

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]
House of Representatives, 26 September 1973

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr Watt

EQUAL PAY AMENDMENT

ANALYSIS

Title	
1. Short Title and commencement	3. Interim increases
2. Determination of equal pay	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,
5 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).

10

Struck Out

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

*1972, No. 118

No. 51—2

New

(2) Section 5 of this Act and the Schedule to this Act shall come into force on the date of the commencement of the Industrial Relations Act 1973.

(3) Except as provided in subsection (2) of this section, this Act shall come into force on the date of its passing. 5

Struck Out

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”. 10

New

2. Determination of equal pay—Section 4 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsections: 15

“(4) For the purpose of giving effect to the provisions of this Act in relation to any instrument other than an award, the Court, on the application of any party to the instrument or his representative, or, as the case may be, of the appropriate authority, or of an Inspector, may, notwithstanding anything in any other enactment or in any rule of law, amend the instrument to the extent necessary, and the instrument as so amended shall have effect accordingly. 20

“(4A) For the purpose of giving effect to the provisions of this Act in relation to any award the currency of which has not expired or which is continuing in force under section 152 of the Industrial Conciliation and Arbitration Act 1954 or, as the case may be, under section 42 of the Aircrew Industrial Tribunal Act 1971, the Court, on the application of either or both of the duly authorised agents of the parties to the industrial dispute that was settled by the award, may, notwithstanding anything in any other enactment or in any rule of law, amend the award to the extent necessary, and the award as so amended shall have effect accordingly. 30

“(4B) Where any meetings of representatives of the parties to an award are held under the chairmanship of a Conciliation Commissioner for the purpose of giving effect to the provisions of this Act in relation to any award to which subsection (4A) of this section applies, those representatives, not exceeding the number who if they were assessors appointed to a Council of Conciliation would be entitled to be paid remuneration, shall be paid remuneration as if they were such assessors. 35 40

“(4C) After the commencement of the Industrial Relations Act 1973— 45

New

- “(a) The references to the Court in subsections (4) and (4A) of this section shall be read as references to the Commission:
- 5 “(b) The reference to an industrial dispute in subsection (4A) of this section shall be read as a reference to a dispute of interest:
- “(c) The reference to a Conciliation Commissioner in subsection (4B) of this section shall be read as a reference to a conciliator:
- 10 “(d) The reference to a Council of Conciliation in subsection (4B) of this section shall be read as a reference to a conciliation council.”

3. Interim increases—Section 5 of the principal Act is
 15 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”.

4. Implementation of equal pay in awards—(1) Section 6
 20 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
 25 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
 30 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
 35 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:
- 40 “**(b)** In the case of any award the term of which *(will expire on or after the 1st day of September 1973*

and) expired on or after the 1st day of September 1973 or will expire 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 5 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 10 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 sub- 15 sections (7) and (8) the words “1st day of April 1978”, and substituting in each case the words “1st day of April 1977”.

(3) Section 8 of the principal Act is hereby amended by omitting from subsection (1) the words “1st day of April 20 1978”, and substituting the words “1st day of April 1977”.

New

5. Amendments consequential on Industrial Relations Act 1973—The principal Act is hereby further amended in the manner indicated in the Schedule to this Act. 25

Section 5

SCHEDULE

AMENDMENTS OF PRINCIPAL ACT

Section Amended	Amendment
Section 2 (1)	By repealing the definition of the term “award”, and substituting the following definition: “‘Award’ means an award made by the Court of Arbitration under the Industrial Conciliation and Arbitration Act 1954 or by the Industrial Commission under the Industrial Relations Act 1973 or by the Aircrew Industrial Tribunal under the Aircrew Industrial Tribunal Act 1971.”

New

SCHEDULE—*continued*

AMENDMENTS OF PRINCIPAL ACT—*continued*

Section Amended	Amendment
Section 2 (1)— <i>continued</i>	<p>By repealing the definition of the term "Court", and substituting the following definitions:</p> <p>"'Commission' means the Industrial Commission constituted under the Industrial Relations Act 1973:</p> <p>"'Court' or 'Industrial Court' means the Industrial Court constituted under the Industrial Relations Act 1973:".</p> <p>By adding to the definition of the term "industrial agreement" the words "and includes a collective agreement made under the Industrial Relations Act 1973".</p> <p>By inserting in the definition of the term "instrument", after paragraph (b), the following paragraph:</p> <p>"(ba) Any agreement filed with the Registrar of the Commission under section 141 of the Industrial Relations Act 1973:".</p>
Section 4 (2) (a)	<p>By omitting the words "or agreement under section 8 of the Labour Disputes Investigation Act 1913", and substituting the words "agreement under section 8 of the Labour Disputes Investigation Act 1913, or agreement filed with the Registrar of the Commission under section 141 of the Industrial Relations Act 1973,".</p>
Sections 4 (3), 5, 6 (7), 8 (3), 9, 10, and 11 (1)	<p>By omitting the word "Court" wherever it occurs, and substituting in each case the word "Commission".</p>
Section 5 (2)	<p>By omitting the words "Clerk of Awards", and substituting the words "Registrar of the Commission".</p>
Section 10 (2)	<p>By omitting the words "an award under the Industrial Conciliation and Arbitration Act 1954 or a proposed award under that Act", and substituting the words "an award under the Industrial Conciliation and Arbitration Act 1954 or under the Industrial Relations Act 1973 or a proposed award under the last-mentioned Act".</p>
Section 11 (1)	<p>By omitting the words "industrial dispute", and substituting the words "dispute of interest".</p>

Equal Pay Amendment

New

SCHEDULE—continued

AMENDMENTS OF PRINCIPAL ACT—continued

Section Amended	Amendment
Section 12	<p>By repealing this section, and substituting the following section:</p> <p>“12. Further powers of Commission or Court—Without limiting any other power of the Commission or the Court, whether under this Act or otherwise,—</p> <p>“(a) The Commission may determine the classification of any work, any rate of remuneration that would represent equal pay, the minimum percentage for the adjustment of any rate of remuneration of female employees, and any interim increase in remuneration required to be granted to implement equal pay, pursuant to section 4 or, as the case may be, section 5 of this Act:</p> <p>“(b) The Commission may determine any question arising under subsection (1) of section 6, or, as the case may require, section 7, of this Act relating to the steps to be taken under the said section 6 or section 7, as the case may require, for the reduction of the differential in any rates of remuneration of female employees and of male employees:</p> <p>“(c) The Commission may determine any other question relating to the implementation of equal pay that may be referred to it pursuant to this Act:</p> <p>“(d) The Court may determine any question of law, including the interpretation of this Act, in relation to any instrument arising out of this Act that is referred to it by any party to any instrument or the representative of any party, or by the appropriate authority, or by an Inspector:</p>

New

SCHEDULE—*continued*

AMENDMENTS OF PRINCIPAL ACT—*continued*

Section Amended	Amendment
Section 12— <i>continued</i>	“(e) The Commission or the Court, as the case may be, may determine such other questions and give such rulings as may be necessary for the exercise of its jurisdiction under this Act.”
Section 13	By omitting from subsection (1) the words “fixed by the Court of Arbitration”, and substituting the words “fixed by the Court of Arbitration or by the Industrial Court”.
	By omitting from subsection (1) the words “decision of the Court of Arbitration”, and substituting the words “decision of the Court of Arbitration or of the Industrial Court, as the case may be”.
	By omitting from subsection (2) the words “Court of Arbitration”, and substituting the words “Industrial Court”.
Section 14	By inserting in subsection (1), after the word “Court” where it first occurs, the words “or the Commission”.
	By inserting in subsection (1), after the word “Court” where it secondly occurs, the words “or the Commission, as the case may be.”.
	By omitting from subclauses (2), (3), (4), (5), and (6) the words “Court of Arbitration” wherever they occur, and substituting in each case the words “Industrial Court”.
	By omitting from subsection (5) the words “Clerk of Awards”, and substituting the words “Registrar of the Industrial Court”.
Section 17	By omitting the words “industrial agreement under the Industrial Conciliation and Arbitration Act 1954 shall comply with the provisions of section 181 of that Act as if he were so bound, and shall keep the records required to be kept by the said section 181”, and substituting the words “industrial agreement under the Industrial Conciliation and Arbitration Act 1954 or a collective agreement under the Industrial Relations Act 1973 shall comply with the provisions of section 219 of the last-mentioned Act as if he were so bound, and shall keep the records required to be kept by the said section 219”.