

New Zealand.



REPEALED : See Schedule to
Act, 1925 No. 24

ANALYSIS.

Title.

1. Short Title.

2. Section 66 of principal Act (as to appointment of nominated and acting nominated members of Arbitration Court) amended.

3. Provisions as to member acting in place of nominated member of Court. Consequential repeal.

4. Casual vacancies created by absence of nominated member from sittings of Court.

1921, No. 11.

AN ACT to amend the Industrial Conciliation and Arbitration Act, 1908. Title.
[4th November, 1921.]

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

1. This Act may be cited as the Industrial Conciliation and Arbitration Amendment Act, 1921, and shall be read together with and deemed part of the Industrial Conciliation and Arbitration Act, 1908 (hereinafter referred to as the principal Act).

2. Section sixty-six of the principal Act is hereby amended by adding to subsection two the following paragraph :—

“(e.) The Governor-General may request industrial unions to recommend persons to be nominated members or acting nominated members of the Court whenever he thinks fit, notwithstanding that there may at the time of such request be no vacancy ; but no appointment shall be made unless and until a casual vacancy has occurred or the term of office of any nominated member or acting nominated member has expired.”

3. (1.) If at any time a vacancy exists in the office of nominated member of the Court, or if any nominated member is not present at any sitting of the Court, the Judge may summon the acting nominated member appointed on the recommendation of the industrial unions of employers or of workers, as the case may be,

Short Title.

Section 66 of principal Act (as to appointment of nominated and acting nominated members of Arbitration Court) amended.

Provisions as to member acting in place of nominated member of Court.

to attend the sittings of the Court and to act as nominated member during such time as there is no nominated member present appointed on the recommendation of such unions, and while so acting the acting nominated member shall have and may exercise all the powers, functions, and privileges, and shall perform all the duties, of the nominated member for whom he is acting.

(2.) If at any time when an acting nominated member is required to attend the sittings of the Court a vacancy exists in the office of such acting nominated member, or the acting nominated member is not present at any such sitting, the Governor-General may, on the recommendation of the Judge, appoint such other person to be temporary nominated member as in his opinion will effectively represent the industrial unions of employers or of workers, as the case may be.

(3.) The Judge may thereupon summon such temporary nominated member to attend the sittings of the Court and to act as nominated member during such time as there is present no nominated member or acting nominated member appointed on the recommendation of the industrial unions of employers or of workers, as the case may be, and while so acting the temporary nominated member shall have and may exercise all the powers, functions, and privileges, and shall perform all the duties, of the nominated member for whom he is acting.

(4.) When the nominated member or acting nominated member, as the case may be, is again present at the sittings of the Court the acting nominated member or the temporary nominated member, as the case may be, shall cease to act:

Provided that if such acting nominated member or temporary nominated member is then engaged on the hearing of a case the Judge may require him to complete such hearing before ceasing to act.

(5.) When any acting nominated member or temporary nominated member is acting as nominated member he shall be paid a salary for the time during which he is so acting at the rate provided for the said nominated member.

(6.) During the absence of any nominated member he may be paid such rate of salary (if any) as the Minister thinks fit, not exceeding in any case the rate prescribed by the principal Act.

(7.) The appointment of a nominated member, or of an acting nominated member, or of a temporary nominated member of the Court shall not be questioned on any ground whatsoever; and no act done by the Court sitting with an acting nominated member or a temporary nominated member, or done by such acting nominated member or temporary nominated member, shall be questioned on the ground that the occasion for such acting nominated member or temporary nominated member acting as a member of the Court had not arisen or had ceased.

(8.) Whether the Court at any sitting thereof is duly constituted as required by the provisions of the principal Act as amended by this Act, or has been duly convened for such sitting, are matters to be determined by the Judge, whose decision thereon shall be final

and conclusive, and shall not be questioned in any proceedings in the Court or in any other Court.

(9.) The fact that a sitting of the Court has been held shall be conclusive evidence of a decision by the Judge that the Court was duly constituted at and duly convened for that sitting.

(10.) All acts done before the passing of this Act by the Court, or by any member of the Court, or by any person acting as such, shall be as valid and effective as if this Act had been then in force.

(11.) This section is in substitution for section sixty-eight of the principal Act, and that section is hereby accordingly repealed.

4. Section seventy-one of the principal Act is hereby amended by inserting, after the word "absent," the words "without the consent of the Judge."

Consequential
repeal.

Casual vacancies
created by absence
of nominated
member from
sittings of Court.