



## ANALYSIS

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1979, No. 32

**An Act to amend the Aircrew Industrial Tribunal Act 1971**  
 [26 October 1979]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title**—This Act may be cited as the *Aircrew Industrial Tribunal Amendment Act 1979*, and shall be read together with and deemed part of the *Aircrew Industrial Tribunal Act 1971* (hereinafter referred to as the principal Act).

**2. New sections substituted**—The principal Act is hereby amended by repealing sections 7 to 9 (as substituted by section 2 of the *Aircrew Industrial Tribunal Amendment Act 1977*), and substituting the following sections:

“**6A. Acting members**—(1) The Governor-General may from time to time, on the recommendation of the Minister, appoint—

“(a) In respect of the employers’ member, a person to be an acting member of the Tribunal, to act in the absence of the employers’ member; and

“(b) In respect of the aircrew member, a person to be an acting member of the Tribunal, to act in the absence of the aircrew member.

“(2) An acting member shall be appointed in the same manner as the member in whose absence he is to act.

“(3) If at any time the office of employers’ member or aircrew member is vacant, or if the employers’ member or the aircrew member is not present at a sitting of the Tribunal, the Chairman may summon the appropriate acting member to attend the sitting of the Tribunal and to act in the place of the employers’ member or the aircrew member, as the case may require. While so attending and acting the acting member shall have the powers, functions, and privileges, and shall perform the duties, of the member for whom he is acting.

“(4) When the employers’ member or aircrew member is again present at the sittings of the Tribunal the acting member shall cease to act; but if the acting member is then engaged on the hearing of a case the Chairman of the Tribunal may require him to complete the hearing before ceasing to act.

“(5) If the employers’ member or aircrew member is himself a party to a dispute or proceedings before the Tribunal, and is consequently unable to act, the appropriate acting member may attend and act, and subsections (3) and (4) of this section shall apply with the necessary modifications.

**“6B. Constitution of Tribunal not to be questioned—**

(1) Notwithstanding anything in this Act, the appointment of a member or acting member of the Tribunal shall not be questioned on any ground whatsoever; and no act done by the Tribunal sitting with an acting member, or done by any such acting member, shall be questioned on the ground that the occasion for his acting as a member of the Tribunal had not arisen or had ceased.

“(2) Whether the Tribunal at any sitting is duly constituted as required by this Act or has been duly convened for the sitting are matters to be determined by the Chairman, whose decision thereon shall be final and conclusive and shall not be questioned in any proceedings in the Tribunal or in any Court.

“(3) The fact that a sitting of the Tribunal has been held shall be conclusive evidence of a decision by the Chairman that the Tribunal was duly constituted at and duly convened for that sitting.

“7. **Term of office**—(1) Except as otherwise provided in this Act, the employers’ member and the aircrew member and every acting member of the Tribunal shall be appointed for a term of 3 years, but may from time to time be reappointed.

“(2) Unless he sooner vacates his office under section 9 of this Act, the employers’ member and the aircrew member and every acting member of the Tribunal shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

“8. **Incapacity for appointment**—The following persons shall be incapable of being appointed or of holding office as the employers’ member or the aircrew member of the Tribunal or as an acting member of the Tribunal:

“(a) A bankrupt who has not been discharged, or whose order of discharge is suspended for a time not yet expired or is subject to conditions not yet fulfilled:

“(b) A mentally disordered person within the meaning of the Mental Health Act 1969:

“(c) An alien:

“(d) A person who has attained the age of 72 years.

“9. **Extraordinary vacancies**—(1) The Governor-General shall remove the employers’ member or the aircrew member or an acting member from office if that member—

“(a) Becomes incapable under section 8 of this Act; or

“(b) Is proved, to the satisfaction of the Governor-General, to be under a disability or to have been guilty of neglect of duty or misconduct; or

“(c) Is absent without the consent of the Chairman from 4 consecutive sittings of the Tribunal.

“(2) The employers’ member or the aircrew member or an acting member may resign his office by letter addressed to the Minister.

“(3) If the employers’ member or the aircrew member or an acting member dies or resigns or is removed from office, the vacancy so created shall be deemed to be an extraordinary vacancy.

“(4) If an acting member is appointed as the employers’ member or the aircrew member, an extraordinary vacancy shall be deemed to exist in the office of acting member.

“(5) An extraordinary vacancy under this section shall as soon as practicable be filled by the appointment of a person to that office by the Governor-General in the manner in which the appointment to the vacant office was originally made.

“(6) The powers of the Tribunal shall not be affected by any vacancy in the membership of the Tribunal.”

**3. Consequential amendments—**(1) Section 11 of the principal Act (as substituted by section 2 of the Aircrew Industrial Tribunal Amendment Act 1977) is hereby amended by inserting, after the words “aircrew member”, the words “or acting member”.

(2) Section 12 of the principal Act (as substituted by section 2 of the Aircrew Industrial Tribunal Amendment Act 1977) is hereby amended by inserting, after the word “member”, the words “or acting member”.

(3) Section 13 (2) of the principal Act (as substituted by section 2 of the Aircrew Industrial Tribunal Amendment Act 1977) is hereby amended by inserting, after the words “other member”, the words “or acting member”.

(4) Section 14 of the principal Act (as substituted by section 2 of the Aircrew Industrial Tribunal Amendment Act 1977) is hereby amended by inserting, after the words “(other than the Chairman)”, the words “and to the acting members of the Tribunal”.

(5) Section 15 of the principal Act (as substituted by section 2 of the Aircrew Industrial Tribunal Amendment Act 1977) is hereby repealed.

(6) Section 21 (1) of the principal Act (as amended by section 3 (1) of the Aircrew Industrial Tribunal Amendment Act 1977) is hereby amended by omitting the words “each member of”, and substituting the words “each member and each acting member of”.

(7) Section 48 (1) of the principal Act (as amended by section 2 (4) of the Aircrew Industrial Tribunal Amendment Act 1978) is hereby amended by omitting from paragraphs (a), (c), and (d) the words “any member of the Tribunal” wherever they occur, and substituting in each case the words “any member or acting member of the Tribunal”.

**4. Consequential repeals**—The following enactments are hereby consequentially repealed:

- (a) Section 3 of the Aircrew Industrial Tribunal Amendment Act 1977:
- (b) Section 2 (4) of the Aircrew Industrial Tribunal Amendment Act 1978.

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This Act is administered in the Department of Labour.

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