

# ECONOMIC STABILISATION AMENDMENT BILL

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## EXPLANATORY NOTE

THIS Bill amends the Economic Stabilisation Act 1948.

*Clause 1* relates to the Short Title.

*Clause 2* inserts in section 2 of the principal Act definitions of the terms "conditions of employment", "instrument", and "remuneration". These definitions are required for the purposes of stabilisation regulations relating to the stabilisation and control of remuneration.

*Clause 3* inserts a new section 2A in the principal Act. The new section provides that the principal Act shall bind the Crown.

*Clause 4* uses the new definition of the term "remuneration" by omitting a reference to wages and salaries, and substituting a reference to remuneration.

*Clause 5* inserts a new section 11A in the principal Act.

*Subsection (1)* of the new section provides that where any stabilisation regulations affect or conflict with any provision of certain Acts or of any regulations or Order in Council made under any such Act, being a provision—

- (a) Relating to rates of remuneration or other conditions of employment or the making of any instrument; or
- (b) Relating to procedures for fixing rates of remuneration or other conditions of employment or for making any instrument; or
- (c) Specifying the body or person by which remuneration or conditions of employment are to be determined or any instrument is to be made,—the stabilisation regulations shall prevail.

*Subsection (3)* of the new section provides that where any stabilisation regulations affect or conflict with any provision of any Act that provides for the control, adjustment, or fixing of rents, the stabilisation regulations shall prevail.

*Subsection (4)* of the new section provides that nothing in the new section limits the generality of section 11 of the principal Act.

*Clause 6* deals with offences. In particular it enables stabilisation regulations to prescribe fines that are less than those that would otherwise apply under the principal Act.

The maximum fines that may be imposed under the principal Act are increased.

*Clause 7* inserts a new section 18A in the principal Act. The new section inserts in the principal Act certain provisions relating to offences. These provisions are along the lines of provisions that have often been included in stabilisation regulations.

*Clause 8* validates and confirms the stabilisation regulations specified in the Schedule to the Bill. These regulations include all the regulations by which the current price freeze, the current rent freeze, and the current wage freeze are imposed.

The clause does not affect any proceedings taken before or after the commencement of the Bill in respect of any offence committed before the commencement of the Bill.

*Clause 9* repeals spent provisions of the principal Act.

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*Hon. Mr Templeton*

## ECONOMIC STABILISATION AMENDMENT

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### ANALYSIS

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### A BILL INTITULED

#### **An Act to amend the Economic Stabilisation Act 1948**

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

- 1. Short Title**—This Act may be cited as the Economic Stabilisation Amendment Act 1982, and shall be read together with and deemed part of the Economic Stabilisation Act 1948\* (hereinafter referred to as the principal Act).
- 10 **2. Interpretation**—Section 2 of the principal Act is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:
- 15     “‘Conditions of employment’ include the conditions on which any office is held:
- 20     “‘Instrument’ means any award, agreement, order, determination, or decision (whether that award, agreement, order, determination, or decision is recorded in writing or not or in any regulations or Order in Council) that fixes rates of remuneration, or other conditions of employment, of an employee or holder of an office, or of more than one employee or holder of an office:

\*R.S. Vol. 6, p. 227

“ ‘Remuneration’ means salary or wages and all other payments of any kind whatsoever payable to any employee, or to the holder of any office, for his services; and includes any payment by way of expenses, refunds, or allowances to meet expenditure already incurred.” 5

**3. Act to bind the Crown**—The principal Act is hereby amended by inserting, after section 2, the following section:  
“2A. This Act binds the Crown.”

**4. Functions of Minister**—Section 4 (2) of the principal Act is hereby amended by omitting the words “wages, salaries”, and substituting the word “remuneration”.

**5. Further provisions as to stabilisation regulations**—The principal Act is hereby amended by inserting, after section 11, the following section: 15

“11A. (1) Where any stabilisation regulations affect or conflict with any provision of any Act specified or described in subsection (2) of this section or of any regulations or Order in Council made under any such Act, being a provision—

“(a) Relating to rates of remuneration or other conditions of employment or the making of any instrument; or

“(b) Relating to procedures for fixing rates of remuneration or other conditions of employment or for making any instrument; or

“(c) Specifying the body or person by which remuneration or conditions of employment are to be determined or any instrument is to be made,—

the stabilisation regulations shall prevail.

“(2) Subsection (1) of this section applies to the following Acts: 30

“(a) The Agricultural Workers Act 1977:

“(b) The Aircrew Industrial Tribunal Act 1971:

“(c) The Apprentices Act 1948:

“(d) The Coal Mines Act 1979:

“(e) The Education Act 1964: 35

“(f) The Higher Salaries Commission Act 1977:

“(g) The Hospitals Act 1957:

“(h) The Industrial Relations Act 1973:

“(i) The Police Act 1958:

“(j) The New Zealand Railways Corporation Act 1981: 40

“(k) The Post Office Act 1959:

“(l) The Shipping and Seamen Act 1952:

“(m) The State Services Act 1962:

“(n) The State Services Conditions of Employment Act 1977:

“(o) The Waterfront Industry Act 1976:

5 “(p) Any Act that, in relation to rates of remuneration or conditions of employment or any instrument, applies, directly or indirectly, any provision of an Act specified in paragraphs (a) to (o) of this subsection or any provision of any regulations or

10 Order in Council made under any such Act.  
“(3) Where any stabilisation regulations affect or conflict with any provision of any Act that provides for the control, adjustment, or fixing of rents, the stabilisation regulations shall prevail.

15 “(4) Nothing in this section limits the generality of section 11 of this Act.”

**6. Offences**—(1) Section 18 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

20 “(1A) Any stabilisation regulations may—

“(a) Prescribe offences in respect of the contravention of, or non-compliance with, any provision of any stabilisation regulations or of any direction, requisition, or condition given or imposed under

25 any stabilisation regulations:  
“(b) Prescribe the amount of the fines that may be imposed in respect of offences against any stabilisation regulations, which fines shall, in the case of an individual, be an amount not exceeding \$1,000 and, in the case of a company or other corporation,

30 be an amount not exceeding \$5,000.”  
(2) Section 18 (2) of the principal Act is hereby amended by inserting, after the words “this Act”, the words “or any stabilisation regulations”.

35 (3) Section 18 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) Except where, in the case of an offence against any stabilisation regulations, a lesser penalty is prescribed by

40 those regulations in respect of that offence, every person who commits an offence against this Act shall be liable on summary conviction,—  
“(a) In the case of an individual, to imprisonment for a

45 term not exceeding 3 months, or to a fine not exceeding \$1,000 and (if the offence is a continuing

one) to a further fine not exceeding \$50 for every day during which the offence continues, or to both such imprisonment and such fines:

“(b) In the case of a company or other corporation, to a fine not exceeding \$5,000 and (if the offence is a continuing one) to a further fine not exceeding \$100 for every day during which the offence continues.”

**7. Special provisions relating to offences**—The principal Act is hereby amended by inserting, after section 18, the following section: 10

“18A. (1) Any information may charge the defendant with any number of offences against any stabilisation regulations, if those offences are founded on the same set of facts, or form or are part of a series of offences of the same or a similar character. 15

“(2) Where any information charges more than one such offence, particulars of each offence charged shall be set out separately in the information.

“(3) All such charges shall be heard together, unless the Court, either before or at any time during the hearing, considers it just that any charge should be heard separately and makes an order to that effect. 20

“(4) Every payment made by an employer to an employee in breach of any provision of any stabilisation regulations shall be deemed to be a separate offence, whether there are several such payments to the same employee or to different employees.” 25

**8. Validation**—(1) The regulations specified in the Schedule to this Act are hereby validated and confirmed and are hereby declared to be, and to have always been, validly made under the principal Act. 30

(2) The regulations specified in the Schedule to this Act shall, while they continue in force, have the force of law.

(3) Notwithstanding anything in subsections (1) and (2) of this section, any regulations specified in the Schedule to this Act may be amended or revoked by regulations made under the principal Act. 35

(4) Nothing in subsections (1) and (2) of this section shall affect any proceedings taken before or after the commencement of this Act in respect of any offence committed before the commencement of this Act. 40

**9. Repeal of spent provisions**—Sections 12 and 19 of the principal Act, and the Schedule to the principal Act, are hereby repealed.

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## SCHEDULE

## REGULATIONS VALIDATED AND CONFIRMED

Title	Statutory Regulations Serial Number
The Wage Adjustment Regulations 1974 ... ..	1974/143
The Wage Adjustment Regulations 1974, Amendment No. 4 ... ..	1975/126
The Wage Adjustment Regulations 1974, Amendment No. 9 ... ..	1976/124
The Wage Adjustment Regulations 1974, Amendment No. 10 ... ..	1976/157
The Wage Adjustment Regulations 1974, Amendment No. 12 ... ..	1977/109
The Wage Adjustment Regulations 1974, Amendment No. 13 ... ..	1977/204
The Wage Adjustment Regulations 1974, Amendment No. 14 ... ..	1977/323
The Wage Adjustment Regulations 1974, Amendment No. 16 ... ..	1978/210
The Price Surveillance Regulations 1979 ... ..	1979/82
The Wage Adjustment Regulations 1974, Amendment No. 18 ... ..	1980/192
The Wage Adjustment Regulations 1974, Amendment No. 19 ... ..	1980/216
The Rent Freeze Regulations 1982 ... ..	1982/139
The Companies (Limitation of Distributions) Regula- tions 1982 ... ..	1982/140
The Wage Freeze Regulations 1982 ... ..	1982/141
The Price Freeze Regulations 1982 ... ..	1982/142
The Professional Charges (Price Freeze) Regulations 1982 ... ..	1982/143
The Limitation of Directors' Fees Regulations 1982 ...	1982/146
The Remuneration Freeze Regulations 1982 ... ..	1982/152
The Wage Adjustment Regulations 1974, Amendment No. 20 ... ..	1982/161
The Price Freeze Regulations 1982, Amendment No. 1 ... ..	1982/162
The Wage Freeze Regulations 1982, Amendment No. 1 ... ..	1982/172
The Financial Services Regulations (No. 2) 1982 ...	1982/181
The Price Freeze Regulations 1982, Amendment No. 2 ... ..	1982/188
The Wage Freeze Regulations 1982, Amendment No. 2 ... ..	1982/194
The Price Freeze Regulations 1982, Amendment No. 3 ... ..	1982/195
The Economic Stabilisation (Membership Fees, Subscriptions, and Levies) Regulations 1982 ...	1982/196
The Wage Freeze Regulations 1982, Amendment No. 3 ... ..	1982/217



SCHEDULE—*continued*REGULATIONS VALIDATED AND CONFIRMED—*continued*

Title	Statutory Regulations Serial Number
The Wage Freeze Regulations 1982, Amendment No. 4	1982/234
The Wage Adjustment Regulations 1974, Amendment No. 21	1982/235
The Price Freeze Regulations 1982, Amendment No. 4	1982/243
The Wage Freeze Regulations 1982, Amendment No. 5	1982/263