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1983, No. 113

An Act to amend the Waterfront Industry Act 1976

[*16 December 1983*

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 Waterfront Industry Amendment Act 1983, and shall be read together with and deemed part of the Waterfront Industry Act 1976 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of February 1984.

2. Interpretation—Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term "registered employer", the following definition:

" 'Society of workers' means a society of persons lawfully associated for the purpose of protecting or furthering the interests of workers:".

3. Provisions affecting contents of principal orders—The principal Act is hereby amended by inserting, after section 15, the following section:

"15A. Notwithstanding anything in section 15 (1) of this Act, any principal order—

"(a) May include rates of remuneration; and

"(b) May include—

"(i) All matters affecting the privileges, rights, and duties of unions or associations or societies (whether incorporated or not) of persons employed within the waterfront industry or the officers of any union or association or society (whether incorporated or not) of persons employed within the waterfront industry; and

"(ii) All matters affecting or relating to the preferential employment, or the non-employment, of any person or class of persons; and

"(iii) All matters that are declared or deemed, for the purposes of the Industrial Relations Act 1973, to be industrial matters; but

"(c) Notwithstanding anything in paragraphs (a) and (b) of this definition, shall not include—

"(i) Any matter relating to the compulsory membership of a union of persons employed within the waterfront industry or a society of persons employed within the waterfront industry by any person; or

"(ii) Any matter relating to the conferring on any person, by reason of that person's membership or non-membership of a union or society of persons employed within the waterfront industry, of any preference of a kind described in paragraph (a) or paragraph (b) or paragraph (c) of section 40B (1) of this Act:".

4. New sections substituted—(1) The principal Act is hereby amended by repealing section 38 (as amended by section 2 (2) of the Waterfront Industry Amendment Act 1977), and substituting the following sections:

"38. **Bureau register for each port**—(1) The Commission shall keep, at each port, a bureau register, on which shall be entered the names of such waterside workers as may from time to time be directed by the Port Conciliation Committee.

"(2) The name of any worker shall be removed from the bureau register if—

"(a) He requests that his name be removed from the register; or

"(b) The removal of his name from the register is directed by the New Zealand Waterside Employers' Industrial Union of Employers.

"(3) Every worker whose name is removed under subsection (2) (b) of this section may, within 14 days after notice of the removal is given to him or within such further time as the Port Conciliation Committee may in any case allow, appeal to the Port Conciliation Committee.

"(4) Any person whose name was on the bureau register for any port immediately before the date of the commencement of this section shall be deemed to have had his name entered on that date on the register of waterside workers for that port.

"(5) The bureau register need not be kept in the form of a book.

"38A. **Right to become member of union**—Every person whose name is on the bureau register for any port shall be entitled to become a member of the Waterside Workers' Industrial Union of Workers for that port on application made in accordance with its rules; and so far as the rules of any union are inconsistent with this section they shall be null and void."

(2) Section 42 (l) (d) of the principal Act is hereby consequentially amended by omitting the expression "section 38 (2) (c)", and substituting the expression "section 38 (2) (b)".

(3) Section 2 (2) of the Waterfront Industry Amendment Act 1977 is hereby consequentially repealed.

5. New sections inserted—The principal Act is hereby amended by inserting, after section 40, the following sections:

"40A. **Voluntary union membership**—(1) Nothing in any principal order or in any agreement between one or more persons employed within the waterfront industry or a union of workers or an organisation of workers or a society of workers and an employer or employers or a union of employers or an organisation of employers shall require any person—

"(a) To become or remain a member of any union or society of workers; or

"(b) To cease to be a member of any union or society of workers; or

"(c) Not to become a member of any union or society of workers.

"(2) Where any principal order or any agreement between one or more persons employed within the waterfront industry or a union of workers or an organisation of workers or a society of workers and an employer or employers or a union of employers or an organisation of employers, including any such principal order or agreement in force on the commencement of the Waterfront Industry Amendment Act 1983, imposes or purports to impose (whether by way of an unqualified preference provision or otherwise) any requirement that contravenes subsection (1) of this section, that requirement or purported requirement shall be of no effect.

"40B. **Prohibition on preference**—(1) Except as otherwise expressly provided in this Act, nothing in any principal order or in any agreement made between one or more persons employed in the waterfront industry or a union of workers or an organisation of workers or a society of workers and an employer or employers or a union of employers or an organisation of employers shall confer on any person, by reason of that person's membership or non-membership of a union or society of workers,—

"(a) Any preference in obtaining or retaining employment; or

"(b) Any preference in relation to terms of employment or conditions of employment or fringe benefits or opportunities for training, promotion, or transfer; or

"(c) Any preference in relation to the formula that will be used to assess compensation for redundancy.

"(2) Where any principal order or any agreement between one or more persons employed in the waterfront industry or a union of workers or an organisation of workers and an employer or employers or a union of employers or an organisation of employers, including any principal order or agreement in force on the commencement of the Waterfront Industry Amendment Act 1983, imposes or purports to impose any requirement that contravenes subsection (1) of this section, that requirement or purported requirement shall be of no effect.

"(3) Nothing in this section prevents any principal order or any agreement making provision for persons employed in the waterfront industry or a union of workers or an organisation of workers or a society of workers to hold a stop-work meeting in the employer's time.

"40C. **Discrimination**—It shall be unlawful for an employer—

"(a) To refuse or omit to employ any person by reason of the fact that that person—

"(i) Is a member of a union of workers or an organisation of workers or a society of workers or intends to become a member of a union of workers or an organisation of workers or a society of workers; or

"(ii) Is not a member of a union of workers or an organisation of workers or a society of workers or intends to cease to be a member of a union of workers or an organisation of workers or a society of workers or intends not to become a member of a union of workers or an organisation of workers or a society of workers; or

"(b) To dismiss any person employed within the waterfront industry or subject him to any detriment on the grounds that that person—

"(i) Is a member of a union of workers or an organisation of workers or a society of workers or intends to become a member of a union of workers or an organisation of workers or a society of workers; or

"(ii) Is not a member of a union of workers or an organisation of workers or a society of workers or intends to cease to be a member of a union of workers or an organisation of workers or a society of workers or intends not to become a member of a union of workers or an organisation of workers or a society of workers; or

"(c) When determining whether a person employed within the waterfront industry will be dismissed by reason of redundancy, to have regard to whether that person—

"(i) Is a member of a union of workers or an organisation of workers or a society of workers or intends to become a member of a union of workers or an organisation of workers or a society of workers; or

"(ii) Is not a member of a union of workers or an organisation of workers or a society of workers or intends to cease to be a member of a union of workers or an organisation of workers or a society of workers or intends not to become a member of a union of workers or an organisation of workers or a society of workers; or

"(d) When determining, in relation to a person employed within the waterfront industry, the formula that will be used to assess compensation for redundancy, to have regard to whether that person—

"(i) Is a member of a union of workers or an organisation of workers or a society of workers or intends to become a member of a union of workers or an organisation of workers or a society of workers; or

"(ii) Is not a member of a union of workers or an organisation of workers or a society of workers or intends to cease to be a member of a union of workers or an organisation of workers or a society of workers or intends not to become a member of a union of workers or an organisation of workers or a society of workers.

"40D. **Restraint on making of principal orders**—(1) No principal order shall be made under section 15 of this Act and no agreement shall be filed under section 33 of this Act if that principal order or agreement contains any provision that contravenes any of the provisions of section 40A or section 40B of this Act.

"(2) Where any principal order, or any agreement filed under section 33 of this Act, contains a provision that contravenes any of the provisions of section 40A or section 40B of this Act, that provision shall, notwithstanding its inclusion in the principal order or the agreement, be of no effect.

"40E. **Undue influence**—(1) No person shall exert undue influence on any person employed within the waterfront industry with intent to induce that person—

"(a) To become or remain a member of a union or a society of workers; or

"(b) To cease to be a member of a union or a society of workers; or

"(c) Not to become a member of a union or society of workers; or

"(d) On account of the fact that that person is, or, as the case may be, is not, a member of a union or a

society of workers, to resign any position or to leave any employment or to remove his name from a bureau register.

"(2) Every person who contravenes subsection (1) of this section shall be liable,—

"(a) If a person employed within the waterfront industry or other person to whom the following paragraphs of this subsection do not apply, to a penalty not exceeding $300:

"(b) If an officer or member of the committee of management of any union or society or association, or of the branch (if any) concerned, to a penalty not exceeding $1,500:

"(c) If a person acting on behalf of an employer, to a penalty not exceeding $1,500:

"(d) If a union, society, association, or employer, to a penalty not exceeding $3,000.

"(3) The Tribunal shall have full and exclusive jurisdiction to deal with all actions for the recovery of penalties under this section.

"(4) For the purposes of this section, every reference to the Tribunal shall be read as a reference to the Chairman of the Tribunal acting alone.

"(5) A penalty recoverable under this section shall be recovered in the same manner, with all necessary modifications, as a penalty for a breach of an award under the Industrial Relations Act 1973; and sections 151 to 157 of that Act (except subsections (1), (5), and (6) of section 151) shall apply accordingly with all necessary modifications.

"(6) An action for the recovery of a penalty under this section may be brought only by the person employed within the waterfront industry or by the union or the society of workers to which that person belongs.

"(7) The Tribunal 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 49 of the Industrial Relations Act 1973 (except those of subsection (6)) shall, with all necessary modifications, apply accordingly.

"(8) Without limiting the meaning of the term 'undue influence' in subsection (1) of this section, it is hereby declared that, for the purposes of that subsection, a person exerts undue influence on any worker if that person—

"(a) Threatens the worker or any relative of the worker with violence, or with any loss or detriment; or

"(b) Indulges in an intimidatory course of action towards the worker or any relative of the worker; or

"(c) Directly or indirectly causes the worker or any relative of the worker to suffer any loss or detriment.

"(9) In this section 'relative' has the meaning given to it by section 2 of the Human Rights Commission Act 1977.

"40F. **Relief in respect of unlawful discrimination**—(1) Where any employer contravenes section 40C of this Act, that employer shall be liable to a penalty not exceeding $500 to be recovered at the suit of the person in relation to whom the section is contravened.

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

"(3) A penalty recoverable under this section shall be recovered in the same manner, with all necessary modifications, as a penalty for a breach of an award under the Industrial Relations Act 1973; and sections 151 to 157 of that Act (except subsections (1), (5), and (6) of section 151) shall apply accordingly with all necessary modifications.

"(4) Where an action is taken under this section, the Tribunal or the duly appointed delegate of the Tribunal, as the case may require, shall set a date for the hearing of the action as a matter of urgency.

"(5) In any action for the recovery of a penalty under this section in which it is proved that the employer—

"(a) Refused or omitted to employ the person; or

"(b) Dismissed the person employed within the waterfront industry; or

"(c) Determined that the person employed within the waterfront industry would be dismissed by reason of redundancy,—

it shall be for the employer to prove that he did not contravene section 40C of this Act.

"(6) If any action for the recovery of a penalty is taken under this section, and judgment is given against the employer, the Tribunal, in addition to or instead of imposing a penalty under this section,—

"(a) May make an order for the reimbursement to the person in relation to whom the section was contravened of a sum equal to the whole of the wages lost by that person as a result of the contravention of section 40C of this Act; and

"(b) May also, in its discretion, make an order for—

"(i) The reinstatement of the person in relation to whom the section was contravened in his former position or in a position not less advantageous to him; or

"(ii) The entering of his name on or the restoring of his name to a bureau register; or

"(iii) The payment to the person in relation to whom the section was contravened by the employer of such sum as the Tribunal thinks fit by way of compensation; or

"(iv) Both such reinstatement or entering or restoring of his name and such payment.

"(7) For the purposes of this section, every reference to the Tribunal shall be read as a reference to the Chairman of the Tribunal acting alone.

"(8) The Tribunal 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 49 of the Industrial Relations Act 1973 (except those of subsection (6)) shall, with all necessary modifications, apply accordingly.

"(9) Every penalty recovered in an action under this section shall be paid to the Tribunal and not to the plaintiff.

"(10) The Tribunal may order that the whole or any part of any penalty recovered shall be paid to the plaintiff.

"40G. **Contribution or indemnity in respect of unlawful discrimination**—(1) Where—

"(a) Any employer is liable to pay any penalty or other sum under section 40F of this Act; and

"(b) Any person has, before the contravention, threatened expressly or by implication that unless the employer contravenes section 40C of this Act that person will, alone or in concert with others, do any act, or omit to do any act, being an act or omission likely to affect adversely the conduct of the employer's business, trade, or profession,—

that person shall be liable to make contribution towards any penalty or other sum ordered to be paid under section 40F of this Act.

"(2) Where any person who is liable to make contribution under this section purported to act at any material time on behalf of or in the name of any union or any association or any organisation of workers or any society of workers, that union or association or organisation or society shall also be

liable to make contribution under this section towards any penalty or other sum ordered to be paid under section 40F of this Act.

"(3) In any proceedings for contribution under this section, the amount of the contribution recoverable from any person or union or any association or any organisation of workers or any society of workers shall be such as may be found by the Tribunal to be just and equitable having regard to the extent of the responsibility of that person or union or association or organisation or society for the employer's contravention of section 40C of this Act; and the Tribunal shall have power to exempt any person or union or association or organisation or society from liability to make contribution, or to direct that the contribution to be recovered from any person or union or association or organisation or society shall amount to a complete indemnity.

"(4) Where a defendant claims as against any person or any union or any association or any organisation of workers or society of workers not already a party to proceedings for the recovery of a penalty under section 40F of this Act (in this section called the third party)—

"(a) That he is entitled to contribution; or

"(b) That any question or issue in the proceedings should properly be determined not only as between the plaintiff and the defendant, but also as between the plaintiff, the defendant, and the third party, or as between any or either of them,—

the defendant may apply to the Tribunal on notice for leave to issue and serve a third-party notice, and shall attach a copy of the proposed third-party notice to the application.

"(5) The procedure set out in Part XIII of the District Courts Rules 1948 shall, with all necessary modifications, apply in respect of every application made and notice issued under subsection (4) of this section.

"40H. **Breach of order for reinstatement**—(1) Every person shall be liable to a penalty not exceeding $5,000 who—

"(a) Wilfully fails to comply with—

"(i) An order for reinstatement under section 40F (6) (b) (i) of this Act; or

"(ii) An order under section 40F (6) (b) (ii) of this Act for the entering on, or the restoring to, a bureau register of the name of any person; or

"(b) Wilfully does or omits to do any act for the purpose of aiding any person to fail to comply with—

"(i) An order for reinstatement under section 40F (6) (b) (i) of this Act; or

"(ii) An order under section 40F (6) (b) (ii) of this Act for the entering on, or the restoring to, a bureau register of the name of any person; or

"(c) Abets any person in his wilful failure to comply with—

"(i) An order for reinstatement under section 40F (6) (b) (i) of this Act; or

"(ii) An order under section 40F (6) (b) (ii) of this Act for the entering on, or the restoring to, a bureau register of the name of any person; or

"(d) Incites, counsels, or procures any person to fail to comply with—

"(i) An order for reinstatement under section 40F (6) (b) (i) of this Act; or

"(ii) An order under section 40F (6) (b) (ii) of this Act for the entering on, or the restoring to, a bureau register of the name of any person.

"(2) The Tribunal 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 Tribunal shall be read as a reference to the Chairman of the Tribunal 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 an award under the Industrial Relations Act 1973; and sections 151 to 157 of that Act (except subsections (1), (5), and (6) of section 151) shall apply accordingly with all necessary modifications.

"(5) An action for the recovery of a penalty under this section may be brought only by a person who alleges—

"(a) That he has not been reinstated under the order to which the action relates; or

"(b) That his name has not been entered on or restored to the bureau register under the order to which the action relates.

"(6) The Tribunal 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 49 of the Industrial Relations Act 1973 (except those of subsection (6)) shall, with all necessary modifications, apply accordingly.

"(7) Where an action is taken under this section, the Tribunal or the duly appointed delegate of the Tribunal, as the case may require, shall set a date for the hearing of the action as a matter of urgency.

"(8) Every penalty recovered in an action under this section shall be paid to the Tribunal and not to the plaintiff.

"(9) The Tribunal may order that the whole or any part of any penalty recovered shall be paid to the plaintiff.

"40I. **Strikes and lockouts in respect of union membership**—(1) Every person is liable to a penalty not exceeding $5,000 who, being a person employed within the waterfront industry, strikes for the purpose, wholly or partly, of inducing an employer to contravene section 40C of this Act.

"(2) Every person is liable to a penalty not exceeding $5,000 who, being an employer, locks out any persons employed within the waterfront industry for the purpose, wholly or partly, of inducing those persons or any of them—

"(a) To become or remain members of a union of workers or a society of workers; or

"(b) To cease to be members of a union of workers or a society of workers; or

"(c) Not to become members of a union of workers or a society of workers.

"(3) Every person who incites, instigates, aids, or abets a breach of subsection (1) or subsection (2) of this section, or who incites, instigates, or assists any person who has struck or locked out in breach of subsection (1) or subsection (2) of this section to continue to be a party to a strike or lockout shall be liable—

"(a) If a person employed within the waterfront industry or other person to whom the following paragraphs of this subsection do not apply, to a penalty not exceeding $300:

"(b) If an officer or member of the committee of management of any union or society or association or organisation, or of the branch (if any) concerned, to a penalty not exceeding $1,500:

"(c) If a person acting on behalf of an employer, to a penalty not exceeding $1,500:

"(d) If a union, or society or association, or organisation, or employer, to a penalty not exceeding $3,000.

"(4) Every person who is a party to, or incites, instigates, aids, or abets a strike or lockout of a kind mentioned in subsection (1) or subsection (2) of this section shall, in addition to any penalty to which he may be liable under subsection (1) or subsection (2) or subsection (3) of this section, be liable at the suit of any person suffering any loss or damage thereby or apprehending the suffering of any loss or damage thereby

to any or all of the remedies available in civil proceedings in tort, and to the same extent as if the strike or lockout were a tort independently of this section.

"40J. **Secondary strikes and lockouts in respect of union membership**—(1) Every person is liable to a penalty not exceeding $5,000 who, being a person employed within the waterfront industry, strikes for the purpose, wholly or partly, of expressing opposition—

"(a) To the membership or non-membership of any union of workers or society of workers or association or other organisation of workers by any other person or persons in the employment of any other employer of workers within the waterfront industry; or

"(b) To the membership or non-membership of any union of workers or society of workers or association or other organisation of workers by any worker or workers in the employment of any other employer.

"(2) Every person is liable to a penalty not exceeding $5,000 who, being an employer, locks out any persons employed within the waterfront industry, for the purpose, wholly or partly, of expressing opposition—

"(a) To the membership or non-membership of any union of workers or society of workers or association or other organisation of workers by any person or persons in the employment of any other employer of workers within the waterfront industry; or

"(b) To the membership or non-membership of any union of workers or society of workers or association or other organisation of workers by any worker or workers in the employment of any other employer.

"(3) Every person who incites, instigates, aids, or abets a breach of subsection (1) or subsection (2) of this section, or who incites, instigates, or assists any person who has struck or locked out in breach of subsection (1) or subsection (2) of this section to continue to be a party to a strike or lockout shall be liable—

"(a) If a person employed within the waterfront industry or other person to whom the following paragraphs of this subsection do not apply, to a penalty not exceeding $300:

"(b) If an officer or member of the committee of management of any union or society or association or organisation, or of the branch (if any) concerned, to a penalty not exceeding $1,500:

"(c) If a person acting on behalf of an employer, to a penalty not exceeding $1,500:

"(d) If a union or society or association or organisation or employer, to a penalty not exceeding $3,000.

"(4) Every person who is a party to, or incites, instigates, aids, or abets a strike or lockout of a kind mentioned in subsection (1) or subsection (2) of this section shall, in addition to any penalty to which he may be liable under subsection (1) or subsection (2) or subsection (3) of this section, be liable at the suit of any person suffering any loss or damage thereby or apprehending the suffering of any loss or damage thereby to any or all of the remedies available in civil proceedings in tort, and to the same extent as if the strike or lockout were a tort independently of this section.

"(5) Nothing in section 40I of this Act shall affect any liability under this section, save that when a penalty has been imposed on, or a judgment has been obtained against, any person under this section no further proceedings shall be taken or continued against him under section 40I of this Act in respect of the same act.

"40K. **Proceedings relating to strikes and lockouts (including secondary strikes and lockouts) in respect of union membership**—(1) The Tribunal shall have full and exclusive jurisdiction to deal with all actions for the recovery of penalties under section 40I or section 40J of this Act.

"(2) For the purposes of this section, every reference to the Tribunal shall be read as a reference to the Chairman of that Tribunal acting alone.

"(3) A penalty recoverable under section 40I or section 40J of this Act shall be recovered in the same manner, with all necessary modifications, as a penalty for a breach of an award under the Industrial Relations Act 1973; and sections 151 to 157 of that Act (except subsections (1), (5), and (6) of section 151) shall apply accordingly with all necessary modifications.

"(4) An action for the recovery of a penalty under section 40I or section 40J of this Act in respect of a strike or lockout may be brought only by a person who alleges that he has suffered loss or damage thereby.

"(5) Where, in any action for the recovery of a penalty under section 40I or section 40J of this Act in respect of a strike or in any civil proceedings taken under section 40I (4) or section 40J (4) of this Act in respect of a strike, it is proved that the person employed within the waterfront industry was a party to the strike and that there are reasonable grounds for believing that the strike was—

"(a) For the purpose, wholly or partly, of inducing the employer to contravene section 40C of this Act; or

"(b) For the purpose, wholly or partly, of expressing opposition—

"(i) To the membership or non-membership of any union of workers or society of workers or association or other organisation of workers by any other person or persons in the employment of any other employer of workers within the waterfront industry; or

"(ii) To the membership or non-membership of any union of workers or society of workers or association or other organisation of workers by any worker or workers in the employment of any other employer,—

the burden of proving that the strike was not wholly or partly for that purpose shall lie on the defendant.

"(6) Where, in any action for the recovery of a penalty under section 40I or section 40J of this Act in respect of a lockout or in any civil proceedings taken under section 40I (4) or section 40J (4) of this Act in respect of a lockout, it is proved that the employer locked out persons employed within the waterfront industry and that there are reasonable grounds for believing that the lockout was—

"(a) For the purpose, wholly or partly, of inducing those persons or any of them—

"(i) To become or remain members of a union of workers or a society of workers or an association or other organisation of workers; or

"(ii) To cease to be members of a union of workers or a society of workers or an association or other organisation of workers; or

"(iii) Not to become members of a union of workers or a society of workers or an association or other organisation of workers; or

"(b) For the purpose, wholly or partly, of expressing opposition—

"(i) To the membership or non-membership of any union of workers or society of workers or association or other organisation of workers by any person or persons in the employment of any other employer of workers within the waterfront industry; or

"(ii) To the membership or non-membership of any union of workers or society of workers or

association or other organisation of workers by any worker or workers in the employment of any other employer,—

the burden of proving that the lockout was not wholly or partly for that purpose shall lie on the defendant.

"(7) The Tribunal may delegate to any District Court Judge named by it its powers and functions to deal with an action under section 40I or section 40J of this Act for the recovery of a penalty and the provisions of section 49 of the Industrial Relations Act 1973 (except those of subsection (6)), shall, with all necessary modifications, apply accordingly.

"(8) Where an action for the recovery of a penalty is taken under section 40I or section 40J of this Act, the Tribunal or the duly appointed delegate of the Tribunal, as the case may require, shall set a date for the hearing of the action as a matter of urgency.

"(9) The Tribunal may order that the whole or any part of any penalty recovered shall be paid to the plaintiff.

"40L. **Appeal on a question of law**—(1) Any person who is directly affected by any decision of a delegate of the Tribunal acting under the authority of section 49 of the Industrial Relations Act 1973 as applied by section 40E (7) or section 40F (8) or section 40H (6) or section 40K (7) of this Act and who is dissatisfied with that decision as being erroneous in point of law may, within such time and in such manner as may be prescribed, appeal to the Tribunal on that question of law only.

"(2) Every appeal under this section shall be dealt with in accordance with regulations made under this Act."

6. Limited application of Industrial Relations Act 1973—(1) The principal Act is hereby amended by repealing section 50 (as amended by section 5 (c) and (d) of the Waterfront Industry Amendment Act 1977), and substituting the following section:

"50. (1) Except as otherwise provided in this Act, the provisions of the Industrial Relations Act 1973 shall not apply to any employer or worker within the waterfront industry who is bound by an order of the Tribunal or to any organisation of employers or workers which is so bound.

"(2) The provisions of section 120, section 121, section 122A, Part IX, Part XI, Part XII (except sections 167 and 175 (o)), and Part XIII of the Industrial Relations Act 1973 shall apply to every employer and worker within the waterfront industry who is bound by an order of the Tribunal and to every

industrial union or industrial association of employers or workers which is so bound and, so far as those provisions relate to officers and members of any such union or association, to those officers and members:

"Provided that, for the purposes of this subsection, the functions and powers vested in the Arbitration Court by any of the provisions of Part IX or of Part XI of the Industrial Relations Act 1973 shall be exercised by the Waterfront Industry Tribunal.

"(3) For the purposes of this section every such order of the Tribunal shall be deemed to be an award or industrial agreement within the meaning of the Industrial Relations Act 1973.

"(4) The effect of registration of a waterfront industry union under the Industrial Relations Act 1973 shall be to render the union and all persons who are members of it at the time of registration or who become members, subject to all of the provisions and to the jurisdiction of the Arbitration Court given under those provisions pursuant to Part XII (except sections 167 and 175 (o)) and Part XIII of that Act, and all such persons shall be bound by the rules of the union during the continuance of their membership."

(2) Section 5 of the Waterfront Industry Amendment Act 1977 is hereby consequentially amended by repealing paragraphs (c) and (d).

This Act is administered in the Department of Labour.