



ANALYSIS

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1988, No. 27

An Act to amend the Labour Relations Act 1987

[30 March 1988

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Labour Relations Amendment Act 1988, and shall be read together with and deemed part of the Labour Relations Act 1987 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of April 1988.

2. Interpretation—Section 2 (1) of the principal Act is hereby amended by repealing the definitions of the terms “compliance order”, “State enterprise”, “State services”, and “State Services Co-ordinating Committee”, and substituting the following definitions:

“‘Compliance order’ means an order of the Labour Court or District Court requiring compliance with—

“(a) Any provision of—

“(i) This Act; or

“(ii) Sections 56 and 58 of the State Sector Act 1988; or

“(iii) Parts VI and VII of the State Sector Act 1988; or

“(iv) Sections 39M, 39O, and 39Y to 39ZB of the Area Health Boards Act 1983; or

- “(v) Section 48B of the Hospitals Act 1957; or
- “(vi) Sections 40, 40A, and 40B of the Broadcasting Act 1976; or
- “(vii) Sections 83, 83A, and 83B of the Fire Service Act 1975; or
- “(viii) Sections 15A to 15C of the Accident Compensation Act 1982; or
- “(ix) Sections 11AA to 11AE of the Universities Act 1961; or
- “(x) Any award or agreement; or
- “(b) An order, determination, direction, or requirement made or given under this Act by the Labour Court or the District Court or the Commission or a disputes committee or a grievance committee or the Registrar of Unions:
 - “ ‘State enterprise’ means an organisation named in the First Schedule to the State Sector Act 1988:
 - “ ‘State services’ has the meaning given to it by section 2 of the State Sector Act 1988:
 - “ ‘State Services Commission’ means the State Services Commission under the State Sector Act 1988:”.

3. Tripartite Wage Conference—Section 121 (1) of the principal Act is hereby amended by repealing paragraphs (b) and (c), and substituting the following paragraphs:

- “(b) Persons representing workers and State employees; and
- “(c) Persons representing employers of workers and persons representing the State Services Commission.”

4. Amendment of references to Commission—

(1) Section 147 (7) of the principal Act is hereby amended by omitting the word “Commission” in the last place where it appears, and substituting the words “a Commissioner”.

(2) Section 150 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) Where the Commission is satisfied, in relation to any dispute of interest, that any barrier to the registration of an award has been overcome, a Commissioner shall register an award notwithstanding that on one or more previous occasions the Commission refused, in relation to that dispute of interest, to register an award.”

(3) Section 161 (1) of the principal Act is hereby amended by omitting the words “the Commission”, and substituting the words “a Commissioner”.

(4) Section 161 of the principal Act is hereby further amended by repealing subsection (3), and substituting the following subsection:

“(3) A Commissioner shall extend an award under this section only if he or she is satisfied that the parties who are proposed to be added have the right to represent the workers or some of the workers whom the extended award would purport to cover.”

(5) Section 164 (5) of the principal Act is hereby amended by omitting the words “the Commission” in the last place where they appear, and substituting the words “a Commissioner”.

(6) Section 166 (5) of the principal Act is hereby amended by omitting the words “the Commission” in the last place where they appear, and substituting the words “a Commissioner”.

(7) Section 168 of the principal Act is hereby amended by omitting the words “the Commission” in both places where they appear, and substituting in each case the words “a Commissioner”.

(8) Section 176 of the principal Act is hereby amended by omitting the words “the Commission”, and substituting the words “a Commissioner”.

(9) Section 182 of the principal Act is hereby amended by omitting from subsection (3), and also from subsection (4), the words “the Commission”, and substituting in each case the words “a Commissioner”.

(10) Section 187 (3) is hereby amended by omitting the words “the Commission”, and substituting the words “a Commissioner”.

(11) Section 193 (3) of the principal Act is hereby amended by omitting the words “the Commission”, and substituting the words “a Commissioner”.

(12) Section 215 (3) of the principal Act is hereby amended by omitting the words “the Commission”, and substituting the words “a Commissioner”.

5. Power of Commissioner to waive technical irregularities—The principal Act is hereby amended by repealing section 151, and substituting the following section:

“151. A Commissioner in his or her discretion may waive any technical irregularity or omission that may have occurred in the submission or reference of a dispute of interest to the Commission, if he or she is satisfied that the provisions of this Act have been substantially complied with.”

6. Restriction on right of entry for enforcement purposes—The principal Act is hereby amended by inserting, after section 196, the following section:

“196A. (1) Notwithstanding anything in section 196 of this Act, any officer or paid official of a union may be refused entry to any premises or to any part of any premises on the grounds that the exercise in respect of those premises or that part of those premises of the right of entry conferred by that section might prejudice—

“(a) The security or defence of New Zealand; or

“(b) The investigation or detection of offences.

“(2) Where the Attorney-General certifies in respect of any premises or any part of any premises that the exercise of the right of entry conferred by section 196 of this Act in respect of any premises might prejudice—

“(a) The security or defence of New Zealand; or

“(b) The investigation or detection of offences,—

that certificate shall be conclusive evidence that grounds exist under subsection (1) of this section for refusing entry to those premises or that part of those premises.”

7. Power to order compliance—Section 207 (1) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) Any provision of—

“(i) This Act; or

“(ii) Sections 56 and 58 of the State Sector Act 1988; or

“(iii) Parts VI and VII of the State Sector Act 1988; or

“(iv) Sections 39M, 39O, and 39Y to 39ZB of the Area Health Boards Act 1983; or

“(v) Section 48B of the Hospitals Act 1957; or

“(vi) Sections 40, 40A, and 40B of the Broadcasting Act 1976; or

“(vii) Sections 83, 83A, and 83B of the Fire Service Act 1975; or

“(viii) Sections 15A to 15C of the Accident Compensation Act 1982; or

“(ix) Sections 11AA to 11AE of the Universities Act 1961; or

“(x) Any award or agreement; or”.

8. Panel of members—Section 268 (2) (b) of the principal Act is hereby amended by omitting the words “State Services

Co-ordinating Committee”, and substituting the words “State Services Commission”.

9. Jurisdiction of Labour Court in respect of applications for review—(1) Section 280 (1) of the principal Act is hereby amended by inserting, after the words “under this Act” in both places where they appear, the words “or the State Sector Act 1988”.

(2) Section 280 (2) of the principal Act is hereby repealed.

(3) Section 280 of the principal Act is hereby further amended by repealing subsection (4), and substituting the following subsection:

“(4) Where a right of appeal is conferred on any person under this Act or the State Sector Act 1988 in respect of any matter, that person shall not make an application under subsection (1) of this section in respect of that matter unless any appeal brought by that person in the exercise of that right of appeal has first been determined.”

10. Essential services—(1) Part A of the Eighth Schedule to the principal Act is hereby amended by repealing clause 3, and substituting the following clauses:

“3. The production or supply of electricity or the operational management of the Electricity Corporation of New Zealand Limited.

“3A. The sale, production, processing, or distribution of coal.”

(2) The said Part A is hereby further amended by revoking clauses 8 and 9, and substituting the following clauses:

“8. The operation of any service for the carriage of passengers or goods by water between the North Island and the South Island or between the South Island and Stewart Island or any service necessary for the operation of such a service.

“9. The operation of any air transport service, being a service by aircraft for the public carriage of passengers or goods for hire or reward (but excluding an air topdressing service), or any service necessary for the operation of such an air transport service.

“9A. The working of any railway used for the public carriage of goods or passengers.

“9B. The working of any transport service within the meaning of the Transport Act 1962.”

(3) The Eighth Schedule to the principal Act is hereby further amended by repealing Part B, and substituting the following Part:

“Part B

“1. The slaughtering of meat for the domestic or export market.

“2. The operation of meat inspection services associated with the slaughtering or supply of meat for domestic consumption.”

This Act is administered in the Department of Labour.
