

INDUSTRIAL CONCILIATION AND ARBITRATION AMENDMENT.

AN ACT to amend the Industrial Conciliation and Arbitration Act, 1908.

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

1. This Act may be cited as the Industrial Conciliation and Arbitration Amendment Act, 1920, and shall form part of and be read together with the Industrial Conciliation and Arbitration Act, 1908.

2. With respect to the seafaring industry the following provisions shall apply, anything elsewhere in the principal Act or in any amendment thereto to the contrary notwithstanding :—

- (a.) For the purpose of registration of the seafaring industry under the principal Act the whole of New Zealand shall constitute one industrial district.
- (b.) It shall be lawful for those seamen's unions now registered under the principal Act to form and register one union of seamen with one set of rules, such union to be registered in Wellington and to be known as "The Federated Seamen's Union of New Zealand."
- (c.) The registration of such union shall be effected in the same manner as other industrial unions are registered in accordance with the provisions of the principal Act.
- (d.) The said union shall be empowered to form a branch of such union at any seaport in New Zealand, and upon the Registrar being officially notified by the union under its seal and the hand of its president or secretary of the formation of any such branch and the situation thereof he shall issue a certificate to the union that such branch has been duly registered as a branch of the union.
- (e.) The union shall alone be entitled to commence proceedings before any tribunal constituted under the principal Act or any amendment thereof, or to defend any proceedings before any such tribunal, or to negotiate with any employer or employers concerning any industrial dispute; and any award or agreement made or entered into shall be made between the union and the employer or employers, but no such proceedings shall be taken or negotiations entered into as aforesaid unless there are at least two branches of the union in existence in New Zealand.
- (f.) Any award made or agreement entered into by the said union having at least two branches as aforesaid shall apply to the seafaring industry over the whole of New Zealand.
- (g.) The union shall have the power to enforce award or agreement, and a branch, with the approval of the union signified under the seal of the union and the hand of the president or secretary, shall have the like power.
- (h.) The constitution, functions, and powers of a branch shall be clearly set out in the registered rules of the union.

3. The provisions of the Industrial Conciliation and Arbitration Act, 1908, and its amendments shall, where not inconsistent with or contrary to the foregoing amendments, apply to the seafaring industry.

4. The definition of "industrial union" in section two of the Industrial Conciliation and Arbitration Act, 1908, shall be amended by adding the words "or under any amendment thereof."

The following resolution was unanimously passed at a meeting of the executive council of the Federated Seamen's Union of New Zealand on the 21st August, 1915 :—

1. That, in view of the inconvenience caused the organization of seamen, with a floating membership working at all ports in the Dominion, by the present law in having to register a separate industrial union in each district, and subsequently an association to make a Dominion body, the Honourable Minister of Labour be requested to amend the Industrial Conciliation and Arbitration Act so that in the case of the seafaring industry it will be permissible for the workers engaged in any branch of the industry—

- (a.) To register in New Zealand one industrial union under one code of rules, with the legal power of operation in all parts of the Dominion.
- (b.) The industrial union so registered to be empowered by law to form a branch of the union at any seaport in the Dominion; and upon the Registrar being notified officially by the union of the formation of a branch he shall issue a certificate to the branch that it is part of the registered union.
- (c.) The union to have the sole power of moving the machinery of the law respecting an industrial dispute in any part of the Dominion, and any award or industrial agreement or other agreement shall be between the union and employers, the branches to be bound by all the terms and conditions of any such award or agreement.
- (d.) With the approval of the union, a branch to be empowered to move the machinery of the law to enforce any award or agreement, and the union to possess similar power.
- (e.) In an industrial dispute by any such registered union with not less than two branches in New Zealand spread over the four main ports—Dunedin, Lyttelton, Wellington, and Auckland—the Arbitration Court to be empowered to make an award to apply over the whole of the Dominion.

Between October and December, 1918, a plebiscite vote was taken of the financial members of each industrial union of seamen as to whether they favoured or not one union of seamen for the Dominion. The result of this was an overwhelming majority in favour of the one union, seven to one voting for that course in a total vote of over one thousand. Thus it will be noted that the men directly concerned have expressed their opinion in favour of the proposal. Since the resolution of 1915 the seamen's executive council, as representing the three industrial unions, has considered the question each year, and made certain representations of a less or greater nature to the Minister by deputation and through correspondence, but owing to the war it was impossible to do anything in the nature of new legislation along these lines. In September of last year the matter was again considered at the annual meeting of the council, and this resolution was unanimously adopted: "That, members having decided by a large majority in its favour, the council be urged to again approach the Government for an alteration of the law to allow seamen to form and register one union in New Zealand." The same month the then Minister of Labour was asked to receive a deputation of the council to place the matter before him, but this did not eventuate, and nothing was done till the 29th May last, when the matter was brought under the notice of Sir William Herries by letter, with the request that the law be altered this session. In acknowledging receipt on the 31st the Minister stated that the representations were noted, and advised that he was requesting to be supplied with a report on the matter; and on the 12th June a copy of a proposed Bill was forwarded him. In a letter dated the 17th the Minister stated that when an amendment of the Act was being prepared the question submitted would be considered. In September, 1916, three representatives of New Zealand seamen attended a conference of seamen's representatives at Melbourne, at which the whole question of the mercantile marine and industrial arbitration law as applying to seamen was discussed, and on the motion of Senator Guthrie (general president of the Australian Federated Seamen), and seconded by myself, the following resolution was unanimously come to :—

The New Zealand representatives discussed with the Council the variations of the laws of the Commonwealth and Dominion with regard to navigation and arbitration, and it was found that there was no satisfactory solution of bringing about consolidation at present, although every member of the conference expressed the desire for its consummation, and places on record its determination to work to obtain this object in the future; but for the present the conference will go as far as possible towards uniformity in internal matters, and also work together for the purpose of having uniform wages and working-conditions; and that an early opportunity be taken of approaching