

Serial Number 1944/36

Reprint under section 7 of the Regulations Act, 1936, of Serial number 1942/335 as amended by Serial numbers 1943/38, 1943/49, and 1944/9.



**THE ECONOMIC STABILIZATION EMERGENCY
REGULATIONS 1942 (REPRINT)**

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 15th day of
December, 1942

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

PART I.—PRELIMINARY

1. (1) These regulations may be cited as the Economic Stabilization Emergency Regulations 1942.

(2) These regulations shall come into force on the date of the notification in the *Gazette* of the making thereof.*

2. The general purpose of these regulations is to promote the economic stability of New Zealand.

3. In these regulations, unless the context otherwise requires,—

“ Commission ” means the Economic Stabilization Commission appointed under these regulations :

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

“ 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.

* See end note.

PART II.—ADMINISTRATION

Functions of Minister

4. (1) The Minister of Industries and Commerce shall be charged with the general administration of these regulations.

(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 these regulations, 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, and for the direction and co-ordination for the general purpose aforesaid of the activities of all other persons or authorities having any functions in relation to any of those matters.

(3) In the exercise of any powers or functions under or for the purposes of these regulations, the Director and every other person shall act in accordance with all directions, general or special, given in that behalf by the Minister.

Economic Stabilization Commission

5. (1) There is hereby established for the purposes of these regulations a Commission, to be known as the Economic Stabilization Commission.

(2) The Commission shall consist of such persons as the Minister from time to time appoints to be members thereof.

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

(4) Every member of the Commission shall hold office during the pleasure of the Minister.

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

6. The Commission shall be deemed to be a Commission under the Commissions of Inquiry Act, 1908,* and shall be deemed to have been appointed under the extended powers conferred by the Commissions of Inquiry Emergency Regulations 1941†, and, subject to the provisions of these regulations, all the provisions of that Act and of those regulations shall apply accordingly.

7. Subject to the provisions of these regulations, the Commission may regulate its procedure in such manner as it thinks fit.

8. There may be appointed a Secretary of the Commission and such other officers and servants as may be required for the purposes of these regulations.

9. (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 these regulations.

(2) In addition to exercising its function under subclause (1) of this regulation, the Commission may exercise administrative functions in respect of any matters referred to it by the Minister for that purpose.

* See Reprint of Statutes, Vol. I, page 1036.

† Statutory Regulations 1941, Serial number 1941/10, page 19.

[9A. (1) For the purpose of obtaining any information that may be required by the Commission for the purposes of these regulations the Commission or any person appointed by it in that behalf may from time to time—

- (a) Inspect and examine 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 Commission, any information or particulars that may be required by the Commission :
- (d) Enter any land, building, or place.

(2) Every person commits an offence against these regulations who—

- (a) Resists, obstructs, deceives, or attempts to deceive any person who is exercising or attempting to exercise any power or function under this regulation :
- (b) Makes any false or misleading statement or any material omission in any information or particulars furnished under this regulation :
- (c) Fails to comply in any respect with any requirement under this regulation.

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

(4) Any offence against this regulation 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.]

Regulation 9A as printed within brackets was inserted by Regulation 2 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 3 (Serial number 1944/9).

Director of Stabilization

10. (1) The Minister may from time to time appoint any person to be the Director of Stabilization.

(2) The Director shall hold office during the pleasure of the Minister.

(3) The Director shall have such functions in relation to the administration of these regulations as the Minister from time to time determines.

PART III.—STABILIZATION OF RENTS

11. This Part of these regulations shall bind the Crown.

12. (1) For the purposes of this Part of these regulations, unless the context otherwise requires,—

“Authorized person” means a person appointed by the Minister to be an authorized person for the purposes of these regulations :

[“The Court” means the Supreme Court where that Court has jurisdiction in accordance with this Part of these regulations, and, where a Magistrate or any specified Magistrate has jurisdiction in accordance with this Part of these regulations, means any Magistrate or the Magistrate so specified, as the case may be :]

“ Property ” means any land or interest in land or any building or part of a building that at the commencement of these regulations or at any time thereafter is let for any purpose under a separate tenancy ; and includes any chattels that may be let therewith ; but does not include any dwellinghouse to which the Fair Rents Act, 1936, for the time being applies :

“ Rents Commission ” means a Rents Commission appointed under these regulations.

(2) Where two or more properties are for the time being let under the same tenancy they shall, for the purposes of this Part of these regulations, be deemed to be one property.

The definition of “ The Court ” as printed within brackets in subclause (1) of Regulation 12 was substituted by Regulation 2 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 1 (Serial number 1943/38).

13. The Minister may from time to time appoint to be an authorized person or authorized persons for the purposes of these regulations any specified person or persons of any specified class, or the holder or holders for the time being of a specified office or appointment or class of offices or appointments.

14. (1) For the purposes of this Part of these regulations the expression “ the basic rent ” means—

- (a) With reference to any property let on the 1st day of September, 1942, the rent payable as on that date :
- (b) With reference to any property that was not let on that date, the rent that was last payable before that date or, in the case of any property first let after that date, the rent first payable in respect thereof :

Provided that where pursuant to any agreement made before the 1st day of September, 1942, a greater or less rent is payable in respect of the property for any period after that date, the basic rent for any such period shall be the rent so payable for that period.

(2) Any increase in the basic rent of any property that has been made since the 1st day of September, 1942, and before the commencement of these regulations, and any increase in the basic rent of any property that is made after the commencement of these regulations, shall, notwithstanding anything to the contrary in any agreement, be irrecoverable.

(3) Nothing in the foregoing provisions of this regulation shall be deemed to render irrecoverable any rent payable in respect of any property for any period if a fair rent has been fixed in accordance with this Part of these regulations in respect of the property for that period, and the rent charged does not exceed the fair rent so fixed.

15. (1) On application in that behalf made by or on behalf of either the landlord or the tenant of any property, the Court may at any time and from time to time make an order determining the fair rent of that property.

(2) Every order made under this regulation shall take effect on a date to be specified therein in that behalf, being not earlier in any case than the date of the application :

Provided that if the fair rent fixed by the order exceeds the rent for the time being payable under the tenancy, the order fixing the fair rent shall not take effect before the expiration of fourteen days after the date on which the order is made :

Provided also that if the application is made within one month after the commencement of these regulations, then, notwithstanding the foregoing provisions, the order fixing the fair rent may take effect retrospectively as on and from any date to be specified therein in that behalf, being not earlier than the 1st day of September, 1942.

(3) If the fair rent so fixed exceeds the rent for the time being payable under the tenancy, the rent payable in respect of any period after the order has taken effect may be increased by the landlord to an amount not exceeding the fair rent.

(4) If the fair rent so fixed is less than the rent for the time being payable under the tenancy the landlord shall, as from the date on which the order takes effect, reduce the rent to an amount not exceeding the fair rent.

(5) An order may be made under this regulation on the application of the prospective landlord of any property, notwithstanding that the property is not for the time being let. Any authorized person may oppose any such application.

16. (1) On the hearing of any application to fix the fair rent of any property, the Court shall not have regard to the circumstances of the landlord or of the tenant or to any general or local increase in values since the 1st day of September, 1939, but after taking the general purpose of these regulations, any improvements to the property, and all other relevant matters into consideration shall fix as the fair rent such rent as in the opinion of the Court it would be fair and equitable for a tenant to pay for the property.

(2) The fair rent fixed as aforesaid shall not exceed the basic rent, unless the Court is satisfied, by evidence produced by the landlord, that in the special circumstances of the case it is fair and equitable that the fair rent should exceed the basic rent.

17. (1) Every order made under the foregoing provisions of this Part of these regulations fixing the fair rent of any property shall cease to have effect if a subsequent order fixing the fair rent of the property takes effect.

(2) Except as provided in subclause (1) of this regulation, every order fixing the fair rent of any property shall continue in force while these regulations continue in force, and shall apply with respect to every separate tenancy of the property.

18. Where an order has been made under this Part of these regulations fixing the fair rent of any property, no rent in excess of the fair rent shall be recoverable for any period during which the order is in force.

19. Where any sum that by virtue of this Part of these regulations is irrecoverable has at any time been paid on account of the rent of any property, the sum so paid may at any time within six months after the date of payment be recovered by or on behalf of the tenant by whom it was paid as a debt due to him by the landlord who received the payment, and may, without prejudice to any other mode of recovery, be deducted by the tenant from any rent payable by him to the landlord within the said period of six months.

20. (1) Every person who, in consideration of the grant, renewal, or continuance of a tenancy of any property, requires or accepts any fine, premium, or other sum in addition to the rent commits an offence against these regulations. Where any such payment is made in respect of any property, the amount may at any time within six months after the date of payment be recovered by or on behalf of the

tenant by whom it was paid as a debt due to him by the landlord who received the payment, and may, without prejudice to any other mode of recovery, be deducted by the tenant from any rent payable by him to the landlord within the said period of six months.

[(1A) Where a premium was paid in consideration of the grant of a lease of any property executed before the 15th day of December, 1942, the following provisions shall apply:—

- (a) Subject to paragraph (b) of this subclause, subclause (1) of this regulation shall not be deemed to prohibit the payment of a premium in consideration of any renewal or successive renewals of that lease, or in consideration of the grant of a new lease or successive new leases of the same property :
- (b) The amount of the premium paid in respect of any such lease, renewal, or new lease shall be taken into account in ascertaining the rent payable thereunder as if the premium were part of the rent and accrued from day to day throughout the term of the lease, renewal, or new lease, as the case may be.]

(2) Every person, not being a person to whom subclause (1) of this regulation applies, commits an offence against these regulations who stipulates for or demands or accepts for himself or for any other person any bonus, fine, premium, or other like sum in consideration of obtaining or offering to obtain or doing anything for the purpose of obtaining any property for the occupation of any other person. All moneys paid by any person in breach of this subclause may at any time within six months after the date of payment be recovered by or on behalf of that person as a debt due to him by the person to whom or on whose behalf the moneys were paid.

(3) Every person commits an offence against these regulations who stipulates for or demands or accepts, as a condition of the tenancy of any property, payment for any chattels in excess of the fair selling-value of those chattels.

Regulation 20 was amended as from the commencement thereof by Regulation 3 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 3 (Serial number 1944/9), by inserting subclause (1A) as printed within brackets.

21. [(1) The jurisdiction conferred on the Court by this Part of these regulations may be exercised—

- (a) By the Supreme Court where the basic rent of the property concerned exceeds an annual rent of £525, and in any other case where the parties agree in writing that the Supreme Court shall have jurisdiction :
- (b) By a Magistrate where the basic rent of the property concerned does not exceed an annual rent of £525, and in any other case where the parties agree in writing that a Magistrate or any specified Magistrate shall have jurisdiction.]

(2) Any application made to the Court under Regulation 15 hereof by or on behalf of the landlord or the tenant of any property may be made by motion, with notice to the tenant or landlord, as the case may be, of the property and to such other persons as the Court considers entitled thereto.

(3) Unless the parties otherwise agree, every such application shall be made and heard in the office of the Court nearest to the place where the property to which the application relates is situated :

Provided that during the absence of a Judge or Magistrate, or during the inability of a Judge or Magistrate to act from any cause whatsoever, the Registrar or Clerk of the Court shall have authority and jurisdiction to order that any such application shall be heard at some other place.

(4) Any application under this Part of these regulations may be disposed of in Chambers.

Subclause (1) of Regulation 21 as printed within brackets was substituted by Regulation 2 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 1 (Serial number 1943/33).

22. No party to any proceedings on an application made under this Part of these regulations shall be liable to pay the costs of any other party to the proceedings unless the Court makes an order for the payment by any party of such costs on the ground that in its opinion the conduct of that party has been for the purpose of causing delay or has in any other respect been vexatious, or on the ground that it is desirable for any other special reason to make such an order.

23. No appeal shall lie from any decision, determination, or order made under the provisions of this Part of these regulations; and, except upon the ground of lack of jurisdiction, no such decision, determination, or order shall be liable to be challenged, reviewed, quashed, or called in question in any Court.

24. (1) No covenant or agreement entered into before or after the commencement of these regulations shall have any force or effect to deprive any tenant of any right, power, privilege, or other benefit provided for by this Part of these regulations:

Provided that the landlord and the tenant, by agreement in writing approved for the purposes of this Part of these regulations by a Rents Commission as hereinafter provided, or by an authorized person, may fix the fair rent of any property let by the landlord to the tenant, and the fair rent so fixed shall, while the agreement remains in force, be deemed for the purposes of this Part of these regulations to be the fair rent of the property as if it had been fixed by order made by the Court under this Part of these regulations.

(2) Any such agreement shall be exempt from stamp duty.

25. (1) Where any dwellinghouse to which the Fair Rents Act, 1936, applies or any property within the meaning of this Part of these regulations was let on the 1st day of September, 1942, or at any time between that date and the commencement of these regulations or is let at any time after the commencement of these regulations the landlord shall, while these regulations continue in force, keep or cause to be kept in accordance with this regulation a register showing in respect of each tenancy of the property the following particulars:—

- (a) The description of the premises:
- (b) The name of the tenant:
- (c) The date of the commencement of the tenancy:
- (d) The date of the termination of the tenancy:
- (e) The rent payable under the tenancy and the date and particulars of any alteration thereof:
- (f) The basic rent of the property:
- (g) Every fair rent fixed for the premises in respect of any period wholly or partly after the 1st day of September, 1942, and the dates on which it takes effect and ceases to have effect.

(2) Every such register shall be completed as far as possible forthwith after the commencement of these regulations or the commencement of the tenancy, whichever is the later, and any further entry required by this regulation to be made therein shall be made as soon as possible after the occurrence to which it relates.

(3) Every entry made in any such register shall be admissible in evidence.

(4) Every landlord shall, upon demand, produce every register required to be kept by him to the Court or to any Rents Commission or allow it to be inspected by any authorized person or by any tenant of the premises.

(5) Every landlord who fails to comply in any respect with the provisions of this regulation, or makes or causes to be made in any such register any false entry, commits an offence against these regulations.

26. Every person commits an offence against these regulations who—

- (a) By any threat endeavours to dissuade or prevent a tenant from making or prosecuting any application under this Part of these regulations :
- (b) Stipulates for or demands or accepts for himself or for any other person on account of the rent of any property any sum that is irrecoverable by virtue of this Part of these regulations :
- (c) Stipulates for or demands or accepts for himself or for any other person on account of the rent of any dwellinghouse any sum that is irrecoverable by virtue of the Fair Rents Act, 1936.

Rents Commissions

27. (1) There may be established for the purposes of the Fair Rents Act, 1936, and of this Part of these regulations such number of Rents Commissions as the Minister of Justice thinks necessary. Every Rents Commission shall be given such distinctive name as the Minister of Justice determines, and any such name may from time to time be changed by that Minister.

(2) Every Rents Commission shall consist of such number of persons, not exceeding three, as the Minister of Justice in each case thinks fit, to be appointed by that Minister and to hold office during his pleasure. Where a Commission consists of more than one person one of the members shall be appointed by the Minister of Justice to be the Chairman of the Commission, and the quorum at sittings of the Commission shall be such number as that Minister determines.

(3) Any person may be appointed to hold office concurrently as a member of two or more Rents Commissions.

(4) In the event of the sickness or other incapacity of any member of a Rents Commission, the Minister of Justice may appoint any person to act in the place of that member during his incapacity.

(5) Every Rents Commission shall, within the scope of its jurisdiction, be deemed to be a Commission under the Commissions of Inquiry Act, 1908, and, subject to the provisions of these regulations, all the provisions of that Act shall apply accordingly.

(6) The procedure of a Rents Commission shall, subject to these regulations, be such as that Commission thinks fit :

Provided that the sittings of a Rents Commission shall not be open to the public, and no report of any such sittings or of the findings or recommendations of any such Commission shall be published in any newspaper.

28. Before entering upon the exercise of the duties of their office the members of every Rents Commission shall take and subscribe an oath before a Magistrate that they will faithfully and impartially perform the duties of their office.

29. (1) Any application made to the Court to fix the fair rent of any property under this Part of these regulations or of any dwellinghouse under the Fair Rents Act, 1936, may be referred by the Court to a Rents Commission for investigation.

(2) On such reference being made the Court shall adjourn the proceedings for such time as may be necessary to enable it to obtain a report on the application from the Rents Commission; and subject to any directions of the Court it shall be the duty of the Commission to investigate the circumstances of the case and to furnish to the Court as soon as practicable its report on the application with such recommendations as it thinks fit to make, after having regard to all relevant considerations, including any matters that the Court is expressly required or authorized to take into consideration.

(3) If the parties fix the fair rent of the property by agreement in writing and the Rents Commission approves the agreement the Commission shall report the fact to the Court, and thereupon the Court shall dismiss the application.

30. Any Rents Commission may approve for the purposes of this Part of these regulations any agreement in writing made by a landlord and tenant fixing the fair rent of any property let by the landlord to the tenant, whether or not any application is made to the Court to fix the fair rent of the property.

PART IV.—STABILIZATION OF RATES OF REMUNERATION

31. (1) In this Part of these regulations, unless the context otherwise requires,—

“Apprenticeship order” means an order made by the Court of Arbitration under section five of the Apprentices Act, 1923*:

“Award” means an award of the Court of Arbitration made under the Industrial Conciliation and Arbitration Act, 1925†:

“Court” means the Court of Arbitration established under the Industrial Conciliation and Arbitration Act, 1925:

“General order” means a general order made by the Court of Arbitration under the Rates of Wages Emergency Regulations 1940‡:

* See Reprint of Statutes, Vol. V, page 576.

† See Reprint of Statutes, Vol. III, page, 939.

‡ Statutory Regulations 1940, Serial number 1940/86, page 301.

Amendment No. 1: Statutory Regulations 1940, Serial number 1940/116, page 380.

Amendment No. 2: Statutory Regulations 1940, Serial number 1940/242, page 765.

Amendment No. 3: *Statutory Regulations 1942, Serial number 1942/28, page 80 (revoked)*.

Also amended by Regulation 43, *post*.

“Industrial agreement” means an industrial agreement entered into under the Industrial Conciliation and Arbitration Act, 1925; and includes an agreement filed with a Clerk of Awards under section 8 of the Labour Disputes Investigation Act, 1913*:

“Remuneration” means salary or wages; and includes time and piece wages and overtime and bonus and other special payments; and also includes allowances, fees, commission, and every other emolument, whether in one sum or several sums, and whether paid in money or not; and also includes travelling-expenses; and also includes the remuneration of directors of companies, who for the purposes of this Part of these regulations shall be deemed to be employed by the companies of which they are directors:

["Wages Commissioner" means a person appointed by the Minister to be a Wages Commissioner for the purposes of these regulations.]

[(2) The Minister may from time to time appoint to be a Wages Commissioner or Wages Commissioners for the purposes of these regulations any specified person, or persons of any specified class, or the holder or holders for the time being of a specified office or appointment or class of offices or appointments.

(3) The Minister may at any time revoke any such appointment wholly or partly.]

In Regulation 31 the definition of “Conciliation Commissioner” was revoked where indicated by points of omission, the definition of “Wages Commissioner” as printed within brackets was inserted, and subclauses (2) and (3) as printed within brackets were added by Regulation 3 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 1 (Serial number 1943/38).

Actual Rates of Remuneration

32. (1) For the purposes of this Part of these regulations the expression “the basic rate of remuneration” means—

(a) With reference to any position or employment in which any person is employed on the date of the commencement of these regulations, the rate of the remuneration paid as on that date:

(b) With reference to any position or employment in which no person is employed on that date—

(i) Where any person is employed on that date by the same employer in a similar position or employment, the rate of the remuneration paid in respect thereof as on that date:

(ii) Where at any time before that date any person was employed in that position, or was employed by the same employer in a similar position or employment, the rate of the remuneration last paid in respect thereof before that date:

(iii) Where any person is employed on that date by a different employer in a similar position or employment, the rate of the remuneration paid in respect thereof as on that date, or, if a basic rate of remuneration for the position or employment is fixed by a [Wages Commissioner] as herein-after provided, the rate so fixed:

* See Reprint of Statutes, Vol. III, page 1017.

(iv) Where at any time before that date any person was employed by a different employer in a similar position or employment, the rate of the remuneration last paid in respect thereof before that date, or, if a basic rate of remuneration for the position or employment is fixed by a **[Wages Commissioner]** as hereinafter provided, the rate so fixed :

(v) In any other case, the rate of the remuneration first paid in respect thereof, or, if a basic rate of remuneration for the position or employment is fixed by a **[Wages Commissioner]** as hereinafter provided, the rate so fixed.

(2) In computing for the purposes of this regulation the rate of the remuneration paid in respect of any position or employment as on any date, there shall be taken into account the total amount paid by way of bonus during the year ending on that date to any person employed in that position or employment.

(3) The basic rate of remuneration in respect of any position or employment shall apply with respect to every person from time to time employed in that position or employment and with respect to every person from time to time employed by the same or any other employer in a similar position or employment.

(4) If any question arises under this Part of these regulations as to whether any position or employment is similar to any other position or employment, or as to what is the basic rate of remuneration for any position or employment, it shall be determined by a **[Wages Commissioner]**, and for the purposes of any such determination regard may be had to the age, experience, and previous remuneration of the employee.

(5) In any case where the basic rate of remuneration exceeds the rate of remuneration that was actually paid as on the 15th day of November, 1942, the Court of Arbitration, on application made by or on behalf of the Director, may in its discretion, having regard to the general purpose of these regulations, make an order reducing the basic rate of remuneration to a rate not less than the rate so paid as on the said 15th day of November, 1942.

The words "Wages Commissioner" as printed within brackets were substituted for the words "Conciliation Commissioner" in Regulation 32 by Regulation 3 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 1 (Serial number 1943/38).

33. (1) Every person who employs any person in any position or employment to which subparagraph (iii), subparagraph (iv), or subparagraph (v) of paragraph (b) of Regulation 32 (1) hereof applies shall within one week after the commencement of the employment notify particulars of the employment, including the rate of remuneration, to a **[Wages Commissioner]**.

(2) In the case of any position or employment to which any of the said subparagraphs applies a **[Wages Commissioner]** may of his own motion or upon application made by the employer before or after the commencement of the employment fix the basic rate of remuneration for the position or employment.

(3) Every determination by a **[Wages Commissioner]** under this regulation shall take effect from a date to be specified by him in that behalf, being not earlier than the date of the determination.

The words "Wages Commissioner" as printed within brackets were substituted for the words "Conciliation Commissioner" in Regulation 33 by Regulation 3 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 1 (Serial number 1943/38).

34. (1) This regulation shall apply with respect to the remuneration actually paid in respect of any position or employment in which at the commencement of these regulations or at any time thereafter any person is employed.

(2) Except as provided in this Part of these regulations, any increase in the basic rate of remuneration for any position or employment that is made after the commencement of these regulations shall, notwithstanding anything to the contrary in any agreement, be irrecoverable.

(3) Every person commits an offence against these regulations who pays or accepts on account of the remuneration for any position or employment any sum that is irrecoverable by virtue of this Part of these regulations.

(4) Where the person for the time being employed in any position or employment receives any additional remuneration in respect of any additional position, employment, duties, or work in which he is employed by the same employer that additional remuneration shall for the purposes of this Part of these regulations be deemed to form part of his remuneration for the first-mentioned position or employment.

(5) Nothing in the foregoing provisions of this regulation shall be deemed to render irrecoverable any remuneration in respect of any position or employment if it is paid at a rate not exceeding—

(a) A rate prescribed by an award or apprenticeship order or by an industrial agreement not made in contravention of this Part of these regulations, subject to any increase or reduction made from time to time by any general order under the Rates of Wages Emergency Regulations 1940, whether the award, apprenticeship order, industrial agreement, or general order has been made before or after the commencement of these regulations ; or

[(b) A rate fixed by a contract made before the commencement of these regulations, or a rate fixed by a scheme of classification approved for the purposes of these regulations by the [Commission or any person appointed by it in that behalf]]: or

(c) A rate approved by a [Wages Commissioner] in accordance with this Part of these regulations.

(6) Where by virtue of any general order the rates of remuneration fixed by awards and industrial agreements are increased by any amount above the rates in force at the commencement of these regulations, the basic rate of remuneration for every position or employment and every rate of remuneration to which paragraph (b) or paragraph (c) of subclause (5) hereof relates shall be deemed for the purposes of this regulation to be increased by an equivalent amount.

Paragraph (b) of subclause (5) of Regulation 34 as printed within brackets was substituted for the original paragraph (b), and the words "Wages Commissioner" printed within brackets in the same regulation were substituted for the words "Conciliation Commissioner," by Regulations 4 and 3 respectively of the Economic Stabilization Emergency Regulations 1942, Amendment No. 1 (Serial number 1943/38). The words "Commission or any person appointed by it in that behalf" as printed within double brackets in subclause (5) were substituted for the words "Director or any person appointed by him in that behalf" by Regulation 8 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 3 (Serial number 1944/9).

35. (1) The person employed in any position or employment and his employer may at any time and from time to time apply to a **[Wages Commissioner]** for his approval of a rate of remuneration for the position or employment in excess of the basic rate of remuneration on any of the following grounds :—

(a) That the person holding the position or employment is employed by the same employer in any additional position, employment, duties, or work or in work involving additional risk to life or health :

(b) That an increase in the rate of remuneration is necessary for the removal of anomalies :

[(c) That the increased rate of remuneration will not exceed £5 5s. a week for a male or £3 a week for a female, or such lower rate as the Wages Commissioner thinks fit in the case of junior workers or in the case of workers whose ordinary hours of work are less than thirty-eight a week :

(d) That, at the date at which the basic rate of remuneration was ascertained, remuneration was being paid at an abnormally low rate, or no remuneration was being paid.]

(2) Every person who applies to a **[Wages Commissioner]** for any approval under this Part of these regulations shall furnish such information and particulars as the **[Wages Commissioner]** may from time to time require.

(3) The **[Wages Commissioner]**, in his discretion, having regard to the general purpose of these regulations, may refuse any such application, or may grant the application wholly or partly, and either unconditionally or upon or subject to such conditions as he thinks fit.

(4) Any approval granted by a **[Wages Commissioner]** may be at any time revoked and any such conditions may from time to time be varied, revoked, or added to by the same or any other **[Wages Commissioner]**.

[(5) Where the Wages Commissioner approves any increase on the ground specified in paragraph (c) of subclause (1) of this regulation the increase shall not be deemed to create any anomaly for the purposes of these regulations.]

The words "Wages Commissioner" wherever they occur printed within brackets in Regulation 35 were substituted for the words "Conciliation Commissioner" by Regulation 3 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 1 (Serial number 1943/38).

In the same regulation paragraphs (c) and (d) of subclause (1) as printed within brackets and subclause (5) as printed within brackets were added by Regulations 4 and 5 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 3 (Serial number 1944/9).

36. (1) Any person who is aggrieved by any decision of a **[Wages Commissioner]** under this Part of these regulations may, within twenty-one days after it has been given or communicated to him, appeal therefrom by giving notice in writing to the **[Wages Commissioner]** requiring the matter to be referred to the Court of Arbitration.

[(1A) The Director may at any time appeal from any decision of a Wages Commissioner by giving notice in writing to the Wages Commissioner requiring the matter to be referred to the Court of Arbitration. Subclause (4) of this regulation shall not apply with respect to any appeal by the Director.]

(2) Forthwith upon receipt of any such notice the **[Wages Commissioner]** shall refer the matter to the Court of Arbitration, and the Court shall give such directions on the matter as it thinks fit, and those directions shall be final :

Provided that if the Minister has reason to believe that the determination of the Court has been obtained by fraud or that any new and material evidence is available he may direct the [Wages Commissioner] to refer the matter back to the Court for rehearing in whole or in part, and in any such case the Court may confirm or vary its former decision in respect of the matter referred to it.

(3) In any case where the decision appealed against is modified or reversed it shall be the duty of the [Wages Commissioner] to take forthwith any action that may be required to give effect to the determination of the Court.

(4) If the notice of any appeal is not given within the time limited in that behalf by subclause (1) of this regulation the Court of Arbitration shall not hear the appeal unless it is satisfied that the failure to give the notice within the time so limited was occasioned by mistake or by some other reasonable cause.

Subclause (1A) of Regulation 36 printed within brackets was inserted, and the words "Wages Commissioner" printed within brackets wherever they occur in Regulation 36 were substituted for the words "Conciliation Commissioner," by Regulations 5 and 3 respectively of the Economic Stabilization Emergency Regulations 1942, Amendment No. 1 (Serial number 1943/38).

37. (1) Any appeal under this Part of these regulations may be disposed of in Chambers.

(2) Adequate notice of the hearing of an appeal shall be given by or on behalf of the Court of Arbitration to the parties to the appeal and also to the [Wages Commissioner].

(3) At the hearing of any appeal the [Wages Commissioner] shall have the right to examine witnesses and to address the Court.

Subclause (4) of Regulation 37 was revoked, and the words "Wages Commissioner" printed within brackets wherever they occur in Regulation 37 were substituted for the words "Conciliation Commissioner," by Regulations 9 and 3 respectively of the Economic Stabilization Emergency Regulations 1942, Amendment No. 1 (Serial number 1943/38).

[37A. Where by any regulations made under the Emergency Regulations Act, 1939, any powers or functions are conferred on any person or authority in relation to the prescribing, review, or alteration of the actual or minimum rates of remuneration or the principal conditions of employment for any position or employment or for any industry or branch of an industry, that person or authority, in exercising those powers and functions, shall be deemed to be exercising them under and for the purposes of these regulations within the meaning of Regulation 4 (3) hereof, and shall have regard to the general purpose of these regulations.]

Regulation 37A printed within brackets was inserted by Regulation 6 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 1 (Serial number 1943/38).

Rates fixed by Awards, Industrial Agreements, and Apprenticeship Orders

38. (1) Where at any time during the present war any award or apprenticeship order is made [or amended] by the Court of Arbitration in respect of any industry or branch of an industry, no variation shall be made in the minimum rates of remuneration or the principal conditions of employment for the time being applying to that industry

or branch, as the case may be, except such adjustments of anomalies as the Court thinks fit, having regard to the general purpose of these regulations.

[(2) Nothing in subclause (1) of this regulation shall apply with respect to any increase in any minimum rate of remuneration (as affected by any general order under the Rates of Wages Emergency Regulations 1940*) if the increased rate does not exceed £5 5s. a week for male workers or £3 a week for female workers, or such lower rate as the Court thinks fit in the case of junior workers or in the case of workers whose ordinary hours of work are less than thirty-eight a week.

(3) Where the Court makes or amends any award or apprenticeship order so as to make any increase to which subclause (2) of this regulation relates the increase shall not be deemed to create any anomaly for the purposes of these regulations.]

The words printed within brackets in subclause (1) of Regulation 38 were inserted by Regulation 7 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 1 (Serial number 1943/38).

Subclauses (2) and (3) of Regulation 38 as printed within brackets were added by Regulation 6 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 3 (Serial number 1944/9).

39. (1) Where at any time during the present war any industrial agreement is made in respect of any industry, no variation shall be made in the minimum rates of remuneration or the principal conditions of employment for the time being applying to that industry, except such adjustments of anomalies as the Court of Arbitration approves in that behalf, having regard to the general purpose of these regulations.

(2) If any industrial agreement is made in contravention of this regulation it shall, to the extent of the contravention, be void.

[(3) Nothing in subclause (1) of this regulation shall apply with respect to any increase in any minimum rate of remuneration (as affected by any general order under the Rates of Wages Emergency Regulations 1940) if the increased rate does not exceed £5 5s. a week for male workers or £3 a week for female workers, or such lower rate as the Court of Arbitration thinks fit in the case of junior workers or in the case of workers whose ordinary hours of work are less than thirty-eight a week.

(4) While these regulations continue in force no industrial agreement shall be accepted by a Clerk of Awards for filing under section 28 of the Industrial Conciliation and Arbitration Act, 1925, or under section 8 of the Labour Disputes Investigation Act, 1913, unless the agreement has been approved by the Court of Arbitration for the purposes of these regulations.

(5) The Court shall not approve any industrial agreement to which subclause (4) of this regulation relates unless the Court is satisfied that the provisions of the agreement relating to rates of remuneration or the principal conditions of employment will not create any anomaly, having regard to the general purpose of these regulations.

(6) Where the Court approves an industrial agreement making any increase to which subclause (3) of this regulation relates the increase shall not be deemed to create any anomaly for the purposes of these regulations.]

Subclauses (3), (4), (5), and (6) of Regulation 39 as printed within brackets were added by Regulation 7 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 3 (Serial number 1944/9).

* See footnote † to Regulation 31, *ante*.

General Orders increasing or reducing Rates of Remuneration

40. (1) For the purposes of these regulations the Minister shall cause to be prepared an index to be known as the wartime price index, for the purpose of recording as from the 15th day of December, 1942, any increases or reductions in the prices of such commodities and services (including rents) as the Minister directs.

(2) For the purposes of this Part of these regulations, the expression "the basic level of prices" means the general level of the prices included in the wartime price index as indicated by that index as at the 15th day of December, 1942.

41. The Government Statistician shall as soon as possible after the end of the quarter ending on the 15th day of March, 1943, and as soon as possible after the end of each succeeding quarter publish in the *Gazette* and in such other manner as he thinks fit a statement of the wartime price index as at the end of the quarter, showing in particular the amount of any increase or reduction in the general level of prices as indicated by the wartime price index.

42. A general order increasing or reducing rates of remuneration shall be made by the Court of Arbitration whenever there is an increase or reduction of not less than 5 per cent. in the general level of the prices included in the wartime price index, as shown in the last statement published by the Government Statistician before the date of the application for the general order :

Provided that the first general order increasing rates of remuneration to be made after the commencement of these regulations shall be made when there is an increase of not less than $2\frac{1}{2}$ per cent. in the basic level of prices.

43. (1) Subject to the provisions of this regulation, the amount of the increase or reduction provided for by any such general order shall be as nearly as may be equivalent to the amount of the increase or reduction in the general level of prices as shown in the last statement published by the Government Statistician as aforesaid.

(2) In making any such general order the Court shall exclude from the scope of the order such portion of the remuneration in each week of each worker affected by the order as exceeds £6 :

Provided that the said amount of £6 may be reduced by such amount as the Court thinks fit in the case of female workers, junior workers, and apprentices respectively.

(3) Where any such exclusion is made the increase or reduction provided for by the order shall apply to the unexcluded portion of the remuneration of each worker, irrespective of his total earnings.

(4) Where on the date on which any such general order takes effect the rate of the actual remuneration of any worker exceeds the rate of the remuneration to which he is entitled under any award, industrial agreement, or apprenticeship order, the increase or reduction provided for by the order shall apply in accordance with this regulation as if he were entitled under the award, industrial agreement, or apprenticeship order to his actual remuneration.

(5) Regulations 3A, 5, 9, and 10 of the Rates of Wages Emergency Regulations 1940*, and the Rates of Wages Emergency Regulations 1940, Amendment No. 3†, are hereby revoked.

* Statutory Regulations 1940, Serial number 1940/86, page 301.

† Statutory Regulations 1942, Serial number 1942/28, page 80.

[*Transitional Provisions*

[43A. (1) Nothing in Regulation 38 hereof shall be deemed to have applied with respect to the making of any award made at any time on or after the 15th day of December, 1942, but before the commencement of this regulation.*

(2) Nothing in Regulation 38 hereof shall apply with respect to—

- (a) The making of any award after the commencement of this regulation in respect of any industrial dispute where an application under section 41 or section 58 of the Industrial Conciliation and Arbitration Act, 1925, for the hearing of the dispute by a Council of Conciliation was filed with the Clerk of Awards before the 15th day of December, 1942 ; or
- (b) The amending of any award after the commencement of this regulation pursuant to an application filed with the Clerk of Awards before the 15th day of December, 1942 ; or
- (c) The making or amendment of any apprenticeship order after the commencement of this regulation in any case where the Court is satisfied that the matter was before the Apprenticeship Committee on the 15th day of December, 1942, whether or not the Committee had then considered or begun to consider the matter ; or
- (d) The making or amendment of any apprenticeship order after the commencement of this regulation pursuant to an application forwarded to the District Registrar of Apprentices before the 15th day of December, 1942,—

if the industrial dispute, application, or matter, as the case may be, is before the Court on or before the 8th day of May, 1943.

(3) Nothing in Regulation 39 hereof shall apply with respect to—

- (a) The making of any industrial agreement after the commencement of this regulation under the Industrial Conciliation and Arbitration Act, 1925, in respect of any industrial dispute where an application under section 41 or section 58 of that Act for the hearing of the dispute by a Council of Conciliation was filed with the Clerk of Awards before the 15th day of December, 1942 ; or
- (b) The making of any industrial agreement after the commencement of this regulation in any case where the Court is satisfied that a dispute existed or negotiations had been commenced before the 15th day of December, 1942,—

if the industrial agreement is approved by the Court for the purposes of these regulations and the application for such approval is before the Court on or before the 8th day of May, 1943.

(4) For the purposes of paragraph (a) of subclause (5) of Regulation 34 hereof, every industrial agreement to which subclause (3) of this regulation relates, and every industrial agreement made on or after the 15th day of December, 1942, but before the commencement of this regulation shall be deemed to be made in contravention of this Part of these regulations unless and until it is approved by the Court for the purposes of these regulations.

* This regulation was made on 17th March, 1943, and notified in the *Gazette* on the same day.

(5) Nothing in subclauses (1) to (4) of Regulation 34 hereof shall be deemed to render irrecoverable any remuneration in respect of any position or employment if—

- (a) It is paid at a rate not exceeding a rate prescribed by a voluntary agreement made on or after the 15th day of December, 1942, with any organization of workers who are not bound by any award or industrial agreement; and
- (b) The Court is satisfied that negotiations for the voluntary agreement had been commenced before the 15th day of December, 1942; and
- (c) The voluntary agreement is approved by the Court for the purposes of these regulations; and
- (d) The application for such approval is before the Court on or before the 8th day of May, 1943.

(6) Subclause (6) of Regulation 34 hereof shall apply with respect to every rate of remuneration to which subclause (5) of this regulation relates.

[[(7) The Court shall have regard to the general purpose of these regulations in approving any industrial agreement or voluntary agreement under this regulation and in making any award to which subclause (2) of this regulation relates where the award is made under section 3 of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1939, in respect of a settlement arrived at on or after the 15th day of December, 1942, and in making any apprenticeship order to which subclause (2) of this regulation relates.]]

Regulation 43A (except subclause (7)), and the heading thereto, as printed within brackets, were added to Part IV by Regulation 8 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 1 (Serial number 1943/38). Subclause (7) of Regulation 43A printed within double brackets was substituted by the Economic Stabilization Emergency Regulations 1942, Amendment No. 2 (Serial number 1943/49).

[43AA. (1) Nothing in subclauses (1) to (4) of Regulation 34 hereof shall be deemed to render irrecoverable any remuneration paid to any person in respect of any position or employment in which he was employed before the 15th day of December, 1942, if—

- (a) It is paid at a rate not exceeding a rate approved by the Court for the purposes of this regulation; and
- (b) The application for such approval is made by the employer and is before the Court on or before the 31st day of March, 1944.

(2) In approving any rate for the purposes of this regulation the Court shall have regard to the general purpose of these regulations; and the Court shall not approve any rate in respect of any person unless the Court is satisfied—

- (a) That that person was before the 15th day of December, 1942, employed by the same employer in some additional position, employment, duties, or work, or in work involving additional risk to life or health; and
- (b) That by reason thereof the employer, if these regulations had not been made, would have increased that person's remuneration to a rate not less than the rate to be approved.]

Regulation 43AA as printed within brackets was inserted by Regulation 9 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 3 (Serial number 1944/9).

[*Procedure*

[43B. (1) Adequate notice shall be given to the Director by or on behalf of the Court of Arbitration of the hearing of every appeal or application to the Court under these regulations, and of the hearing of every industrial dispute heard by the Court at any time during the present war, and of the receipt by the Court of any terms of settlement under section 3 of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1939, whether or not the Director is a party to the appeal, application, or industrial dispute.

(2) On the hearing by the Court of any such appeal, application, or industrial dispute, and on the hearing of any proceedings before a Wages Commissioner, the Director, whether or not he is otherwise a party, may appear personally or by agent, and adduce evidence, cross-examine witnesses, and be heard in relation to any matters or questions before the Court or Commissioner.

[43C. On the hearing of any appeal or application to the Court under these regulations and on the hearing of any proceedings before a Wages Commissioner, any party other than the Director may appear personally or be represented by an officer of any industrial union or association or of any other organization of workers or employers.]

Regulation 43B and Regulation 43C and the heading to the former printed within brackets were added to Part IV by Regulation 8 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 1 (Serial number 1943/38).

[PART IVA.—STABILIZATION OF PASSENGER-SERVICE CHARGES

[43D. In exercising its powers and functions in relation to the prescribing, review, or alteration of any fares or charges for the carriage of passengers or goods (including mails) in passenger-services, the Transport Appeal Authority and every District Licensing Authority (including a Metropolitan Authority) under the Transport Licensing Act, 1931,* shall be deemed to be exercising those powers and functions under and for the purposes of these regulations within the meaning of Regulation 4 (3) hereof, and shall have regard to the general purpose of these regulations.]

Part IVA printed within brackets was inserted by Regulation 10 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 1 (Serial number 1943/38).

PART V.—MISCELLANEOUS

44. The Minister may from time to time 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 him for the purposes of these regulations.

45. (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 these regulations, including the power of delegation conferred by this regulation.

(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 and with the same effect as if they had been directly conferred on him by these regulations and not by delegation.

* See Reprint of Statutes, Vol. VIII, page 832.

(3) Every person purporting to act pursuant to any delegation under this regulation shall be presumed to be acting in accordance with the terms of the delegation unless and until the contrary is proved.

(4) Any delegation under this regulation may be made to a specified person or to persons of a specified class, or may be made 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 by virtue of these regulations shall not prevent the personal exercise of those powers by the Minister or by that other person.

46. (1) Any written notice, direction, approval, requirement, or other instrument given, granted, or made by the Minister or any person authorized in that behalf under these 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.

(2) Every instrument purporting to be signed by or on behalf of the Minister 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 Minister or authorized person, as the case may be.

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

(2) 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 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.

(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.

(4) 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.

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

48. (1) In addition to the offences specifically created by the foregoing provisions of these regulations, every person commits an offence against these regulations who—

(a) Without lawful justification or excuse acts in contravention of or fails to comply in any respect with any provision of these regulations or any direction, requirement, or condition given or imposed under these regulations :

(b) Wilfully deceives or attempts to deceive the Court of Arbitration or any Rents Commission, [Wages Commissioner], or authorized person in the exercise of any powers or functions under these regulations :

- (c) With intent to deceive, 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 these regulations :
 - (d) Resists, obstructs, or deceives any person who is exercising or attempting to exercise any power or function under these regulations :
 - (e) 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 these regulations.
- (2) Every person who commits an offence against these regulations shall be liable on summary conviction,—
- (a) In the case of an individual, to imprisonment for a term not exceeding three months or to a fine not exceeding £200 and (if the offence is a continuing one) to a further fine not exceeding £5 for every day during which the offence continues :
 - (b) In the case of a company or other corporation, to a fine not exceeding £500 and (if the offence is a continuing one) to a further fine not exceeding £20 for every day during which the offence continues.

The words “ Wages Commissioner ” printed within brackets in Regulation 47 were substituted for the words “ Conciliation Commissioner ” by Regulation 3 of the Economic Stabilization Emergency Regulations 1942, Amendment No. 1 (Serial number 1943/38).

C. A. JEFFERY,
Clerk of the Executive Council.

*Certified for the purposes of section 7 of the Regulations Act, 1936,
this 23rd day of February, 1944.*

H. G. R. MASON,
Attorney-General.

Issued under the authority of the Regulations Act, 1936.

Date of notification of the principal regulations in *Gazette*: 15th day of December, 1942.

Subject to the general supervision of the Minister of Industries and Commerce, these regulations are administered in the office of the Director of Stabilization in the Treasury.