

Version
as at 18 January 2024



Fair Pay Agreements Act Repeal Act 2023

Public Act 2023 No 65
Date of assent 19 December 2023
Commencement see section 2

Fair Pay Agreements Act Repeal Act 2023: repealed, on the close of 17 January 2024, by section 4.

Contents

	Page
1 Title	2
2 Commencement	2
Part 1	
Preliminary provisions	
3 Transitional, savings, and related provisions	2
4 Repeal of this Act	2
Part 2	
Repeal and revocations	
5 Repeal of Fair Pay Agreements Act 2022	2
6 Revocations of secondary legislation	2
7 Consequential amendments	2
Schedule 1	
Transitional, savings, and related provisions	
Schedule 2	
Consequential amendments	

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Business, Innovation, and Employment.

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Fair Pay Agreements Act Repeal Act 2023.

2 Commencement

This Act comes into force on the day after Royal assent.

Part 1

Preliminary provisions

3 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

4 Repeal of this Act

This Act is repealed on the close of the 28th day after the date on which it comes into force.

Part 2

Repeal and revocations

5 Repeal of Fair Pay Agreements Act 2022

The Fair Pay Agreements Act 2022 (2022 No 58) is repealed.

6 Revocations of secondary legislation

The following secondary legislation is revoked:

- (a) Employment Relations Authority (Fair Pay Agreements) Amendment Regulations 2023 (SL 2023/66):
- (b) Fair Pay Agreements Regulations 2022 (SL 2022/307).

7 Consequential amendments

- (1) Amend the Acts specified in Part 1 of Schedule 2 as set out in that Part.
- (2) Amend the secondary legislation specified in Part 2 of Schedule 2 as set out in that Part.

Schedule 1
Transitional, savings, and related provisions

s 3

Part 1
Provisions relating to this Act as enacted

There are no transitional, savings, or related provisions in this Act as enacted.

Schedule 2

Consequential amendments

s 7

Part 1

Consequential amendments to Acts

Defence Act 1990 (1990 No 28)

Repeal section 45(5A).

Employment Relations Act 2000 (2000 No 24)

In section 5, definition of **employment standards**, repeal paragraph (ba).

In section 5, definition of **minimum entitlement provisions**, repeal paragraph (aaa).

Repeal section 14(1A) and (1B).

In section 24(1), delete “, or for the purposes of section 91 of the Fair Pay Agreements Act 2022”.

Repeal section 33(2)(e).

Repeal section 86(1)(ea).

Replace section 132(2) with:

- (2) Where evidence of the type referred to in subsection (1) is given, the Authority may, unless the defendant proves that those claims are incorrect, accept as proved all claims made by the employee in respect of—
- (a) the wages actually paid to the employee:
 - (b) the hours, days, and time worked by the employee.

Repeal section 137(1)(a)(xii).

In section 148A(3), replace “the Support Workers (Pay Equity) Settlements Act 2017, or the Fair Pay Agreements Act 2022” with “or the Support Workers (Pay Equity) Settlements Act 2017”.

Repeal section 161(1)(m)(vi).

Repeal section 161(1)(qe).

Repeal section 223(1)(ba).

Replace section 224(1)(a) with:

- (a) an employee makes a complaint to the Labour Inspector, or the Labour Inspector believes on reasonable grounds, that an employee has not received wages or holiday pay or other money payable by the employer to the employee under the Minimum Wage Act 1983 or the Holidays Act 2003; and

Replace section 228(1) with:

Employment Relations Act 2000 (2000 No 24)—*continued*

- (1) A Labour Inspector may commence an action on behalf of an employee to recover any wages or holiday pay or other money payable by an employer to that employee under the Minimum Wage Act 1983 or the Holidays Act 2003.

Replace section 235A(a) with:

- (a) a failure by an employer to comply with the requirements of section 64(1) or (2) or 130(1) of this Act or section 81(2) of the Holidays Act 2003:

Equal Pay Act 1972 (1972 No 118)

Repeal section 13ZNA.

Holidays Act 2003 (2003 No 129)

Repeal section 6A.

Judicial Review Procedure Act 2016 (2016 No 50)

Replace section 7 with:

7 This Act subject to certain provisions of Employment Relations Act 2000

- (1) This Act is subject to the provisions of the Employment Relations Act 2000 relating to the jurisdiction of the Employment Court and High Court in respect of—
- (a) applications for review; or
 - (b) proceedings for a writ or order of, or in the nature of, mandamus, prohibition, or certiorari; or
 - (c) proceedings for a declaration or injunctions against any body constituted by, or any person acting under, the Employment Relations Act 2000.
- (2) In particular, this Act is subject to the following provisions of the Employment Relations Act 2000:
- (a) section 184 (which restricts review proceedings being brought in respect of any matter before the Employment Relations Authority);
 - (b) section 187(1)(h), (i), (j), and (ka) (which confers on the Employment Court exclusive jurisdiction to hear and determine certain proceedings and applications);
 - (c) section 194A (which provides that review proceedings in relation to an employment relationship problem may not be brought in either the Employment Court or the High Court);
 - (d) section 213 (which confers on the Court of Appeal exclusive jurisdiction in relation to the review of any proceedings before the Employment Court).

Compare: 1972 No 130 s 3A

Minimum Wage Act 1983 (1983 No 115)

Repeal section 6(2) and (3).

Replace section 8(4) with:

- (4) While a permit remains in force, the rate of wages stated in the permit is taken to be the minimum rate of wages prescribed under this Act for the worker.

Replace section 8(6) with:

- (6) In this section, **disability** has the same meaning as in section 21(1)(h) of the Human Rights Act 1993.

Part 2**Consequential amendments to secondary legislation****Employment Court Regulations 2000 (SR 2000/250)**

In the enacting statement, delete “and section 283 of the Fair Pay Agreements Act 2022”.

Replace regulation 3(2)(a) with:

- (a) any word or expression that is defined in the Act and that is used, but not defined, in these regulations has the same meaning as it has in the Act:

Revoke regulation 7(1A).

In regulation 11(1)(g), delete “or clause 16 of Schedule 3 of the Fair Pay Agreements Act 2022 (as applicable)”.

Revoke regulation 11A.

Revoke regulation 13(1)(aa).

In regulation 14(1), delete “, or under clause 14(3) of Schedule 3 of the Fair Pay Agreements Act 2022,”.

In regulation 64(1), delete “or under clause 16 of Schedule 3 of the Fair Pay Agreements Act 2022”.

Replace regulation 65(2)(a) with:

- (a) must, if it is made in relation to an election under section 179 or clause 5 of Schedule 3 of the Act, be in form 14; and

Revoke regulation 65A.

Revoke regulation 67A.

In Schedule 1, form 3, under the heading “*Application for special leave to remove matter to Employment Court*”, delete “/Clause 14(3) of Schedule 3, Fair Pay Agreements Act 2022* *Select one”.

In Schedule 3, revoke item 1A.

Employment Relations Authority Regulations 2000 (SR 2000/186)

In the enacting statement, replace “, section 98 of the Screen Industry Workers Act 2022, and section 283 of the Fair Pay Agreements Act 2022” with “and section 98 of the Screen Industry Workers Act 2022”.

Replace regulation 3(2)(a) with:

- (a) any word or expression that is defined in the Act or the Screen Industry Workers Act 2022 and that is used, but not defined, in these regulations—
 - (i) has the same meaning as in the Act, for the purpose of any matter that relates to the Act; and
 - (ii) has the same meaning as in the Screen Industry Workers Act 2022, for the purpose of any matter that relates to the Screen Industry Workers Act 2022:

Revoke regulation 4(1)(ab).

In regulation 5(3), replace “26I, 26L, 26O, 26Q, 26S to 26U, and 26W” with “and 26I”.

In regulation 8(1), replace “26I, 26L, 26O, 26Q, or 26U” with “or 26I”.

Revoke regulation 8(2)(ca), (cb), (cc), and (cd).

In regulation 12, delete “, or under clause 14 of Schedule 3 of the Fair Pay Agreements Act 2022,”.

In regulation 16(1), delete “, the Fair Pay Agreements Act 2022,”.

In regulation 16(2), replace “26I, 26L, 26O, 26Q, and 26U” with “and 26I”.

In regulation 16(3), delete “, the Fair Pay Agreements Act 2022,”.

In regulation 17(1), delete “, the Fair Pay Agreements Act 2022,”.

In regulation 18(1), delete “, the Fair Pay Agreements Act 2022,”.

In regulation 19(1), delete “, the Fair Pay Agreements Act 2022,”.

Revoke regulations 26K to 26W and the cross-heading above regulation 26K.

In Schedule 1, form 7, under the heading “Application for removal of matter to Employment Court”, delete “/Clause 14 of Schedule 3, Fair Pay Agreements Act 2022* *Select one”.

In Schedule 2, revoke items 7, 8, and 9.

Notes

1 *General*

This is a consolidation of the Fair Pay Agreements Act Repeal Act 2023 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Fair Pay Agreements Act Repeal Act 2023 (2023 No 65): section 4