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INDUSTRIAL MILITANCY IN NEW ZEALAND: THE  
CONTRIBUTING INFLUENCE OF THE INDUSTRIAL  
CONCILIATION AND ARBITRATION ACT, AND ITS  
ADMINISTRATION, 1894 - 1908.

A thesis presented in partial fulfilment  
of the requirements for the degree of  
Doctor of Philosophy at Massey University.

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1976

Industrial Militancy in New Zealand: the Contributing Influence of the Industrial Conciliation and Arbitration Act, and its Administration 1894 - 1908.

Abstract

This thesis will attempt to demonstrate that the legal and administrative evolution of the IC and A Act after 1894, contributed to a developing climate of industrial militancy down to 1908. It will further attempt to argue that the underlying reasons for such a development stemmed from changes in the operational philosophy of the IC and A system, most notably, in a movement away from stress on conciliation toward mandatory acceptance of decisions handed down by the Court of Arbitration, under threat of penalty.

This movement toward coercion is explained in terms of a number of institutional and administrative policies. These include: a major change in the law itself, by amendment in 1901, that permitted parties the right to by-pass conciliation and go immediately to arbitration, a tendency toward legalism exhibited by consecutive Presidents of the Arbitration Court, in the period 1903 - 1908, and the emergence of a policy of wage restraint that stemmed from the Arbitration Court's role as a wage fixing agency.

The study goes on to examine the way in which the administrative philosophy of Edward Tregear, the Secretary of Labour in the crucial years after the departure of William Pember Reeves, was given free rein in terms of organisational growth and policy, this particularly after 1896. In addition attention will be

directed toward the way in which Tregear was able to influence the shape of the industrial legislation, and by doing so extend the controlling powers of his department.

In the latter part of the study attention will be concentrated upon a number of important issues, which became the focus of trade union hostility, notably: under-rate permits, the provision for preference clauses in industrial awards and agreements, and the matter of apprenticeship regulations. These issues will also be used to demonstrate the unique nature of the statutory powers enjoyed by the Arbitration Court as an institution untrammelled in its authority, save by the sovereign will of Parliament.

In the final section of the thesis the problems facing the Ward government as it strove to find a legislative response to a situation where industrial conflict was re-emerging, will be considered in some detail. Here the difficulties facing John Andrew Millar in his attempts to pass legislation that would control conflict, will be examined against a situation where the emerging sectional interests of industrial labour and the employers' made such efforts virtually impossible.

The overarching conclusion of the study will be that the evolving IC and A system, was a contributing influence in the shaping of industrial militancy as it manifested itself in 1906 and 1907, and that such influences profoundly influenced not only the industrial events of 1912 - 1913; but later public attitudes towards industrial militancy in New Zealand.

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Abbreviations

AJHR:	Appendices to the Journal of the House of Representatives
AJLC:	Appendices to the Journal of the Legislative Council
B of A:	Books of Awards
IC and A Act:	Industrial Conciliation and Arbitration Act
JDL:	Journals of the Department of Labour
NZPD:	New Zealand Parliamentary Debate
NZLR:	New Zealand Law Reports
CP:	The Press, Christchurch
Dom:	The Dominion
EP:	Wellington Evening Post
ES:	Dunedin Evening Star
NZH:	New Zealand Herald
NZT:	New Zealand Times
ODT:	Otago Daily Times
ATL:	Alexander Turnbull Library
GA:	General Assembly Library
NA:	National Archives
EL:	Ellis Library, University of Missouri

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