

1973/208



**THE ECONOMIC STABILISATION REGULATIONS 1973,
AMENDMENT NO. 2**

DENIS BLUNDELL, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 20th day of August 1973

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Economic Stabilisation 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. Title and commencement—(1) These regulations may be cited as the Economic Stabilisation Regulations 1973, Amendment No. 2, and shall be read together with and deemed part of the Economic Stabilisation Regulations 1973* (hereinafter referred to as the principal regulations).

(2) These regulations shall be deemed to have come into force on the 11th day of August 1973 (being the date of the commencement of the principal regulations).

2. Interpretation—Regulation 2 of the principal regulations is hereby amended—

- (a) By inserting in paragraph (i) of the definition of the term “instrument”, before the word “settlement”, the words “total or partial”:
- (b) By omitting from the definition of the term “wages” the words “but does not include any payment by way of expenses, refunds, or allowances to meet expenditure already incurred”, and substituting the words “but does not include any reimbursing payment to meet expenditure already incurred, except a payment that is made pursuant to an instrument made after the commencement of these regulations which provides for the first time for such a payment or for the first time for payment in respect of allowances, expenses, refunds, or expenditure of the kind specified in the instrument”.

*S.R. 1973/198
Amendment No. 1: S.R. 1973/199

3. Existing instruments to continue in force—Regulation 11 of the principal regulations is hereby amended by adding the following subclauses:

“(3) Where on the 10th day of August 1973 the Court of Arbitration had before it any memorandum of partial settlement of an industrial dispute, any award made on or after the 11th day of August 1973 in settlement of that dispute shall be deemed for the purposes of this regulation to be an instrument in force on the 10th day of August 1973, and any rate of wages payable under that award with effect from a date before the commencement of these regulations shall for the purposes of regulation 14 of these regulations be deemed to be payable at the commencement of these regulations.

“(4) Nothing in subclause (1) of this regulation shall apply to any increase in any rate of wages payable to an individual worker in any of the following cases:

“(a) Where the increase is made as a result of the promotion of the worker from one established position to another established position:

“(b) Where the increase is made in accordance with an existing salary scale or arrangement providing for the increase on the grounds of age, service, or qualifications:

“(c) Where the increase is made on the grounds that the duties or responsibilities of the worker have substantially increased.”

4. Wage adjustment orders—(1) Regulation 14 of the principal regulations is hereby amended by inserting, after subclause (1), the following subclause:

“(1A) For the purpose of the proviso to subclause (1) of this regulation, any rate of wages shall be deemed not to have been increased on or after the 1st day of February 1973 in any case where before the 11th day of August 1973 an instrument has been made increasing that rate with effect from any date before the 1st day of February 1973.”

(2) Regulation 14 of the principal regulations is hereby further amended—

(a) By inserting in subclause (5), after the words “increased under”, the words “subclause (1) or”:

(b) By omitting from subclause (5) the words “that subclause”, and substituting the words “either of those subclauses”.

(3) Regulation 14 of the principal regulations is hereby further amended by revoking subclause (9), and substituting the following subclause:

“(9) This regulation shall apply with respect to—

“(a) Every order of the Waterfront Industry Tribunal:

“(b) Every award of the Aircrew Industrial Tribunal:

“(c) Every Order in Council fixing rates of wages of any workers made under the Agricultural Workers Act 1962—
as if it were an award of the Court of Arbitration.”

5. Implementation of equal pay—Regulation 16 of the principal regulations is hereby amended by inserting, after the words “any increase in wages”, the words “or work classification”.

6. Application of wage stabilisation orders to State employees—

(1) Regulation 19 of the principal regulations is hereby amended by omitting from paragraph (a) the words “to whom section 24 of the State Services Remuneration and Conditions of Employment Act 1969 (relating to half-yearly surveys) applies”, and substituting the words “whose rates of wages are normally adjusted following a half-yearly survey conducted under section 24 of the State Services Remuneration and Conditions of Employment Act 1969”.

(2) By revoking paragraph (b), and substituting the following paragraph:

“(b) In the case of employees to whom section 26 of the said Act (relating to ruling rates surveys) applies, as if the percentage in paragraph (a) were reduced by 5/24ths of the percentage adjustment made in their pay scales pursuant to the said section 26 in respect of the April 1973 ruling rates survey, and as if for the words ‘14.5 cents’ there were substituted the words ‘11.5 cents’, and as if for the expression ‘\$5.80’ there were substituted the expression ‘\$4.60.’”

(3) Regulation 19 of the principal regulations is hereby further amended by adding (as subclause (2)) the following subclause:

“(2) The provisions of regulation 14 (4) of these regulations shall apply with respect to State employees as if the instrument or Order in Council fixing their rates of wages were an award.”

7. Instrument fixing rates of wages in relation to rates in State services—The principal regulations are hereby further amended by inserting in Part III, after regulation 19, the following regulation:

“19A. (1) This regulation shall apply to any instrument containing any provision that any rate of wages of workers affected by the instrument shall be adjusted in relation to movements in any rates of wages in any of the State services or in any rates of wages that are related to rates of wages in any of the State services.

“(2) Except as provided in this regulation, nothing in regulation 14 or regulation 15 of these regulations shall apply to any instrument to which this regulation applies.

“(3) Regulation 19 of these regulations shall apply with respect to any rate of wages of workers affected by any instrument to which this regulation applies as if those workers were State employees and their employers were employing authorities.”

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

Regulation (2) (a) is intended to make it clear that the term “instrument” in regulation 2 of the principal regulations includes a partial settlement reached in a Council of Conciliation.

Regulation 2 (b) provides that newly created allowances will be treated as “wages” for the purposes of the principal regulations, and will not be excluded by the provisions in the definition of that term that it does not include reimbursing payments to meet the expenditure already incurred.

Regulation 3 has the following effect:

- (a) If on 10 August 1973 the Court of Arbitration had before it a memorandum of partial settlement of an industrial dispute, any award made after that date will be deemed, for the purposes of regulation 11 of the principal regulations requiring existing instruments to continue in force, to be an existing instrument. If any rate of wages payable under the award has effect from a date before the commencement of the principal regulations, that rate will be deemed for the purposes of regulation 14 (relating to wage adjustment orders) to have been in force at the commencement of the principal regulations.
- (b) Regulation 11 (1) of the principal regulations prohibiting amendments of existing instruments will not apply to increases in any rate of wages payable to individual workers as a result of the promotion of the worker from one established position to another established position, or where the increase is made in accordance with an existing salary scale providing for increases on the ground of age, service, or qualifications, or where the increase is made on the grounds that the duties or responsibilities of the worker have substantially increased.

Regulation 4 makes the following amendments to regulation 14 of the principal regulations (relating to wage adjustment orders):

- (a) For the purposes of the offsetting provisions in the proviso to subclause (1), any increase in wages made before the commencement of the principal regulations and having effect before 1 February 1973 shall not be treated as an increase on or after that date.
- (b) The provisions of regulation 14 (5) empowering the Wages Tribunal to settle questions relating to the effect of the wage adjustment order made under regulation 14 (4) are extended to questions as to the effect of the increase in wages provided for by regulation 14 (1).
- (c) Regulation 14 (9) applying the provisions of that regulation to orders of the Waterfront Industry Tribunal is replaced. The new subclause (9) applies regulation 14 to orders of that Tribunal and also to awards of the Aircrew Industrial Tribunal and Orders in Council under the Agricultural Workers Act 1962.

Regulation 5 makes it clear that increases in wages resulting from work classification for the purpose of implementing the Equal Pay Act 1972 are to be disregarded for the purposes of the principal regulations.

Regulation 6 amends regulation 19 of the principal regulations (relating to the application of wage adjustment orders to State employees) as follows:

- (a) The modifications of regulation 14 (1) made by paragraph (a) in the case of State employees to whom section 24 of the State Services Remuneration and Conditions of Employment Act 1969 applies are extended to all State employees whose rates of wages are normally adjusted following a half-yearly survey conducted under that section.
- (b) In the case of State employees whose wages are adjusted following a ruling rates survey under section 26 of that Act, the amount of the percentage increase under regulation 14 (1) is to be reduced by 5/24ths of the percentage adjustment made in their pay scales as a result of the April 1973 ruling rates survey (instead of by 5/24ths of the 8.5 percent), and the maximum increase under that regulation is to be the same as in the case of State employees to whom paragraph (a) of regulation 19 applies.
- (c) It is made clear that the wage adjustment order under regulation 14 (4) is to apply to State employees.

Regulation 7 inserts a new regulation 19A in the principal regulations providing that regulation 19 is to apply to those workers whose rates of wages are fixed by instruments providing for those rates to be adjusted in relation to movements in rates in the State services.

Issued under the authority of the Regulations Act 1936.

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These regulations are administered in the Department of Labour.