



ANALYSIS

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1985, No. 138

An Act to amend the Industrial Relations Act 1973

[29 October 1985]

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 (No. 2) 1985, 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 sections 4 (2) and 5 (2) of this Act, this Act shall be deemed to have come into force on the 1st day of April 1985.

2. Salaries and allowances of Judges—The principal Act is hereby amended by repealing section 39 (as substituted by section 3 (1) of the Industrial Relations Amendment Act 1978), and substituting the following section:

“39. (1) There shall be paid to each Judge of the Arbitration Court, out of the Consolidated Account, without further appropriation than this section,—

“(a) A salary at such rate as the Higher Salaries Commission from time to time determines; and

“(b) Such allowances as are from time to time determined by the Higher Salaries Commission; and

“(c) Such additional allowances, being travelling allowances or other incidental or minor allowances, as may be determined from time to time by the Governor-General.

“(2) In the case of the Chief Judge, the rate of salary and the allowances determined may be higher than those for the other Judges.

“(3) The salary of a Judge shall not be diminished during the continuance of the Judge’s appointment.

“(4) Subject to the Higher Salaries Commission Act 1977, any determination made under subsection (1) of this section, and any provision of any such determination, may be made so as to come into force on a date to be specified in that behalf in the determination, being the date of the making of the determination or any other date, whether before or after the date of the making of the determination or the date of the commencement of this section.

“(5) Every such determination, and every provision of any such determination, in respect of which no date is specified as aforesaid shall come into force on the date of the making of the determination.”

3. Appointment of temporary Judges—Section 40 of the principal Act (as substituted by section 4 of the Industrial Relations Amendment Act 1981) is hereby amended by adding the following subsection:

“(6) Nothing in the Higher Salaries Commission Act 1977 limits the provisions of subsection (5) of this section.”

4. Industrial Conciliation Service—(1) Section 63 of the principal Act is hereby amended by repealing subsection (9), and substituting the following subsections:

“(9) There shall be paid, out of money appropriated by Parliament for the purpose, to each conciliator appointed under this section,—

“(a) A salary at such rate as the Higher Salaries Commission from time to time determines; and

“(b) Such allowances as are from time to time determined by the Higher Salaries Commission.

“(10) Notwithstanding anything in subsection (9) of this section, there shall be paid to each conciliator appointed under this section, in respect of time spent in travelling in the exercise of the conciliator’s functions, travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply

accordingly as if the conciliator were a member of a statutory Board and the travelling were in the service of a statutory Board.”

(2) This section shall come into force on a date to be appointed for the commencement thereof by the Governor-General by Order in Council.

5. Industrial Mediation Service—(1) Section 64 of the principal Act is hereby amended by repealing subsection (11), and substituting the following subsections:

“(11) There shall be paid, out of money appropriated by Parliament for the purpose, to each mediator appointed under this section,—

“(a) A salary at such rate as the Higher Salaries Commission from time to time determines; and

“(b) Such allowances as are from time to time determined by the Higher Salaries Commission.

“(11A) Notwithstanding anything in subsection (11) of this section, there shall be paid to each mediator appointed under this section, in respect of time spent in travelling in the exercise of the mediator’s functions, travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the mediator were a member of a statutory Board and the travelling were in the service of a statutory Board.”

(2) This section shall come into force on a date to be appointed for the commencement thereof by the Governor-General by Order in Council.

6. Repeal and saving—(1) Section 3 of the Industrial Relations Amendment Act 1978 is hereby repealed.

(2) Notwithstanding anything in this Act, salaries and allowances in respect of which the Higher Salaries Commission may make determinations shall, until amended or superseded by determination of the Commission, continue to be payable at the rates applicable at the commencement of this Act.