



ANALYSIS

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1958, No. 70

An Act to amend the Industrial Conciliation and Arbitration Act 1954 [2 October 1958]

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 and commencement—(1) This Act may be cited as the Industrial Conciliation and Arbitration Amendment Act 1958, and shall be read together with and deemed part of the Industrial Conciliation and Arbitration Act 1954 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the first day of April, nineteen hundred and fifty-nine.

2. Exemption from Union membership on religious grounds—Subsection two of section one hundred and seventy-five of the principal Act is hereby amended by omitting the words “the Military Training Act 1949”, and substituting the words “section one hundred and seventy-five A of this Act”. REP. 196
No. 8

3. New sections inserted—The principal Act is hereby amended by inserting, after section one hundred and seventy-five, the following sections:

“175A. **Conscientious Objection Committee**—(1) For the purposes of this Act there shall be appointed a Committee to be called the Conscientious Objection Committee.

“(2) The Conscientious Objection Committee shall consist of three persons to be appointed by the Minister and to hold office during his pleasure.

“(3) One member of the Conscientious Objection Committee shall be appointed by the Minister as the Chairman thereof.

“(4) The Conscientious Objection Committee shall, within the scope of its jurisdiction, be deemed to be a Commission under the Commissions of Inquiry Act 1908, and, subject to this Act and to any regulations made for the purposes thereof, the provisions of that Act shall apply accordingly.

“(5) The Conscientious Objection Committee appointed under this section shall be deemed for the purposes of this Act to be the same committee as the Conscientious Objection Committee appointed under the Military Training Act 1949; and every person holding office as the Chairman or Deputy Chairman or as a member or deputy member of that Committee on the repeal of that Act shall be deemed to have been appointed to the corresponding office in respect of the Conscientious Objection Committee constituted under this section.

“(6) There shall be paid out of money appropriated by Parliament for the purpose to the Chairman, Deputy Chairman, members, and deputy members of the Conscientious Objection Committee remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951; and it is hereby declared that the Conscientious Objection Committee shall be a statutory Board within the meaning of that Act, and the provisions of that Act shall apply accordingly.

“175B. **Deputy members**—(1) The Minister may from time to time appoint a Deputy Chairman of the Conscientious Objection Committee, and such deputy members thereof as he thinks fit, to hold office during his pleasure.

“(2) On the occurrence from any cause of a vacancy in the office of Chairman or member of that Committee, and in the case of the absence of the Chairman or any member (from whatever cause arising) and as long as the vacancy continues, the powers and functions of the Chairman or member may be exercised and performed by the Deputy Chairman or by a deputy member, as the case may be. Amend. 1961 No. 2

“(3) No act done by the Conscientious Objection Committee sitting with a Deputy Chairman or a deputy member, or done by any such Deputy Chairman or deputy member, shall be questioned on the ground that the occasion for the deputy's acting had not arisen or had ceased.

“175c. **Procedure of Conscientious Objection Committee—**

(1) The procedure of the Conscientious Objection Committee shall, subject to this Act and to any regulations made for the purposes thereof, be such as that Committee thinks fit.

“(2) The Conscientious Objection Committee may admit and accept such evidence as it thinks fit, whether admissible in a Court of law or not.

“(3) The Conscientious Objection Committee shall sit at such times and places as may be determined by the Chairman.

“(4) No sitting of the Conscientious Objection Committee shall take place unless all the members or their deputies are present, but the decision of the majority of the members shall be the decision of the Committee.

“(5) On the hearing of any application to the Conscientious Objection Committee the Crown may be represented by any person appointed by the Minister in that behalf either generally or with respect to any class of applications or with respect to any particular application. The Crown representative at the hearing of an application shall have a right to be heard in opposition thereto or in support thereof, to produce evidence, and to cross-examine witnesses.

“(6) The determination of the Conscientious Objection Committee on any application shall be in writing signed by the Chairman and at least one other member of the Committee.

“(7) The determination so signed shall be transmitted by the Chairman to the Secretary of Labour or to such District Officer of the Department of Labour as the Secretary of Labour directs. The Chairman shall also notify the applicant of the result of the application. REP. 196 No. 2 s. Substitutn.

“(8) Every such determination shall, for the purposes of this Part of this Act, be final and conclusive:

“Provided that on the application of the Secretary of Labour the Conscientious Objection Committee may, if it has reason to suppose that the determination may have been procured by fraud, or that new and material evidence is available, rehear the application, and cancel, vary, or confirm the previous determination.”

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