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HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 14 March 1989

WATERFRONT INDUSTRY REFORM BILL

Proposed Amendments

Hon. STAN RODGER, in Committee, to move the following amendments:

Clause 16: To omit paragraph (a) of subclause (1) (all the words in lines 15 and 16 on page 8), and substitute the following paragraph:

- (a) Which, immediately before the appropriate date,—
- (i) Is held by the Commission under a lease, tenancy, licence, or agreement; or
 - (ii) Is occupied by the Commission; and

Clause 16D: To omit this clause, and substitute the following clauses:

16D. Surrender of lease and cancellation of licences and agreements—Where any building to which section 16 of this Act applies, or any land or wharf on which is situated any building to which section 16 of this Act applies, is subject to a lease, tenancy, licence, or agreement between the Commission and a Harbour Board or port company, as the case may be, the lease or tenancy shall be deemed to be surrendered as at the close of the appropriate date (as defined by section 16 (2) of this Act), or, as the case may require, the licence or agreement shall be deemed to be cancelled as at the close of that date, and the Commission and the liquidator shall not be liable to pay any further money under the lease, tenancy, licence, or agreement, or to pay any compensation for the surrender or cancellation of it.

16DA. Protection of subtenants and occupiers—Where, in the case of a building to which section 16 of this Act applies, any person is, immediately before the appropriate date,—

- (a) Either—
- (i) A subtenant of any part of that building as a result of the subletting of that part of that building to that person by the Commission; or
 - (ii) A person occupying any part of that building as the result of an agreement between that person and the Commission; and
- (b) The lease, tenancy, licence, or agreement under which the Commission holds that building or the land or

wharf on which that building is situated is deemed, by section 16D of this Act, to be surrendered or cancelled,—

that person shall, as the case may require, be deemed to become, on the same terms as applied under the lease, tenancy, licence, or agreement, either the tenant of the Harbour Board or port company that owns or controls the land or wharf on which that building is situated or a person occupying that part of that building as a result of an agreement between that person and that Harbour Board or port company.

Clause 33: To omit subclause (2) (all the words in lines 30 to 37 on page 15 and in lines 2 and 3 on page 16), and substitute the following subclause:

(2) Where a principal order to which subsection (1) of this section applies was made on an application under section 18 of the Waterfront Industry Commission Act 1976 to which the only parties were—

- (a) The New Zealand Waterfront Workers Union (or a union whose registration was cancelled under section 25 (7) of the Labour Relations Act 1987 on the registration of the New Zealand Waterfront Workers Union); and
- (b) The New Zealand Waterside Employers' Industrial Union of Employers,—

that principal order shall be cancelled at the end of the period for which it was continued in force under section 171 (3) of the Labour Relations Act 1987 unless the parties to it notify the Arbitration Commission in writing before the expiration of that period that the parties wish it to be continued in force for a period specified by the parties (which period shall expire not later than one year after the expiry of the year for which the principal order was continued in force under section 171 (3) of the Labour Relations Act 1987).

To omit from line 6 on page 16 the expression “subsection (1)”, and substitute the expression “subsection (2)”.

EXPLANATORY NOTE

Clause 16: The proposed amendment makes it clear that clause 16 applies to buildings let to the Commission even if, immediately before the appropriate date, part of the building is occupied by a person such as a subtenant.

Clause 16D: The amendments to the new clause provide for the cancellation of licences and agreements as well as for the surrender of leases.

Clause 16DA: The new clause protects the position of persons, such as subtenants, who are in possession of any part of a building to which clause 16 applies.

Clause 33: The proposed amendments limit the effect of subclauses (2) and (3) of the clause so that those subclauses will apply only to a principal order that was made on an application under section 18 of the Waterfront Industry Act 1976 to which the only parties were—

- (a) The New Zealand Waterfront Workers Union (or a union whose registration was cancelled under section 25 (7) of the Labour Relations Act 1987 on the registration of the New Zealand Waterfront Workers Union); and
- (b) The New Zealand Waterside Employers' Industrial Union of Employers.