

1. INTRODUCTION

DURING the year ended 31st March, 1949, a further change was made in the constitution of the Commission. On 25th June, 1948, following a majority decision of the Commission to declare the "Mountpark" at Auckland a "preference ship," the two union members resigned office. The Government vested the full powers, functions, and responsibilities of the Commission in the remaining four members, at the same time providing full voting-rights for the Government member. Following the issue, on 16th August, 1948, of the decision of the Emergency Disputes Committee set up by the Hon. the Minister of Labour (Mr. McLagan), under the chairmanship of the Chief Justice of New Zealand (Sir Humphrey O'Leary) to adjudicate on the "Mountpark" dispute at Auckland, negotiations were commenced for the re-establishment of union representation on the Commission.

Comprehensive discussions were conducted by the Government with the New Zealand Waterside Employers' Association and the New Zealand Waterside Workers' Union with a view to reaching agreement as to the form of national waterfront organization which would meet the post-war needs of the industry.

In view of some criticism of the powers vested in previous Commissions to carry out both administrative and judicial functions, and the criticism that the Commission had been "judge in its own cause," it was decided to establish two bodies:—

- (a) A full-time Waterfront Industry Commission;
- (b) A part-time Waterfront Industry Authority.

The full-time Commission consisted of a Chairman appointed by the Government, one member nominated by the New Zealand Waterside Employers' Association, and one member nominated by the New Zealand Waterside Workers' Union. In addition to carrying out the day-to-day administrative work, the Commission was vested with the powers for the settlement of disputes and for prescribing terms and conditions of employment for waterside work. Decisions of the Commission, however, were subject to a right of appeal to the Authority, and the Commission could not issue or amend any order prescribing conditions or terms of employment which were of general application except pursuant to a decision or direction of the Authority, or pursuant to a unanimous resolution of the Commission.

The part-time Authority consisted of a Chairman appointed by the Government, two members nominated by the New Zealand Waterside Employers' Association, and two members nominated by the New Zealand Waterside Workers' Union. The functions of the Authority, which was in the nature of an appeal body, were to deal with matters of a judicial or legislative nature which were referred to it for decision either directly by the Commission, or indirectly by way of appeals from the Employers' Association or union.

The Regulations provided for decisions of the Authority to be pronounced by the Chairman, and no separate pronouncement was to be made by any other member, but a member could have his dissent recorded.

Before their nominated representatives took office on these new bodies both the New Zealand Waterside Employers' Association and the New Zealand Waterside Workers' Union supplied the Government with written pledges of their intention to accept and abide by all legal orders and decisions of the Authority and Commission. Undertakings were also given by the representatives of both employers and workers to do all in their power to ensure that the Commission and Authority would function successfully in the best interests of the industry. It is to be regretted that, following an interim decision of the Waterfront Industry Authority on 9th February, 1949, granting a wage increase of 2½d. per hour, from which decision the union members of the Authority dissented, numerous stoppages of work by waterside workers occurred throughout New Zealand. These flagrant breaches by the union of its written undertaking of less than three months' standing resulted in a statement to the union on the 31st March, 1949, that the Government felt compelled to consider seriously whether Commission control of the waterfront