E-N
39817/E

EQUAL PAY AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Equal Pay Act 1972.

Clause 1 relates to the Short Title and commencement. The Act is to come into force on the 1st day of September 1973.

Clause 2: The effect of this clause is to empower the Court of Arbitration to amend any award for the purpose of giving effect to any provision of the principal Act, and not only provisions of section 4 (1).

Clause 3 amends an incorrect reference in section 5 (2) of the principal Act.

Clause 4: *Subclause (1)* re-enacts in an amended form section 6 (2) of the principal Act, which prescribes the steps by which equal pay is to be implemented in awards.

At present, equal pay is to be implemented by 5 approximately equal steps. The date of the first step is related to the date of expiry of the award, and the second, third, and fourth steps (except in the case of an award expiring on or after 1 April 1974) are to be paid on the anniversary of the day after the date of expiry of the award. In the case of an award expiring on or after 1 April 1974, the second, third, and fourth steps are to be paid on the anniversaries of the first step. The fifth step is to be paid in all cases on the anniversary of the fourth step, or 1 April 1978, whichever is the earlier.

The effect of the new subsection (2) is as follows:

(a) In the case of an award expiring before 1 September 1973 the first increment date shall be—

(i) The date determined under the existing provisions if settlement on the provisions as to equal pay has been reached before 1 September 1973.

(ii) If settlement has not been reached before 1 September 1973, the date of expiration of 3 months after the expiry of the term of the award or 1 October 1973, whichever is the earlier.

(b) In the case of an award expiring on or after 1 September 1973 and before 1 October 1973 the first increment date shall be—

(i) If settlement is reached before the expiry of the term of the award, the day after the date of expiry of that term.

(ii) If settlement is not reached before the expiry of the term of the award, 1 October 1973.

(c) In the case of any other award, the first increment date shall be 1 October 1973.

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The second, third, and fourth increment dates are to be determined in accordance with the formula in the present section 6 (4).

The fifth increment date will be the anniversary of the fourth increment date or 1 April 1977 (instead of 1 April 1978), whichever is the earlier.

Subclauses (2) and (3) are consequential amendments.

The new provisions will also apply to instruments that are not awards pursuant to section 7 of the principal Act, which applies the provisions of section 6 to such instruments.

As at present, if the parties do not reach agreement as to the implementation of equal pay before the first increment date, the parties (or, where they cannot agree, the Court of Arbitration) are to fix under section 5 an interim rate of remuneration.

Hon. Mr Watt

EQUAL PAY AMENDMENT

ANALYSIS

Title
1. Short Title and commencement
2. Determination of equal pay
3. Interim increases
4. Implementation of equal pay in awards

A BILL INTITULED

An Act to amend the Equal Pay Act 1972

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 Equal Pay Amendment Act 1973, and shall be read together with and deemed part of the Equal Pay Act 1972* (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of September 1973.

2. Determination of equal pay—Section 4 of the principal Act is hereby amended by omitting from subsection (4) the words "subsection (1) of this section", and substituting the words "this Act".

*1972, No. 118

3. Interim increases—Section 5 of the principal Act is hereby amended by omitting from subsection (2) the words "Conciliation Commissioner and the Commissioner", and substituting the words "Council of Conciliation and the Conciliation Commissioner". 5

4. Implementation of equal pay in awards—(1) Section 6 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

"(2) The first such increment date shall be—

"(a) In the case of any award the term of which has 10 expired on or after the 1st day of April 1973 and before the 1st day of September 1973—

"(i) If a settlement on such of the provisions of the award as implement equal pay has been reached under this Act before the 1st day of 15 September 1973, the first increment date as determined under the provisions of this Act that were in force on the 31st day of August 1973:

"(ii) If a settlement on such of the provisions of the award as implement equal pay has not been 20 reached under this Act before the 1st day of September 1973, the date of expiration of a period of 3 months after the expiry of the term of the award or the 1st day of October 1973, whichever is the earlier: 25

"(b) In the case of any award the term of which will expire on or after the 1st day of September 1973 and before the 1st day of October 1973—

"(i) If a settlement on such of the provisions of the award as implement equal pay is reached 30 before the expiry of the term of the award, the day after the date of expiry of that term:

"(ii) If a settlement on such of the provisions of the award as implement equal pay is not reached before the expiry of the term of the 35 award, the 1st day of October 1973:

"(c) In the case of any other award, the 1st day of October 1973."

(2) Section 6 of the principal Act is hereby further amended by omitting from subsection (5) and also from subsections (7) and (8) the words "1st day of April 1978", and substituting in each case the words "1st day of April
5 1977".

(3) Section 8 of the principal Act is hereby amended by omitting from subsection (1) the words "1st day of April 1978", and substituting the words "1st day of April 1977".

WELLINGTON, NEW ZEALAND: Printed under the authority of the New Zealand Government, by A. R. SHEARER, Government Printer—1973