

## HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

## 18 September 1985

## HIGHER SALARIES AND ALLOWANCES BILL

*Proposed Amendments*

Hon. STAN RODGER, in Committee, to move the following amendments:

*Clause 1:* To omit subclause (2) (all the words in lines 3 and 4 on page 2), and substitute the following subclause:

(2) Except as provided in subsections (3) and (4) of section 4, in subsection (2) of section 8A, in section 9B, in subsection (2) of section 19A, and in subsection (2) of section 19B of this Act, this Act shall be deemed to have come into force on the 1st day of April 1985.

*Clause 3:* To omit this clause, and substitute the following clause:

**3. Interpretation**—(1) The principal Act is hereby amended by repealing section 2 (as amended by section 2 of the Higher Salaries Commission Amendment Act 1982), and substituting the following section:

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

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

“‘Health Service’ means service in the employment of—

“‘(a) The Health Service Personnel Commission established by the Health Service Personnel Act 1983;

or

“‘(b) An area health board; or

“‘(c) A hospital board:

“‘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:

“‘Minister’ means the Minister of Labour:

“‘Principal allowances’ means allowances (not being travelling allowances or other incidental or minor allowances):

“‘Remuneration’ includes salary, wages, and any other payments (whether in the form of bonuses or otherwise) 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.”

(2) Section 2 of the Higher Salaries Commission Amendment Act 1982 is hereby consequentially repealed.

*Clause 4:* To omit subparagraph (vii) of the new section 12 (1) (a) (all the words in lines 23 to 29 on page 3), and substitute the following subparagraphs:

“(vii) The remuneration of medical practitioners employed as medical officers in the Health Service (other than medical practitioners employed as resident medical officers in the Health Service):

“(viiia) The remuneration of dentists employed as dental officers in the Health Service (other than dentists employed as junior dental officers in the Health Service):”.

To add, after line 7 on page 4, the following subclauses:

(3) Subparagraphs (vii) and (viiia) of section 12 (1) (a) of the principal Act (as substituted by subsection (1) of this section) and subsection (2) of this section shall come into force on a date to be appointed by the Governor-General by Order in Council for the commencement of those subparagraphs and that subsection; and different dates may be so appointed for each of those subparagraphs and that subsection.

(4) Notwithstanding anything in subsections (1) and (2) of this section, subparagraph (vii) of section 12 (1) (a) of the principal Act (as substituted by section 2 (1) of the Higher Salaries Commission Amendment Act 1985) shall continue in force until the date appointed under subsection (3) of this section for the commencement of subparagraph (vii) of section 12 (1) (a) of the principal Act (as substituted by subsection (1) of this section).

*Clause 8:* To insert in line 32 on page 7, after the expression “section 12 (1) (a) (vii)”, the expression “or section 12 (1) (a) (viiia)”.

*Clause 8A:* To insert, after *clause 8*, the following clause:

**8A. Fourth Schedule amended—**(1) The Fourth Schedule to the principal Act (as substituted by section 3 of the Higher Salaries Commission Amendment Act 1980) is hereby amended by inserting, after the item “The members and associate members of the Industries Development Commission”, the following items:

“The conciliators appointed under section 63 of the Industrial Relations Act 1973.

“The mediators appointed under section 64 of the Industrial Relations Act 1973.”

(2) This section shall come into force on a date to be appointed for the commencement thereof by the Governor-General by Order in Council.

*Clause 9A:* To insert, after *clause 9*, the following clauses:

**9A. Transitional provision in respect of final year students, resident medical officers, and trainee interns—**Notwithstanding anything in this Act or the principal Act or any determination of the Commission, any determination of the Commission in force immediately before the date appointed under section 4 (3) of this Act for the commencement of subparagraph (vii) of section 12 (1) (a) of the principal Act (as substituted by section 4 (1) of this Act), shall, to the extent that it determines the remuneration of final year students, resident

medical officers, or trainee interns, continue in force, in relation to those students, officers, or trainee interns, until it is superseded, in relation to those students, officers, or trainee interns by a determination under the State Services Conditions of Employment Act 1977.

**9B. Transitional provision in respect of allowances—**  
 (1) Notwithstanding anything in this Act or in the principal Act or in any other Act that confers on the Commission the power to determine allowances or in any determination of the Commission,—

- (a) The general review required by section 19 (4) of the principal Act (as substituted by section 7 of this Act) to be made by the Commission as at the 1st day of April 1985 shall not relate to the allowances of any of the categories of persons to whom subparagraphs (ii) to (viii) of section 12 (1) (a) of the principal Act apply;
- (b) A general review of the principal allowances of the categories of persons to whom subparagraphs (ii) to (viii) of section 12 (1) (a) of the principal Act apply shall be made by the Commission as at 1 April 1986;
- (c) No provision of any determination made by the Commission after the 1st day of April 1985, being a provision that determines the principal allowances or any of the principal allowances of any of the categories of persons to whom subparagraphs (ii) to (viii) of section 12 (1) (a) of the principal Act apply, shall come into force before the 1st day of April 1986.

(2) Nothing in subsection (1) (c) of this section applies in respect of any provision of a determination made under section 12A (1) of the principal Act.

*Clauses 19A and 19B:* To insert, after clause 19, the following clauses:

**19A. Industrial Conciliation Service—**(1) Section 63 of the principal Act is hereby amended by repealing subsection (9), and substituting the following subsections:

“(9) There shall be paid, out of money appropriated by Parliament for the purpose, to each conciliator appointed under this section,—

“(a) A salary at such rate as the Higher Salaries Commission from time to time determines; and

“(b) Such allowances as are from time to time determined by the Higher Salaries Commission.

“(10) Notwithstanding anything in subsection (9) of this section, there shall be paid to each conciliator appointed under this section, in respect of time spent in travelling in the exercise of the conciliator’s functions, travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the conciliator were a member of a statutory Board and the travelling were in the service of a statutory Board.”

(2) This section shall come into force on a date to be appointed for the commencement thereof by the Governor-General by Order in Council.

**19B. Industrial Mediation Service—**(1) Section 64 of the principal Act is hereby amended by repealing subsection (11), and substituting the following subsections:

“(11) There shall be paid, out of money appropriated by Parliament for the purpose, to each mediator appointed under this section,—

“(a) A salary at such rate as the Higher Salaries Commission from time to time determines; and

“(b) Such allowances as are from time to time determined by the Higher Salaries Commission.

“(11A) Notwithstanding anything in subsection (11) of this section, there shall be paid to each mediator appointed under this section, in respect of time spent in travelling in the exercise of the mediator’s functions, travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the mediator were a member of a statutory Board and the travelling were in the service of a statutory Board.”

(2) This section shall come into force on a date to be appointed for the commencement thereof by the Governor-General by Order in Council.

*First Schedule:* To insert on page 15, after the item relating to section 20 of the Higher Salaries Commission Act 1977, the following item:

Section 22 .. .. .	By inserting in paragraph (b), after the expression “section 12 (1) (a) (vii)”, the expression “or section 12 (1) (a) (viii)”.
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To add on page 15, after the item relating to section 24 of the Higher Salaries Commission Act 1977, the following items:

First Schedule (as substituted by section 3 of the Higher Salaries Commission Amendment Act 1980)	By inserting in the heading, after the word “SALARIES”, the words “AND PRINCIPAL ALLOWANCES”.
Second Schedule (as substituted by section 3 of the Higher Salaries Commission Amendment Act 1980)	By inserting in the heading, after the word “SALARIES”, the words “AND PRINCIPAL ALLOWANCES”.
Third Schedule (as substituted by section 3 of the Higher Salaries Commission Amendment Act 1980)	By inserting in the heading, after the word “SALARIES”, the words “AND PRINCIPAL ALLOWANCES”.
Fourth Schedule (as substituted by section 3 of the Higher Salaries Commission Amendment Act 1980)	By inserting in the heading, after the word “SALARIES”, the words “AND PRINCIPAL ALLOWANCES”.

*Proposed Motion to Divide the Bill into 5 Bills*

Hon. STAN RODGER, in Committee, to move as follows:

That *clauses 2 to 9B* and the *First* and *Second* Schedules to be a separate Bill, and that for *clause 2* there be substituted the following Title, enacting words, and Short Title:

**An Act to amend the Higher Salaries Commission Act 1977**

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 Higher Salaries Commission Amendment Act

(No. 2) 1985, and shall be read together with and deemed part of the Higher Salaries Commission Act 1977 (hereinafter referred to as the principal Act).

(2) Except as provided in subsections (3) and (4) of section 4, in subsection (2) of section 8A, and in section 9B of this Act, this Act shall be deemed to have come into force on the 1st day of April 1985.

That *clauses 10 to 13* be a separate Bill, and that for *clause 10* there be substituted the following Title, enacting words, and Short Title:

**An Act to amend the Judicature Act 1908**

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 Judicature Amendment Act (No. 3) 1985, and shall be read together with and deemed part of the Judicature Act 1908 (hereinafter referred to as the principal Act).

(2) This Act shall be deemed to have come into force on the 1st day of April 1985.

That *clauses 14 to 16* be a separate Bill, and that for *clause 14* there be substituted the following Title, enacting words, and Short Title:

**An Act to amend the District Courts Act 1947**

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 District Courts Amendment Act (No. 3) 1985, and shall be read together with and deemed part of the District Courts Act 1947 (hereinafter referred to as the principal Act).

(2) This Act shall be deemed to have come into force on the 1st day of April 1985.

That *clauses 17 to 20* be a separate Bill, and that for *clause 17* there be substituted the following Title, enacting words, and Short Title:

**An Act to amend the Industrial Relations Act 1973**

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 Industrial Relations Amendment Act (No. 2) 1985, and shall be read together with and deemed part of the Industrial Relations Act 1973 (hereinafter referred to as the principal Act).

(2) Except as provided in sections 19A (2) and 19B (2) of this Act, this Act shall be deemed to have come into force on the 1st day of April 1985.

That *clauses 21 to 23* be a separate Bill, and that for *clause 21* there be substituted the following Title, enacting words, and Short Title:

**An Act to amend the Maori Affairs Act 1953**

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 Maori Affairs Amendment Act (No. 2) 1985, and shall be read together with and deemed part of the Maori Affairs Act 1953 (hereinafter referred to as the principal Act).

(2) This Act shall be deemed to have come into force on the 1st day of April 1985.

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#### EXPLANATORY NOTE

The amendments effected by this Supplementary Order Paper provide—

- (a) That the new jurisdiction of the Higher Salaries Commission to determine principal allowances is to be exercised as at 1 April 1986 and not as at 1 April 1985;
- (b) That, as from a date to be appointed, the salaries and allowances of conciliators appointed under section 63 of the Industrial Relations Act 1973 and the salaries and allowances of mediators appointed under section 64 of that Act are to be determined by the Higher Salaries Commission;
- (c) That, as from a date to be appointed, the remuneration of dentists employed as dental officers in the Health Service (other than dentists employed as junior dental officers in the Health Service) is to be determined by the Higher Salaries Commission; and
- (d) That, as from a date to be appointed, the remuneration of final year students, resident medical officers, and trainee interns in the Health Service is to be determined no longer by the Higher Salaries Commission.

As from a date to be appointed the remuneration and other conditions of employment of junior dental officers in the Health Service and of final year students, resident medical officers, and trainee interns in the Health Service are to be prescribed by determination under the State Services Conditions of Employment Act 1977.

The proposed motion, which is set out at the end of the Supplementary Order Paper, divides the Bill into 5 Bills so that the amendments to the Higher Salaries Commission Act 1977, the Judicature Act 1908, the District Courts Act 1947, the Industrial Relations Act 1973, and the Maori Affairs Act 1953 will be enacted in separate amending Acts.