



**THE ECONOMIC STABILISATION REGULATIONS 1973,
AMENDMENT NO. 3**

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 12th day of November
1973

Present:

THE HON. H. WATT PRESIDING 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. 3, 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 come into force on the day after the date of their notification in the *Gazette*.

2. Interpretation—(1) Regulation 2 of the principal regulations is hereby amended by adding to paragraph (g) of the definition of the term “instrument” the words “not being an apprenticeship order made pursuant to the Apprentices Act 1948 or a determination made pursuant to the Technicians Training Act 1967”.

(2) Regulation 2 of the principal regulations is hereby further amended by inserting in the definition of the term “wages”, after paragraph (d) the following paragraph:

“(e) The remuneration of directors of companies, who for the purposes of these regulations shall be deemed to be employed by the companies of which they are directors;—”.

*S.R. 1973/198

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

Amendment No. 2: S.R. 1973/208

3. Existing instruments to continue in force—Regulation 11 of the principal regulations (as amended by regulation 3 of the Economic Stabilisation Regulations 1973, Amendment No. 2) is hereby further amended by adding the following subclause:

“(5) Where on or before the 10th day of August 1973 agreement has been reached between an organisation of workers and an organisation of employers pursuant to section 16 of the Agricultural Workers Act 1962, any Order in Council made pursuant to section 15 of that Act incorporating that agreement 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 order with effect from a date before the commencement of these regulations shall for the purpose of regulation 14 of these regulations be deemed to be payable at the commencement of these regulations.”

4. Productivity agreements—(1) The principal regulations are hereby further amended by inserting, after regulation 13, the following regulation:

“13A. The Tribunal may, on the application of any party to the agreement, approve a new productivity agreement, or a variation in an existing productivity agreement, where the agreement or, as the case may be, the variation of the agreement is based on increased productivity and will not result in an increase in prices in the business of the employer concerned.”

(2) Regulation 11 of the principal regulations is hereby amended by omitting from subclause (1) the words “regulations 13”, and substituting the words “regulations 13, 13A”.

5. Travelling expenses of representatives of parties—The principal regulations are hereby further amended by inserting, after regulation 13A (as inserted by regulation 4 of these regulations), the following regulation:

“13B. Where any application is made to the Tribunal under regulation 13 or regulation 13A or regulation 16A of these regulations, there shall be payable, out of money appropriated by Parliament, to the representatives of the parties, to the number certified by the Tribunal as being necessary to enable the application to be properly considered, travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply as if those representatives were members of a statutory Board within the meaning of that Act.”

6. Implementation of equal pay—(1) The principal regulations are hereby further amended by revoking regulation 16, and substituting the following regulation:

“16. (1) Subject to subclause (2) of this regulation, nothing in regulation 11 of these regulations or in the proviso to regulation 14 (1) of these regulations shall apply with respect to any increase in the wages of any female worker of the minimum amount necessary to comply with the provisions of the Equal Pay Act 1972, or with respect to any work classification made for the purpose of implementing the provisions of that Act.

“(2) Where, to implement the provisions of the Equal Pay Act 1972 in respect of any award, it is necessary to determine new classifications of work which result in any increase in any male rate of wages, the Court of Arbitration shall not make, or, as the case may be, amend, the award unless it is satisfied that the increase in the male rate represents the minimum adjustment necessary to implement equal pay.”

(2) Regulation 5 of the Economic Stabilisation Regulations 1973, Amendment No. 2, is hereby revoked.

7. New instruments—The principal regulations are hereby amended by inserting, after regulation 16 (as substituted by regulation 6 of these regulations), the following regulation:

“16A. (1) No instrument (not being an instrument that supersedes any expired instrument or is an amendment of another instrument) made after the commencement of this regulation shall have any effect except with the approval of the Wages Tribunal.

“(2) On application to the Tribunal under this regulation for its approval of an instrument, the Tribunal, in its discretion, having regard to the general purpose of these regulations, may refuse the application, or may grant it wholly or partly and either unconditionally or subject to such conditions as it thinks fit.

“(3) In determining the rate of wages to be paid under any such instrument, and without limiting the power of the Tribunal to have regard to other matters, the Tribunal shall have regard to any positions carrying corresponding duties and responsibilities in the employer’s undertaking or, where there is no such position, in similar undertakings.”

8. Varying application of awards and industrial agreements—The principal regulations are hereby further amended by inserting after regulation 16A (as inserted by regulation 7 of these regulations), the following regulation:

“16B. (1) This regulation applies to every provision in an award, industrial agreement, or agreement under section 8 of the Labour Disputes Investigation Act 1913 which provides that the award or agreement or any part thereof shall or shall not apply to any class of workers defined by reference to a specified rate of wages.

“(2) Regulation 14 of these regulations shall apply to every provision to which this regulation applies as if every rate of wages specified in that provision were a rate of wages in the award or, as the case may be, in the industrial agreement or agreement under section 8 of the Labour Disputes Investigation Act 1913.”

9. Application of regulations to Orders in Council—The principal regulations are hereby further amended by inserting, after regulation 16B (as inserted by regulation 8 of these regulations), the following regulation:

“16c. Regulations 8, 11, and 13 of these regulations shall apply with respect to the following orders as if they were instruments:

- “(a) Subject to regulation 19 of these regulations, the State Services Salary Order (No. 2) 1973* (as amended by the State Services Salary Order (No. 5) 1973†):
- “(b) The Public Service Salary Order 1973‡:
- “(c) The Police Salary Order 1973§:
- “(d) The Police Salary Order (No. 2) 1973||:
- “(e) The Judicial and Other Statutory Salaries Order 1973¶.

10. Revocation of spent provisions—The following regulations are hereby revoked:

- (a) Part IV of the principal regulations and the Schedule to those regulations:
- (b) The Economic Stabilisation Regulations 1973, Amendment No. 1.

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

*S.R. 1973/9

†S.R. 1973/226

‡Gazette, 25 January 1973, p. 116

§Gazette, 1 March 1973, p. 351

||Gazette, 17 May 1973, p. 934

¶S.R. 1973/30

EXPLANATORY NOTE

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

Regulation 2 (1) excludes apprenticeship orders and determinations under the Technicians Training Act 1967 from the definition of “instrument” in the principal regulations. The amendment will permit such orders to be amended where necessary, for example, to provide for changes in training programmes.

Regulation 2 (2) includes directors’ remuneration in the definition of “wages” for the purposes of the principal regulations.

Regulation 3 provides that where before 10 August 1973 agreement had been reached as to the provisions to be included in an order under the Agricultural Workers Act 1962, the order will be deemed for the purposes of the principal regulations to have been in force before that date and the wage adjustment order made under regulation 14 of those regulations will apply to any rate of wages fixed by the order.

Regulation 4 inserts a new regulation 13A in the principal regulations authorising the Wages Tribunal to recognise genuine new productivity agreements or amendments of existing productivity agreements.

Regulation 5 enables payment of travelling allowances and expenses to representatives of the parties in proceedings before the Wages Tribunal.

Regulation 6 substitutes a new regulation for regulation 16 of the principal regulations (relating to increases to give effect to equal pay). The changes in the new regulation 16 are—

- (a) Only increases of the minimum amount necessary to implement equal pay are exempt from the regulations.
- (b) Any increase in male rates that is consequential on new job classifications necessary to implement equal pay may be provided for in awards only where the increase represents the minimum amount necessary for that purpose.

Regulation 7 provides that no new instrument shall have effect unless approved by the Wages Tribunal, which may grant its approval if satisfied that the instrument is in line with existing instruments.

The effect of regulation 8 is that if any award or agreement includes or excludes workers whose wages are below or above a specified limit, any wage adjustment order under regulation 14 of the principal regulations will apply to that limit.

Regulation 9 inserts a new regulation 16c in the principal regulations, the effect of which is that Orders in Council fixing rates of wages for certain higher positions in the State services will be subject to the provisions of the principal regulations requiring instruments to continue in force without amendment, subject to the jurisdiction of the Wages Tribunal to make orders for the purpose of removing or relieving any resulting anomalies.

Regulation 10 revokes Part IV of the principal regulations and the Schedule, which became spent on 10 September 1973.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 15 November 1973.

These regulations are administered in the Department of Labour.