

Serial Number **1953/50**

THE ECONOMIC STABILIZATION REGULATIONS 1953

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 11th day of May 1953

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 1953.

(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†:

“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:

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

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

“Tribunal” means the Government Service Tribunal established under the Government Service Tribunal Act 1948, the Government Railways Industrial Tribunal established under the Government Railways Act 1949, or the Waterfront Industry Tribunal established under the Waterfront Industry Emergency Regulations 1946.*

GENERAL ORDERS INCREASING OR REDUCING RATES OF REMUNERATION

3. (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.

(2) 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.

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

- (a) Any rise or fall in retail prices as indicated by any index published by the Government Statistician:
- (b) The economic conditions affecting finance, trade, and industry in New Zealand:
- (c) Any increase or decrease in the volume and value of production in primary and secondary industries of New Zealand:
- (d) Relative movements in the incomes of different sections of the community:
- (e) All other considerations that the Court deems relevant.

(4) 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 or by orders of Tribunals:

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.

(5) 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 4 and 5 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.

4. (1) The Court may by any general order or a subsequent order, of its own motion or on application made not later than twenty-eight 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

* Statutory Regulations 1946, Serial number 1946/102, page 232.

Amendments Nos. 1 to 9: (*Revoked*).

Amendment No. 10: Statutory Regulations 1951, Serial number 1951/288, page 1142.

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-eight 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.

5. (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 PRONOUNCEMENT OF 1952

6. (1) For the purpose of giving effect to the standard wage pronouncement made by the Court on the 12th day of July 1952, the Court 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 was in force when the pronouncement was 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 or agreed to by the parties since the date of the last preceding standard wage pronouncement made by the Court.

(2) Where the Court has of its own motion made any amendment to any award or industrial agreement under this regulation or regulation 9 of the Economic Stabilization Regulations 1952, the Court may, on application made not later than twenty-eight 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 1st day of September 1952) as the Court thinks fit.

APPRENTICES

7. (1) The powers conferred on the Court by regulations 3, 4, 5, and 6 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

8. (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 the standard wage pronouncement referred to in regulation 6 hereof, increases any rates of remuneration determined by an award or industrial agreement that contains any provision to which this regulation applies, the Court may make such increase as it considers just and equitable in every rate of remuneration specified in that provision.

JURISDICTION AND PROCEDURE OF COURT

9. (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

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

- (a) The Economic Stabilization Regulations 1952:*
- (b) The Economic Stabilization Regulations 1952, Amendment No. 1†:
- (c) The Economic Stabilization Regulations 1952, Amendment No. 2‡.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provisions so revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the revocation and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

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

* Statutory Regulations 1952, Serial number 1952/20, page 57.

† Statutory Regulations 1952, Serial number 1952/84, page 346.

‡ Statutory Regulations 1952, Serial number 1952/225, page 1010.

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 1952 and their amendments.
2. The new regulations differ from the old ones in the following respects:
 - (a) The provision requiring the Court of Arbitration to take into account the general purpose of the Economic Stabilization Act 1948 is omitted:
 - (b) The Court is required to take into account any increase or decrease in the volume and the value of production in primary and secondary industries of New Zealand:

- (c) The regulations no longer empower the Court to make standard wage pronouncements, but the power to amend awards and industrial agreements to give effect to the pronouncement made on 12 July 1952 is continued.
3. The new regulations provide as follows:
- Regulation 3 repeats the existing provision enabling the Court to make general orders amending the rates of remuneration in all awards and industrial agreements, with the alterations referred to in paragraph 2 of this note.
- Regulations 4 and 5 repeat the existing provisions as to excluding special classes of workers from general orders, with the time for applying to the Court extended from twenty-one days to twenty-eight days.
- Regulation 6 enables the Court to amend awards and industrial agreements to give effect to the standard wage pronouncement of 12 July 1952, with power to make the amendments retrospective to 1 September 1952.
- Regulation 7 repeats the existing provisions as to the application of general orders to apprentices.
- Regulation 8 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, and may be correspondingly increased in conformity with the standard wage pronouncement of 12 July 1952.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 11 May 1953.

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