

“ The fixation of such basic rate of wages does not mean that casual workers covered by this award must be paid not less than £3 16s. and £1 16s. respectively for each week in which any work is done by them.

“ They are entitled to be paid 2s. 6d. and 1s. 3d. per hour respectively for the number of hours actually worked by them.”

A section designed to avoid a multiplicity of unions provided that where there is already in existence in any industry in an industrial district a union of employers or workers or there is a trade-union registered as such before the 1st May, 1936, to which the employers or workers concerned could properly belong, no other industrial union shall be registered for such industry and industrial district, except with the concurrence of the Minister. This provision was in substitution for section 11 of the principal Act, which gave a right of appeal to the Court of Arbitration against a refusal of the Registrar to register a union.

Under the previous law the registration of an industrial union of employers or workers could not be effected with a scope covering more than one industrial district, there being eight industrial districts in New Zealand. The Amendment Act, however, permits the registration of New Zealand unions of employers or workers in any industry or related industries, but no such union shall be registered unless the applicant society has branches in at least four industrial districts. Where there is no existing union of employers or workers in any industry or industries in connection with which the application for the registration of a New Zealand union has been made, registration of the New Zealand union will be effected when the formalities prescribed by the principal Act have been complied with, but where there are already in existence one or more unions of employers or workers in such industry or industries the Registrar shall refuse to register the New Zealand union unless he is satisfied that the existing unions concur in the application or that a majority of all the employers or workers, as the case may be, in New Zealand, being members of such existing unions, are in favour of the registration of a New Zealand union. The effect of registration of a New Zealand union is that registration of all the existing unions concerned are cancelled unless the Minister directs that any existing union shall not be cancelled where he is satisfied that a majority of the members of such union desire that the registration of such union should not be cancelled. Existing awards or industrial agreements continue in operation, notwithstanding the cancellation of existing unions consequent on the registration of the New Zealand union. While a New Zealand union of employers or workers is in existence in any industry or related industries no other union shall be registered unless the Registrar is satisfied that not less than two-thirds of the employers or workers, as the case may be, in the industry or related industries and district or other locality are desirous of obtaining registration of a separate union. Similarly, unions of employers and workers may also be registered for the North Island or for the South Island or for any two or more industrial districts, the provisions relating to New Zealand unions being applied with the necessary modifications, but in the case of a North Island or South Island union there must be branches in at least two industrial districts.

The right of parties to have disputes referred to the Court for settlement on failure to arrive at a settlement in Conciliation Council is restored by the Amendment Act, which further provides that workers of eighteen years and over or workers in receipt of the adult minimum rates, covered by an award or industrial agreement, are required to be members of an industrial union of workers bound by the award or agreement or of a trade-union which was registered as such before 1st May, 1936, and which is bound by the award or agreement. Another section empowers the Court to include in an award such provisions as it considers reasonably necessary to secure its effective operation, and, in particular, to confer on union officials the right of entry on the employers' premises. Any such provisions included in an award are deemed to be “ industrial matters ” within the meaning of the principal Act, and they may be revoked or amended by the Court at any time.

Probably the most important section was that providing for the fixing in awards on and after the 1st September, 1936, of maximum working-hours not exceeding forty per week, except where the Court was satisfied that it would be impracticable to carry on efficiently any industry with a forty-hour week. If in any future award the hours fixed exceed forty, the Court is required to indicate in the award the grounds which made it impracticable to limit the hours in accordance with the requirements of the legislation. In regard to awards and industrial agreements existing at the date of the Act the Court was required on application by any party thereto to reduce the maximum hours to forty, except where it was impracticable to do so, in which case it was empowered to reduce the then maximum weekly hours and provide for a maximum intermediate between forty hours and the existing maximum, no such reduction to operate before 1st September, 1936. Where the hours fixed by the existing award or industrial agreement are reduced by the Court, the hourly or other rates of pay are to be increased so that the ordinary weekly rate was not affected by the reduction in working-hours. Where the Court fixes the maximum weekly hours at not more than forty, Saturday work is to be eliminated where practicable.

Another section enables the parties to an award, where such award is binding on a majority of the employers concerned in the district to which it relates, to apply to the Court to have the award extended to cover all employers in the industry and district without any necessity for their being specifically cited as parties thereto. This means that where an award is binding on a majority of the employers in the industry and locality it can be extended by the Court by means of a general order to all employers in the industry and locality. Where an order has been made by the Court in pursuance of these powers the Court may grant total or partial exemption to any employer on application within one month thereafter, but the award must be complied with pending the Court's decision. Notice of any application for extension of an award made under this section may be given by advertisement or otherwise, as the Court may direct.