



ANALYSIS

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 1990, No. 138

An Act to amend the Labour Relations Act 1987 and to repeal the Employment Equity Act 1990

[21 December 1990]

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

1. Short Title—This Act may be cited as the Labour Relations Amendment Act (No. 2) 1990, and shall be read together with and deemed part of the Labour Relations Act 1987 (hereinafter referred to as the principal Act).

2. Object in relation to awards—(1) Section 133 of the principal Act is hereby amended by repealing paragraph (d) (as substituted by section 8 of the Labour Relations Amendment Act 1990), and substituting the following paragraph:

“(d) If the conciliation council fails to settle the dispute, any decision to submit the unsettled dispute for determination by the Commission must be agreed to by both parties.”.

(2) Section 8 of the Labour Relations Amendment Act 1990 is hereby consequentially repealed.

3. Protracted negotiations—(1) Section 147 of the principal Act is hereby amended by repealing subsection (7) (as substituted by section 10 of the Labour Relations Amendment Act 1990), and substituting the following subsection:

“(7) Where, in respect of any dispute,—

“(a) A Commissioner has exercised any or all of the powers conferred by subsection (4) of this section; and

“(b) That Commissioner is satisfied that no action short of hearing and determining the dispute will settle it; and

“(c) The parties do not agree to the dispute being heard and determined by the Commission,—

the Commission shall regard the notice submitted under section 134 (1) of this Act as being withdrawn, and the award negotiations shall lapse when a Commissioner notifies the parties accordingly.”

(2) The principal Act is hereby further amended by repealing sections 149A to 149E and the heading above those sections (as inserted by section 11 of the Labour Relations Amendment Act 1990).

(3) Sections 10 and 11 of the Labour Relations Amendment Act 1990 are hereby consequentially repealed.

4. Repeal—The Employment Equity Act 1990 is hereby repealed.

5. Consequential amendments—The principal Act is hereby consequentially amended—

(a) By omitting from section 211 (2) (f) the expression “; or” (as added by section 75 (2) of the Employment Equity Act 1990); and

(b) By repealing paragraphs (g) and (h) of section 211 (2) (as added by section 75 (1) of the Employment Equity Act 1990); and

(c) By omitting from section 233 (1) the expression “subsections (3) and (6) of section 234” (as substituted by section 76 (2) of the Employment Equity Act 1990), and substituting the words “section 234 (3)”; and

(d) By repealing subsection (6) of section 234 (as added by section 76 (1) of the Employment Equity Act 1990).

6. Transitional provisions—(1) The person holding office at the commencement of this Act as the Employment Equity Commissioner and the person holding office at the commencement of this Act as the Deputy Employment Equity Commissioner shall, on the commencement of this section, each be deemed to have vacated office.

(2) Every programme, requirement, request, assessment, claim, decision, or determination that, under the Employment Equity Act 1990, is in force immediately before the

commencement of this Act shall, as from the commencement of this section, cease to have effect.

(3) All proceedings pending immediately before the commencement of this Act under the Employment Equity Act 1990 shall, as from the commencement of this Act, be deemed to have been discontinued.

(4) All rights, powers, and obligations conferred by the Employment Equity Act 1990 or as the result of any proceeding, decision, or determination taken or made under that Act shall, as from the commencement of this Act, be deemed to have been cancelled.

(5) The Employment Equity Act 1990 shall not continue or be in force for the purpose of continuing or perfecting under that Act any act, matter, or thing, or any proceedings commenced or in progress under that Act on its repeal by this Act.

This Act is administered in the Department of Labour.
