

Supplementary Order Paper.

HOUSE OF REPRESENTATIVES.

Thursday, the 7th Day of May, 1936.

INDUSTRIAL CONCILIATION AND ARBITRATION AMENDMENT BILL.

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

Clause 4, subclause (1): To omit from this subclause all words after the words "an existing trade-union" in line 42, and substitute the words "which was registered as such before the first day of May, nineteen hundred and thirty-six, and to which the members of the applicant society could properly belong, the Registrar shall not register the applicant society as an industrial union except with the concurrence of the Minister".

Clause 5, subclause (1): To omit this subclause, and substitute the following subclause:—

(1A) Any society that is lawfully associated for the purpose of protecting or furthering the interests of employers or workers, as the case may be, engaged throughout New Zealand in or in connection with any specified industry or related industries may, with the concurrence of the Minister but not otherwise, be registered as an industrial union of employers or as an industrial union of workers, as the case may be, if the Registrar is satisfied—

(a) Where application is made for the registration under this section of an industrial union of employers, that the applicant society has a branch of not less than three members in each of at least *four* industrial districts:

(b) Where application is made for the registration under this section of an industrial union of workers, that the applicant society has a branch of not less than fifteen members in each of at least *four* industrial districts.

Clause 5, subclause (2): To omit the word "Dominion" in lines 14 and 16, and in each case to substitute the words "New Zealand"; to omit the words "the Dominion" in line 19, and substitute the words "New Zealand".

Clause 6: To omit the word "Dominion" in lines 25 and 26, and in each case to substitute the words "New Zealand"; to insert, after the words "the society shall" in line 30, the words "subject to the provisions of the *last preceding* section".

Clause 7: To omit the word "Dominion" in lines 33, 34, 39, 43 (on page 4), and in line 6 (on page 5), and in each case to substitute the words "New Zealand".

Clause 8, subclause (1): To omit the word "Dominion" in line 7, and substitute the words "New Zealand"; to add to this subclause the following words: "unless the Minister, by direction in writing given either before or after the registration of the New Zealand union, otherwise determines in respect of any such existing union or existing unions. No such direction shall be given by the Minister in respect of any existing union unless he is satisfied that a majority of the members of that union desire that its registration should not be cancelled".

Clause 8, subclause (2): To omit the word " Dominion " in lines 12 and 21, and in each case to substitute the words " New Zealand ".

Clause 9: To omit the word " Dominion " in line 23, and substitute the words " New Zealand ".

Proposed new clause 9A, subclause (1): In moving this subclause, to move also the following proviso thereto:—

Provided that no society shall be registered under this section as an industrial union of employers unless it has a branch of not less than three members in each of at least two industrial districts, and no society shall be registered under this section as an industrial union of workers unless it has a branch of not less than fifteen members in each of at least two industrial districts.

Proposed new clause 9A, subclause (2): To move the proposed subclause, omitting the words " ' The Dominion ' or to " in lines 5 and 6.

Clause 16: To omit this clause, and substitute the following new clause:—

16A. (1) In every award made after the passing of this Act the Court shall make provision to the effect that, while the award continues in force, it shall not be lawful for any employer bound thereby to employ or to continue to employ in the industry to which the award relates any adult person who is not for the time being a member of an industrial union of workers bound by that award or who is not for the time being a member of a trade-union which was registered as such before the first day of May, nineteen hundred and thirty-six, and which is bound by that award.

Requiring all workers who are subject to any award or industrial agreement to be members of a union.

(2) In every industrial agreement made after the passing of this Act there shall be or be deemed to be included therein a provision to the effect that, while the industrial agreement continues in force, it shall not be lawful for any employer bound thereby to employ or to continue to employ in the industry to which the agreement relates any adult person who is not for the time being a member of an industrial union of workers bound by that agreement or who is not for the time being a member of a trade-union which was registered as such before the first day of May, nineteen hundred and thirty-six, and which is bound by that agreement.

(3) Every award or industrial agreement in force on the date of the passing of this Act shall, on the expiration of one month after that date, be deemed to be amended as if there were then inserted therein a provision to the effect that, while the award or industrial agreement continues in force, it shall not be lawful for any employer bound thereby to employ or to continue to employ in the industry to which the award or agreement relates any adult person who is not for the time being a member of an industrial union of workers bound by that award or agreement or who is not for the time being a member of a trade-union which was registered as such before the first day of May, nineteen hundred and thirty-six, and which is bound by that award or agreement.

(4) Every person who is obliged to become a member of any union by the operation of the foregoing provisions of this section shall be entitled to become a member of that union on application made in accordance with its rules, and in so far as the rules of any union are inconsistent with the provisions of this subsection they shall be null and void:

Provided that nothing in this subsection shall apply so as to oblige any union to admit any person to its membership at any time while its maximum membership is fixed by or in accordance with any award or order of the Court if by the admission of such person the prescribed maximum membership of the union would be exceeded. Any award or order made by the Court (whether before or after the passing of this Act) in so far as it fixes the maximum membership of any union shall be deemed to be within the jurisdiction of the Court.

(5) Notwithstanding anything in the foregoing provisions of this section, the following provisions of this subsection shall apply to permit the employment of non-unionists in the special circumstances hereinafter mentioned, namely:—

(a) In the case of a person who is debarred from admission to any union bound by an award or agreement, by reason of any limitations imposed on the membership of the union in accordance with the *last preceding* subsection, that person may be employed by any employer bound by that award or agreement at any time while there is no member of the union available to perform the particular work required to be done, and ready and willing to undertake it:

(b) Any other non-unionist may be continued in employment by an employer bound by an award or agreement during any time while there is no member of a union bound by that award or agreement who is available to perform the particular work required to be done, and is ready and willing to undertake it.

(6) For the purposes of this section a person of the age of eighteen years or upwards, and every other person who for the time being is in receipt of not less than the minimum rate of wages prescribed for adult workers by any award or agreement, shall be deemed to be an adult.