

Serial Number 1946/23



THE EMPLOYMENT (INFORMATION) REGULATIONS 1946

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 13th day of
March, 1946

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Employment Act, 1945, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Employment (Information) Regulations 1946.

(2) These regulations shall come into force on the 1st day of April, 1946, and shall apply with respect to the half-year and month current on that date, and to every season current on that date, as well as to all subsequent half-years, months, and seasons.

2. (1) In these regulations, unless the context otherwise requires,—

“The Act” means the Employment Act, 1945 :

“Department” means the National Employment Service established under the Act :

“Director” means the Director of Employment appointed under the Act, and includes any person for the time being duly authorized to exercise or perform any of the powers or functions of the Director :

“District Employment Office” means an office of the Department designated as a District Employment Office by the Director :

“District Employment Officer” means an officer of the Department appointed to be a District Employment Officer, and includes any person for the time being duly authorized to exercise or perform any of the powers or functions of a District Employment Officer :

“Employer” means any person or body of persons (whether incorporated or not) that employs any workers, and includes any manager or other person acting on behalf of an employer :

- “ Worker ” means a person employed to perform any work or service, whether remunerated by wages or salary, or by commission, or otherwise :
- “ Half-year ” means the period of six months ending on the 15th day of April or the 15th day of October in any year :
- “ Month ” means a period commencing on the 16th day of a calendar month and ending on the 15th day of the next succeeding calendar month :
- “ Industry ” includes any trade, occupation, business, manufacture, undertaking, work, or service whatsoever :
- “ General industry ” means any industry except—
- (a) The building and construction industry ;
 - (b) A seasonal industry ; and
 - (c) The industries of farming, the loading and unloading of ships, fishing and trapping :
- “ Building and construction industry ” includes all operations on the site where any building or construction work is proceeding, and also includes—
- (a) All land development and improvement work, including drainage, irrigation, land-clearing and the preparation of land for the establishment of farms or other industrial activities, soil conservation and river control, and reclamation of land from sea, lakes, or swamps ;
 - (b) The building and construction of communications, including radio, telephone, telegraph, and cable communications ; highways, roads, and streets ; tramways and railways ; aerodromes ; harbours and inland waterways ;
 - (c) The construction of water-supply, sewerage, and storm-water drainage works, including water-boring and well-sinking ;
 - (d) All hydro-electric building and construction work, including the construction of electric-power supply lines and electrical reticulation ;
 - (e) The construction, alteration, repair, and renovation of buildings (masonry, bricklaying, carpentry, plastering, floor-laying, paperhanging, painting and decorating, tiling and roof-fixing, glazing, plumbing, gasfitting, drainlaying, electrical wiring, the exterior cleaning of buildings, and all other operations carried out on the site of any building work) ; and
 - (f) The operations of all architects, civil engineers, and other persons concerned with the designing and planning of building and construction works :
- “ Seasonal industry ” means—
- (a) The industry of meat-freezing or meat-preserving ;
 - (b) The industry of preserving any other food, whether by dehydration or otherwise ;
 - (c) The industry of jam, pickle, or sauce manufacture ;
 - (d) The industry of a butter-factory or cheese-factory, or of any premises registered as a manufacturing dairy under the Dairy-produce Regulations 1938* ;
 - (e) The industry of a wool-store ; or
 - (f) The industry of grain-threshing or chaffcutting.

* Statutory Regulations 1938, Serial number 1938/91, page 396.

Amendment No. 1 : Statutory Regulations 1942, Serial number 1942/18, page 47.

- (2) For the purposes of these regulations,—
- (a) Any person who performs any work or service for himself shall be deemed to be a worker employed by himself and to be his own employer :
- (b) Where any member of an unincorporated body of persons performs any work or service for that body, he shall be deemed to be a worker employed by the body, and the body shall be deemed to be his employer.

HALF-YEARLY RETURNS BY EMPLOYERS IN GENERAL INDUSTRIES AND IN BUILDING AND CONSTRUCTION INDUSTRY

3. (1) Every employer who employs any workers in a general industry at any time during any half-year, if he employs not less than two such workers on the last day of the period paid for on the last pay-day in that half-year, shall, in a form to be provided by the Director, furnish a return in accordance with this regulation giving the information indicated in the form, being the information specified in the First Schedule hereto and such other information as the Director thinks fit.

(2) Every employer who employs any workers in the building and construction industry at any time during any half-year, if he employs not less than two such workers on the last day of the period paid for on the last pay-day in that half-year, shall, in a form to be provided by the Director, furnish a return in accordance with this regulation giving the information indicated in the form, being the information specified in the Second Schedule hereto and such other information as the Director thinks fit.

(3) Every return under this regulation shall be delivered to the District Employment Officer at the District Employment Office nearest to the employer's place of business or principal place of business, or at such other District Employment Office as may in any case be required by the Director.

(4) Every such return shall be so delivered within seven days after the end of the half-year to which it relates.

(5) Except where the Director otherwise agrees, every employer who is required to furnish a return under this regulation shall furnish a separate return in respect of every separate business, works, or branch in which he employs any workers in a general industry or in the building and construction industry.

MONTHLY RETURNS BY EMPLOYERS IN SEASONAL INDUSTRIES

4. (1) Every employer who employs any workers in a seasonal industry at any time during any season shall, in a form to be provided by the Director, furnish for every month during such period as the Director may require a return in accordance with this regulation giving the information indicated in the form, being the information specified in the Third Schedule hereto and such other information as the Director thinks fit.

(2) Every return under this regulation shall be delivered to the District Employment Officer at the District Employment Office nearest to the employer's place of business or principal place of business, or at such other District Employment Office as may in any case be required by the Director.

(3) Every such return shall be so delivered within three days after the end of the month to which it relates.

(4) Except where the Director otherwise agrees, every employer who is required to furnish a return under this regulation shall furnish a separate return in respect of every separate business, works, or branch in which he employs any workers in a seasonal industry.

GENERAL POWER TO SECURE INFORMATION

5. (1) The Director, or any District Employment Officer acting with the authority of the Director, may from time to time require any employer or class of employers, or all employers (with or without exception), to furnish such information or particulars as the Director thinks fit in relation to all or any of the following matters:—

- (a) The numbers and classes of workers engaged or likely to be engaged by the employer during any specified period or periods or on any specified date or dates:
- (b) The numbers and classes of workers whose employment has been terminated or is likely to be terminated during any specified period or periods or on any specified date or dates:
- (c) The numbers and classes of workers in the employment of the employer during any specified period or periods or on any specified date or dates:
- (d) The amount of wages (including or showing separately overtime, bonus, and other payments) paid by the employer during any specified period or periods:
- (e) The accommodation or transport of workers:
- (f) The nature and availability of employment.

(2) Any information or particulars required to be furnished under this regulation shall be furnished in such manner or form, to such person, at such place, and on such date or within such period as the Director or District Employment Officer in any case requires.

(3) The Director or District Employment Officer may require any information or particulars to be furnished under this regulation either generally, or in respect of any specified district, or districts, or in respect of each separate business, works, or branch carried on by an employer, or in respect of any specified part of any such business, works, or branch.

INFORMATION RELATING TO SUBSIDIES AND OTHER PAYMENTS

6. For the purpose of obtaining any information in relation to any subsidy or other moneys paid by the Crown to any employer or other person for the purposes of the Act, any officer of the Department acting with the authority of the Director may from time to time—

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

GENERAL

7. (1) The Director or any person authorized in that behalf may give public notice of the exercise of any of his powers under these regulations or of any requirement imposed by him under these regulations, and all persons shall be bound thereby.

(2) For the purposes of these regulations, the term "public notice" means a notice published in the *Gazette* or in a newspaper circulating in the locality in which the matter of the notice arises or to which it relates.

(3) The Director or any person authorized in that behalf may, without public notice, give notice to any person of any such requirement, and every person to whom notice is so given shall be bound thereby.

(4) Except where otherwise specially provided, any notice required to be given to any person for the purposes of these 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 document received from him by the Department, or to be posted in a letter addressed to him at that place of abode or business or at that address.

(5) 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.

(6) Every notice under these 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.

(7) Any notice given under these regulations may be at any time varied or revoked by a subsequent notice.

8. (1) Any written notice, requirement, or other instrument given or made by the Director or any person authorized in that behalf under these regulations shall be sufficiently authenticated if it is signed by the Director or authorized person or by any person on behalf of and by direction of the Director or authorized person, as the case may be.

(2) Every instrument purporting to be signed by or on behalf of the Director or any person authorized in that behalf shall, in the absence of proof to the contrary, be deemed to have been duly signed by or on behalf of and by direction of the Director or authorized person, as the case may be.

9. (1) Every person commits an offence against these regulations who—

- (a) Acts in contravention of or fails to comply in any respect with any provision of these regulations or of any requirement imposed under these regulations :
- (b) Resists, obstructs, deceives, or attempts to deceive any person who is exercising or attempting to exercise any power or function under these regulations :
- (c) Makes any false or misleading statement or any material omission in any return, information, or particulars furnished under these regulations.

(2) Every person who aids, abets, counsels, or procures or is in any way knowingly concerned with the commission of an offence against these regulations shall be deemed to have committed an offence against these regulations.

(3) Any offence against these regulations 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.

(4) Every person who commits or attempts to commit an offence against these regulations shall be liable on summary conviction to a fine not exceeding £25.

SCHEDULES

FIRST SCHEDULE

INFORMATION required in respect of workers engaged in general industries :—

- (1) Name of firm :.....
- (2) Particular works, business, or branch covered :.....
- (3) Type of main production or other activity carried on in such works, business, or branch :.....
- (4) Total employees in receipt of wages, salary, or other remuneration on the last day of the period paid for on the last pay-day in each of the six months covered, each month ending on the 15th day of a calendar month :—
 - (a) Total males :.....
 - (b) Total females :.....
- (5) Comment on any marked increases or decreases in employment shown :.....
- (6) Total amount paid out in wages, salary, or other remuneration for the week or (as the case may be) the last week paid for on the last pay-day in each month :—
 - (a) Paid to male employees—
 - (i) Ordinary time :.....
 - (ii) Overtime :.....
 - (b) Paid to female employees—
 - (i) Ordinary time :.....
 - (ii) Overtime :.....
- (7) Comment on the reasons for any necessity to work short-time and on the amount and duration of this :.....
- (8) By main occupational groups, males and females separately, particulars of—
 - (a) Number of persons employed at the beginning of the six-monthly period (*i.e.*, on the last day of the period paid for on the last pay-day in the preceding half-year)—
 - (i) Under twenty-one years of age :.....
 - (ii) Twenty-one years of age and over :.....
 - (b) Number of persons employed at the end of the six-monthly period (*i.e.*, on the last day of the period paid for on the last pay-day in the half-year)—
 - (i) Under twenty-one years of age :.....
 - (ii) Twenty-one years of age and over :.....
 - (c) Number of persons engaged during the six-monthly period—
 - (i) Under twenty-one years of age :.....
 - (ii) Twenty-one years of age and over :.....
 - (d) Number of vacancies unfilled at the end of the six-monthly period—
 - (i) For persons under twenty-one years of age :
.....
 - (ii) For persons twenty-one years of age and over :
.....
- (9) Forecast regarding the possibility of any increase or decrease in the numbers of employees during the next six-monthly period, and any special vacancies likely to arise, and any particular difficulty the business is likely to face :.....

SECOND SCHEDULE

INFORMATION required in respect of workers engaged in the building and construction industry :—

- (1) Name of firm :.....
- (2) Particular branch covered :.....
- (3) Total employees in receipt of wages, salary, or other remuneration on the last day of the period paid for on the last pay-day in each of the six months covered, each month ending on the 15th day of a calendar month :—
 - (a) Total males :.....
 - (b) Total females :.....
- (4) Comment on any marked increases or decreases in employment shown :.....
- (5) Total amount paid out in wages, salary, or other remuneration for the week or (as the case may be) the last week paid for on the last pay-day in each month :—
 - (a) Paid to male employees—
 - (i) Ordinary time :.....
 - (ii) Overtime :.....
 - (b) Paid to female employees—
 - (i) Ordinary time :.....
 - (ii) Overtime :.....
- (6) Comment on the reasons for any necessity to work short-time and on the amount and duration of this :.....
- (7) By main occupational groups, particulars of—
 - (a) The numbers engaged on various main classes of building and construction work at the end of the six-monthly period (*i.e.*, on the last day of the period paid for on the last pay-day in the half-year) :.....
 - (b) The number of vacancies unfilled at the end of the six-monthly period :.....
- (8) Forecast regarding the possibility of any increase or decrease in the numbers of employees during the next six-monthly period, and any special vacancies likely to arise, and any particular difficulty the business is likely to face :.....

THIRD SCHEDULE

INFORMATION required in respect of workers engaged in seasonal industries :—

- (1) Name of firm :.....
- (2) Particular works, business, or branch covered :.....
- (3) Type of main production or other activity carried on in such works, business, or branch :.....
- (4) Total employees in receipt of wages, salary, or other remuneration on the last day of the period paid for on the last pay-day in the month, each month ending on the 15th day of a calendar month :—
 - (a) Total males :.....
 - (b) Total females :.....
- (5) Total amount paid out in wages, salary, or other remuneration for the week or (as the case may be) the last week paid for on the last pay-day in the month :—
 - (a) Paid to male employees—
 - (i) Ordinary time :.....
 - (ii) Overtime :.....
 - (b) Paid to female employees—
 - (i) Ordinary time :.....
 - (ii) Overtime :.....
- (6) The number of persons engaged during the monthly wage period (*i.e.*, from the last day paid for on the last pay-day in the preceding month to the last day paid for on the last pay-day in the month for which the information is required, males and females shown separately :—
 - (a) Under twenty-one years of age :.....
 - (b) Twenty-one years of and over :.....
- (7) The number of persons put off during the monthly wage period, males and females shown separately :—
 - (a) Under twenty-one years of age :.....
 - (b) Twenty-one years of age and over :.....

- (8) Particulars of vacancies existing or likely to arise within the succeeding monthly wage period :.....
- (9) An estimate of the peak labour force required, males and females shown separately :.....
- (10) The approximate date of the peak of seasonal activities :.....
- (11) The number of persons likely to be put off during the succeeding monthly wage period, males and females shown separately :.....

W. O. HARVEY,
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 28th day of March, 1946.

These regulations are administered in the National Service Department.