



Employment Relations (Validation of Union Registration and Other Matters) Amendment Act 2001

Public Act 2001 No 91
Date of assent 13 November 2001
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 (Validation of Union Registration and Other Matters) Amendment Act 2001.
- (2) In this Act, the Employment Relations Act 2000 is called “the principal Act”.

Part 1

Preliminary provisions

2 Commencement

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

3 Purpose

The purpose of this Act is—

- (a) to validate the registration of certain societies as unions under the principal Act, and to provide for matters relating to the validation; and
- (b) to amend the principal Act to provide that the Employment Relations Authority, in complying with the rules of natural justice, is not required to allow cross-examination of parties or persons, but may, in its absolute discretion, permit such cross-examination.

Part 2

Validation of union registration, and amendments relating to cross-examination

Validation of union registration and related matters

4 Registration of unions validated

- (1) A society that the Registrar of Unions purported to register as a union before the commencement of the principal Act is deemed to be, and to have always been, registered as a union by the Registrar of Unions on 2 October 2000.
- (2) The registration of a society as a union on or after the commencement of the principal Act is not to be treated as unlawful or of no effect because the society's application for registration as a union was made, or made and processed, before the commencement of the principal Act.

5 Certificates of registration

- (1) The certificate of registration of a society that section 4(1) applies to must be read, and has effect, as if the date of registration stated in the certificate were 2 October 2000.
- (2) If the certificate of registration of a society that section 4(1) or (2) applies to has been cancelled for the purpose of issuing a second certificate referred to in subsection (3), the certificate of registration must be treated as if it had not been cancelled.
- (3) A second certificate of registration has no effect if the certificate was obtained—
 - (a) by a society that section 4(1) or (2) applies to; and
 - (b) after the commencement of the principal Act but before the commencement of this Act.

- (4) The Registrar of Unions may—
- (a) issue a certificate of registration, showing a date of registration of 2 October 2000, to replace a certificate of registration referred to in subsection (1):
 - (b) issue a certificate of registration to replace a cancelled certificate of registration referred to in subsection (2) that has been destroyed:
 - (c) cancel a second certificate of registration referred to in subsection (3).

6 Acts not invalid because of pre-commencement application, processing, or registration

Nothing done by any person (including the Crown, the Registrar of Unions, a society, or an employer) is to be treated as unlawful or of no effect because the Registrar of Unions purported, before the commencement of the principal Act,—

- (a) to receive, or receive and process, an application by a society to be registered as a union; or
- (b) to register a society as a union.

7 No liability

No person (including the Crown, the Registrar of Unions, a society, or an employer) is under any liability, and no compensation is payable to any person, because the Registrar of Unions purported, before the commencement of the principal Act,—

- (a) to receive, or receive and process, an application by a society to be registered as a union; or
- (b) to register a society as a union.

8 Penalties

Nothing in this Act makes anything done or omitted to be done by a person before the commencement of this Act a breach of an employment agreement or the principal Act.

9 Costs

Nothing in this Act affects the power of the Court of Appeal to make an order for costs, or affects any liability to pay costs, in

the case of *New Zealand Employers Federation Incorporated v National Union of Public Employees (NUPE) and Others* (CA 32/01, 24 September 2001).

Amendments relating to cross-examination

10 Role of Authority

Section 157 of the principal Act is amended by inserting, after subsection (2), the following subsection:

“(2A) Subsection (2)(a) does not require the Authority to allow the cross-examination of a party or person, but the Authority may, in its absolute discretion, permit such cross-examination.”

11 Procedure

Section 173 of the principal Act is amended by inserting, after subsection (1), the following subsection:

“(1A) Subsection (1)(a) does not require the Authority to allow the cross-examination of a party or person, but the Authority may, in its absolute discretion, permit such cross-examination.”

Legislative history

3 October 2001	Introduction (Bill 161–1)
10 October 2001	First reading and referral to Transport and Industrial Relations Committee
18 October 2001	Reported from Transport and Industrial Relations Committee
1 November 2001	Second reading
6 November 2001	Committee of the whole House (Bill 161–2)
8 November 2001	Third reading
13 November 2001	Royal assent

This Act is administered in the Department of Labour.
