

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
11th November, 1948*

Hon. Mr. Nordmeyer

ECONOMIC STABILIZATION

ANALYSIS

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A BILL INTITULED

AN ACT to Make Provision for Economic Stabilization. Title.

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

5 of the same, as follows:—

1. This Act may be cited as the Economic Short Title.
Stabilization Act, 1948.

2. In this Act, unless the context otherwise Interpretation.
requires,—

10 “ Books or documents ” includes accounts, balance-sheets, vouchers, records, contracts, and other instruments:

“ Commission ” means the Economic Stabilization Commission appointed under this Act: Cf. Economic Stabilization Emergency Regulations 1942, Serial number 1944/36 (Reprint), Reg. 3

“ Director ” means the Director of Stabilization appointed under this Act; and includes any person for the time being authorized to exercise or perform any of the powers or functions of the Director: 5

“ Minister ” means the Minister of Industries and Commerce; and includes any person for the time being authorized to exercise or perform any of the powers or functions of the Minister: 10

“ Stabilization regulations ” means regulations made under this Act; and includes the regulations referred to in section *twelve* of this Act.

General purpose of Act.

Cf. Serial number 1944/36, Reg. 2

3. The general purpose of this Act is to promote the economic stability of New Zealand.

Administration

Functions of Minister.

Cf. *ibid.*, Reg. 4

4. (1) The Minister shall be charged with the general administration of this Act.

(2) In addition, the Minister shall be charged with the general function of doing all things that he deems necessary or expedient for the general purpose of this Act, and in particular for the stabilization, control, and adjustment of prices of goods and services, rents, other costs, and rates of wages, salaries, and other incomes. 20

Director of Stabilization.

Cf. *ibid.*, Reg. 10

5. (1) There shall from time to time be appointed as an officer of the Public Service a Director of Stabilization. 25

(2) The Director shall have such functions in relation to the administration of this Act as are conferred on him by this Act or by any stabilization regulations or as the Minister from time to time determines. 30

Economic Stabilization Commission

Economic Stabilization Commission.

Cf. *ibid.*, Reg. 5

6. (1) There is hereby established for the purposes of this Act a Commission, to be known as the Economic Stabilization Commission.

(2) The Commission shall consist of such persons (not exceeding six in number) as the Minister from time to time appoints to be members thereof. 35

(3) One member of the Commission shall be appointed by the Minister to be the Chairman thereof.

(4) The Chairman and every other member of the Commission shall hold office during the pleasure of the Minister. 40

(5) The powers of the Commission shall not be affected by any vacancy in the membership thereof.

7. The Commission shall be deemed to be a Commission under the Commissions of Inquiry Act, 1908, and, subject to the provisions of this Act and of any stabilization regulations, all the provisions of that Act shall apply accordingly.

Commission to be a Commission of Inquiry.

Cf. Serial number 1944/36, Reg. 6

See Reprint of Statutes, Vol. I, p. 1036

8. Subject to the provisions of this Act and of any stabilization regulations, the Commission may regulate its procedure in such manner as it thinks fit.

Procedure.

Cf. Serial number 1944/36, Reg. 7

9. There may from time to time be appointed as officers of the Public Service a Secretary of the Commission and such other officers as may be required for the purposes of this Act.

Officers of Commission.

Cf. *ibid.*, Reg. 8

10. (1) The principal function of the Commission shall be to make recommendations to the Minister, after inquiry and investigation, in relation to the economic stabilization of New Zealand and the functions of the Minister under this Act.

Functions of Commission.

Cf. *ibid.*, Reg. 9

(2) In addition to exercising its functions under subsection *one* of this section, the Commission may exercise administrative functions in respect of any matters referred to it by the Minister for that purpose, and shall have such other functions as are conferred on it by this Act or by any stabilization regulations.

Stabilization Regulations

11. (1) The Governor-General may from time to time, by Order in Council, make such regulations (in this Act referred to as stabilization regulations) as appear to him to be necessary or expedient for the general purpose of this Act and for giving full effect to the provisions of this Act and for the due administration of this Act.

Stabilization regulations.

(2) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section for enabling the Minister to exercise his functions under this Act, and, in particular, for all or any of the following purposes:—

(a) Regulating the marketing of any goods or classes of goods for the general purpose of this Act:

- (b) Equalizing as far as possible the net returns received or payable in respect of any goods or classes of goods, and for that purpose imposing levies in respect of any goods or classes of goods: 5
- (c) The recovery of subsidies paid out of public moneys in respect of any goods or classes of goods:
- (d) Providing for the appointment of officers and committees and other bodies, and defining 10 their functions and powers.

(3) Stabilization regulations may empower or provide for empowering such authorities, persons, or classes of persons as may be specified in the regulations to make orders for any of the purposes for which regulations are 15 authorized by this section to be made, and may contain such incidental and supplementary provisions as appear to the Governor-General in Council to be necessary or expedient for the purposes of the regulations.

(4) All regulations made under this Act shall be laid 20 before Parliament within twenty-eight days after the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the commencement of the next ensuing session.

Certain emergency regulations to continue in force as stabilization regulations. 1939, No. 8 1947, No. 66

12. (1) The regulations specified in the Schedule to 25 this Act (being emergency regulations within the meaning of the Emergency Regulations Act, 1939) shall continue in force as if they had been made under this Act.

(2) The Second Schedule to the Emergency Regulations Continuance Act, 1947, is hereby consequentially 30 amended by omitting all references to any of the regulations specified in the Schedule to this Act.

Publication in *Gazette*, &c., to be notice to all persons concerned. 1936, No. 17

13. The publication in the *Gazette* or in accordance with the Regulations Act, 1936, whether before or after the commencement of this Act, of any stabilization regu- 35 lations, or of any Order in Council, Proclamation, order, notice, warrant, licence, or other act of authority under this Act or under any stabilization regulations shall for all purposes be deemed to be notice thereof to all persons 40 concerned, and in any prosecution under this Act the liability of the accused shall be determined accordingly.

Miscellaneous

14. (1) For the purpose of obtaining any information that may be required for the purposes of this Act or of any stabilization regulations, the Minister or any person
5 authorized by him in writing in that behalf may from time to time—

Inquiries and investigations.
Cf. Serial number 1944/36, Regs. 9A, 44

- (a) Inspect, examine, and audit any books or documents:
- 10 (b) Require any person to produce any books or documents in his possession or under his control, and to allow copies of or extracts from any such books or documents to be made:
- 15 (c) Require any person to furnish, in a form to be approved by or acceptable to the Minister, any information or particulars that may be required by the Minister, and any copies of or extracts from any such books or documents as aforesaid.

(2) The Minister may, if he thinks fit, require that
20 any written information or particulars or any copies or extracts furnished under this section shall be verified by statutory declaration or otherwise as the Minister may require.

15 15. (1) The Minister or any other person with the authority of the Minister may from time to time, either generally or particularly, delegate any of the powers conferred on him by this Act or by any stabilization regulations, including the power of delegation conferred by this section.

Delegation of powers.
Cf. *ibid.*, Reg. 45

30 (2) Subject to any general or special directions given by the Minister or other person by whom any powers are delegated as aforesaid, the person to whom any powers are so delegated may exercise those powers in the same manner as if they had been conferred on him
35 directly by this Act and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

40 (4) Any delegation under this section may be made to a specified person or to persons of a specified class, or to the holder or holders for the time being of a specified office or appointment or class of offices or appointments.

(5) The delegation by the Minister or by any other person of any powers conferred on him by or under this Act or by or under any stabilization regulations shall not prevent the personal exercise of those powers by the Minister or by that other person.

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Authentication
of documents.

Cf. Serial
number
1944/36,
Reg. 46

16. Any written notice, direction, approval, requisition, or other instrument, given, granted, or made by the Minister or by any other person authorized in that behalf under this Act or under any stabilization regulations shall be sufficiently authenticated if it is signed by the Minister or authorized person or by any person on behalf of and by direction of the Minister or authorized person, as the case may be.

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Notices.

Cf. *ibid.*,
Reg. 47

17. (1) The Minister or any person authorized in that behalf may give notice to any person of any direction, approval, requisition, or condition given or imposed under this Act or under any stabilization regulations, and every person to whom the notice is given shall be bound thereby.

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(2) Except where otherwise specially provided, any notice required to be given to any person for the purposes of this Act or of any stabilization regulations may be given by causing it to be delivered to that person, or to be left at his usual or last known place of abode or business or at the address specified by him in any application, notice, or other document received from him by the Minister or authorized person or to be posted in a letter addressed to him at that place of abode or business or at that address.

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(3) If any such notice is sent to any person by registered letter it shall be deemed to have been delivered to him when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

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(4) Every notice under this Act or under any stabilization regulations shall take effect on the date when it is published or given, or on such later date as may be specified in that behalf in the notice.

(5) Any notice given under this Act or under any stabilization regulations may be at any time varied or revoked by a subsequent notice.

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18. (1) Every person commits an offence against this Act who—

Offences.
Cf. Serial
number
1944/36,
Reg. 48

- 5 (a) Without lawful justification or excuse, acts in contravention of or fails to comply in any respect with any provision of this Act or of any stabilization regulations or any direction, requisition, or condition given or imposed under this Act or under any such regulations:
- 10 (b) Resists, obstructs, or deceives, or attempts to deceive any Court, authority, or person that is exercising or attempting to exercise any power or function under this Act or under any stabilization regulations:
- 15 (c) Makes any false or misleading statement or any material omission in any communication with or application to the Minister or any other person (whether in writing or otherwise) for the purposes of this Act or of any stabilization regulations, or in any information, particulars, copy, extract, or return furnished under this Act or under any such regulations:
- 20 (d) Offers any bribe or other unlawful or improper inducement to any person with intent to influence him in the exercise of any powers, duties, or functions under or for the purposes of this Act or any stabilization regulations:
- 25 (e) Commits an offence against any stabilization regulations.

30 (2) Any offence against this Act committed by a servant or agent in the course of his employment shall be deemed to have been also committed by his employer or principal unless the employer or principal proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the

35 commission of the offence.

(3) Except where otherwise expressly provided, every person who commits an offence against this Act shall be liable on summary conviction,—

- 40 (a) In the case of an individual, to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds and (if the offence is a continuing one) to a further fine not exceeding five pounds for every day during which the offence continues, or to both such
- 45 imprisonment and such fines:

(b) In the case of a company or other corporation, to a fine not exceeding five hundred pounds and (if the offence is a continuing one) to a further fine not exceeding twenty pounds for every day during which the offence continues. 5

Revocations
and savings.
Serial numbers
1942/335 and
1944/9

19. (1) Parts II and V of the Economic Stabilization Emergency Regulations 1942, and regulation two of the Economic Stabilization Emergency Regulations 1942, Amendment No. 3, are hereby revoked.

Serial number
1940/322

(2) Regulation twenty-two of the Hides Emergency Regulations 1940 (No. 2) is hereby amended by omitting the words "under the Emergency Regulations Act, 1939". 10

(3) All orders, approvals, directions, requisitions, conditions, and notices that originated under any of the regulations hereby revoked, and are subsisting or in force at the commencement of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, 15
20 be deemed to have so originated.

(4) All matters and proceedings that have been commenced under any such regulation, and are pending or in progress at the commencement of this Act, may be continued and completed under this Act. 25

(5) Nothing in the foregoing provisions of this section shall affect the liability of any person for any offence committed before the commencement of this Act.

SCHEDULE

Schedule.

EMERGENCY REGULATIONS CONTINUED IN FORCE AS
STABILIZATION REGULATIONS

Section 12

| Title. | Serial Number. |
|---|----------------|
| The Economic Stabilization Emergency Regu- | |
| lations 1942 | 1942/335 |
| Amendment No. 1 | 1943/38 |
| Amendment No. 2 | 1943/49 |
| Amendment No. 3 | 1944/9 |
| Amendment No. 4 | 1944/93 |
| Amendment No. 5 | 1945/6 |
| Amendment No. 6 | 1945/75 |
| Amendment No. 7 | 1946/2 |
| Amendment No. 9 | 1946/184 |
| Amendment No. 10 | 1946/208 |
| Amendment No. 11 | 1947/29 |
| Amendment No. 12 | 1947/87 |
| Amendment No. 13 | 1948/64 |
| The Rates of Wages Emergency Regulations | |
| 1940 | 1940/86 |
| Amendment No. 1 | 1940/116 |
| Amendment No. 2 | 1940/242 |
| The Hides Emergency Regulations 1940 | |
| (No. 2) | 1940/322 |
| The Pickled Sheep and Lamb Pelt Emergency | |
| Regulations 1947 | 1947/15 |
| Amendment No. 1 | 1948/9 |
| The Sheep-skin Emergency Regulations 1947 | 1947/101 |

By Authority: E. V. PAUL, Government Printer, Wellington.—1948.