

## HOUSE OF REPRESENTATIVES

## Supplementary Order Paper

Wednesday, the 1st Day of October 1975

## STATUTES AMENDMENT BILL

*Further Proposed Amendments*

Hon. Dr FINLAY, in Committee, to move the following amendments:

To add, after *clause 138*, as proposed to be added by Supplementary Order Paper No. 43, the following headings and new clauses:

*Industrial Relations*

**139. Sections to be read with Industrial Relations Act 1973**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Industrial Relations Act 1973\* (in those sections referred to as the principal Act).

\*1973, No. 19  
Amendment: 1974, No. 89

**140. Voluntary settlements**—(1) Section 65 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) Every voluntary settlement of a dispute of interest arrived at under this section shall be recorded in writing, shall be forwarded by the parties to the Commission, and shall be registered by the Commission as a collective agreement.”

(2) Section 65 of the principal Act is hereby further amended by adding the following subsections:

“(7) The application of the provisions of section 92 of this Act to any award or to any collective agreement registered under section 82 of this Act shall not prevent the registration of a collective agreement under this section.

“(8) A collective agreement registered under this section shall take effect according to its tenor and prevail over any award or over any collective agreement registered under section 82 of this Act, and applying in respect of the same industry and locality, so far as there is any inconsistency between the collective agreement registered under this section and the award or the collective agreement registered under section 82 of this Act.”

**141. Composite agreements**—Section 66 of the principal Act is hereby amended by adding the following subsection:

“(4) Notwithstanding that it is not an industrial union, the New Zealand Institute of Marine and Power Engineers incorporated under the Marine and Power Engineers’ Institute Incorporation Act 1925 may become a party to a composite agreement applying to the maritime industry as if it were an industrial union.”

That *clauses 139 to 141* be a separate Bill, and that for clause 139 there be substituted the following Title, enacting words, and Short Title:

**An Act to amend the Industrial Relations Act 1973**

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 Industrial Relations Amendment Act 1975, and shall be read together with and deemed part of the Industrial Relations Act 1973 (hereinafter referred to as the principal Act).

*Transport*

**142. Sections to be read with Transport Act 1962**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Transport Act 1962\* (in those sections referred to as the principal Act).

\*Reprinted, 1974, Vol. 3, p. 2489  
Amendment: 1975, No. 4

**143. Blood tests**—(1) Section 58B of the principal Act (as substituted by section 5 of the Transport Amendment Act 1970) is hereby amended by omitting from subsection (6) the words “forthwith deliver or cause to be delivered, either personally or”, and substituting the words “within 7 days after the date on which they were taken under subsection (1) of this section, deliver or cause to be delivered personally or post or cause to be posted”.

(2) Section 58B of the principal Act (as so substituted) is hereby further amended by inserting, after subsection (7), the following subsection:

“(7A) Where under subsection (6) or subsection (7) of this section a request is made for one of the parts of the specimen of blood or, as the case may be, one of the specimens of blood to be sent to a specified analyst, proof that one of those parts or specimens was posted to that analyst by registered post addressed to him at the address given by the person making the request, or, in any case to which subsection (7) of this section applies, a certificate signed by an analyst (as defined in subsection (10) of this section) that one such part or specimen was so posted, shall in proceedings for an offence against this Part of this Act be sufficient evidence, until the contrary is proved, that the part or specimen was supplied to that analyst pursuant to the request.”

(3) Section 58B of the principal Act (as so substituted) is hereby further amended by inserting in subsection (9), after paragraph (a), the following paragraph:

“(aa) A certificate purporting to be signed by an analyst and certifying that a specimen of blood was received on a specified date by an officer of the Department of Scientific and Industrial Research on behalf of the the Dominion Analyst or of a Government Analyst in a sealed container which was delivered by a named constable or traffic officer by personal delivery or by registered post shall be sufficient evidence, until the contrary is proved, of such of those matters as are so certified; and”

**144. Parking infringements**—Section 194A of the principal Act (as inserted by section 27(1) of the Transport Amendment Act 1968) is hereby amended by inserting in subsection (8), after the words “local authority”, the words “, or, where the notice was issued by an officer of the Ministry of Transport, to an office of the Ministry.”

That *clauses 142 to 144* be a separate Bill, and that for clause 142 there be substituted the following Title, enacting words, and Short Title:

**An Act to amend the Transport Act 1962**

**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 Transport Amendment Act (No. 2) 1975, and shall be read together with and deemed part of the Transport Act 1962 (hereinafter referred to as the principal Act).

**EXPLANATORY NOTE**

*Industrial Relations*

*Clause 140: Subclause (1)* provides for the registration by the Industrial Commission as collective agreements of voluntary settlements of disputes of interest arrived at under section 65 of the Industrial Relations Act 1973.

*Subclause (2)* further amends section 65 of the Industrial Relations Act 1973 as follows:

- (a) The application of section 92 of that Act (relating to the currency of awards or collective agreements registered under section 82) will not prevent the registration under section 65, as a collective agreement, of a voluntary settlement settling a dispute of interest.
- (b) If there is any conflict between the terms of a collective agreement settling a dispute of interest registered under section 65 and any provision of an award or collective agreement registered under section 82, the agreement settling the dispute of interest will prevail.

*Clause 141* enables the Institute of Marine and Power Engineers to become a party to a composite agreement applying to the maritime industry, even though the Institute is not a union registered under the Industrial Relations Act 1973.

#### *Transport*

*Clause 143* amends section 58B of the Transport Act 1962 relating to the taking of specimens of blood from motor drivers. The effect of this clause is as follows:

*Subclause (1)*: Section 58B (6) provides that when a specimen of blood has been taken and divided into 2 parts or 2 specimens have been taken, both parts or specimens are to be sent "forthwith" to the Dominion Analyst or a Government Analyst, or to an officer of the Department of Scientific and Industrial Research on his behalf, for the analysis of one of those parts or specimens and the custody of the other.

It has been decided by the Court that the term "forthwith" means as soon as reasonably practicable.

This subclause substitutes a requirement that the blood must be forwarded within 7 days.

*Subclause (2)*: Section 58B (6) also provides that upon the request of the person from whom the blood was taken or of his solicitor or counsel made before both parts of the specimen or both specimens have been sent to the Dominion Analyst or a Government Analyst, one of those parts or specimens is to be supplied to an analyst specified by that person or by his solicitor or counsel. Section 58B (7) also enables a request for one part or specimen to be sent to a named analyst to be made within a period set out in the subsection after the parts or specimens have been sent to the Dominion Analyst or a Government Analyst under section 58B (6).

This subclause provides that proof that one part or specimen was posted by registered post addressed to the named analyst, or, in any case to which section 58B (7) applies, a certificate by an analyst (as defined in section 58B (10)) that one part or specimen was so posted, shall, in the absence of evidence to the contrary, be sufficient proof that it was supplied to the named analyst pursuant to the request.

*Subclause (3)* provides that a certificate by an analyst (as defined in section 58B (10)) that a specimen of blood analysed was received on a specified date by the Department of Scientific and Industrial Research in a sealed container delivered by a named constable or traffic officer either personally or by registered post shall, until the contrary is proved, be sufficient proof of the matters certified.

*Clause 144*: Section 194A of the Transport Act 1962 provides that it is an offence for any person who has been served with a parking-infringement notice to fail to pay to the local authority before the date specified in the notice the parking-infringement fee.

The effect of this clause is that where the parking-infringement notice was issued by an officer of the Ministry of Transport, the parking-infringement fee is to be paid to an office of the Ministry.