Amendments of the Industrial Conciliation and Arbitration Act.

A decision of the Court of Appeal given last year limited the meaning of the term "industry" in the Industrial Conciliation and Arbitration Act, 1925, to a business or undertaking, &c., common to both employers and workers. Prior to this decision the term "industry" had always been regarded by the Court of Arbitration and others as meaning not only a business or undertaking, &c., in which employers and the workers employed by those employers are engaged, but also any employment or occupation, &c., of workers themselves irrespective of the nature of the businesses of the employers of those workers. An amendment of the Act passed during 1937 extended the definition of the term "industry" in the principal Act in the direction already indicated, and by retrospective application of the amended definition of "industry" validated all unions and awards and industrial agreements affected by the Court of Appeal decision.

An amendment was also passed to make it clear that an industrial union of employers or workers may, by amending its rules and changing its name, extend the area in respect of which it is registered or extend its scope to admit persons engaged or employed in related industries and that the Registrar in issuing a new certificate of registration and recording such amendments to the rules is not acting beyond his powers. The practice referred to had been permitted by the Registrar of Industrial Unions for many years, following legal advice obtained by him, but as this advice was by no means specific as to the legality of the procedure adopted the position was placed beyond doubt and what had been done in the past was validated. It may be mentioned that if this procedure were not permitted any union desirous of extending its area or covering related industries would have to cancel its registration for the purpose of obtaining registration of a new union, with the result that any award or industrial agreement in force to which the union was a party would cease to operate on the expiration of its currency or on the date of cancellation of registration, whichever was the later.

An industrial association may also extend its scope and change its name in the same way as an industrial union.

The principal Act provided that an under-rate worker's permit shall not be granted to any person who is not usually employed in the industry to which the award applies, but the Minister in special cases is now empowered to authorize the issue of such a permit to a person not usually employed in the industry.

Provision was also made for the temporary appointment of an additional Court of Arbitration to relieve the pressure of work upon the existing Court, and, in addition, for the delegation by the Court of certain of its functions to Stipendiary Magistrates. The additional Court was constituted upon the same basis as the original Court—*i.e.*, three members; a Judge, and two nominated members appointed on the recommendation of the industrial unions of employers and the industrial unions of workers, one each. The Court commenced to function in November, 1937.

Simplification of the procedure in citing parties to an industrial dispute was also introduced. It is now sufficient if the industrial union or association of employers is named as respondent. If there is no union or association of employers so named there need be cited in an application merely a number of representative employers to the satisfaction of the Conciliation Commissioner. All employers who are engaged in the industrial district in any industry to which the dispute relates shall also be deemed to be respondents, except that in respect of any branch of the farming industry it is necessary that—

(*a*) Every industrial association comprising any industrial union of employers whose members or any of whose members are engaged in the industrial district in that branch of the said industry is named in the application as a respondent; and

(*b*) Every union of employers (not being a member of an industrial association) whose members or any of whose members are engaged in the industrial district in that branch of the said industry is named in the application as a respondent.

Another amendment enables unions to amalgamate irrespective of whether they are within the same industrial district or not, this being merely consequential upon the legislation of 1936 empowering the registration of unions to cover more than one industrial district.

Provision was also made to bring chartered clubs, racing clubs, trotting clubs, and hunt clubs within the operation of awards and industrial agreements.

Inspections, Etc.

During the year 8,816 complaints of alleged breaches of the Act and of awards and industrial agreements, &c., were received, but it was found on investigation that in 3,160 cases no breach had been committed. In 469 cases proceedings were taken, and in 3,878 warnings were given. No action was considered necessary in the remaining cases. Apart from the complaints mentioned above, a large proportion of the inspections of factories, shops, &c., included an inspection to ascertain whether the awards and agreements were being complied with in respect of wages, ovetime, &c., and as a result of these inspections 153 prosecutions were taken and warnings were given in other cases. Of the 622 prosecutions, 566 were against employers and 56 against workers; 464 convictions were recorded, 422 against employers and 42 against workers. Total penalties, £617 18s. 4d.

In addition to the above, the Department's Inspectors investigated 271 complaints involving the provisions of the Finance Act, 1936, while 60 cases were discovered by the Inspectors themselves. Nineteen prosecutions were taken in respect of these cases, convictions being recorded in six cases and fines amounting to £29 were imposed.