after the day of the making thereof. Date of operation of award.

17. (1.) An Industrial Council may in respect of any matter of law state a case for the advice and opinion of the Court. Council may state case in matter of law.

(2.) Nothing in this section shall confer upon any party to proceedings pending before an Industrial Council a right to have a case so stated for the advice and opinion of the Court.

*Court of Arbitration.*

18. (1.) At any time within ~~one month~~ *twenty-eight days* after the making of any award by an Industrial Council, any industrial union, or industrial association, or ~~employer~~ *a majority of the employers* bound or intended to be bound by the award may, in the prescribed manner, apply to the Court for leave to appeal to the Court. Appeal to Court.

(2.) On such application the Court may, for any reason which it thinks sufficient, grant leave to appeal accordingly on such conditions and subject to such limitations and restrictions as the Court thinks fit, or may for any reason which it thinks sufficient refuse such leave.

(3.) The appeal may be either on the law or on the facts, and if on the facts it shall be by way of a rehearing.

(4.) The provisions of the principal Act and its amendments with respect to the procedure and power of the Court in the exercise of its original jurisdiction shall, with the necessary modifications Procedure in case of appeal.

and subject to any regulations made under the authority of this section, apply to the exercise by the Court of the appellate jurisdiction conferred by this Act.

(5.) The Governor in Council may make regulations, consistent with this Act, prescribing the procedure of the Court in hearing appeals. 5

(6.) On any such appeal the Court may confirm or modify the award appealed from, or quash the award, or make a new award, and may make such order as to the costs of the appeal as it thinks just.

(7.) The decision of the Court on any appeal shall be final. 10

(8.) The pendency of an appeal shall not suspend the operation of the award appealed from; *but the Court shall direct that its award, or the award appealed against or any part of such award shall have effect as from the date of the award appealed against.*

Powers of Court with respect to awards made by Council.

19. After an award has been made by an Industrial Council, or by the Court on appeal from an Industrial Council, the Court shall have power to exercise with respect to that award all the powers conferred upon the Court by the principal Act or its amendments with respect to an award that has been made by the Court itself in its original jurisdiction 15

Applications for establishment of Council and for leave to appeal from award to be approved by members of union.

20. No industrial union or industrial association shall make any application for the establishment of an Industrial Council, or for leave to appeal to the Court from an award of an Industrial Council, until the proposed application has been approved by the members of the said union or association in manner provided by sections one hundred and five and one hundred and six of the principal Act. 20 25

*Industrial Agreements.*

Extension of industrial agreements.

21. (1.) Whenever it is proved to the Court that an industrial agreement (whether made before or after the coming into operation 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 may, on the application of any party to that agreement or of any person bound thereby, make an order extending the operation of that agreement to all employers who are or who at any time after the making of the said order become engaged in the said industry in the said district, and all such employers shall thereupon be deemed to be parties to the said agreement, and shall be bound thereby so long as it remains in force. 30 35

Industrial agreements enforceable as awards.

(2.) Every industrial agreement (whether made before or after the coming into operation of this Act, and whether the breach thereof has taken place before or after the coming into operation of this Act) shall be enforceable in the same manner as if it were an award in force in the industrial district in which the agreement was made, and not otherwise. 40

Repeal.

(3.) Section thirty of the principal Act is hereby repealed. 45

*Enforcement of Awards.*

Enforcement of award by Magistrate.

22. Subject to the provisions of section thirty-nine hereof, if any party to an award, or any person on whom an award is binding, commits any breach thereof by act or default, any Inspector of

Awards, or any party to the award, may, in the prescribed form and manner make application for the enforcement of the award to a Magistrate in any industrial district in which the award is in force.

5 23. (1.) On the hearing of any such application the Magistrate may either dismiss the application or impose such fine for the breach of the award as he deems just.

Powers of Magistrate as to enforcement.

10 (2.) On the hearing of any such application the Magistrate may, if he thinks fit, state a case for the opinion of the Court of Arbitration, and may in the meantime adjourn the hearing of the said application.

24. No fine so imposed shall exceed *one* hundred pounds for any one breach in the case of an industrial union, industrial association, or employer, or ~~ten~~ *five* pounds in the case of a worker.

Fines for breach of award.

15 25. (1.) Every order imposing a fine shall specify the parties or persons liable to pay the same, and the parties or persons to whom the same is payable.

Order to specify parties.

*New subclause.*

20 (2.) All moneys so made payable to any party or person shall be received by him to the use of the Crown, and shall be paid by him into the Public Account and shall form part of the Consolidated Fund.

*Struck out.*

25 26. The Magistrate may, in his discretion, make the said fine payable either to the Crown, or to the person on whose application the fine was imposed, or to any other person.

Application of fine in discretion of Magistrate.

30 27. (1.) From every such order of a Magistrate imposing a fine an appeal shall lie to the Court of Arbitration in manner prescribed by regulations made by the Governor in Council, and the decision of the said Court shall be final.

Appeal to Court of Arbitration.

35 (2.) On any such appeal the said Court may either affirm the order appealed against, or reverse the said order, or reduce the fine imposed thereby; and in any case the said Court may make such order as to the costs of the appeal and of the application to the Magistrate as it thinks just.

40 28. For the purpose of enforcing payment of any fine so imposed by the order of a Magistrate a certificate under the hand of the Magistrate specifying the amount payable, and the respective parties or persons by and to whom the same is payable, may be filed in any Court having civil jurisdiction to the extent of such amount, and shall thereupon, according to its tenor, be enforceable in all respects as a final judgment of such Court in its civil jurisdiction.

Enforcement of orders.

45 29. (1.) If the party ordered to pay such fine is an industrial union or an industrial association, and the fine is not paid within one month after the filing of the said certificate, all persons who were members of the said industrial union or industrial association at the time when the breach of award was committed in respect of which the fine was imposed, shall be jointly and severally liable for the said fine, and their liability therefor may be enforced in the same manner as if they were named in the said order and certificate as the persons liable to pay the same, save that no person shall be liable under this section for a larger sum than ~~ten~~ *five* pounds.

Liability of members of union or association.

Employer to deduct from wages if fine not paid.

30. (1.) If and so long as any fine imposed as aforesaid or any part thereof remains unpaid, every employer by whom any person liable to pay such fine or any part thereof is for the time being employed, whether as a servant or otherwise, shall deduct from the wages or other remuneration from time to time becoming payable by him to the person so employed a sum equal to *not exceeding* twenty-five per centum of such wages or other remuneration until the full amount for which such person is so liable has been paid or so deducted. 5

Notice to employer before deduction.

(2.) No employer shall be bound to make any deduction under the provisions of this section until he has received a notice, signed by or on behalf of an Inspector of Awards, stating the name and occupation of the person liable for the said fine, and the amount thereof unpaid at the date of the said notice, *and the percentage to be deducted from the said wages or remuneration.* No such notice shall be invalidated by any error or omission, unless such error or omission has misled the employer as to the identity of the person so liable. On the receipt of such notice the employer shall thereafter from time to time, and without further notice, make the deductions hereinbefore mentioned until the notice is withdrawn by an Inspector of Awards, or until the full sum stated therein has been deducted. Any such notice may be given from time to time to the successive employers by whom the person liable to pay such fine may be so employed at any time while the said fine or any part thereof remains unpaid. 10 15 20

(3.) All moneys which are or ought to have been so deducted shall be a debt due by the employer to the Inspector of Awards by whom the said notice was given, and shall be recoverable by him to the use of the person to whom the said fine is payable. 25

Order as to costs.

31. A Magistrate may, on any application for the enforcement of an award, make such order as to the payment of costs as he thinks just, and any costs so ordered to be paid shall be a debt recoverable in any Court of competent jurisdiction. 30

Provisions to apply to all awards.

32. The foregoing provisions as to the enforcement of awards shall apply to all awards whether made before or after the coming into operation of this Act, and to all breaches of award whether committed before or after the coming into operation of this Act, save that all proceedings for the enforcement of an award which are pending at the time of the coming into operation of this Act shall be continued in the same manner as if this Act had not been passed. 35

Provisions to apply to a strike or lock-out.

33. (1.) The foregoing provisions as to the enforcement of awards shall apply to any offence created by section fifteen of the Industrial Conciliation and Arbitration Amendment Act, 1905, in the same manner as if such offence were the breach of an award in force in the industrial district in which the offence was committed. 40

(2.) All references made in the said section to the Court or to the President shall be construed as references to a Magistrate. 45

Notice of application for enforcement of award.

34. (1.) Notice of every application to a Magistrate for the enforcement of an award shall be served on the defendant not less than seven clear days before the day of hearing.

(2.) Unless within three days after the service of such notice the defendant delivers to the applicant a notice of his intention to oppose the application, he shall not be entitled to oppose it, except with the leave of the Magistrate. 50



(3.) Such leave may be given by the Magistrate on such terms as to payment of costs or otherwise as he thinks fit.

35. The Governor, by Order in Council gazetted, may make regulations consistent with this Act prescribing the procedure in applications for the enforcement of awards, and fees payable in respect of such applications. **Regulations as to enforcement.**

36. Sections one hundred and one and one hundred and two of the principal Act are hereby repealed. **Repeal.**

37. When any order for the payment of money is made by the Court of Arbitration or by any Industrial Council, a certificate under the hand of the Clerk of the said Court, or, in the case of an Industrial Council, of the Clerk of Awards, specifying the amount payable and the parties or persons by and to whom the same is payable, may be filed in any Magistrate's Court, and shall thereupon be enforceable in the like manner as a judgment given by such Court in an action for the recovery of money. **Orders for the payment of money.**

38. In all proceedings for the enforcement of any award of an Industrial Council, and in all proceedings in which the existence or terms of such an award are in issue, it shall be sufficient to produce a copy of the award certified as a true copy under the hand of the Clerk of Awards, and it shall not be necessary to prove any conditions precedent entitling the Council to make the award. **Copy of award to be evidence.**

39. (1.) No industrial union or industrial association shall make any application for the enforcement of any award or industrial agreement until the proposed application has been approved by a resolution duly carried at a meeting of the members of the said union or association, ~~which has been convened by advertisement in some newspaper circulating in the industrial district in which the proposed application is to be made~~ which has been convened in accordance with the rules of such union or association. **Application for enforcement of award or industrial agreement to be approved by members of union.**

(2.) The provisions of sections one hundred and five and one hundred and six of the principal Act shall not apply to any such application.

*Miscellaneous.*

40. Section two of the principal Act is hereby amended by omitting from the definition of "worker" the words "to do any skilled or unskilled manual or clerical work." **Section 2 of principal Act amended.**

*New clause.*

40A. Section five of the principal Act is hereby amended by omitting the word "two" where it first occurs in that section, and substituting the word "seven"; and by omitting the word "seven" where it first occurs in that section, and substituting the word "twenty-five." **Section 5 of principal Act amended.**

41. Section twenty-two of the principal Act is hereby amended by omitting the words "of the one industry." **Section 22 of principal Act amended.**

*New clause.*

41A. Section sixty-six of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraph :—  
(bb.) In so appointing the members and acting members of the Court on the recommendation of the industrial unions, the Governor shall take into account the voting power of **Section 66 of principal Act amended.**

each such union, as determined in manner following, that is to say :—

(i.) Every union having not more than fifty members shall be deemed to have one vote :

(ii.) Every union having more than fifty members shall be deemed to have one vote for every fifty of its members. 5

Section 100 of principal Act amended.

42. Section one hundred of the principal Act is hereby amended by omitting the words “section seven” in subsection three, and substituting therefor the words “sections seven and eight.” 10

Section 105 of principal Act amended.

43. Subsection two of section one hundred and five of the principal Act is hereby amended by omitting all the words of paragraph (a) after the words “meeting of the union.”

Special meetings.

44. (1.) With respect to every special meeting held under section one hundred and five of the principal Act the following provisions shall apply :— 15

*Struck out.*

(a) The time and place of the meeting and the proposal to be submitted thereto shall be advertised at least three times before the meeting in some newspaper circulating in the industrial district. 20

(b.) The meeting shall be constituted, convened, and held in the manner provided by the rules of the union or association, save that notice thereof and of the proposal to be submitted thereto shall, together with a form of proxy in the prescribed form, be posted to each member not later than seven days before the day of meeting. 25

(c.) The proposal shall be deemed to be carried if, but not unless, it is passed by a majority of such of the members present at the meeting either in person or by proxy as are entitled under the rules to vote. 30

Repeal.

(2.) This section is in substitution for subsection one of section one hundred and six of the principal Act, which subsection is hereby accordingly repealed.

Recovery where wages paid less than those fixed by award.

45. When any payment of wages has been made to and accepted by a worker at a less rate than that which is fixed by any award or otherwise by law, no action shall be brought by the worker against his employer to recover the difference between the wages so actually paid and the wages legally payable, save within three months after the day on which the wages claimed in the action became due and payable. 35 40

*New clause.*

45A. (1.) Where on any application for the enforcement of an award it is found that wages have been paid to a worker at a less rate than that fixed by the award, the Magistrate may order that a sum equal to the difference between the wages actually paid and the wages legally payable, shall be paid by the employer to some person named in the order. 45

(2.) All moneys received by any person pursuant to such order shall be dealt with by him in the manner following, that is to say : 50

(a.) In payment, if the Magistrate so directs, to the worker of a sum equal to the difference aforesaid for the period (not

exceeding three months) during which he received such less rate of wages ; and

(b.) Subject to any such payment in payment into the Public Account.

5 (3.) Where any payment is made as aforesaid to the worker no action shall be brought by him against his employer to recover any moneys in respect of the difference between the wages actually received by him and the wages legally payable.

10 (4.) Every such order may be enforced and shall be subject to the right of appeal in the same manner as orders for payment of fines.

15 46. Where by any award or industrial agreement the age at which young persons may be employed is limited, or the wages payable to young persons of certain ages are fixed, then, in so far as the employer is concerned, it shall be sufficient proof of the age of any young person desiring employment if such young person produces to the employer a certificate of age granted by an official of the Labour Department.

Certificate of age.

20 47. (1.) On the application *ex parte* of any industrial union of employers or workers the Court may order that the secretary of the union may from time to time serve on all or any employers or workers, as the case may be, who are at the time of such order or thereafter become engaged or employed in the industrial district in which the union has its registered office and in the industry in connection with which the union is established, and who are not mem-  
25 bers of the union, a demand that the employer or worker on whom such demand is served shall thereafter pay to the union in accordance with the rules thereof, so far as applicable, an annual, monthly, or weekly contribution equal in amount to that payable by an ordinary member of the union.

Contributions to unions by others than members.

30 (2.) Every order so made by the Court may at any time thereafter be revoked, on the application of any employer or worker affected thereby, for any reason which the Court thinks sufficient.

35 (3.) Every such demand shall be in writing and shall be accompanied by a copy of the rules of the union, and may be served either personally or through the post.

40 (4.) On any such demand being so served on any employer or worker, such employer or worker shall thereafter be liable to pay from time to time the contribution specified in such demand until the said demand is withdrawn or the order under the authority of which the demand was made has been cancelled.

(5.) All such contributions shall be recoverable in the manner provided by section fifteen of the principal Act in the case of the contributions of members of the union.

45 (6.) In the case of any employer or worker who is engaged or employed in the aforesaid district and industry at the time when the said order is made, no such demand shall be served upon him after the expiry of *one* month after the date of the said order.

50 (7.) The demand of the secretary of any union under this section shall entitle the employer or worker on whom the same is made to be admitted as a member of the union if he expresses in writing addressed to the secretary his desire to become a member.

(8.) Nothing herein shall authorise the demand of payment of any contribution from any person who is—

- (a.) An overseer or foreman in permanent employment, and having full direction over at least five workers ; or
- (b.) An indentured apprentice ; or
- (c.) Under the age of seventeen years.

*Struck out.*

5

48. There shall be painted, printed, or affixed in legible characters, in some conspicuous place at or near the entrance of each factory, shop, or place to which an award applies, in such a position as to be easily read by the persons employed therein, a true copy of the award as to the lowest prices or rates of payment fixed by the award.

10

*New clause.*

Copy of award to be conspicuously placed in factory, &c.

48. (1.) In the case of any factory or shop to which any award relates, a printed or typewritten copy of such award shall at all times be kept affixed in some conspicuous place at or near the entrance of such factory or shop in such a position as to be easily read by the persons employed therein.

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(2.) For any breach of the provisions of this section the occupier of the said factory or shop shall be liable to a fine not exceeding five pounds.

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(3.) In this section the terms " factory " and " shop " have the same meanings as in the Factories Act, 1901, and the Shops and Offices Act, 1904, respectively.

No apprentice over twenty-one years of age.

49. No person over the age of twenty-one ~~one~~ five years shall be deemed to be an apprentice within the meaning of any award or industrial agreement, whether made before or after the coming into operation of this Act.

25

Application for permit to work at less than prescribed rate to be made to Inspector of Factories.

50. (1.) Where an award, whether made before or after the coming into operation of this Act, provides for the issue of a permit to any worker to accept a wage below that prescribed for ordinary workers in the industry to which the award relates, all applications for such permits shall be made to an Inspector of Factories appointed under the Factories Act, 1901, and exercising his powers as such Inspector within the district in which the award is in force or in any part of that district.

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(2.) Such Inspector, in granting a permit, shall proceed in manner provided in section thirteen of the Industrial Conciliation and Arbitration Amendment Act, 1905.

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*New subclause.*

(3.) Such permit shall only be valid for the period for which it is granted, but may be renewed on application. Any holder of a permit working contrary to the award after the expiration of such permit shall be guilty of an offence and liable to a fine not exceeding five pounds.

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*Struck out.*

45

Three-fourths of assets to be retained in New Zealand if industrial union affiliated to society outside New Zealand.

51. (1.) When an industrial union is a branch of or is affiliated with any society of which the central management or control takes place outside New Zealand, such industrial union shall at all times retain in New Zealand and under its own control at least *three-fourths* of its assets.

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(2.) Any industrial union failing to conform to the provisions of this section commits an offence, and shall be liable to a fine, which

shall be imposed and enforced on the application of an Inspector of Awards in the same manner as if such offence were the breach of an award.

52. After the coming into operation of this Act, no trade union shall be registered under the provisions of the Trade Union Act, 1878, if there is, in connection with the same industry, any industrial union already registered under the principal Act to which the members of such trade-union belong or to which, in the opinion of the Registrar of Trade Unions, they may conveniently belong. The decision of the said Registrar shall be final and conclusive.

No future registration of trade unions.

53. (1.) No person shall be qualified to be a member of the committee of management of any industrial union or industrial association, or an officer of any such union industrial or association, unless he has been or is actually and bona fide engaged or employed in the industry in respect of which such union industrial or association is established.

Officers of industrial unions to be engaged in the industry.

(2.) Any person who acts as an officer or a member of a committee of management while disqualified under this section shall be liable to a fine not exceeding ten pounds, to be imposed and recovered in the same manner as if such person had committed a breach of an award.

New subclause.

(3.) This section shall not apply to any industrial union the number of whose members as shown by the last list of members forwarded to the Registrar in pursuance of section seventeen of the principal Act was less than seventy-five in number, or to any industrial union so long as a majority of its members are women.

New clauses.

53A. If any thing which is required or authorised to be done by the principal Act or its amendments or by this Act is not done within the time limited for the doing thereof, or is done informally, the Court may, if it thinks fit, in its absolute discretion, on the application of any person interested, make an order extending the time within which such thing may be done, or validating the thing so informally done.

Validation of things informally done, &c.

53B. Every award shall prevail over any contract of service or apprenticeship in force on the coming into operation of such award, so far as there is any inconsistency between the said award and the said contract, and the said contract shall thereafter be construed and have effect as if the same had been modified, so far as necessary, in order to conform to the said award.

Contracts of service modified by award.

53c. No barrister or solicitor shall appear on behalf of any party or person before an Industrial Council on the hearing of an industrial dispute.

Barrister or solicitor not to appear before Industrial Council.

54. (1.) Nothing in this Act shall be so construed as to confer upon an Industrial Council the jurisdiction conferred upon the Court by section one hundred and three of the principal Act.

Limitation of jurisdiction of Councils.

(2.) The Court shall have jurisdiction to deal, in manner provided by the said section, with all offences mentioned in that section, whether such offences are committed with respect to the proceedings of the Court itself or with respect to the proceedings of an Industrial Council.

Jurisdiction of Court with respect to Government railways unaffected.

55. Nothing in this Act contained shall be so construed as to take away the jurisdiction conferred upon the Court by section one hundred and nineteen of the principal Act (with respect to Government railways) or to confer upon an Industrial Council any jurisdiction in respect of the matters in that section mentioned.

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Enactments not applicable to Industrial Councils.

56. Nothing in the Acts or parts of Acts hereinafter in this section mentioned shall be so construed as to apply to an Industrial Council, that is to say,—

(a.) Section eleven of the principal Act :

(b.) Sections sixty-three to seventy of the principal Act :

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(c.) Subsection one of section ninety-two of the principal Act :

(d.) Section eleven of the Industrial Conciliation and Arbitration Amendment Act, 1905 :

(e.) The Industrial Conciliation and Arbitration Act Amendment Act, 1906.

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Provisions of principal Act and amendments subject to this Act.

57. All the provisions of the principal Act and its amendments shall be read subject to the provisions of this Act.