

Wages Protection Amendment Act 1991

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An Act to amend the Wages Protection Act 1983

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title and commencement

- (1) This Act may be cited as the Wages Protection Amendment Act 1991, and shall be read together with and deemed part of the Wages Protection Act 1983 (hereinafter referred to as the principal Act).
- (2) This Act shall come into force on the 15th day of May 1991.

2 Employer may recover overpayments in certain circumstances

- (1) Section 6(1) of the principal Act is hereby amended by repealing paragraph (b) of the definition of the term “recoverable period”, and substituting the following paragraph:

“(b) Struck (within the meaning of section 2 of the Employment Contracts Act 1991); or”.

- (2) Section 6 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) Notwithstanding anything to the contrary in any collective employment contract within the meaning of the Employment Contracts Act 1991 but subject to subsection (3) of this section, an employer who has made an overpayment to any worker may recover the amount of that overpayment from any wages to the payment of which by that employer that worker subsequently becomes entitled.”

3 Worker may recover wages

Section 11(1) of the principal Act is hereby amended by omitting the words “a District Court”, and substituting the words “the Employment Tribunal, established under the Employment Contracts Act 1991, in the prescribed manner”.

4 Penalties

The principal Act is hereby amended by repealing sections 13 and 14, and substituting the following section:

“13

Where any payment is made by or on behalf of any employer in contravention of this Act, or where any employer or any person on that employer’s behalf contravenes or fails to comply with any of the provisions of this Act, that employer is liable, at the suit of the worker or of a Labour Inspector designated under section 143 of the Employment Contracts Act 1991, to a penalty under that Act.”

5 Provisions in collective employment contracts

- (1) The principal Act is hereby amended by repealing section 16 (as substituted by section 2 of the Wages Protection Amendment Act 1985), and substituting the following section:

“16

Subject to section 6(2) of this Act, nothing in this Act derogates from or makes it unlawful to comply with—

- “(a) Any provision of any collective employment contract within the meaning of the Employment Contracts Act 1991; or
- “(b) Any provision of any order of the Employment Court or the Employment Tribunal established under the Employment Contracts Act 1991.”

- (2) The Wages Protection Amendment Act 1985 is hereby consequentially repealed.

This Act is administered in the Department of Labour.