

*Hon. Mr. Armstrong.*

LABOUR DEPARTMENT AMENDMENT.

ANALYSIS.

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|-----------------------------------|-------------------------------------|
| Title.                            | 4. Other officers.                  |
| 1. Short Title.                   | 5. Delegation of Minister's powers. |
| 2. Secretary of Labour.           | 6. Consequential amendments.        |
| 3. Assistant Secretary of Labour. | Schedules.                          |

A BILL INTITULED

AN ACT to define the Functions of the Department of Labour established under the Labour Department Act, 1908, and to make Consequential Amendments of that Act and other Enactments.

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 Labour Department Amendment Act, 1936, and shall be read together with and deemed part of the Labour Department Act, 1908 (hereinafter referred to as the principal Act).

2. (1) There shall from time to time be appointed an officer of the Public Service to be called the Secretary of Labour (hereinafter referred to as the Secretary).

(2) The Secretary shall be the administrative head of the Department, and, under the control of the Minister, shall be charged with the administration of the principal Act and of the several Acts specified in the *First* Schedule hereto. All Inspectors, Registrars, Clerks, and other

officers of the Department, in the exercise and performance of the powers, duties, and functions conferred or imposed on them by any of the said Acts, shall act under the direction of the Secretary, and the Secretary may in any case exercise or perform any of the powers, duties, and functions of any such officer as if he personally held the office of that officer. 5

(3) The person holding office at the passing of this Act as Secretary to the Department shall be deemed to have been appointed as Secretary of Labour under this section. 10

Assistant  
Secretary of  
Labour.

3. (1) There shall also from time to time be appointed an officer of the Public Service to be called the Assistant Secretary of Labour, who shall, under the control of the Secretary, perform such general official duties as he is called upon to perform by the Secretary. 15

(2) On the occurrence from any cause of a vacancy in the office of Secretary (whether by reason of death or resignation or otherwise), and in case of the absence from duty of the Secretary (from whatever cause arising), and so long as the vacancy or absence continues, the Assistant Secretary shall have and may exercise all the powers, duties, and functions of the Secretary. 20

(3) The fact that the Assistant Secretary exercises or performs any power, duty, or function of the Secretary shall be conclusive evidence of his authority so to do. 25

(4) For the purposes of this section the powers, duties, and functions of the Secretary shall be deemed to include such of the powers of the Minister as the Secretary may for the time being be authorized to exercise pursuant to a delegation under section *five* hereof. 30

Other officers.

4. (1) There shall also be appointed such other officers of the Department as may be deemed necessary.

(2) All officers, other than the Secretary, holding permanent appointments at the passing of this Act as officers of the Department or as officers engaged in the administration of any of the Acts specified in the *First* Schedule hereto shall be deemed to have been appointed as officers of the Department under this section. 35 40

5. (1) The Minister may from time to time, by writing under his hand, delegate to the Secretary such of his statutory powers as he may think fit.

Delegation of  
Minister's  
powers.

(2) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister.

(3) Any such delegation may be made subject to such restrictions and conditions as the Minister thinks fit, and may be made either generally or in relation to any particular case.

(4) Unless and until any such delegation is revoked, it shall continue in force according to its tenor. In the event of the Minister by whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made by the person for the time being holding office as Minister, and, in the event of the Secretary to whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made to the person for the time being holding office as Secretary, or, if there is no Secretary in office, to the person for the time being authorized under section *three* hereof or otherwise to exercise the powers of the Secretary.

(5) The fact that the Secretary or any person acting for the Secretary as aforesaid exercises any power of the Minister shall in the absence of proof to the contrary be sufficient evidence that he has been authorized so to do by a delegation under this section.

6. The enactments specified in the *Second* Schedule hereto are hereby consequentially amended in the manner indicated in that Schedule.

Consequential  
amendments.

Schedules.

## SCHEDULES.

## FIRST SCHEDULE.

## ENACTMENTS TO BE ADMINISTERED BY THE DEPARTMENT OF LABOUR.

Title of Enactment.	Reference to Reprint of Statutes.
1908, No. 115—	
The Master and Apprentice Act, 1908 .. .. .	Vol. V, p. 559.
1908, No. 174—	
The Servants' Registry Offices Act, 1908 .. .. .	Vol. VIII, p. 1249.
1908, No. 177—	
The Agricultural Labourers' Accommodation Act, 1908 .. .. .	Vol. I, p. 55.
1908, No. 204—	
The Wages Protection and Contractors' Liens Act, 1908 .. .. .	Vol. VIII, p. 1179.
1913, No. 43—	
The Footwear Regulation Act, 1913 .. .. .	Vol. III, p. 236.
1913, No. 75—	
The Labour Disputes Investigation Act, 1913 .. .. .	Vol. III, p. 1017.
1916, No. 13—	
Part I of the War Legislation Amendment Act, 1916 .. .. .	Vol. IV, p. 1042.
1919, No. 50—	
The Shearers' Accommodation Act, 1919 .. .. .	Vol. I, p. 151.
1921-22, No. 42—	
The Factories Act, 1921-22 .. .. .	Vol. III, p. 198.
1921-22, No. 46—	
The Shops and Offices Act, 1921-22 .. .. .	Vol. III, p. 240.
1922, No. 39—	
The Workers' Compensation Act, 1922 .. .. .	Vol. V, p. 597.
1922, No. 49—	
The Scaffolding and Excavation Act, 1922 .. .. .	Vol. VIII, p. 1241.
1923, No. 41—	
The Apprentices Act, 1923 .. .. .	Vol. V, p. 576.
1925, No. 24—	
The Industrial Conciliation and Arbitration Act, 1925 .. .. .	Vol. III, p. 939.
1925, No. 26—	
The Weights and Measures Act, 1925 .. .. .	Vol. VIII, p. 1145.
1936, No. —	
The Employment Promotion Act, 1936 .. .. .	..

## SECOND SCHEDULE.

## MISCELLANEOUS AMENDMENTS.

Title of Enactment.	Number of Section, &c., affected.	Nature and Extent of Amendment.
1908, No. 93— The Labour Department Act, 1908 (Reprint of Statutes, Vol. VIII, p. 1176)	Section 4 ..	By repealing this section.
1908, No. 115— The Master and Apprentice Act, 1908 (Reprint of Statutes, Vol. V, pp. 560, 565)	Sections 5(1) and 19	By omitting the references to the Minister of Internal Affairs, and substituting in each case a reference to the Minister of Labour.
1920, No. 36— The Master and Apprentice Amend- ment Act, 1920 (Reprint of Statutes, Vol. V, pp. 571, 572, 573) (Ibid., p. 574) .. ..	Sections 2, 3, and 4  Section 6 ..	By omitting the references to the Minister of Immigration, and substituting in each case a reference to the Minister of Labour.  By repealing this section, and substituting the following section:— “6. In this Act the expression ‘the Minister’ means the Minister of Labour.”
1923, No. 41— The Apprentices Act, 1923 .. (Reprint of Statutes, Vol. V, p. 581)	Section 7 ..	By repealing subsection (1), and substituting the following subsection:— “(1) There shall from time to time be appointed an officer of the Public Service to be called the Registrar of Apprentices. Any Inspector of Factories may be appointed to be a District Registrar of Apprentices.”
1925, No. 24— The Industrial Conciliation and Arbitration Act, 1925 (Reprint of Statutes, Vol. III, p. 941)	Section 4 ..	By repealing subsection (1), and substituting the following subsection:— “(1) There shall from time to time be appointed an officer of the Public Service to be called the Registrar of Industrial Unions.” By repealing subsection (3).