

Serial Number 1952/20



**THE ECONOMIC STABILIZATION REGULATIONS 1952**

FREYBERG, Governor-General

**ORDER IN COUNCIL**

At the Government Buildings at Wellington, this 25th day of  
February 1952

Present :

THE HON. K. J. HOLYOAKE PRESIDING IN COUNCIL

PURSUANT to the Economic Stabilization Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

**REGULATIONS**

1. (1) These regulations may be cited as the Economic Stabilization Regulations 1952.

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

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

“Apprenticeship order” means an order made by the Court of Arbitration under section 13 of the Apprentices Act 1948 :

“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 under these regulations :

“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† :

\* See Reprint of Statutes, Vol. III, page 939.

† See Reprint of Statutes, Vol. III, page 1021.

“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 also includes travelling expenses:

“Standard wage pronouncement” means a standard wage pronouncement made by the Court under these regulations.

#### AWARDS AND APPRENTICESHIP ORDERS

3. (1) In exercising its powers and functions in relation to the making or amendment of awards or apprenticeship orders, the Court of Arbitration shall have regard to the general purpose of the Economic Stabilization Act 1948.

(2) In considering any application for an allowance or an increased allowance in respect of tools, bicycles, motor vehicles, protective or special clothing, or special footwear, the Court shall have regard, in addition to the general purpose of the said Act and all other relevant considerations, to any increase or reduction in the cost of the tools, bicycles, motor vehicles, clothing, or footwear, or in the cost of the replacement, repair, or maintenance thereof.

#### INDUSTRIAL AGREEMENTS

4. (1) While these regulations continue in force, no industrial agreement shall come into force until it is filed under section 28 of the Industrial Conciliation and Arbitration Act 1925,\* or under section 8 of the Labour Disputes Investigation Act 1913†.

(2) No industrial agreement shall be accepted by a Clerk of Awards for filing as aforesaid unless it has been approved by the Court of Arbitration for the purposes of these regulations.

(3) An industrial agreement may be accepted for filing as aforesaid at any time after it has been so approved.

(4) In exercising its powers and functions in relation to the approval of any industrial agreement for the purposes of these regulations, the Court shall have regard to the general purpose of the Economic Stabilization Act 1948.

(5) Where an industrial agreement contains provision for an allowance in respect of tools, bicycles, motor vehicles, protective or special clothing, or special footwear, the Court, in considering that provision, shall have regard, in addition to the general purpose of the said Act and all other relevant considerations, to any increase or reduction in the cost of the tools, bicycles, motor vehicles, clothing, or footwear, or in the cost of the replacement, repair, or maintenance thereof.

#### GENERAL ORDERS INCREASING OR REDUCING RATES OF REMUNERATION

5. (1) Subject to the provisions of these regulations, the Court may from time to time, of its own motion or on the application of any industrial union or industrial association of employers or workers made in that behalf, by general order amend the provisions of all awards and industrial agreements for the time being in force in so far as those provisions determine the rates of remuneration of workers, to the intent that those rates shall be increased or reduced as the Court thinks just and equitable.

\* See Reprint of Statutes, Vol. III, page 954.

† See Reprint of Statutes, Vol. III, page 1021.

(2) A general order may be made under this regulation on an application for a standard wage pronouncement under regulation 8 hereof.

(3) The Court shall not make any general order to take effect less than six months after the date on which any previous general order has taken effect, or less than six months after the date on which any standard wage pronouncement has been made.

(4) In making a general order the Court shall take into account—

(a) The general purpose of the Economic Stabilization Act 1948 :

(b) Any rise or fall in retail prices as indicated by any index published by the Government Statistician :

(c) The economic conditions affecting finance, trade, and industry in New Zealand :

(d) Relative movements in the incomes of different sections of the community :

(e) All other considerations that the Court deems relevant.

(5) Before making any general order the Court shall afford such opportunity to be heard as it thinks proper to representatives appointed by the parties bound by awards and industrial agreements :

Provided that the failure of any parties to appoint any such representative shall not affect the validity of any general order, and the validity of any general order shall not be questioned on the ground that sufficient or adequate opportunity to be heard by the Court has not been afforded to any person affected.

(6) Every general order made under this regulation shall be filed with the Clerk of Awards in every industrial district and, subject to the provisions of regulations 6 and 7 hereof, shall be deemed to have been incorporated in every award and industrial agreement in force in the industrial district on and from the date of the general order, or on and from such later date as may be specified in the general order in that behalf, and shall have effect according to its tenor.

6. (1) The Court may by any general order or a subsequent order, of its own motion or on application made not later than twenty-one days after the date of the general order by any party to an award or industrial agreement, make such provision as it considers just and equitable for any class or section of workers if it is satisfied that by reason of the special provisions of any awards or industrial agreements affecting those workers, or of economic and financial conditions affecting any trade or industry, or of any other relevant consideration, that class or section of workers should be excluded from the operation of the general order.

(2) Where the Court has of its own motion excluded any class or section of workers from the operation of a general order, the Court may by a subsequent order, on application made not later than twenty-one days after the date of the order making the exclusion by any party to an award or industrial agreement, make such order applying to that class or section of workers or any of them as the Court considers just and equitable.

(3) Every application under this regulation shall state the special grounds on which the application is based and shall be filed with the Clerk of Awards in the industrial district in which the award or industrial agreement is filed, and when a date has been fixed by the Court for the hearing of the application the Clerk shall forthwith give notice to the parties concerned.

(4) Every order made under this regulation after a general order shall be deemed to have come into force on the date on which the general order took effect, or on such later date (not later than the date of the subsequent order) as the Court in its discretion determines.

7. (1) In making any general order the Court may exclude from the scope of the order such portion of the remuneration in each week of the workers affected by the order as exceeds an amount determined by the Court, which amount may be varied as the Court thinks fit in the case of female workers and junior workers respectively.

(2) 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.

(3) In making any general order the Court shall exclude from the scope of the order all allowances in respect of tools, bicycles, motor vehicles, protective or special clothing, or special footwear. No such allowance shall be deemed to form part of the remuneration of any worker for the purposes of the foregoing provisions of this regulation.

#### STANDARD WAGE PRONOUNCEMENTS

8. (1) Subject to the provisions of these regulations, the Court may from time to time, of its own motion or on the application of any industrial union or industrial association of employers or workers made in that behalf, make a pronouncement specifying standard rates of wages for skilled, semi-skilled, and unskilled workers for the purposes of these regulations.

(2) A pronouncement may be made under this regulation on an application for a general order under regulation 5 hereof.

(3) The Court shall not make any standard wage pronouncement less than six months after the date on which any previous standard wage pronouncement has been made or less than six months after the date on which any general order has taken effect.

(4) In making a standard wage pronouncement the Court shall take into account the considerations specified in regulation 5 (4) hereof.

(5) Before making any standard wage pronouncement the Court shall afford such opportunity to be heard as it thinks proper to representatives appointed by the parties bound by awards and industrial agreements :

Provided that the failure of any parties to appoint any such representative shall not affect the validity of any pronouncement, and the validity of any pronouncement shall not be questioned on the ground that sufficient or adequate opportunity to be heard by the Court has not been afforded to any person affected.

9. (1) At the time of making any standard wage pronouncement, or at any time thereafter, the Court, for the purpose of giving effect to the pronouncement, may from time to time, of its own motion or on application made in that behalf by any party to any award or industrial agreement that is in force when the pronouncement is made, amend the provisions of any such award or industrial agreement relating to rates of remuneration in such manner as the Court thinks fit, having due regard to any increases in the rates of remuneration of the workers affected by the award or industrial agreement granted by the Court since the date of the last preceding standard wage pronouncement made by the Court under these or any other regulations.

(2) Where the Court has of its own motion made any amendment to any award or industrial agreement under this regulation, the Court may, on application made not later than twenty-one days after the date of the making of the amendment by any party to the award or industrial agreement, make such further or other amendment applying to any class or section of workers as the Court considers just and equitable.

(3) Every application under this regulation shall state the special grounds on which the application is based and shall be filed with the Clerk of Awards in the industrial district in which the award or industrial agreement is filed, and when a date has been fixed by the Court for the hearing of the application the Clerk shall forthwith give notice to the parties concerned.

(4) In making any amendment under this regulation the Court may, if in its discretion it thinks fit, direct that the amendment shall have effect from such date before the date on which it is made (not being earlier than the date of the pronouncement) as the Court thinks fit.

#### APPRENTICES

10. (1) The powers conferred on the Court by regulations 5, 6, 7, and 9 hereof may, on application in that behalf, be exercised by the Court in respect of any apprenticeship order that is in force when the powers are exercised in respect of any award or industrial agreement, unless the amendment made to the award or industrial agreement automatically applies to the apprenticeship order by reason of the fact that the rates of remuneration of apprentices are fixed by the apprenticeship order as proportions of the rates of remuneration from time to time fixed for journeymen.

(2) Any amendment made by the Court under this regulation to any apprenticeship order shall, on and from the date on which it takes effect, be deemed to apply according to its tenor to all contracts of apprenticeship in force on that date and entered into subject either to the provisions of that apprenticeship order or to the provisions of an apprenticeship order that has before that date been superseded directly or indirectly by that apprenticeship order; and where the amendment takes effect before the date on which it is made it shall, on and from the date of the commencement of the apprenticeship, be deemed to apply according to its tenor to every contract of apprenticeship so entered into between the time at which the amendment takes effect and the date on which it is made.

(3) Where an amendment has been made by the Court under this regulation to any apprenticeship order the Court may of its own motion, after affording the Apprenticeship Committees concerned (if any) an opportunity of being heard or of making written submissions, make a corresponding amendment to such other apprenticeship orders as the Court thinks fit, whether in respect of the same industry or any other industry.

#### VARYING APPLICATION OF AWARDS AND INDUSTRIAL AGREEMENTS

11. (1) This regulation applies to every provision in an award or industrial agreement which provides that the award or industrial agreement or any part thereof shall or shall not apply to any class of workers defined by reference to a specified rate of remuneration.

(2) Where a general order increases or reduces any rates of remuneration determined by an award or industrial agreement that contains any provision to which this regulation applies, the general order shall be deemed to apply to every rate of remuneration specified in that provision.

(3) Where the Court, for the purpose of giving effect to a standard wage pronouncement, increases or reduces any rates of remuneration determined by an award or industrial agreement that contains any provision to which this regulation applies, the Court shall make a corresponding increase or reduction in every rate of remuneration specified in that provision.

#### JURISDICTION AND PROCEDURE OF COURT

12. (1) Subject to the provisions of these regulations, the provisions of the Industrial Conciliation and Arbitration Act 1925 as to the jurisdiction and procedure of the Court shall, so far as they are applicable and with the necessary modifications, apply in relation to any hearing by the Court under these regulations in like manner as they apply to other proceedings before the Court.

(2) The Judge or the Registrar of the Court, or any Clerk of Awards purporting to act by direction or with the authority of the Judge, may issue summonses requiring the attendance of witnesses before the Court, or the production of documents, and may do any other act preliminary or incidental to the hearing of any matter by the Court under these regulations.

#### REVOCATIONS AND SAVINGS

13. (1) The following regulations are hereby revoked, namely:—

(a) The Economic Stabilization Regulations 1950 :\*

(b) The Economic Stabilization Regulations 1950, Amendment No. 1†.

(2) All orders, applications, approvals, and appointments, and generally all acts of authority that originated under any of the regulations hereby revoked, and are subsisting or in force at the commencement of these regulations, shall enure for the purposes of these regulations as fully and effectually as if they had originated under the corresponding provisions of these regulations, and accordingly shall, where necessary, be deemed to have so originated. In particular, every application for a general order made under regulation 5 of the Economic Stabilization Regulations 1950, and pending at the commencement of these regulations, shall be deemed to have been made under regulation 5 of these regulations.

(3) All matters and proceedings that have been commenced under any of the regulations hereby revoked, and are pending or in progress at the commencement of these regulations, may be continued and completed under these regulations.

T. J. SHERRARD,  
Clerk of the Executive Council.

\* Statutory Regulations 1950, Serial number 1950/52, page 180.

† Statutory Regulations 1950, Serial number 1950/70, page 223.

## EXPLANATORY NOTE

[This note is not part of the regulations, but is intended to indicate their general effect.]

1. These regulations revoke and replace the Economic Stabilization Regulations 1950, including the amending regulations under which the Court of Arbitration made the interim general order increasing rates of remuneration as from 8 May 1950.

2. The new regulations differ from the old ones in the following respects:—

- (a) A general order may be made to take effect not less than six months after any previous general order, instead of twelve months:
- (b) Where the Court excludes any class or section of workers from the operation of a general order of its own motion, it may subsequently, on application in that behalf, make such order as it considers just and equitable in relation to those workers:
- (c) The Court is empowered to make standard wage pronouncements at intervals of not less than six months, but not less than six months after any general order:
- (d) The Court is empowered to amend awards and industrial agreements to give effect to any standard wage pronouncement:
- (e) Regulation 11 is new.

3. The new regulations provide as follows:—

*Regulation 3* repeats the existing provision requiring the Court, in making or amending awards and apprenticeship orders, to have regard to the general purpose of the Economic Stabilization Act 1948 (which is to promote the economic stability of New Zealand), and also requiring the Court to have regard to increases and reductions in costs when fixing tool allowances, clothing allowances, and vehicle allowances.

*Regulation 4* continues the existing provision requiring industrial agreements to be approved by the Court.

*Regulation 5* repeats the existing provision enabling the Court to make general orders amending the rates of remuneration in all awards and industrial agreements, with the alteration referred to in paragraph 2 (a) of this note. A general order may be made on an application under regulation 5 or on an application for a standard wage pronouncement under regulation 8.

*Regulations 6 and 7* repeat the existing provisions as to excluding special classes of workers from general orders, with the additional provision referred to in paragraph 2 (b) of this note (regulation 6 (2)).

*Regulation 8* enables the Court to make standard wage pronouncements of its own motion or on application by any industrial union or industrial association of employers or workers. A pronouncement may be made on an application under regulation 8 or on an application for a general order under regulation 5. The Court is required to take into account the same considerations as those laid down in the revoked regulations and these regulations in the case of general orders.

*Regulation 9* enables the Court to amend awards and industrial agreements to give effect to any standard wage pronouncement, with power to make the amendments retrospective to the date of the pronouncement.

*Regulation 10* repeats the existing provisions as to the application of general orders to apprentices, and extends them to apply to standard wage pronouncements and amendments made to give effect to any such pronouncements.

*Regulation 11* provides that rates of remuneration by reference to which the scope of an award or industrial agreement is fixed are to be automatically increased or reduced in conformity with any general order or standard wage pronouncement.

Under *regulation 13* the Court may make a general order or a standard wage pronouncement on any application already made for a general order under the revoked regulations, as if the application had been made under regulation 5 of these regulations.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 28th day of February 1952.

These regulations are administered in the Department of Labour and Employment.