

1895.
NEW ZEALAND.

“THE INDUSTRIAL CONCILIATION AND ARBITRATION ACT, 1894”

(REGULATIONS UNDER).

Presented in pursuance of Section 87 of “The Industrial Conciliation and Arbitration Act, 1894.”

INDUSTRIAL DISTRICTS CONSTITUTED UNDER “THE INDUSTRIAL CONCILIATION AND
ARBITRATION ACT, 1894.”

GLASGOW, Governor.

PURSUANT to and in exercise of the powers in this behalf conferred upon him by “The Industrial Conciliation and Arbitration Act, 1894,” His Excellency the Governor of the Colony of New Zealand doth hereby, for the purposes of the said Act, declare as follows, that is to say:—

1. The colony is hereby divided into six industrial districts, constituted with the names and boundaries following, that is to say:—

- (1.) The Northern Industrial District, the boundaries whereof are coterminous with those of the Northern Judicial District constituted under “The Supreme Court Act, 1882”;
- (2.) The Wellington Industrial District, the boundaries whereof are coterminous with those of the Wellington Judicial District, constituted as aforesaid;
- (3.) The Nelson Industrial District, the boundaries whereof are coterminous with those of the Nelson Judicial District, constituted as aforesaid;
- (4.) The Westland Industrial District, the boundaries whereof are coterminous with those of the Westland Judicial District, constituted as aforesaid;
- (5.) The Canterbury Industrial District, the boundaries whereof are coterminous with those of the Canterbury Judicial District, constituted as aforesaid; and
- (6.) The Otago and Southland Industrial District, the boundaries whereof are coterminous with those of the Otago and Southland Judicial District, constituted as aforesaid.

2. In each of the aforesaid industrial districts one of the persons for the time being holding the office of Deputy-Registrar of the Supreme Court of the judicial district coterminous with such industrial district shall be appointed to be the Clerk of Awards in and for such industrial district, and the two offices shall be held in conjunction.

3. The Board of Conciliation in and for each industrial district shall consist of four members, in addition to the Chairman.

As witness the hand of His Excellency the Governor, this second day of January, one thousand eight hundred and ninety-five.

P. A. BUCKLEY.

REGULATIONS UNDER “THE INDUSTRIAL CONCILIATION AND ARBITRATION ACT, 1894.”

GLASGOW, Governor.

PURSUANT to and in exercise of the powers in this behalf conferred upon him by “The Industrial Conciliation and Arbitration Act, 1894,” His Excellency the Governor of the Colony of New Zealand doth hereby, for the purposes of the said Act, make the following regulations, that is to say:—

REGULATIONS.

Industrial Unions and Associations.

1. Application for registration as an industrial union or industrial association may be in the form numbered 1 in the Schedule hereto.

2. The certificate of registration and incorporation of an industrial union or industrial association shall be in the form numbered 2 in the Schedule hereto.

3. The application for registration as an industrial association shall be accompanied by a list of the industrial unions which the council or other body making the application represents, as well as by a list of its members and officers, and by two copies of its rules.

4. In the months of January and July of every year there shall be forwarded to the Registrar of Friendly Societies, Wellington, by every industrial association, a list of the industrial unions constituting such association, and by every industrial union a list of the members of such union.

5. Such lists shall be made up to the first day of the month in which they are to be forwarded as aforesaid, and shall be verified by the statutory declaration of the president or chairman of the association or union forwarding them.

6. Such statutory declaration may be in the form numbered 3 in the Schedule hereto.

Industrial Agreements.

7. The Clerk of Awards in each district, being a Deputy Registrar of the Supreme Court, shall keep in his office (being the same office as the Supreme Court office wherein he is Deputy Registrar) a register of all industrial agreements, duplicates whereof are filed in the office of the Supreme Court in that district. Such duplicates shall be numbered consecutively in the order in which they are filed, and the register shall set forth the date of the agreement, and of the filing thereof, the names of the parties thereto, and of every employer who, in the prescribed manner, signifies concurrence therein.

8. Such concurrence as aforesaid may be signified by filing in the same office as that in which the industrial agreement is filed a notice in the form numbered 4 in the Schedule hereto, and every notice of concurrence shall bear the same number as the industrial agreement to which it relates.

9. Before permitting the duplicate of an industrial agreement (if other than a duplicate original) to be filed, the Clerk of Awards (hereinafter called "the Clerk") shall satisfy himself that such duplicate is a true copy of the original agreement whereof it purports to be the duplicate, and for that purpose he may require the production of such original agreement.

Boards of Conciliation.

10. Nomination-papers, consent-papers, and voting-papers for the purpose of election of members of the Board of Conciliation (hereinafter called "the Board") may be in the forms numbered respectively 5, 6, and 7 in the Schedule hereto.

11. At any such election as aforesaid an industrial union may distribute its votes at pleasure amongst all the candidates to be elected by its division. Thus, if there be two candidates to be elected by the industrial unions of workmen in a given district, a union of workmen may give two votes to one candidate and none to the other.

12. The successor to a member of the Board shall be elected by the division of unions which elected such member.

13. For the purpose of electing the Chairman of the Board, the members present at the meeting called for the purpose shall select to preside at that meeting one of their number, who shall have a deliberative but no casting vote. Nominations of qualified persons shall then be received from members. If there be only one person nominated, he shall be declared elected as Chairman.

14. If there be more such nominations than one, the person receiving an absolute majority of votes of the members present shall be elected. To that end the names of all the persons so nominated shall be written on a list and submitted to the vote. The name of the person receiving the smallest number of votes shall be struck out, and the remaining names shall be again submitted to the vote. This process is to be repeated until there remains only one person on the list, and he shall be the elected Chairman.

15. In the event of two such persons remaining on the list with an equal number of votes, and neither of them being able to obtain an absolute majority, then, when all reasonable attempts to secure an absolute majority have failed, the members of the Board shall be deemed to have refused to elect a Chairman, and the Governor shall appoint one.

Industrial Disputes.

16. Applications for the reference of an industrial dispute for settlement to the Board (hereinafter called "a Reference") may be in the form numbered 8 in the Schedule hereto.

17. When lodging a Reference with the Clerk, the applicant shall also lodge as many copies thereof as there are other parties to the dispute. The applicant shall file the original, and the Clerk shall indorse on each copy a memorandum signed by him, setting forth the fact and date of the filing of the original, and shall then forthwith post one such copy by registered letter, addressed to each of the said other parties to the dispute.

18. All references shall be numbered consecutively in the order in which they are filed, and the Clerk shall keep a register thereof, setting forth the number of the Reference and the date of the filing thereof, together with the name of the applicant and of the other parties to the Reference.

19. All documents subsequently filed, lodged, or issued in the matter of the Reference shall bear the same number as the Reference to which they relate, and shall be intitled in the form numbered 9 in the Schedule hereto.

20. The Clerk shall convene a meeting of the Board by posting to each member a notice in the form numbered 10 in the Schedule hereto.

21. The date of such meeting shall be not sooner than seven nor later than fourteen days after the day on which the notice convening the same is posted, and the notice shall be posted within three days after the filing of the Reference.

22. The Clerk shall post by registered letter, addressed to each party to the Reference, a notice of the day, hour, and place of such meeting.

23. Such notice shall be in the form numbered 11 in the Schedule hereto, and shall be posted at least three days before and exclusive of the day of meeting.

24. A party to a Reference who desires to appear by agent, or (where allowed) by solicitor or counsel, shall sign and file in the office of the Clerk a warrant in the form numbered 12 in the Schedule hereto.

25. Where all the parties to a Reference consent to the appearance of counsel or solicitor, such consent shall be given in the form numbered 13 in the Schedule hereto, and the same shall be filed in the office of the Clerk.

Witnesses.

26. A summons to a witness shall be in duplicate, in the form numbered 14 in the Schedule hereto. The Clerk shall sign both duplicates, retaining one and issuing the other for service by the applicant. Service shall be effected by delivering a copy to the witness, and at the same time producing the original for his inspection if so desired.

27. Any number of witnesses may be included in one summons, but the copy served need only contain the name of the witness upon whom it is served. If the summons is issued out of the Court of Arbitration it shall bear the seal of the Court; if issued by the Board of Conciliation, it shall be signed by the Clerk on behalf of the Board.

The Court of Arbitration.

28. Any party to an industrial dispute who is dissatisfied with the report of the Board may, by filing in the office of the Clerk notice in the Form No. 15 in the Schedule hereto, require the Clerk to refer the dispute to the Court of Arbitration (hereinafter called "the Court").

29. Immediately upon the filing of such notice the industrial dispute to which it refers shall be deemed to be before the Court.

30. All papers and proceedings before the Court shall bear the same number as before the Board, and be similarly intitled, with the addition of the words "Before the Court of Arbitration."

31. The clerk in each industrial district shall be an officer of the Court, and shall attend all sittings thereof in his district. He shall keep the minutes of proceedings and the records of the Court, and perform all such duties and exercise all such functions as the Court may direct.

32. The Court may prescribe rules of procedure and practice relative to all matters with which it has to do, and such rules shall be as valid as if incorporated with these regulations.

Fees.

33. The following fees shall be payable to the Clerk, and (in the first instance) by the person or party on whose application the matter referred to is done:—

	s.	d.
For filing industrial agreement	5	0
For filing any other document	3	0
For issue of a summons (including seal of Court)	3	0
For affixing seal of Court... ..	3	0
Report or recommendation of Board	10	0
Certified copy thereof	3	0
In procedure for obtaining evidence at a distance: The fees prescribed under "The Magistrates' Courts Act, 1893"		
Award of Court (including seal)	10	0
Order of Court (including seal)	3	0
Notice of application to Court	2	0

34. All fees shall be paid in stamps.

SCHEDULE.

Form 1 (Reg. 1).

Under "The Industrial Conciliation and Arbitration Act, 1894."

APPLICATION FOR REGISTRATION.

PURSUANT to the provisions of "The Industrial Conciliation and Arbitration Act, 1894," we hereby make application for the registration under that Act of the [Wellington] Branch of the [Bootmakers'] Society [or the Council of the (Bootmakers') Union of New Zealand, or otherwise, as the case may be] as an industrial union [or as an industrial association] under the name of "The [Wellington Bootmakers'] Industrial Union of [Workmen]" [or "The (Bootmakers') Industrial Association of (Workmen)]."

We enclose herewith—

- (a.) A list of the members and officers of the society [or a list of the members and officers of the Council (or other body) and of the Industrial Unions of Workmen represented by it].
- (b.) Two copies of the rules of the society [or Council, or other body].
- (c.) A copy of a resolution passed by a majority of the members present at a general meeting of the society [or Council, or other body] specially called in accordance with the rules for that purpose only, and desiring registration as an industrial union [or association].

Dated at , this day of , 189 .

A.B.,
[Name of office] of the said society [or Council].
C.D.,
[Name of office] of the said society [or Council].

To the Registrar of Friendly Societies.

Form 2 (Reg. 2).

No.

NEW ZEALAND.

Under "The Industrial Conciliation and Arbitration Act, 1894."

CERTIFICATE OF REGISTRATION AND INCORPORATION.

THIS is to certify that on the day of , 189 , the [*Wellington Bootmakers'*] Industrial Union of [*Workmen*] [*or the (Bootmakers') Industrial Association of (Workmen)*], , was duly registered and incorporated as an industrial union [*or association*] under the provisions of "The Industrial Conciliation and Arbitration Act, 1894."

Dated at , this day of , 189 . , Registrar of Friendly Societies

Form 3 (Reg. 6).

Under "The Industrial Conciliation and Arbitration Act, 1894."

DECLARATION AS TO HALF-YEARLY LIST.

I [*Full name*], of [*Address and occupation*], do solemnly and sincerely declare as follows:—

(1.) That I am the President [*or Chairman*] of the [*Full name of association or union*].

(2.) That the list hereto annexed and marked "A" is a full and correct list of the industrial unions constituting such association [*or of the members of such union*], as on the first day of January [*or July*], 189 :

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of "The Justices of the Peace Act, 1882."

Declared at [*Name of town*] by the said , this day of , 189 , before me—

A Justice of the Peace in and for the Colony of New Zealand [*or a solicitor of the Supreme Court of New Zealand*].

NOTE.—*The list must be marked 'A,' and bear a memorandum of identification, thus:—*

"This is the list marked 'A' referred to in the annexed declaration of , made this day of , 189 , before me—

Solicitor [*or J.P.*]."

Form 4 (Reg. 8).

Under "The Industrial Conciliation and Arbitration Act, 1894."

To the Registrar at [*Dunedin*] of the Supreme Court of New Zealand, [*Otago and Southland*] District.

TAKE notice that I [we], the undersigned, hereby signify my [our] concurrence in an industrial agreement dated the day of , 189 , made between , and filed at your office as No. .

Dated this day of , 189 .

A.B.,
[*Add occupation and address.*]
C.D.,
[*Add occupation and address.*]

Form 5 (Reg. 10).

Under "The Industrial Conciliation and Arbitration Act, 1894."

NOMINATION PAPER FOR ELECTION OF MEMBER OF BOARD OF CONCILIATION.

A.B., of , [*Add occupation and address*], is hereby nominated for election as member of the Board of Conciliation for the [*Wellington*] Industrial District by the Industrial Union undersigned

Dated at [*Wellington*], this day of , 189 .

For the [*Wellington Bootmakers'*] Industrial Union of [*Workmen*],
C.D., Chairman.

[*Or otherwise, as the rules of the Union may prescribe.*]

Form 6 (Reg. 10).

CONSENT.

I, A.B., of , [*Add occupation and address*], hereby consent to be nominated for election as member of the Board of Conciliation for the [*Wellington*] Industrial District, by the [*Wellington Bootmakers'*] Industrial Union of [*Workmen*].

Dated at Wellington, this day of , 189 .

A.B.

Form 7 (Reg. 10).

Under "The Industrial Conciliation and Arbitration Act, 1894."

VOTING-PAPER.

THE [Woollen Manufacturers'] Industrial Union of [Employers], having two votes, hereby votes as follows for the election of members of the Board of Conciliation for the [Northern] Industrial District.

Candidate.	Votes given.
A.B.	1
C.D.	1
Total	2

Dated this day of , 189 .

For the [Woollen Manufacturers'] Industrial
Union of [Employers],
E.F., Chairman.

[Or otherwise, as the rules of the Union may prescribe.]

Form 8 (Reg. 16).

Under "The Industrial Conciliation and Arbitration Act, 1894."

APPLICATION THAT INDUSTRIAL DISPUTE BE REFERRED TO THE CONCILIATION BOARD FOR SETTLEMENT.

(1.) Parties to the industrial dispute: [John White, of Wellington, Boot-manufacturer] and the [Wellington Bootmakers' Industrial Union of Workmen].

(2.) Date and registered number of industrial agreement (if any) pursuant to which this application is made: [Date and number].

(3.) Particulars of dispute: [State shortly, as thus:—

"On the 1st January, 1895, the employer reduced the wages of William Black, a member of this Union, by two shillings a week, and the Union objected to such reduction."]

The parties having failed to satisfactorily adjust the dispute, application is hereby made to the Clerk of Awards for the [Wellington] Industrial District that such dispute be referred to the Conciliation Board for settlement.

Dated at [Wellington], this day of , 189 .

For the [Wellington Bootmakers' Industrial Union of Workmen],

A.B., Chairman.

[Or otherwise, as the rules of the Union may prescribe.]

To the Clerk of Awards for the above district, and to [John White], the other party to the dispute.

Form 9 (Reg. 19).

HEADING OF DOCUMENTS.

No. .

BEFORE the Board of Conciliation [or the Court of Arbitration, as the case may be].

In the [Northern] Industrial District.

In the matter of an industrial dispute between A.B. and C.D., and of a Reference thereof for settlement.

Form 10 (Reg. 20).

(Title, as in Form 9.)

I HEREBY convene a meeting of the Board of Conciliation, to be held at , on the day of , 189 , at o'clock in the noon, for the purpose of inquiring into and investigating this dispute.

Dated at , this day of , 189 .

Clerk of Awards.

Form 11 (Reg. 23).

(Title, as in Form 9.)

TAKE notice that the Board of Conciliation will meet at , on the day of , 189 , at o'clock in the noon, to inquire into and investigate this industrial dispute.

Dated at , this day of , 189 .

Clerk of Awards.

Form 12 (Reg. 24).

(Title, as in Form 9.)

APPEARANCE of counsel or solicitor before Board [or Committee, or Court, as the case may be] is hereby consented to by all the parties to this industrial dispute.

[Signatures of all the Parties]:

A.B.,
C.D., &c.

Form 13 (Reg. 25).

(Title, as in Form 9.)

WARRANT TO APPEAR.

A.B., of _____, [*occupation and address*], is hereby authorised to appear and act for the [*Bootmakers' Industrial Union of Employers*] as agent [*or solicitor, or counsel, as the case may be*] in the matter of this Reference.

Dated this _____ day of _____, 189 _____.

For the [*Bootmakers' Industrial Union of Employers*],

C.D., Chairman.

[*Or otherwise, as the rules of the Union may prescribe.*]

Form 14 (Reg. 26).

(Title, as in Form 9.)

To A.B., of [*Dunedin, Bootmaker*], and C.D., of [*Dunedin, Engine-driver*].

You and each of you are hereby summoned to appear before the Board of Conciliation [*or the Court of Arbitration, as the case may be*] at _____, on _____, the _____ day of _____, 189 _____, at _____ o'clock in the _____ noon, and thereafter from day to day until discharged from attendance, to give evidence concerning the above-mentioned industrial dispute on behalf of _____, party thereto; and you are also required to have and produce all books, papers, deeds, and writings in your possession, custody, or control in any way relating to the matters in dispute, and in particular (but not exclusively) the following: [*stating them*].

If you fail or neglect to comply with this summons you are liable to a penalty not exceeding £20, or in default of payment to imprisonment not exceeding one month.

Dated at _____, this _____ day of _____, 189 _____.

Issued in the name and on behalf of the Board of Conciliation [*or the Court of Arbitration, as the case may be*].

A.B.,
Clerk of Awards.

Form 15 (Reg. 28).

(Title, as in Form 9.)

THE undersigned, party to this industrial dispute, being dissatisfied with the report of the Board of Conciliation, hereby requires you to refer the said dispute to the Court of Arbitration.

Dated at _____, this _____ day of _____, 189 _____.

For the [*Wellington Bootmakers' Industrial Union of Workmen*],

A.B., Chairman.

[*Or otherwise, as the rules of the Union may prescribe.*]

To the Clerk of Awards.

As witness the hand of His Excellency the Governor, this second day of January, one thousand eight hundred and ninety-five.

P. A. BUCKLEY.

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