



ANALYSIS

Title	
1. Short Title and commencement	4. Power to lend or borrow money or give guarantees or purchase or lease land
2. Holidays	
3. Minister may require ballot	

1979, No. 141

An Act to amend the Industrial Relations Act 1973

[14 December 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 and commencement—(1) This Act may be cited as the Industrial Relations Amendment Act 1979, and shall be read together with and deemed part of the Industrial Relations Act 1973 (hereinafter referred to as the principal Act).

(2) Except as provided in section 2 (4) of this Act, this Act shall come into force on the day on which it receives the Governor-General's assent.

2. Holidays—(1) The principal Act is hereby amended by repealing section 95, and substituting the following section:

“95. (1) Subject to subsection (3) of this section, in making an award or in registering a collective agreement the Court shall provide for the grant to every worker bound by the

award or agreement of not less than 11 whole holidays which shall, where they fall on days that would otherwise be working days for the worker, be holidays, on pay, in addition to annual holidays.

“(2) Subject to subsection (3) of this section, the holidays to be provided pursuant to subsection (1) of this section shall include Christmas Day, Boxing Day, New Year’s Day, the second day of January (or some other day in its place), Good Friday, Easter Monday, Anzac Day, Labour Day, the birthday of the reigning Sovereign, Waitangi Day, and the day of the anniversary of the province (or some other day in its place).

“(3) Subject to the Anzac Day Act 1966 and the Waitangi Day Act 1976, subsections (1) and (2) of this section shall not apply in respect of any award or collective agreement where there are special reasons for making other provision in respect of holidays. For the purposes of this subsection, the expression ‘special reasons’ includes the necessity or desirability of making other provision in respect of holidays because of the nature of the industry to which the award or collective agreement relates; and also includes any agreement made by the parties, in conciliation proceedings under this Act, for the making of such other provision as aforesaid; and also includes provision made in the award or collective agreement for not less than 11 whole holidays of which one or more is not a day specified in subsection (2) of this section.”

(2) Section 7 of the Waitangi Day Act 1976 is hereby consequentially amended by repealing subsections (2) and (3).

(3) In respect of the period beginning with the 8th day of March 1974 and ending with the close of the 31st day of October 1976,—

(a) Section 95 (2) of the principal Act (as substituted by subsection (1) of this section) shall be read as if, for the words “Waitangi Day”, there were substituted the words “New Zealand Day”; and

(b) Section 95 (3) of the principal Act (as substituted by subsection (1) of this section) shall be read as if, for the words “Waitangi Day Act 1976”, there were substituted the words “New Zealand Day Act 1973”.

(4) This section shall be deemed to have come into force on the 8th day of March 1974 (the date of the commencement of the principal Act).

3. Minister may require ballot—(1) Section 101A of the principal Act (as inserted by section 16 of the Industrial Relations Amendment Act (No. 2) 1976) is hereby amended by adding the following subsection:

“(5) The Minister may, at any time before the roll for the ballot is declared closed, withdraw, by notice to the Registrar, any notice issued by the Minister under subsection (1) of this section.”

(2) The action of the Minister in withdrawing, before the commencement of this Act, notices issued under section 101A (1) of the principal Act is hereby declared to be and to have always been valid.

4. Power to lend or borrow money or give guarantees or purchase or lease land—The principal Act is hereby amended by repealing section 189, and substituting the following section:

“189. (1) Without further authority than this section, but in pursuance of its objects, a union may—

“(a) Lend or borrow money; and

“(b) Guarantee and give guarantees for the payment of money or the performance of contracts or obligations by any person; and

“(c) Purchase or take on lease, in the name of the union or of trustees for the union, any house or building, and any land; and

“(d) Sell, mortgage, exchange, or let the whole or any part of any such house, building, or land.

“(2) Notwithstanding anything in subsection (1) of this section, any power conferred on a union by that subsection may be exercised by the union either alone or in conjunction with other persons.

“(3) No person shall be bound to inquire whether the union or any trustees for the union have authority to exercise any of the powers conferred on the union by subsection (1) of this section.

“(4) The receipt of the union or of trustees for the union shall be a discharge for any money arising from the exercise of any of the powers conferred on the union by subsection (1) of this section.”