



ANALYSIS •

Title
1. Short Title

2. Increase in rates of remuneration
beyond base rate

1971, No. 69

An Act to amend the Stabilisation of Remuneration Act 1971
[27 November 1971]

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—This Act may be cited as the Stabilisation of Remuneration Amendment Act 1971, and shall be read together with and deemed part of the Stabilisation of Remuneration Act 1971 (hereinafter referred to as the principal Act).

2. Increase in rates of remuneration beyond base rate—
(1) Section 21 of the principal Act is hereby amended as from the commencement of Part III of that Act by repealing subsection (5), and substituting the following subsections:

“(5) No order or determination or award of any tribunal constituted under any enactment, so far as it fixes any rate of remuneration at a rate that exceeds the base rate by a percentage that exceeds the specified percentage, shall have effect except with the consent of the Remuneration Authority given under section 22 of this Act:

“Provided that where that rate has been agreed on by all the parties to the order or determination or award, or their representatives, and has been consented to by the Remuneration Authority under subsection (1) of section 22 of this Act before the making of the order, determination, or award, the consent of the Authority to the order, determination, or award, so far as it fixes that rate of remuneration, shall not be required.

“(5A) In subsection (5) of this section and in section 22 of this Act, the expression ‘order or determination or award of any tribunal’ includes any award, order, or declaration made by the Court of Arbitration under any provision of the Industrial Conciliation and Arbitration Act 1954 or under any other Act.”

(2) Section 22 of the principal Act is hereby amended as from the commencement of Part III of that Act by adding the following subsection:

“(4) Where any order or determination or award of any tribunal fixes any remuneration at a rate that exceeds the base rate by a percentage greater than the specified percentage, then, unless pursuant to the proviso to subsection (5) of section 21 of this Act the consent of the Remuneration Authority is not required, the tribunal shall as soon as practicable cause the order, determination, or award to be referred to the Authority for its consent to that rate of remuneration. In every such case, the provisions of subsections (1) to (3) of this section shall, with the necessary modifications, apply as if that rate of remuneration were a proposed rate that had been agreed on by all the parties to the order, determination, or award and application had been made to the Authority under subsection (1) of this section for its consent.”

(3) Section 24 of the principal Act is hereby amended as from its commencement by repealing subsection (2), and substituting the following subsection:

“(2) The provisions of subsection (4) of section 22 of this Act shall apply with respect to every determination or order referred to in subsection (1) of this section as if it were an order of a tribunal to which the said subsection (4) applies.”

(4) Section 8 of the principal Act is hereby amended as from its commencement—

(a) By inserting in paragraph (e) of subsection (1), after the words “applications under”, the words “subsection (1) of”:

(b) By inserting in subsection (1), after paragraph (e), the following paragraph:

“(ea) To consider orders, determinations, or awards of any tribunal fixing any rate of remuneration that exceeds the base rate by more than the specified percentage and referred to the Authority for its consent pursuant to subsection (4) of section 22 of this Act:”:

(c) By repealing paragraph (f) of subsection (1), and substituting the following paragraph:

“(f) To consider determinations or orders fixing any rate of remuneration for State employees that exceeds the base rate and referred to the Authority for its consent pursuant to section 24 of this Act (including instruments fixing any rate of remuneration for workers to whom section 29 of this Act applies and referred to the Authority pursuant to the said section 24 as applied by the said section 29):”.

(5) Nothing in this section shall affect the rights of the parties to, or of any person bound by, the New Zealand Clerical Workers Award dated the 8th day of October 1971 pursuant to the judgment given by the Supreme Court of New Zealand in relation to that award on the 10th day of November 1971.

This Act is administered in the Department of Labour.