



## ANALYSIS

Title	
1. Short Title and commencement	11. Oath of office and secrecy
2. New sections substituted	12. Members not personally liable
6. Establishment of Tribunal	13. Tribunal to be Commission of Inquiry
7. Term of office	14. Remuneration and travelling allowances
8. Incapacity for appointment	15. Deputies
9. Extraordinary vacancies	
10. Quorum and decision of Tribunal	3. Consequential amendments

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1977, No. 107

**An Act to amend the Aircrew Industrial Tribunal Act 1971**  
 [21 December 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 *Aircrew Industrial Tribunal Amendment Act 1977*, and shall be read together with and deemed part of the *Aircrew Industrial Tribunal Act 1971* (hereinafter referred to as the principal Act).

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

**2. New sections substituted**—The principal Act is hereby amended by repealing sections 6 to 15, and substituting the following sections:

**“6. Establishment of Tribunal**—(1) There is hereby established a tribunal to be known as the *Aircrew Industrial Tribunal*.

- “(2) The Tribunal shall consist of—
- “(a) A Chairman of the Tribunal, who shall be the Chief Judge of the Arbitration Court or a Judge of the Arbitration Court nominated for the time being as Chairman of the Tribunal by the Chief Judge of the Arbitration Court:
- “(b) One member (hereinafter referred to as the employers’ member) who shall be appointed after consultation by the Minister with airline employers:
- “(c) One member (hereinafter referred to as the aircrew member) who shall be appointed after consultation by the Minister with unions of aircrew officers.
- “(3) The members of the Tribunal (other than the Chairman) shall be appointed by the Governor-General, on the recommendation of the Minister.
- “(4) No member of the Tribunal shall be deemed to be employed in the service of Her Majesty for the purposes of the State Services Act 1962 or the Government Superannuation Fund Act 1956 by reason of his being a member of the Tribunal.

“7. **Term of office**—(1) Except as otherwise provided in this Act, every member of the Tribunal (other than the Chairman) shall be appointed for a term of 3 years, but may from time to time be reappointed.

“(2) Unless he sooner vacates his office under section 9 of this Act, every member of the Tribunal shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

“8. **Incapacity for appointment**—The following persons shall be incapable of being appointed or of holding office as the employers’ member or the aircrew member of the Tribunal:

- “(a) A bankrupt who has not been discharged, or whose order of discharge is suspended for a time not yet expired or is subject to conditions not yet fulfilled:
- “(b) A mentally disordered person within the meaning of the Mental Health Act 1969:
- “(c) An alien:
- “(d) A person who has attained the age of 72 years.

**“9. Extraordinary vacancies—**(1) The Governor-General shall remove the employers’ member or the aircrew member from office if that member—

“(a) Becomes incapable under section 8 of this Act; or

“(b) Is proved, to the satisfaction of the Governor-General, to be under a disability or to have been guilty of neglect of duty or misconduct; or

“(c) Is absent without the consent of the Chairman from 4 consecutive sittings of the Tribunal.

“(2) The employers’ member or the aircrew member may resign his office by letter addressed to the Minister.

“(3) If the employers’ member or the aircrew member dies or resigns or is removed from office, the vacancy so created shall be deemed to be an extraordinary vacancy.

“(4) An extraordinary vacancy under this section shall as soon as practicable be filled by the appointment of a person to that office by the Governor-General in the manner in which the appointment to the vacant office was originally made.

“(5) The powers of the Tribunal shall not be affected by any vacancy in the membership of the Tribunal.

**“10. Quorum and decision of Tribunal—**(1) The presence of the Chairman and of at least one other member shall be necessary to constitute a sitting of the Tribunal.

“(2) The decision of a majority of the members present at a sitting of the Tribunal shall be the decision of the Tribunal. If the members present are equally divided in opinion, the decision of the Chairman shall be the decision of the Tribunal.

“(3) Every order and decision made by the Tribunal shall be signed by the Chairman and at least one other member of the Tribunal.

**“11. Oath of office and secrecy—**Before entering on the exercise of the functions of his office, every employers’ member or aircrew member of the Tribunal shall take an oath or make an affirmation before a Judge of the Arbitration Court that he will faithfully and impartially perform the duties of his office, and that, except in the discharge of his duties, he will not disclose to any person any evidence or other matter brought before the Court.

**“12. Members not personally liable—**No member of the Tribunal shall be personally liable for any act done or default made by the Tribunal in good faith in pursuance or intended pursuance of the powers and authorities of the Tribunal.

**“13. Tribunal to be Commission of Inquiry—**(1) For the purpose of carrying out its functions under this Act, the Tribunal shall, subject to the provisions of this Act, be a commission of inquiry under the Commissions of Inquiry Act 1908, and all the provisions of that Act, except sections 11, 12, and 14, shall, so far as they are applicable, apply to the Tribunal accordingly.

“(2) The Chairman of the Tribunal, or any other member purporting to act by direction or with the authority of the Chairman, or the Registrar of the Tribunal purporting to act by direction or with the authority of the Chairman, may (on application by any party or otherwise) issue summonses requiring the attendance of witnesses before the Tribunal, or the production of documents, or may do any other act preliminary or incidental to the hearing of any application or other matter by the Tribunal.

“(3) Any disputed point of law referred by the Tribunal under section 10 of the Commissions of Inquiry Act 1908 shall be heard and determined by the Court of Appeal.

“(4) No question as to the construction of any award shall be referred by the Tribunal under section 10 of the Commissions of Inquiry Act 1908.

**“14. Remuneration and travelling allowances—**(1) The Tribunal is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

“(2) There shall be paid out of money appropriated by Parliament for the purpose to the members of the Tribunal (other than the Chairman) remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

**“15. Deputies—**(1) In any case in which the Governor-General is satisfied that any member of the Tribunal (other than the Chairman) is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Governor-General, may, in the manner in which the member was appointed, appoint a fit person to act as deputy for the member during his incapacity.

“(2) Every such deputy shall, while he acts as such, be deemed to be a member of the Tribunal.

“(3) No such appointment of a deputy and no acts done by a deputy as such, or by the Tribunal while a deputy is acting as such, shall in any proceedings be questioned on

the ground that the occasion for the appointment of the deputy had not arisen or had ceased.”

**3. Consequential amendments—**(1) Section 21 (1) of the principal Act is hereby consequentially amended by omitting the words “the person constituting”, and substituting the words “each member of”.

(2) The person holding office as the Aircrew Industrial Tribunal on the commencement of this Act shall vacate office with the commencement of this Act.

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This Act is administered in the Department of Labour.

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