



**THE ECONOMIC STABILIZATION EMERGENCY REGULATIONS
1942, AMENDMENT NO. 1**

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 17th day of
March, 1943.

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.

1. These regulations may be cited as the Economic Stabilization Emergency Regulations 1942, Amendment No. 1, and shall be read together with and deemed part of the Economic Stabilization Emergency Regulations 1942* (hereinafter referred to as the principal regulations).

RENTS.

2. (1) Regulation 21 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:—

“(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.”

* Statutory Regulations 1942, Serial number 1942/335, page 815.

(2) Regulation 12 of the principal regulations is hereby consequentially amended by revoking the definition of the expression "the Court" in subsection (1), and substituting the following definition:—

“‘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:”.

RATES OF REMUNERATION.

3. (1) Regulation 31 of the principal regulations is hereby amended by revoking the definition of the expression "Conciliation Commissioner", and also by adding, after the definition of the expression "remuneration", the following definition:—

“‘Wages Commissioner’ means a person appointed by the Minister to be a Wages Commissioner for the purposes of these regulations.”

(2) The said Regulation 31 is hereby further amended by adding the following as subclauses (2) and (3) thereof:—

“(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.”

(3) The principal regulations are hereby amended by omitting the words "Conciliation Commissioner" wherever they occur, and substituting in each case the words "Wages Commissioner".

4. Regulation 34 of the principal regulations is hereby amended by revoking paragraph (b) of subclause (5), and substituting the following paragraph:—

“(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 Director or any person appointed by him in that behalf; or”.

5. Regulation 36 of the principal regulations is hereby amended by inserting, after subclause (1), the following subclause:—

“(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.”

6. The principal regulations are hereby amended by inserting, after Regulation 37, the following regulation:—

“ 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.”

7. Regulation 38 of the principal regulations is hereby amended by inserting, after the words “apprenticeship order is made”, the words “or amended”.

8. Part IV of the principal regulations is hereby amended by adding the following headings and regulations:—

“ 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.

“(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 or apprenticeship order or any amendment of an award or apprenticeship order to which subclause (2) of this regulation relates other than an award made under section 3 of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1939, in respect of a settlement arrived at before the 15th day of December, 1942.

“ 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.”

9. Subclause (4) of Regulation 37 of the principal regulations is hereby revoked.

PASSENGER-SERVICE CHARGES.

10. The principal regulations are hereby amended by inserting, after Part IV, the following Part:—

“ 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.”

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

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 17th day of March, 1943.

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

By Authority: E. V. PAUL, Government Printer, Wellington.—1943.

Price 6d.]