



ANALYSIS

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1990, No. 112

An Act to amend the Holidays Act 1981

[31 August 1990]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Holidays Amendment Act 1990, and shall be read together with and deemed part of the Holidays Act 1981.

2. Interpretation—Section 2 (1) of the Holidays Act 1981 is hereby amended by repealing the definition of the term “Inspector of Factories”, and substituting the following definition:

“‘Labour Inspector’ means a Labour Inspector designated under section 197 of the Labour Relations Act 1987:”.

3. Certain provisions to bind the Crown—Section 7 of the Holidays Act 1981 is hereby amended by repealing paragraph (b), and substituting the following paragraph:

“(b) The employment of any person as an officer, a rating, a soldier, or an airman in the New Zealand Defence Force constituted by section 11 (1) of the Defence Act 1990,—”.

4. Employment may be deemed continuous if worker dismissed and re-employed within one month—(1) Section 20 (1) of the Holidays Act 1981 is hereby amended

by omitting the words “Inspector of Factories”, and substituting the words “Labour Inspector”.

(2) Section 20 (2) of the Holidays Act 1981 is hereby amended—

- (a) By omitting the words “Inspector of Factories”, and substituting the words “Labour Inspector”; and
- (b) By omitting the word “Inspector’s”, and substituting the words “Labour Inspector’s”.

5. Employers to keep holiday books—(1) Section 31 of the Holidays Act (as amended by section 4 of the Holidays Amendment Act 1983) is hereby amended by repealing subsections (3) and (4), and substituting the following subsections:

“(3) A Labour Inspector may enter any premises for the purpose of inspecting any holiday book in use for the time being or used within the preceding 6 years, and any such book shall be kept readily available for such inspection:

“Provided that, when entering any premises to make such an inspection, the Labour Inspector shall have the same powers and be subject to the same obligations as if the Labour Inspector were making an entry and inspection under the Labour Relations Act 1987.

“(4) A Labour Inspector may at any time require the employer to verify the entries in the holiday book by statutory declaration or in such other manner and form as the Labour Inspector directs.”

(2) Section 4 of the Holidays Amendment Act 1983 is hereby consequentially repealed.

6. Powers of Labour Inspectors—The Holidays Act 1981 is hereby amended by repealing section 32, and substituting the following section:

“32. For the purposes of this Act, every Labour Inspector shall have, in addition to any powers conferred by this Act, all the powers that the Labour Inspector has under the Labour Relations Act 1987.”

7. Offences and penalties—(1) Section 34 (1) (b) of the Holidays Act 1981 is hereby amended by omitting the words “Inspector of Factories”, and substituting the words “Labour Inspector”.

(2) Section 34 of the Holidays Act 1981 is hereby further amended by repealing subsection (3), and substituting the following subsection:

“(3) A penalty for an offence against this Act may be recovered by any Labour Inspector in the same manner as a penalty for a breach of an award, and the provisions of the Labour Relations Act 1987 shall, so far as they are applicable and with the necessary modifications, apply accordingly.”

8. Proceedings may be taken by Labour Inspector—The Holidays Act 1981 is hereby amended by repealing section 35, and substituting the following section:

“35. Without limiting the powers or remedies of any other person, it is hereby declared that—

“(a) Civil proceedings for the recovery of any money payable by an employer to any worker under this Act may be taken by any Labour Inspector in the name and on behalf of the person entitled to payment in any case where the Labour Inspector is satisfied that default in payment has been made:

“(b) Where any such civil proceedings or any proceedings for the recovery of a penalty for an offence against this Act have been instituted by any Labour Inspector they may be continued and conducted by the same or any other Labour Inspector.”

This Act is administered in the Department of Labour.
