



Employment Relations Amendment Act 2004

Public Act 2004 No 43
Date of assent 19 May 2004
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Employment Relations Amendment Act 2004.
- (2) In this Act, the Employment Relations Act 2000 is called “the principal Act”.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Appointment of Judges

Section 200 of the principal Act is amended by adding the following subsection:

- “(4) A Judge of the Court must not undertake any other paid employment or hold any other office (whether paid or not) unless the Chief Judge is satisfied that the employment or other office is compatible with judicial office.”

4 **New section 200A inserted**

The principal Act is amended by inserting, after section 200, the following section:

“200A Judges act on full-time basis but may be authorised to act part-time

- “(1) A person acts as a Judge of the Court on a full-time basis unless he or she is authorised by the Attorney-General to act on a part-time basis.
- “(2) The Attorney-General may, in accordance with subsection (4), authorise a Judge appointed under section 200 to act on a part-time basis for any specified period.
- “(3) To avoid doubt, an authorisation under subsection (2) may take effect as from a Judge’s appointment or at any other time, and may be given more than once in respect of the same Judge.
- “(4) The Attorney-General may authorise a Judge to act on a part-time basis only—
- “(a) on the request of the Judge; and
- “(b) with the concurrence of the Chief Judge.
- “(5) In considering whether to concur under subsection (4), the Chief Judge must have regard to the ability of the Court to discharge its obligations in an orderly and expeditious way.
- “(6) A Judge who is authorised to act on a part-time basis must resume acting on a full-time basis at the end of the authorised part-time period.
- “(7) The basis on which a Judge acts must not be altered during the term of the Judge’s appointment without the Judge’s consent, but consent under this subsection is not necessary if the alteration is required by subsection (6).
- “(8) If any question arises as to the number of Judges of the Court,—
- “(a) a Judge who is acting on a full-time basis counts as 1:
- “(b) a Judge who is acting on a part-time basis counts as an appropriate fraction of 1.”

5 **Salaries and allowances of Judges**

Section 206 of the principal Act is amended by inserting, after subsection (3), the following subsections:

“(3A) The salary and allowances payable for a period during which a Judge acts on a part-time basis must be calculated and paid as a pro-rata proportion of the salary and allowances for a full-time equivalent position.

“(3B) For the purpose of subsection (3), the payment of salary and allowances on a pro-rata basis under subsection (3A) is not a reduction of salary.”

Legislative history

12 May 2004	Divided from Judicial Matters Bill (Bill 71–2) as Bill 71–3F
13 May 2004	Third reading
19 May 2004	Royal assent

This Act is administered in the Department of Labour.
