

# **Employment Relations Amendment Bill**

Government Bill

As reported from the committee of the whole House

This bill was formerly part of the Judicial Matters Bill as reported from the Justice and Electoral Committee. The committee of the whole House has further amended the bill and has divided it into the following bills:

- The Judicial Conduct Commissioner and Judicial Conduct Panel Bill, comprising Part 1 and Schedules 1AA and 1
- The Children, Young Persons, and Their Families Amendment Bill (No 3), comprising clauses 36 to 38
- The Coroners Amendment Bill (No 2), comprising clause 39
- The Courts Martial Appeals Amendment Bill (No 2), comprising clause 40
- The District Courts Amendment Bill (No 3), comprising clauses 41 to 45
- This bill, comprising clauses 46 to 48
- The Family Courts Amendment Bill, comprising clauses 49 and 50
- The Judicature Amendment Bill (No 2), comprising clauses 51 to 60 and Schedule 2
- The Resource Management Amendment Bill (No 3), comprising clauses 61 to 65
- The Summary Proceedings Amendment Bill (No 2), comprising clauses 66 to 71
- Te Ture Whenua Maori Amendment Bill, comprising clauses 72 to 75.

## Key to symbols used in reprinted bill

### As reported from a select committee

#### **New (majority)**

Subject to this Act,

Text inserted by a majority

<Subject to this Act.>

Words struck out by a majority

<Subject to this Act.>

Words inserted by a majority

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*Hon Margaret Wilson*

# **Employment Relations Amendment Bill**

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## **Contents**

1	Title	47	New section 200A inserted
2	Commencement		200A Judges act on full-time basis but may be authorised to act part-time
46	Appointment of Judges	48	Salaries and allowances of Judges
			. . . . .

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**The Parliament of New Zealand enacts as follows:**

### **1 Title**

- (1) This Act is the Employment Relations Amendment Act **2004**.  
(2) In this Act, the Employment Relations Act 2000<sup>1</sup> is called  
“the principal Act”.

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<sup>1</sup> 2000 No 24

### **2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

### **46 Appointment of Judges**

Section 200 of the Employment Relations Act 2000 is amended by adding the following subsection:

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- “(4) A Judge of the Court must not undertake any other paid employment or hold any other office (whether paid or not) unless the Chief Judge is satisfied that the employment or other office is compatible with judicial office.”

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### **47 New section 200A inserted**

The Employment Relations Act 2000 is amended by inserting, after section 200, the following section:

“200A **Judges** *<appointed>* *<act>* **on full-time basis but may be authorised to act part-time**

“(1) A person acts as a Judge of the Court on a full-time basis unless he or she is authorised by the Attorney-General to act on a part-time basis. 5

“(2) The Attorney-General may *<from time to time>*, in accordance with **subsection (3)**, authorise a Judge *<appointed under section 200>* to act on a part-time basis for any specified period.

**New (majority)**

“(2A) To avoid doubt, an authorisation under **subsection (2)** may take effect as from a Judge’s appointment or at any other time, and may be given more than once in respect of the same Judge. 10

“(3) The Attorney-General may authorise a Judge to act on a part-time basis only—

“(a) on the request of the Judge; and

“(b) with the concurrence of the Chief Judge. 15

“(4) In considering whether to concur under **subsection (3)**, the Chief Judge must have regard to the ability of the Court to discharge its obligations in an orderly and expeditious way.

“(5) A Judge who is authorised to act on a part-time basis must resume acting on a full-time basis at the end of the authorised part-time period. 20

“(6) The basis on which a Judge acts must not be altered during the term of the Judge’s appointment without the Judge’s consent, but consent under this subsection is not necessary if the alteration is required by **subsection (5)**. 25

“(7) If any question arises as to the number of Judges of the Court,—

“(a) a Judge who is acting on a full-time basis counts as 1:

“(b) a Judge who is acting on a part-time basis counts as an appropriate fraction of 1.” 30

**48 Salaries and allowances of Judges**

Section 206 of the Employment Relations Act 2000 is amended by inserting, after subsection (3), the following subsections:

“(3A) The salary and allowances payable for a period during which a Judge acts on a part-time basis must be calculated and paid as a pro-rata proportion of the salary and allowances for a full-time equivalent position.

“(3B) For the purpose of subsection (3), the payment of salary and allowances on a pro-rata basis under **subsection (3A)** is not a reduction of salary.” 5

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**Legislative history**

12 May 2004

Divided from Judicial Matters Bill (Bill 71–2) as Bill 71–3F

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