



ANALYSIS

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1987, No. 81

An Act to amend the State Services Conditions of Employment Act 1977

[28 May 1987]

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

1. Short Title and commencement—(1) This Act may be cited as the State Services Conditions of Employment Amendment Act (No. 2) 1987, and shall be read together with and deemed part of the State Services Conditions of

Employment Act 1977 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of August 1987.

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

“2. (1) In this Act, unless the context otherwise requires,—

“ ‘Arbitration Commission’ means the Arbitration Commission constituted under the Labour Relations Act 1987:

“ ‘Branch’, in relation to the State services, means any of the following, namely, the Public Service, the New Zealand Railways Corporation, the Health Service, the Education service, the Armed Forces, the Parliamentary Counsel Office, and any other branch of the State services for which a separate employing authority for the purposes of this Act is designated by any enactment or by the Minister:

“ ‘Conditions of employment’ includes remuneration:

“ ‘Co-ordinating Committee’ means the State Services Co-ordinating Committee established by section 13 of this Act:

“ ‘Date of settlement’, in relation to any claim made by a service organisation, means—

“(a) Where the service organisation accepts, in full settlement of the claim, an offer made by the employing authority, the date on which the service organisation informs the employing authority in writing of such acceptance:

“(b) Where no offer made by the employing authority in full settlement of the claim is acceptable to the service organisation or where the employing authority makes no such offer, the date on which the service organisation informs the employing authority in writing that it wishes to pursue before the Arbitration Commission the parts of its claim which are in dispute:

“ ‘Determination’ means a determination made by an employing authority under this Act; and includes—

“(a) An amending determination made under section 24 of this Act:

“(b) A consolidating determination made under section 26 of this Act:

“(c) A decision made under section 65 (4) of this Act:

“‘Education service’—

“(a) Means employment in any capacity under the control of—

“(i) The Director-General of Education; or

“(ii) Any Board, Council, or other controlling authority established under the Education Act 1964; and

“(b) Includes employment—

“(i) As a teacher in a free kindergarten; or

“(ii) In any capacity in an integrated school within the meaning of the Private Schools Conditional Integration Act 1975; but

“(c) Does not include employment of any person whose remuneration is determined by the State Services Commission (whether or not that remuneration is paid out of money appropriated by Parliament as part of the Vote: Education):

“‘Employee’, in relation to the State services, means an employee in any branch of the State services, whether paid by salary, wages, or otherwise; but does not include an independent contractor:

“‘Employing authority’,—

“(a) In relation to the Public Service, means the State Services Commission:

“(b) In relation to members of the overseas service who are not employees of the State services, means the Secretary of Foreign Affairs:

“(c) In relation to the New Zealand Railways Corporation, means the General Manager of Railways:

“(d) In relation to the Health Service, means the Health Service Personnel Commission:

“(e) In relation to the Education service, means the Director-General of Education:

“(f) In relation to the Armed Forces, means the Secretary of Defence:

“(g) In relation to employees in the Parliamentary Counsel Office, means the Chairman of the Co-ordinating Committee:

“(h) In relation to any other branch of the State services, means the person or body designated by any enactment as the employing authority for the purposes of this Act in respect of that branch; and, if no such person or body is so designated, means any person or body designated for the purpose by the Minister:

“ ‘Essential service’ means a service specified in the First Schedule to this Act:

“ ‘External comparability’ has the meaning given to it by section 5A of this Act:

“ ‘General adjustment’ means an adjustment of all rates and scales of remuneration in the State services made as a result of a review carried out pursuant to section 31 (1) of this Act:

“ ‘Health Service’ means service in the employment of the Health Service Personnel Commission or of an area health board or of a hospital board:

“ ‘Higher Salaries Commission’ means the Higher Salaries Commission established by section 4 (1) of the Higher Salaries Commission Act 1977:

“ ‘Junior dental officer’ means any person employed by an area health board or a hospital board as a dental house surgeon, dental registrar, or senior dental registrar:

“ ‘Labour Court’ means a Judge of the Labour Court constituted under the Labour Relations Act 1987 acting alone:

“ ‘Minister’ means the Minister of State Services:

“ ‘Occupational class’,—

“(a) In relation to the Public Service, means an occupational class prescribed by the State Services Commission under section 41 of the State Services Act 1962; and

“(b) In relation to the New Zealand Railways Corporation, means an occupational class prescribed under section 73 of the New Zealand Railways Corporation Act 1981; and

“(c) In relation to all other branches of the State services, means a class or group of employees prescribed by determination by the employing authority or by Tribunal order as an occupational class:

- “ ‘Overseas service’ has the same meaning as in section 2 of the Foreign Affairs and Overseas Service Act 1983:
- “ ‘Overseas Service Committee’ has the same meaning as in section 2 of the Foreign Affairs and Overseas Service Act 1983:
- “ ‘Pay scales’ means salary rates or scales of salary rates, or wage rates or scales of wage rates:
- “ ‘Prescribed’ means prescribed by or under this Act or by regulations made under this Act:
- “ ‘Published’,—
- “(a) In relation to the Public Service, means published in the *Public Service Official Circular*:
- “(b) In relation to the Education service, means published in the *New Zealand Education Gazette*:
- “(c) In relation to the Health Service, means published in the *Health Service Official Circular*:
- “(d) In relation to any other branch of the State services, means published in the *Gazette* or in such other manner as the Minister may direct,— and in every such case (if publication as aforesaid is not desired by the authority, organisation, or person responsible for the publication) includes notification to any employing authority or to any service organisation whose members may be affected; and ‘publication’ has a corresponding meaning:
- “ ‘Remuneration’ includes salary, wages, and other payments in return for services:
- “ ‘Resident medical officer’ means any person employed by an area health board or a hospital board as a house surgeon, registrar, or senior house officer:
- “ ‘Service organisation’ has the meaning given to it by section 5 of this Act:
- “ ‘Single service matter’ means a matter which does not significantly affect more than one branch of the State services:
- “ ‘State services’ has the meaning given to it by section 4 of this Act:
- “ ‘Tribunal order’ means, as the case may require, an order of the Arbitration Commission or of the Labour Court.
- “(2) Notwithstanding anything in the definition in subsection (1) of this section of the term ‘employing authority’, in respect of the matters referred to in paragraphs (b) and (c) of section 7

(1A) of this Act, the Secretary of Foreign Affairs shall be deemed to be the employing authority of all members of the overseas service who are employees of the State services.

“(3) The employing authority in relation to any branch of the State services shall not be deemed to be the employer in relation to that branch by reason only of being such employing authority; and, except as expressly provided in this Act, nothing in this Act shall affect the relationship between the employees in any such branch and their employer or employers.

“(4) The Governor-General may from time to time, by Order in Council, amend the description of any service specified in the First Schedule to this Act or add to or omit from that Schedule the description of any service.”

(2) The following enactments are hereby consequentially repealed, namely:

- (a) Section 2 of the State Services Conditions of Employment Amendment Act 1981:
- (b) Section 3 of the State Services Conditions of Employment Amendment Act 1983:
- (c) Subsections (1) and (2) of section 29 of the Foreign Affairs and Overseas Service Act 1983:
- (d) So much of the Fourth Schedule to the Health Service Personnel Act 1983 as relates to section 2 of the State Services Conditions of Employment Act 1977:
- (e) Section 70 of the Parliamentary Service Act 1985:
- (f) Section 2 of the State Services Conditions of Employment Amendment Act (No. 2) 1985:
- (g) So much of the Second Schedule to the State Services Conditions of Employment Amendment Act 1987 as relates to section 2 (1) of the principal Act.

3. Method of prescribing conditions of employment—

Section 6 of the principal Act is hereby amended—

- (a) By omitting from subsection (2) the words “Public Sector Tribunal”, and substituting the words “Arbitration Commission”:
- (b) By omitting from subsection (5) the word “Tribunal”, and substituting the words “Arbitration Commission”.

4. Consultation with Higher Salaries Commission—

Section 21 of the principal Act (as substituted by section 7 of the State Services Conditions of Employment Amendment Act 1977) is hereby amended by omitting from subsection (2), and

also from subsection (3), the word “Tribunal” wherever it appears, and substituting in each case the words “Arbitration Commission”.

5. Steps to be taken before issue of a determination—

(1) Section 22 (3) of the principal Act is hereby amended by omitting the words “appropriate Single Service Tribunal”, and substituting the words “Arbitration Commission”.

(2) Section 22 of the State Services Conditions of Employment Act 1977 is hereby further amended by repealing subsection (7), and substituting the following subsection:

“(7) At any time within 2 months (or such extended period as the employing authority may in any case notify to the service organisation to which notice is given under subsection (1) of this section) after the date of the publication of any determination made under this section, any service organisation whose members are affected by the determination may apply in writing to the Arbitration Commission for an order of the Arbitration Commission varying the determination.”

6. Application for review of conditions of employment—(1) Section 23 (3) of the principal Act is hereby amended by omitting the words “appropriate Single Service Tribunal”, and substituting the words “Arbitration Commission”.

(2) Section 23 of the principal Act is hereby further amended by repealing subsection (4), and substituting the following subsection:

“(4) In any case where—

“(a) No offer to negotiate in respect of an application for a determination relating to a single service matter is made by the employing authority within 2 months after it receives the application; or

“(b) No offer to negotiate in respect of an application for a determination which, in the opinion of the Co-ordinating Committee, will significantly affect more than one branch of the State services is made by the Co-ordinating Committee or any subcommittee thereof within 2 months after the date on which the Co-ordinating Committee has given directions as to negotiations under subsection (2) of this section, or within 2 months after the making of an order of the Arbitration Commission

on an application lodged under subsection (3) of this section; or

“(c) No determination is issued as a result of the application within 2 months after the date of the lodging of the application, or within 2 months after the making of an order of the Arbitration Commission on an application lodged under subsection (3) of this section,—

the application may be forwarded by the service organisation to the Arbitration Commission, and in that event shall be deemed to be an application for an order of the Arbitration Commission:

“Provided that, where the employing authority has made a determination following on the application of a service organisation, the service organisation may apply to the Arbitration Commission for an order in respect of only those parts (if any) of its application to which the determination of the employing authority has not given full effect.”

7. Amending determinations—Section 24 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) At any time within 2 months after the date of the publication of any amending determination, any service organisation whose members are affected thereby may apply in writing to the Arbitration Commission for an order varying the amending determination, and the Arbitration Commission shall have jurisdiction to hear and determine any such application, and may make such order as it thinks fit varying, confirming, or cancelling the amending determination.”

8. Arbitration Commission orders to have effect as determinations—The principal Act is hereby amended by repealing section 25, and substituting the following section:

“25. Any order of the Arbitration Commission made under section 22 (7) or section 23 (4) or section 24 (3) of this Act shall be deemed to be a determination within the meaning of this Act (to which, among other provisions, the proviso to section 6 (3) of this Act applies).”

9. Consolidating determinations—Section 26 of the principal Act is hereby amended by omitting the words “any Tribunal”, and substituting the words “the Arbitration Commission”.

10. Mediation—The principal Act is hereby amended by repealing section 27, and substituting the following section:

“27. (1) The provisions of sections 251 to 258 of the Labour Relations Act 1987 shall, with any necessary modifications and subject to this section, apply in the State services in the same manner as they apply under the Labour Relations Act 1987.

“(2) For the purposes of this section, any person who is acceptable to both parties to a dispute may act as a mediator in relation to that dispute as if that person had been appointed under section 251 of the Labour Relations Act 1987, and every person who so acts shall have, in relation to that dispute, all the functions and powers of a mediator appointed under that section.”

11. Criteria—The principal Act is hereby amended by repealing section 28 (as amended by section 5 (2) of the State Services Conditions of Employment Amendment Act 1983), and substituting the following section:

“28. (1) In making decisions, applications, determinations, or orders concerning conditions of employment under this Act every employing authority, every service organisation, the Arbitration Commission, and the Labour Court shall comply with the provisions of sections 9 to 12 of this Act to the extent that they are applicable.

“(2) Nothing in subsection (1) of this section shall relate to the reviews required under section 31 of this Act.”

12. Criteria for general review of remuneration—

(1) Section 32 of the principal Act is hereby amended—

(a) By omitting from subsection (6) (as substituted by section 10 (2) of the State Services Conditions of Employment Amendment Act 1983) the words “Public Sector Tribunal constituted in accordance with subsection (17) of this section”, and substituting the words “Arbitration Commission”; and

(b) By omitting from subsection (15) the words “Public Sector Tribunal”, and substituting the words “Arbitration Commission”.

(2) Section 32 (16) of the principal Act is hereby amended by omitting the word “Tribunal”, and substituting the words “Arbitration Commission”.

(3) Section 32 (17) of the principal Act is hereby repealed.

13. Disputes as to application of determinations—
(1) Section 34 of the principal Act is hereby amended by repealing subsection (6), and substituting the following subsection:

“(6) Either party to a disagreement under subsection (1) of this section may apply in writing to the Labour Court for a ruling on the interpretation of the determination, or for a ruling settling any other disagreement where the parties have been unable to reach agreement in negotiation.”

(2) Section 34 (7) of the principal Act is hereby amended by omitting the words “Public Sector Tribunal”, and substituting the words “Arbitration Commission”.

14. Disputes as to occupational classifications—Section 35 of the principal Act is hereby amended by repealing subsections (3) and (4), and substituting the following subsections:

“(3) Any service organisation whose members are affected by an employing authority’s decision of the kind referred to in subsection (1) of this section may apply in writing to the Labour Court for an order varying that decision.

“(4) In hearing an application under subsection (3) of this section, the Labour Court shall have regard to any criteria that the employing authority was required to have regard to in making the original decision.

“(5) For the purposes of this section, 2 panel members (one included on the panel under section 268 (2) (b) of the Labour Relations Act 1987 and one included on the panel under section 268 (2) (d) of that Act) shall sit as members of the Labour Court.”

15. Public Sector Tribunal and Single Service Tribunals—The following enactments are hereby repealed, namely:

(a) Parts V and VI of the principal Act:

(b) Sections 77 to 79 of the principal Act:

(c) The State Services Conditions of Employment Amendment Act 1980:

(d) Section 7 (1) of the State Services Conditions of Employment Act 1981:

(e) Sections 12 and 13 of the State Services Conditions of Employment Amendment Act 1983:

- (f) So much of the Fourth Schedule to the Health Service Personnel Act 1983 as relates to section 46 (4) (c), section 51, and section 59 (4) of the State Services Conditions of Employment Act 1977.

16. Appeals to Court of Appeal—Section 61 of the principal Act is hereby amended—

- (a) By omitting from subsection (1) the words “a Tribunal”, and substituting the words “the Labour Court”; and
(b) By omitting from subsections (2), (4), and (7) the word “Tribunal” wherever it appears, and substituting in each case the words “Labour Court”.

17. Court of Appeal may refer appeals back for reconsideration—Section 62 of the principal Act is hereby amended by omitting the word “Tribunal” wherever it appears, and substituting in each case the words “Labour Court”.

18. Power of Minister to refer to Labour Court existing or threatened strike or lockout affecting essential service or export slaughterhouse—The principal Act is hereby amended by repealing section 68B (as inserted by section 4 of the State Services Conditions of Employment Amendment Act 1981), and substituting the following section:

“68B. (1) Where the Minister receives a report under section 68A (2) (b) of this Act, the Minister may, if the dispute has not been settled or if a strike or lockout exists in respect of the dispute, refer the matter of the dispute to the Labour Court for settlement.

“(2) Where the matter of a dispute is referred to the Labour Court under subsection (1) of this section, the Labour Court shall set a date for the hearing of the dispute as a matter of urgency.

“(3) The hearing shall be dealt with in accordance with the practice of the Labour Court and in accordance with any rules or regulations governing the procedure of the Labour Court.

“(4) If, after inquiring into the dispute, the Labour Court is satisfied that the strike or lockout or the threatened strike or lockout substantially affects or will substantially affect the public interest, the Labour Court shall make an order—

“(a) Settling the dispute; or

“(b) Prescribing the procedure to be followed in settling the dispute; or

“(c) In the case of any matter within the jurisdiction of the Arbitration Commission, referring the matter to the Arbitration Commission and directing the Arbitration Commission either to hear and determine the matter or to determine the procedure to be followed in settling the matter.

“(5) Any order of the Labour Court or determination of the Arbitration Commission under subsection (4) of this section shall be final and binding on the parties.”

19. Secret ballot on issue of a return to work—Section 69 of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) The Labour Court; or”.

20. Power of employing authority or employer to make deductions from wages or salary in certain circumstances—Section 71A of the principal Act (as inserted by section 14 of the State Services Conditions of Employment Amendment Act (No. 2) 1985) is hereby amended by repealing subsections (5) to (7), and substituting the following subsections:

“(5) Where any employer or employing authority decides to make a deduction, under subsection (1) of this section, from the wages or salary of any employee, the employee or any service organisation representing the employee may appeal to the Labour Court against the decision. The appellant shall,—

“(a) Within 14 days after the date on which the decision to make the deduction is made known to the employee, give to the employing authority written notice of the appellant’s intention to appeal; and

“(b) Within 7 days after the date on which that notice is given, lodge with the Labour Court a written notice of appeal.

“(6) On any such appeal the Labour Court may confirm, vary, or reverse the decision appealed against.

“(7) The decision of the Labour Court shall be binding on the employee, the employer, and the employing authority.”

21. Suspension of non-striking employees where work not available during strike—Section 72 of the principal Act is hereby amended by repealing subsections (4) and (5), and substituting the following subsections:

“(4) Where any employee is suspended under subsection (1) of this section, the employee or any service organisation

representing the employee may appeal to the Labour Court against the suspension. The appellant shall—

“(a) Within 14 days after the date on which the decision to suspend the employee was made known to the employee, give to the employing authority written notice of the employee’s or its intention to appeal; and

“(b) Within 7 days after the date on which that notice has been given, lodge with the Labour Court a written notice of appeal.

“(5) On any such appeal the Labour Court may confirm or reverse or modify the decision appealed against, and may make such other order as it thinks just; and the decision of the Labour Court shall be binding on the employer and the employing authority.”

22. Enforcement of penalties—(1) Section 73 of the principal Act (as substituted by section 6 (1) of the State Services Conditions of Employment Amendment Act 1981) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The Labour Court shall have jurisdiction to hear and determine any action for the recovery of any penalty provided for in this Act; and sections 201, 203, 204, and 205 of the Labour Relations Act 1987 (except subsection (1) of section 201) shall apply accordingly with all necessary modifications.”

(2) Section 73 (4) of the principal Act (as so substituted) is hereby amended by omitting the words “Registrar of a District Court”, and substituting the words “Registrar of the Labour Court”.

23. Application of this Part to Crown generally—(1) Section 75 (1) of the principal Act is hereby amended by omitting the words “a District Court”, and substituting the words “the Labour Court”.

(2) Section 75 of the principal Act is hereby further amended by repealing subsection (2), and substituting the following subsection:

“(2) An application under subsection (1) of this section shall be made and dealt with in accordance with the practice of the Labour Court and in accordance with any rules or regulations governing the procedure of that Court.”

24. Interpretation—The principal Act is hereby amended by repealing section 76 (as substituted by section 2 of the State Services Conditions of Employment Amendment Act 1985), and substituting the following section:

“76. In this section and in sections 76A to 76F of this Act, unless the context otherwise requires,—

“ ‘Adult person’ means—

“(a) Any person of the age of 18 years or upwards:

“(b) Any person of any age who for the time being is in receipt of not less than the minimum rate of wages or salary payable to a person of the age of 18 years or upwards:

“ ‘Union membership clause’, in relation to any determination, means a clause which is included or is deemed to be included in the determination and which provides as follows:

“ ‘If any adult person (other than an apprentice or a person who holds a certificate of exemption from union membership issued under section 112O of the Industrial Relations Act 1973 or under section 95 of the Labour Relations Act 1987) who is not a member of a union which is registered under the Labour Relations Act 1987 and which is bound by this determination is engaged or employed by any employer bound by this determination in any position or employment that is subject to the determination, the person shall become a member of the union within 14 days after that person’s engagement or, as the case may require, after this clause comes into force, and shall remain a member of the union so long as that person continues in the position or employment.’:

“ ‘Union Membership Exemption Tribunal’ means the Union Membership Exemption Tribunal established by section 73 of the Labour Relations Act 1987.”

25. Enforcement of union membership clauses—Section 76E of the principal Act (as substituted by section 2 of the State Services Conditions of Employment Amendment Act 1985) is hereby amended by repealing subsections (2) to (6), and substituting the following subsections:

“(2) The Labour Court shall have full and exclusive jurisdiction to deal with all actions for the recovery of penalties under this section.

“(3) For the purposes of this section, every reference to the Labour Court established under the Labour Relations Act 1987 shall be read as a reference to a Judge of that Court acting alone.

“(4) A penalty recoverable under this section shall be recovered in the same manner, with all necessary modifications, as a penalty for a breach of the Labour Relations Act 1987; and sections 201, 203, 204, and 205 of that Act (except subsection (1) of section 201) shall, with all necessary modifications, apply accordingly.

“(5) An action for the recovery of a penalty under this section may be brought only by the service organisation.

“(6) The Labour Court may delegate to any District Court Judge named by it its powers and functions to deal with an action under this section; and the provisions of section 292 of the Labour Relations Act 1987 (except those of subsection (6)) shall, with all necessary modifications, apply accordingly.”

26. Application for exemption—Section 76F of the principal Act (as substituted by section 2 of the State Services Conditions of Employment Amendment Act 1985) is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The Union Membership Exemption Tribunal shall have, in addition to its other functions, the function of considering and determining every application made under subsection (1) of this section; and the provisions of sections 79, 83 to 89, and 91 to 97 of the Labour Relations Act 1987 shall, with all necessary modifications, apply accordingly.”

27. Discrimination—Section 76H of the principal Act (as substituted by section 2 of the State Services Conditions of Employment Amendment Act 1985) is hereby amended by repealing subsections (4) to (8), and substituting the following subsections:

“(4) The Labour Court shall have full and exclusive jurisdiction to deal with all actions for the recovery of penalties under this section.

“(5) For the purposes of this section, every reference to the Labour Court shall be read as a reference to a Judge of that Court acting alone.

“(6) A penalty recoverable under this section shall be recovered in the same manner, with all necessary

modifications, as a penalty for a breach of the Labour Relations Act 1987; and sections 201, 203, 204, and 205 of that Act (except subsection (1) of section 201) shall, with all necessary modifications, apply accordingly.

“(7) An action for the recovery of a penalty in respect of an alleged contravention of subsection (1) or subsection (2) of this section may be brought only by the person or employee in relation to whom the contravention is alleged to have taken place.

“(8) The Labour Court may delegate to any District Court Judge named by it its powers and functions to deal with an action under this section; and the provisions of section 292 of the Labour Relations Act 1987 (except those of subsection (6)) shall, with all necessary modifications, apply accordingly.”

28. New sections inserted—The principal Act is hereby amended by inserting, before section 80, the following sections:

“79A. Powers of Arbitration Commission—(1) Any determination of an employing authority shall continue in force notwithstanding the lodgment of an application in respect of that determination with the Arbitration Commission, and shall remain in force until varied by an order of the Arbitration Commission or a subsequent determination.

“(2) In exercising its functions, the Arbitration Commission shall have regard to all the matters to which any employing authority is directed to have regard under the provisions of this Act when making the determination in respect of which the application has been lodged with the Arbitration Commission.

“(3) The maximum salary that the Arbitration Commission may by order prescribe shall be fixed from time to time by Order in Council; and any such Order in Council shall come into force on the date of the Order in Council or on a date to be specified therein in that behalf, whether before or after the date of the Order in Council. In any case where an application is made or referred to the Arbitration Commission and the Arbitration Commission is prevented from prescribing pursuant to the application a rate or rates of salary which it thinks appropriate because the rate or rates would exceed the maximum fixed by Order in Council under this subsection, the Arbitration Commission shall have power to make a recommendation to the Higher Salaries Commission regarding the rate or rates of salary.

“(4) Where the Arbitration Commission considers that any decision likely to be made by it may tend to lead to unreasonable disparities between or inappropriate relativities with salaries determined by the Higher Salaries Commission, the Arbitration Commission shall act in accordance with section 21 (2) of this Act.

“(5) In determining any application in respect of which it may issue an order, the Arbitration Commission may confirm, modify, or cancel the decision of the employing authority which is the subject of the application.

“79B. **Orders of Arbitration Commission**—(1) The Arbitration Commission shall issue its decisions under this Act in the form of orders.

“(2) Any order issued by the Arbitration Commission shall apply only to the branch of the State services under the jurisdiction of the employing authority which made or refused to make the determination which was the subject of the application, unless the Arbitration Commission orders or directs that the order shall have wider application within the State services.

“(3) Every order made by the Arbitration Commission shall either be published in the *Gazette* or be notified by the sending of a copy of the order to the Co-ordinating Committee and to every employing authority and every service organisation, whether or not they were parties to the application. Every such publication or notification shall include any dissenting opinion given by any member of the Arbitration Commission.

“(4) Every order made by the Arbitration Commission in accordance with this Act shall be binding on—

“(a) The employing authority which made the determination in respect of which the application was lodged; and

“(b) If the Arbitration Commission so orders, any other employing authority; and

“(c) Every area health board and every hospital board in the case of an order affecting the Health Service; and

“(d) Every employee whom the order purports to affect, whether or not any such employee is a member of any service organisation.

“(5) Any order or provision of an order may be made by the Arbitration Commission so as to come into force on the day to be specified in that behalf in the order, being the date of the order or any other date, whether before or after the date of the order.

“(6) Every order of the Arbitration Commission, and every provision of any such order, in respect of which no date is specified as aforesaid shall come into force on the date of the order.

“(7) No order made by the Arbitration Commission shall be deemed invalid on the ground that it delegates to, or confers on, the employing authority or any other person any discretionary authority.

“79C. **Power of Labour Court to interpret orders and determinations**—(1) Subject to section 34 of this Act, the Labour Court may from time to time during the currency of any order or determination, on the application of a service organisation or an employing authority, make an order for the purpose of interpreting the provisions of the order or determination.

“(2) Every applicant under this section shall, at the time of lodging the application with the Labour Court, deliver a copy of the application to all service organisations and to the Co-ordinating Committee and to the employing authorities that will be affected by the order; and every such service organisation, the Co-ordinating Committee, and every such employing authority shall have one month from the date of the delivery of the copy of the application to it in which to lodge any statement with the Labour Court commenting on the application.

“(3) The Labour Court may, with the consent of the parties to any application made under this section, determine the application on the papers without hearing.

“(4) All orders made by the Labour Court pursuant to this section shall be published or notified as provided by section 79B of this Act.”

29. Excluding appeal in certain cases—Section 80 (a) of the principal Act is hereby amended by omitting the words “a Tribunal”, and substituting the words “the Arbitration Commission or the Labour Court”.

30. Fees and allowances—(1) Section 81 (1) of the principal Act is hereby amended by repealing paragraph (d).

(2) Section 81 (1) of the principal Act is hereby amended by omitting the words “each Tribunal”.

31. Transitional provisions—(1) All applications and other matters which before the commencement of this Act have been made or referred to the Public Sector Tribunal or a Single Service Tribunal and which have not been determined or completed before the commencement of this Act may be determined and completed before the Arbitration Commission or the Labour Court, as the case may require.

(2) Every order of the Public Sector Tribunal or of a Single Service Tribunal in force immediately before the commencement of this section shall, as from the commencement of this section, and while the order continues in force, be deemed to be an order of the Arbitration Commission or the Labour Court, as the case may require.

This Act is administered in the State Services Commission.
