

Disputes Tribunals Amendment Act 1998

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An Act to amend the Disputes Tribunals Act 1988

BE IT ENACTED by the Parliament of New Zealand as follows:**1 Short Title and commencement**

- (1) This Act may be cited as the Disputes Tribunals Amendment Act 1998, and is part of the Disputes Tribunals Act 1988 (“the principal Act”).
- (2) This Act comes into force on the day after the date on which it receives the Royal assent.

2 Interpretation

Section 2 of the principal Act is amended by inserting, after the definition of the term “prescribed”, the following definition:

“‘Principal Disputes Referee’ means a person holding office as such under section 6a.”.

3 New sections substituted

The principal Act is amended by repealing section 6, and substituting the following sections:

“6 Rostering and training of Referees

- “(1) Subject to any directions given under subsection (2) by the Chief District Court Judge, the days, times, and places of the regular sittings of a Tribunal are to be determined by the Registrar.
- “(2) The Chief District Court Judge is responsible for the rostering and training of Referees and may, after consultation with the Principal Disputes Referee, give such directions as he or she considers necessary for the purpose.

“6a Appointment of Principal Disputes Referee

- “(1) The Governor-General may, from time to time, by warrant under his or her hand and on the advice of the Minister of Justice, appoint a Principal Disputes Referee.
- “(2) No person may be appointed as Principal Disputes Referee unless that person—
 - “(a) Holds a Bachelor of Laws from a university in New Zealand or a qualification that the Minister considers is equivalent to such a Bachelor of Laws; and
 - “(b) Is capable, because of the person’s personal attributes, knowledge, and experience, of performing the functions of a Referee and the functions of the Principal Disputes Referee set out in section 6c.
- “(3) The criteria and procedures for appointment may be further prescribed by rules made under section 60; but the failure to make any such rules does not preclude the appointment or reappointment of a person as Principal Disputes Referee.

- “(4) Subject to subsection (5), every person appointed as Principal Disputes Referee holds office for a term of 5 years.
- “(5) A Principal Disputes Referee may at any time be removed from office by the Governor-General for disability affecting the performance of duty, bankruptcy, neglect of duty, or inability, or misconduct, proved to the satisfaction of the Governor-General, or may at any time resign the office of Principal Disputes Referee by notice in writing addressed to the Minister.
- “(6) Unless the person sooner vacates the office under subsection (5), a Principal Disputes Referee continues in office until—
- “(a) That Principal Disputes Referee’s successor comes into office; or
 - “(b) The chief executive of the Ministry of Justice notifies the Principal Disputes Referee that no successor to that Principal Disputes Referee is to be appointed.

“6b Acting Principal Disputes Referee

- “(1) Whenever, by reason of illness, absence from New Zealand, or any other cause, the Principal Disputes Referee is prevented from exercising the functions and powers of his or her office, the Governor-General may, by writing under his or her hand, appoint any other Referee to act as Principal Disputes Referee until the Principal Disputes Referee resumes his or her duties.
- “(2) While a person acts as Principal Disputes Referee, the person may execute the duties of that office and may exercise all the functions and powers that may be lawfully exercised by the Principal Disputes Referee.

“6c Functions and powers of Principal Disputes Referee

- “(1) The functions of the Principal Disputes Referee are—
- “(a) To undertake appropriate measures to ensure that the integrity of the office of Referee is maintained and that Referees operate effectively and efficiently:
 - “(b) To oversee and maintain the integrity of the selection process for Referees:
 - “(c) To oversee the administrative performance of the Tribunals and of Referees:
 - “(d) To give legal advice to Referees, as appropriate, to enhance the consistency of decision making:
 - “(e) To advise the Chief District Court Judge on the assessment and fulfilment of the training needs of Referees:
 - “(f) To advise the Chief District Court Judge on the rostering of Referees:
 - “(g) To liaise, where appropriate, with interested persons on matters affecting the Referees or Tribunal proceedings:
 - “(h) To liaise, where appropriate, with Referees:

- “(i) To carry out such other functions as are conferred on the Principal Disputes Referee by rules made under section 60.
- “(2) Without limiting the generality of subsection (1), the Principal Disputes Referee may sit as a Referee and exercise the jurisdiction conferred on a Referee by this Act.
- “(3) The Principal Disputes Referee also has such other powers as are necessary or expedient to enable the Principal Disputes Referee to perform his or her functions and duties.”

4 Appointment of Referees

Section 7(4) of the principal Act is consequentially amended by omitting the words “disability, bankruptcy, neglect of duty,”, and substituting the words “disability affecting the performance of duty, bankruptcy, neglect of duty, inability,”.

5 Salary and allowances of Principal Disputes Referee

The principal Act is amended by inserting, after section 8, the following section:

“8a

- “(1) The Principal Disputes Referee is to be paid such remuneration as may from time to time be fixed by the Higher Salaries Commission.
- “(2) Travelling allowances and travelling expenses are to be paid to the Principal Disputes Referee in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act apply accordingly.”

6 Jurisdiction of Tribunals

Section 10(3) of the principal Act is amended by omitting the expression “\$3,000”, and substituting the expression “\$ 7,500”.

7 Extension of jurisdiction by agreement between the parties

Section 13(2) of the principal Act is amended by omitting the expression “\$5,000”, and substituting the expression “\$ 12,000”.

8 Orders of Tribunal

Section 19 of the principal Act is amended—

- (a) By omitting from subsections (5), (6), and (7) the expression “\$3,000” wherever it occurs, and substituting in each case the expression “\$7,500”:
- (b) By omitting from subsection (7) the expression “\$5,000”, and substituting the expression “\$ 12,000”.

9 Rules

Section 60(2)(a) of the principal Act is consequentially amended by inserting, after the words “appointment or reappointment”, the words “as Principal Disputes Referee or”.

10 Consequential amendments

The enactments specified in the Schedule are amended in the manner indicated in that schedule.

Schedule Consequential Amendments

Section 10

Enactment	Amendment
1969, No. 41—The Minors' Contracts Act 1969 (R.S. Vol. 3, p. 639)	By omitting from section 14a (as substituted by section 81 of the Disputes Tribunals Act 1988) the expression "\$3,000" wherever it occurs, and substituting in each case the expression "\$7,500". By omitting from section 14a(3) (as so substituted) the expression "\$5,000", and substituting the expression "\$ 12,000".
1970, No. 129—The Illegal Contracts Act 1970 (R.S. Vol. 21, p. 501)	By omitting from section 9a (as substituted by section 78 of the Disputes Tribunals Act 1988) the expression "\$3,000" wherever it occurs, and substituting in each case the expression "\$7,500". By omitting from section 9a(3) (as so substituted) the expression "\$5,000", and substituting the expression "\$12,000".
1971, No. 147—The Hire Purchase Act 1971 (R.S. Vol. 23, p. 509)	By omitting from section 47a (as substituted by section 76 of the Disputes Tribunals Act 1988) the expression "\$3,000" wherever it occurs, and substituting in each case the expression "\$7,500". By omitting from section 47a(3) (as so substituted) the expression "\$5,000", and substituting the expression "\$ 12,000".
1977, No. 54—The Contractual Mistakes Act 1977 (R.S. Vol. 31, p. 181)	By omitting from section 10 (as substituted by section 65 of the Disputes Tribunals Act 1988) the expression "\$3,000" wherever it occurs, and substituting in each case the expression "\$7,500". By omitting from section 10(3) (as so substituted) the expression "\$5,000", and substituting the expression "\$ 12,000".
1977, No. 110—The Higher Salaries Commission Act 1977 (R.S. Vol. 35, p. 307)	By inserting in the Fourth Schedule, after the item relating to the members and associate members of the Commerce Commission, the following item: "The Principal Disputes Referee."
1978, No. 50—The Fencing Act 1978 (R.S. Vol. 34, p. 525)	By omitting from section 24a (as inserted by section 73 of the Disputes Tribunals Act 1988) the expression "\$3,000" wherever it occurs, and substituting in each case the expression "\$7,500". By omitting from section 24a(3) (as so inserted) the expression "\$5,000", and substituting the expression "\$ 12,000".
1979, No. 11—The Contractual Remedies Act 1979	By omitting from section 13 (as substituted by section 68 of the Disputes Tribunals Act 1988) the expression "\$3,000" wherever it occurs, and substituting in each case the expression "\$7,500". By omitting from section 13(3) (as so substituted) the expression "\$5,000", and substituting the expression "\$ 12,000".

Enactment	Amendment
1981, No. 27—The Credit Contracts Act 1981	<p>By omitting from section 45a (as inserted by section 70 of the Disputes Tribunals Act 1988) the expression “\$3,000” wherever it occurs, and substituting in each case the expression “\$7,500”.</p> <p>By omitting from section 45a(3) (as so inserted) the expression “\$5,000”, and substituting the expression “\$ 12,000”.</p>
1982, No. 132—The Contracts (Privity) Act 1982	<p>By omitting from section 11 (as substituted by section 63 of the Disputes Tribunals Act 1988) the expression “\$3,000” wherever it occurs, and substituting in each case the expression “\$7,500”.</p> <p>By omitting from section 11(3) (as so substituted) the expression “\$5,000”, and substituting the expression “\$12,000”.</p>

This Act is administered in the Ministry of Justice and the Department for Courts.