



## A BILL INTITULED

**An Act to reform the law relating to industrial relations by amending the Industrial Relations Act 1973 and the State Services Conditions of Employment Act 1977**

BE IT ENACTED by the General Assembly of New Zealand 5  
in Parliament assembled, and by the authority of the same,  
as follows:

**1. Short Title**—This Act may be cited as the Industrial Law Reform Act 1981.

## PART I

10

## AMENDMENTS TO INDUSTRIAL RELATIONS ACT 1973

**2. This Part to be read with Industrial Relations Act 1973**—This Part of this Act, and the Schedule to this Act, shall be read together with and deemed part of the Industrial Relations Act 1973\* (in this Part of this Act referred to as the 15  
principal Act).

**3. Interpretation**—(1) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “employer”, the following definition:

“ ‘Essential industry’ means an industry specified in the 20  
First Schedule to this Act.”

(2) Section 2 of the principal Act is hereby amended by adding the following subsection:

“(4) The Governor-General may from time to time, by 25  
Order in Council, amend the description of any industry specified in the First Schedule to this Act or add to or omit from that Schedule the description of any industry.”

**4. Registrar and officers of the Court**—(1) Section 35 of the principal Act (as enacted by section 3 of the Industrial Relations Amendment Act 1977) is hereby amended by 30  
omitting the words “a Deputy Registrar”, and substituting the words “one or more Deputy Registrars”.

*New*

(2) Section 2 (1) of the principal Act is hereby consequentially amended by repealing the definition of the term 35  
“Registrar of the Court” (as amended by section 3 (2) of the Industrial Relations Amendment Act (No. 2) 1976), and substituting the following definition:

\*Reprinted 1977, Vol. 4, p. 3405  
Amendments: 1978, No. 40; 1979, No. 141; 1980, No. 116

*New*

“Registrar of the Court’ means the Registrar of the Court; and includes any Deputy Registrar:”.

(3) Section 3 (2) of the Industrial Relations Amendment Act (No. 2) 1976 is hereby consequentially repealed.

**5. Appointment of temporary Judges**—The principal Act is hereby amended by repealing section 40 (as enacted by section 3 of the Industrial Relations Amendment Act 1977), and substituting the following section:

10 “40. (1) The Governor-General may from time to time, whenever in his opinion it is necessary or expedient to make a temporary appointment, appoint one or more temporary Judges of the Arbitration Court to hold office for such period as is specified in the commission.

15 “(2) The period so specified shall not exceed 2 years or, in the case of a person who has attained the age of 68 years, 12 months; but any person appointed under this section may from time to time be reappointed.

20 “(3) No person shall be appointed as a Judge under this section unless he is eligible for appointment as a Judge pursuant to section 37 of this Act, save that, subject to subsection (2) of this section, a person otherwise qualified who has attained the age of 68 years (including a Judge who has retired after attaining that age) may be appointed as a  
25 Judge under this section.

“(4) The power conferred by this section may be exercised at any time, notwithstanding that there may be one or more persons holding the office of Judge, whether under section 37 of this Act or this section.

30 “(5) Every Judge appointed under this section shall be paid—

“*(a)* Such salary, not exceeding the salary payable for the time being to Judges other than the Chief Judge, as the Governor-General in Council directs; and

35 “*(b)* The allowances to which he would be entitled if he were appointed under section 37 of this Act.”

**6. Remuneration and travelling allowances of assessors**—Section 73 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

40 “(2) Notwithstanding anything in subsection (1) of this section, regulations made under section 232 of this Act may provide for the disallowance of the whole or any part of any sum payable under that subsection.”

**7. Until dispute disposed of relationship of employer and employed to continue—**(1) The principal Act is hereby amended by repealing section 81, and substituting the following section:

“81. Subject to sections 127A and 128 of this Act, in every case where a dispute is before a conciliation council, neither the parties to the dispute nor the workers affected by it shall, until the dispute has been finally disposed of by the council or the Court, do or be concerned in doing, directly or indirectly, on account of the dispute, anything in the nature of a strike or lockout, or of a suspension or discontinuance of employment or work; but the relationship of employer and employed shall continue uninterrupted by the dispute, or anything arising out of the dispute, or anything preliminary to the reference of the dispute and connected with it.”

(2) Section 4 (1) of the Industrial Relations Amendment Act 1978 is hereby consequentially repealed.

**8. Clause to be inserted in awards and collective agreements—**

*Struck Out*

(1) Section 116 of the principal Act is hereby amended by repealing subclause (1) of the clause set out in that section, and substituting the following subclause:

“(1) The procedure set out in the succeeding provisions of this clause shall apply to all disputes of rights (as defined in section 2 of the Industrial Relations Act 1973) between the parties bound by this instrument or any of them excluding only personal grievances within the meaning of section 117 of that Act.”

Section 116 of the principal Act is hereby amended by repealing paragraph (b) of subclause (3) of the clause set out in that section, and substituting the following paragraph:

“(b) If there is no such agreement, a conciliator or a mediator or a person appointed by a conciliator or mediator.”

*Struck Out*

**9. Settlement of personal grievances—**(1) Section 117 (4) of the principal Act is hereby amended by repealing paragraphs (e) to (j), and substituting the following paragraphs:

*Struck Out*

- 5 “(e) The written statement shall be referred to a grievance committee consisting of an equal number of representatives (not exceeding 3) nominated respectively by the union and the employer, together with a chairman who shall be—
- “ (i) Mutually agreed upon by the parties; or
  - “ (ii) If there is no such agreement, a conciliator or mediator or a person appointed by a conciliator or mediator:
- 10 “(f) The employer shall have the right to be assisted or represented before the grievance committee by an employer’s organisation or an agent:
- 15 “(g) A decision reached by a majority of the committee shall be the decision of the committee; but if the members of the committee (other than the chairman) are equally divided in opinion, the chairman may either—
- 20 “ (i) Make a decision, which shall then be the decision of the committee; or
  - “ (ii) Refer the grievance forthwith to the Arbitration Court for settlement:
- 25 “(h) Subject to the right of appeal conferred by paragraph (i) of this subsection, the decision of the committee shall be binding on the parties:
- 30 “(i) Any party may appeal to the Arbitration Court against a decision of the committee, or any part of that decision. The appellant shall—
- “ (i) Within 14 days after the date on which the decision of the committee has been made known to him, give to every other party written notice of his intention to appeal; and
  - 35 “ (ii) Within 7 days after the date on which that notice has been given, lodge with the Registrar of the Arbitration Court a written notice of appeal; and
  - “ (iii) Specify in each such notice the decision or the part of the decision to which the appeal relates:
- 40 “(j) The Court, after inquiring fully into the matter and considering all representations made by or on behalf of the parties, may make a decision or award by way of a final settlement which shall be binding on the parties:

*Struck Out*

“(k) It shall be the duty of every party to the award or agreement to promote the settlement of personal grievances under the procedures hereinbefore provided and to abstain from any action that might impede the effective functioning of the procedures.” 5

(2) Section 117 (7) of the principal Act is hereby amended by omitting the words “final settlement, decision, or award made under this section”, and substituting the words “decision made under this section by a grievance committee or any decision or award by way of final settlement made under this section by the Court”. 10

*New*

**9A. Strikes and lockouts in essential industries**—(1) Section 125 of the principal Act (as substituted by section 21 of the Industrial Relations Amendment Act (No. 2) 1976) is hereby amended by omitting from subsection (1), and also from subsection (3), the words “of the industries to which this section applies” in each place where they appear, and substituting in each case the words “essential industry”. 15 20

(2) Section 125 of the principal Act (as so substituted) is hereby further amended by repealing subsection (4).

**10. New sections inserted**—The principal Act is hereby amended by inserting, after section 125A (as inserted by section 21 of the Industrial Relations Amendment Act (No. 2) 1976), the following sections: 25

**“125B. Power of Minister to refer to conciliator, mediator, or other person existing or threatened strike or lockout affecting essential industry or export slaughterhouse—** 30

(1) Where the Minister is of the opinion,—

“(a) That a strike or lockout exists or is threatened in an essential industry or an export slaughterhouse; and

“(b) That the strike or lockout substantially affects or will substantially affect the public interest,— 35

he may request a conciliator or mediator or some other person appointed by the Minister to inquire into the matter of the dispute.

“(2) The conciliator, mediator, or other person to whom the matter of a dispute is referred under subsection (1) of this section shall be requested—

“(a) To—

- 5           “(i) Inquire into the facts of the dispute; or  
            “(ii) Both inquire into the facts of the dispute and endeavour to secure a settlement of the dispute; and

            “(b) To report to the Minister.

- 10           “(3) There shall be paid, out of money appropriated by Parliament for the purpose, to every person appointed under subsection (1) of this section (not being a mediator or a conciliator) remuneration by way of fees or allowances and travelling allowances and expenses in accordance with the  
15 Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

            “(4) Nothing in this section affects any other power of the Minister to use a conciliator or a mediator or any other person in relation to a dispute (including a dispute to which this  
20 section applies).

            “125c. Power of Minister to refer to Court existing or threatened strike or lockout affecting essential industry or export slaughterhouse—(1) Where the Minister receives a report under section 125B (2) (b) of this Act, he may,  
25 if the dispute has not been settled or if a strike or lockout exists in respect of that dispute, refer the matter of the dispute to the Court for settlement.

            “(2) Where the matter of a dispute is referred to the Court under subsection (1) of this section, the Court shall  
30 set a date for the hearing of the dispute as a matter of urgency.

            “(3) The hearing shall be dealt with in accordance with the practice of the Court and in accordance with any rules or regulations governing the procedure of the Court.

35           “(4) If, after inquiring into the dispute, the Court is satisfied that the strike or lockout or the threatened strike or lockout substantially affects or will substantially affect the public interest, the Court shall make a determination—

            “(a) Settling the dispute; or

40           “(b) Prescribing the procedure to be followed in settling the dispute.

            “(5) The determination of the Court shall be final and binding on the parties.

“(6) If, notwithstanding a determination under subsection (4) of this section, full work or the operation of any undertaking is not resumed, the Court shall, on the application of any of the parties or the Minister, order a resumption of full work or, as the case may require, of the operation of that undertaking, unless the Court determines that there is good reason not to make an order under this subsection. 5

“125D. Penalties—(1) Every employer or worker who fails to comply with an order made under section 125c (6) of this Act for the resumption of work or the operation of an undertaking shall be liable— 10

“(a) In the case of an employer, to a penalty not exceeding \$3,000 and to a further penalty not exceeding \$100 for every day during which the failure to comply with the order continues: 15

“(b) In the case of a worker, to a penalty not exceeding \$300 and to a further penalty not exceeding \$10 for every day during which the failure to comply with the order continues.

“(2) Where an order for the resumption of work or the operation of an undertaking made by the Court under section 125c (6) of this Act is not complied with by any workers or employers— 20

“(a) Every union to which the workers or employers belong shall be liable to a penalty not exceeding \$3,000 and to a further penalty not exceeding \$100 for every day during which the failure to comply with the order continues if it is proved that any officer or member of the committee of management of the union— 30

“(i) Advocated or suggested or connived at non-compliance with the order; or

“(ii) Wilfully failed to inform any worker or employer who was bound by the order that he would be liable to a penalty if he failed to comply with the order; or 35

“(iii) Incited, instigated, aided, or abetted any worker or employer to fail to comply with the order; and

“(b) Every person, being an officer or member of the committee of management of any union to which the workers or employers belong or a person acting on behalf of any such employer, shall be liable to a penalty not exceeding \$1,500 and to a further penalty not exceeding \$40 for every day during 45



which the failure to comply with the order continues if it is proved that he committed any act mentioned in subparagraphs (i) to (iii) of paragraph (a) of this subsection.

5 “(3) Nothing in section 125 or section 125A of this Act shall affect any liability under this section, save that where the provisions of either of those sections are applicable, compliance with those provisions shall be a mitigating circumstance to be taken into account by the Court in assessing any  
10 penalty to be imposed under this section.

“125E. **Application of sections 125 to 125D to the Crown**—  
(1) Subject to subsection (2) of this section, sections 125 to 125D of this Act shall bind the Crown.

“(2) Nothing in sections 125 to 125D of this Act shall  
15 apply—

“(a) To or in respect of employees of the State services whose conditions of employment are required to be prescribed by determination under the State Services Conditions of Employment Act 1977:

20 “(b) In relation to the class of employees described in paragraph (a) of this subsection, to or in respect of their employer or employing authority:

“(c) To or in respect of members of the Armed Forces or members of the Police of New Zealand:

25 “(d) In relation to the members of the Armed Forces or the members of the Police of New Zealand, to or in respect of the Crown.”

**11. Jurisdiction concerning penalties**—(1) The principal Act is hereby amended by repealing section 147 (as substituted by section 8 of the Industrial Relations Amendment  
30 Act 1978), and substituting the following section:

“147. (1) Subject to subsection (2) of this section, the Arbitration Court shall have full and exclusive jurisdiction to deal with all actions for the recovery of penalties under  
35 this Act, whether for the breach of an award or collective agreement or otherwise.

“(2) District Courts shall have (to the exclusion of the Arbitration Court) jurisdiction to hear and determine any action for the recovery of any penalty provided for in section  
40 125 or section 125A or section 125D of this Act; and sections 151 to 157 of this Act (except subsections (1), (5), and (6) of section 151) shall apply accordingly with all necessary modifications.

“(3) An action for the recovery of a penalty provided for in section 125 or section 125A or section 125D of this Act may be brought—

- “(a) In the case of a breach of section 125 or section 125A of this Act (being a breach alleged to have been committed by a worker or, in the case of a breach of section 125 (5) or section 125A (4) of this Act, in relation to a strike by a worker), only at the suit of—
- “(i) An employer of the worker; or
  - “(ii) A union to which the employer of the worker alleged to have struck belongs or any association of unions of employers to which any such union belongs; or
  - “(iii) An Inspector of Awards and Agreements:
- “(b) In the case of a breach of section 125 or section 125A of this Act (being a breach alleged to have been committed by an employer or, in the case of a breach of section 125 (5) or section 125A (4) of this Act, in relation to an alleged lockout by an employer), only at the suit of—
- “(i) The union of workers to which the worker alleged to have been locked out belongs; or
  - “(ii) The association of unions of workers to which the union mentioned in subparagraph (i) of this paragraph belongs; or
  - “(iii) An Inspector of Awards and Agreements:
- “(c) Where the non-compliance with an order made under section 125c (6) of this Act is alleged to be that of a worker, only at the suit of—
- “(i) An employer of the worker; or
  - “(ii) A union to which the employer of the worker belongs or any association of unions of employers to which any such union belongs; or
  - “(iii) An Inspector of Awards and Agreements:
- “(d) Where the non-compliance with an order made under section 125c (6) of this Act is alleged to be that of an employer, only at the suit of—
- “(i) The union of workers to which the employer’s workers belong; or
  - “(ii) The association of unions of workers to which the union mentioned in subparagraph (i) of this paragraph belongs; or
  - “(iii) An Inspector of Awards and Agreements.”

(2) Section 8 of the Industrial Relations Amendment Act 1978 is hereby consequentially repealed.

**12. Consequential amendments**—(1) Section 124A of the principal Act (as substituted by section 20 of the Industrial Relations Amendment Act (No. 2) 1976) is hereby amended by adding to subsection (6) (as substituted by section 5 of the Industrial Relations Amendment Act 1977) the following paragraph:

“(f) Any determination of the Arbitration Court which is made under section 125c (4) of this Act.”

(2) Section 124A (6) (e) of the principal Act (as so substituted) is hereby consequentially amended by adding the expression “; or”.

(3) Section 218 of the principal Act is hereby amended by inserting, after the word “sections”, the expression “125E”.

**13. Suspension of striking workers**—The principal Act is hereby amended by inserting, after section 127, the following section:

“127A. (1) Where there is a strike, the employer may suspend the employment of any worker who is a party to the strike.

(2) Unless sooner revoked by the employer, a suspension under subsection (1) of this section shall continue until the strike is ended.

(3) The suspension under this section of all or any of the workers of an employer who are on strike shall not have the effect of ending the strike and those workers shall not, by reason only of their suspension under subsection (1) of this section, cease to be parties to the strike.

(4) Where any worker is suspended under subsection (1) of this section, he shall not be entitled to any remuneration by way of salary, wages, allowances, or other emoluments in respect of the period of his suspension. On the resumption of his employment his service shall be deemed to have been continuous for the purpose of any rights and benefits that are conditional on continuous service, notwithstanding the period of suspension.”

**14. Suspension of non-striking workers where work not available during strike**—Section 128 (2) of the principal Act is hereby amended by omitting the word “during”, and substituting the words “in respect of”.

**15. Employer not liable for wages during lockout**—The principal Act is hereby amended by inserting, after section 128, the following section:

“128A. (1) Where any workers are locked out by their employer, those workers shall not be entitled to any remuneration by way of salary, wages, allowances, or other emoluments in respect of the period of the lockout, unless the lockout is expressly prohibited by a provision of this Act or of Part IVA of the Commerce Act 1975. 5

“(2) On the resumption of the workers’ employment their service shall be deemed to have been continuous for the purpose of any rights and benefits that are conditional on continuous service, notwithstanding the period of the lockout.” 10

**16. Repeal of provision relating to obstruction of conciliation council or Court**—Section 146 of the principal Act (as substituted by section 6 (1) of the Industrial Relations Amendment Act 1977) is hereby repealed. 15

**17. New First Schedule substituted**—(1) The principal Act is hereby amended by repealing the First Schedule, and substituting the First Schedule set out in the Schedule to this Act.

(2) The following orders are hereby consequentially revoked, namely: 20

(a) The Industrial Relations (Essential Industries) Order 1974 (S.R. 1974/181):

(b) The Industrial Relations (Essential Industries) Order 1978 (S.R. 1978/64). 25

## PART II

### AMENDMENTS TO STATE SERVICES CONDITIONS OF EMPLOYMENT ACT 1977

**18. This Part to be read with State Services Conditions of Employment Act 1977**—This Part of this Act shall be read together with and deemed part of the State Services Conditions of Employment Act 1977\* (in this Part of this Act referred to as the principal Act). 30

**19. Interpretation**—(1) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “employing authority”, the following definition: 35

“‘Essential service’ means a service specified in the First Schedule to this Act.”.

\*1977, No. 95

Amendments: 1978, No. 41; 1979, No. 111; 1980, No. 142

(2) Section 2 of the principal Act is hereby amended by adding the following subsection:

“(3) The Governor-General may from time to time, by Order in Council, amend the description of any service specified in the First Schedule to this Act or add to or omit from that Schedule the description of any service.”

*New*

**19A. Strikes and lockouts in essential services**—(1) Section 67 of the principal Act is hereby amended by omitting from subsection (1), and also from subsection (3), the words “of the services to which this section applies” in each place where they appear, and substituting in each case the words “essential service”.

(2) Section 67 of the principal Act is hereby further amended by repealing subsection (4).

**20. New sections inserted**—The principal Act is hereby amended by inserting, after section 68, the following sections:

**“68A. Power of Minister to refer to mediator or other person existing or threatened strike or lockout affecting essential service or export slaughterhouse**—(1) Where the Minister is of the opinion,—

“(a) That a strike or lockout exists or is threatened in an essential service or an export slaughterhouse; and

“(b) That the strike or lockout substantially affects or will substantially affect the public interest,—  
he may request a mediator or some other person appointed by the Minister to inquire into the matter of the dispute.

“(2) The mediator or other person to whom the matter of a dispute is referred under subsection (1) of this section shall be requested—

“(a) To—

“(i) Inquire into the facts of the dispute; or

“(ii) Both inquire into the facts of the dispute and endeavour to secure a settlement of the dispute;

and

“(b) To report to the Minister.

“(3) There shall be paid, out of money appropriated by Parliament for the purpose, to every person appointed under subsection (1) of this section (not being a mediator) remuneration by way of fees 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.

“(4) Nothing in this section affects any other power of the Minister to use a mediator or any other person in relation to a dispute (including a dispute to which this section applies).

“68B. **Power of Minister to refer to Tribunal existing or threatened strike or lockout affecting essential service or export slaughterhouse**—(1) Where the Minister receives a report under section 68A (2) (b) of this Act, he may, if the dispute has not been settled or if a strike or lockout exists in respect of the dispute, refer the matter of the dispute to the Public Sector Tribunal for settlement. 5 10

“(2) Where the matter of a dispute is referred to the Tribunal under subsection (1) of this section, the Tribunal shall set a date for the hearing of the dispute as a matter of urgency. 15

“(3) The hearing shall be dealt with in accordance with the practice of the Tribunal and in accordance with any rules or regulations governing the procedure of the Tribunal.

“(4) If, after inquiring into the dispute, the Tribunal is satisfied that the strike or lockout or the threatened strike or lockout substantially affects or will substantially affect the public interest, the Tribunal shall make an order— 20

“(a) Settling the dispute; or

“(b) Prescribing the procedure to be followed in settling the dispute. 25

“(5) The order of the Tribunal shall be final and binding on the parties.

“(6) If, notwithstanding an order under subsection (4) of this section, full work or the operation of any undertaking is not resumed, the Tribunal shall, on the application of any of the parties or the Minister, order a resumption of full work or, as the case may require, of the operation of that undertaking, unless the Tribunal determines that there is good reason not to make an order under this subsection. 30

“68c. **Penalties**—(1) Every employer or employee who fails to comply with an order made under section 68B (6) of this Act for the resumption of work or the operation of an undertaking shall be liable— 35

“(a) In the case of an employer, to a penalty not exceeding \$3,000 and to a further penalty not exceeding \$100 for every day during which the failure to comply with the order continues; 40

“(b) In the case of an employee, to a penalty not exceeding \$300 and to a further penalty not exceeding \$10 for every day during which the failure to comply with the order continues.

5 (2) Where an order for the resumption of work or the operation of an undertaking made by the Tribunal under section 68B (6) of this Act is not complied with by any employees or employers—

10 “(a) Every service organisation to which the employees belong, and every organisation of employers to which the employers belong, shall be liable to a penalty not exceeding \$3,000 and to a further penalty not exceeding \$100 for every day during which the failure to comply with the order continues if it is proved that any officer or member of the committee of management of the service organisation, or of the organisation of employers—

15 “(i) Advocated or suggested or connived at non-compliance with the order; or

20 “(ii) Wilfully failed to inform any employee or employer who was bound by that order that he would be liable to a penalty if he failed to comply with the order; or

25 “(iii) Incited, instigated, aided, or abetted any employee to comply with the order; and

30 “(b) Every person, being an officer or member of the committee of management of any service organisation to which the employees belong or of any organisation of employers to which the employers belong, shall be liable to a penalty not exceeding \$1,500 and to a further penalty not exceeding \$40 for every day during which the failure to comply with the order continues if it is proved that he committed any act mentioned in subparagraphs (i) to (iii) of paragraph (a) of this subsection.”

**21. Employer not liable for wages during lockout**—The principal Act is hereby amended by inserting, after section 72, the following section:

40 “72A.(1) Where any employees are locked out by their employer, those employees shall not be entitled to any remuneration by way of salary, wages, allowances, or other emoluments in respect of the period of the lockout, unless the lockout is expressly prohibited by a provision of this Act or of  
45 Part IVA of the Commerce Act 1975.

“(2) On the resumption of the employees’ employment their service shall be deemed to have been continuous for the purpose of any rights and benefits that are conditional on continuous service, notwithstanding the period of the lockout.”

**22. Enforcement of penalties—**(1) The principal Act is hereby amended by repealing section 73 (as substituted by section 3 of the State Services Conditions of Employment Amendment Act 1978), and substituting the following section:

“73. (1) District Courts shall have jurisdiction to hear and determine any action for the recovery of any penalty provided for in this Act; and sections 151 to 157 of the Industrial Relations Act 1973 (except subsections (1), (5), and (6) of section 151) shall apply accordingly with all necessary modifications.

“(2) Any action for the recovery of a penalty provided for in section 67 or section 68 or section 68c or section 70 of this Act may be brought—

“(a) In the case of an alleged breach of section 67 or section 68 of this Act (being a breach alleged to have been committed by an employee or, in the case of a breach of section 67 (5) or section 68 (4) of this Act, in relation to an alleged strike by an employee), only at the suit of the employing authority for the branch of the State services to which the employee belongs:

“(b) In the case of an alleged breach of section 67 or section 68 of this Act (being a breach alleged to have been committed by an employer or, in the case of a breach of section 67 (5) or section 68 (4) of this Act in relation to an alleged lockout by an employer), only at the suit of the service organisation in relation to the branch of the State services to which the employee alleged to have been locked out belongs:

“(c) Where the non-compliance with an order made under section 68B (6) of this Act is alleged to be that of an employee, only at the suit of the employing authority for the branch of the State services to which the employee belongs:

“(d) Where the non-compliance with an order made under section 68B (6) of this Act is alleged to be that of an employer, only at the suit of the service organisation in relation to the branch of the State services to which the employer’s employees belong:



“(e) In the case of an alleged breach of section 70 of this Act, only at the suit of a service organisation or an employing authority.

5 “(3) If any penalty adjudged to be paid by any service organisation in respect of any contravention of this Act is not paid in full within one month after the date when it was adjudged to be paid or within such further time as may be allowed or fixed for the payment thereof, all persons who were members of that service organisation at the time when  
10 the contravention occurred and who belonged to the group or class of employees involved in the contravention shall be jointly and severally liable to pay the penalty as if it had been adjudged to be payable by them personally (except that no person shall be liable under this subsection for a  
15 larger sum than \$50 on account of any such penalty).

“(4) For the purposes of subsection (3) of this section, a certificate under the hand of the Registrar of a District Court stating the amount of any penalty remaining unpaid by any service organisation and the names of any persons  
20 who are jointly and severally liable to pay that amount by virtue of subsection (3) of this section may be filed in the office of a District Court and every such certificate shall, unless a District Court Judge otherwise directs, be conclusive evidence of the liability of the persons so named as being  
25 jointly and severally liable.”

(2) Section 3 of the State Services Conditions of Employment Amendment Act 1978 is hereby consequentially repealed.

23. **Consequential amendments**—(1) Section 43 (1) of the  
30 principal Act is hereby amended by adding the words “and to exercise the powers conferred on it by section 68B of this Act”.

(2) Section 74 of the principal Act is hereby amended by inserting, after the words “section 68”, the words “section 68c,”  
35 68c,”.

(3) Section 75 of the principal Act is hereby amended by inserting, after the words “section 68” in both places where they appear, the words “section 68c,”.

**24. Essential services**—(1) The First Schedule to the principal Act is hereby amended by inserting in clause 4, after the words “South Island”, the words “or between the South Island and Stewart Island”.

(2) The said First Schedule is hereby further amended 5  
by adding the following item:

“11. The sale, production, processing, or distribution of coal.”

SCHEDULE

Section 17

NEW FIRST SCHEDULE TO INDUSTRIAL RELATIONS ACT 1973

“FIRST SCHEDULE

Section 2 (1)

ESSENTIAL INDUSTRIES

1. The production, processing, or supply of coal gas or natural gas (including liquefied natural gas).
2. The production or supply of electricity.
3. The supply of water to the inhabitants of any borough or other place.
4. The production of butter or cheese or of any other product of milk or cream and the processing, distribution, or sale of milk, cream, butter, or cheese or of any other product of milk or cream.
5. The slaughtering, distribution, or sale of meat for domestic consumption.
6. The sale, production, processing, or distribution of coal.
7. The working of any railway used for the public carriage of goods or passengers, or of any transport service within the meaning of the Transport Act 1962.
8. The operation of any service for the carriage of passengers or goods by water between—
  - (a) The North Island and the South Island; or
  - (b) The South Island and Stewart Island.

*New*

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| 8A. The provision of pilotage services at any port.   |
| 8B. The provision of all necessary services in connection with the arrival, berthing, and departure of ships at any port. |

9. The operation of any air transport service, being any service by aircraft for the public carriage of passengers or goods for hire or reward (but excluding an air topdressing service).
10. The work of any fire brigade within the meaning of the Fire Service Act 1975 (but excluding the work performed by members of volunteer fire brigades).
11. The operation of any ambulance service for sick or injured persons.
12. The production, processing, or supply of manufactured gas (other than coal gas).
13. The production, processing, or supply of any liquefied gas (other than liquefied natural gas).
14. The production, processing, distribution, or sale of petroleum, whether refined or not.
15. The production, processing, distribution, or sale of petroleum products.
16. The operation of a hospital within the meaning of the Hospitals Act 1957 or of a psychiatric hospital within the meaning of the Mental Health Act 1969 or of any service necessary for the operation of such a hospital or psychiatric hospital.
17. The disposal of sewage.