



THE GOODS-SERVICE CHARGES TRIBUNAL EMERGENCY REGULATIONS 1943

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

ORDER IN COUNCIL.

At the Government House at Wellington, this 18th 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 Goods-service Charges Tribunal Emergency Regulations 1943.
2. In these regulations, unless the context otherwise requires,—
 - “ Charges ” means charges for the carriage of goods (including mails) in a goods-service :
 - “ Commissioner ” means the Commissioner of Transport :
 - “ Goods-service ” means a goods-service within the meaning of the Order, as extended by the Transport (Goods) Emergency Regulations 1943* :
 - “ Minister ” means the Minister of Transport :
 - “ The Order ” means the Transport (Goods) Applied Provisions Order 1942† :
 - “ Tribunal ” means the Goods-service Charges Tribunal appointed under these regulations.

GOODS-SERVICE CHARGES TRIBUNAL.

3. (1) There is hereby established for the purposes of these regulations a Tribunal to be known as the Goods-service Charges Tribunal.

(2) The Tribunal shall consist of such number of persons, not being more than five or less than three, as the Minister from time to time thinks fit, to be appointed by the Minister and to hold office during his pleasure.

* Statutory Regulations 1943, Serial number 1943/17, page 24.

† Statutory Regulations 1942, Serial number 1942/21, page 56.

(3) One member of the Tribunal shall be appointed by the Minister to be the Chairman of the Tribunal.

(4) The powers of the Tribunal shall not be affected by any vacancy in the membership thereof.

(5) Without limiting the provisions of subsection (4) of section 3 of the Emergency Regulations Act, 1939, it is hereby declared that the provisions of these regulations shall have effect according to their tenor notwithstanding the provisions of subsection (3) of section 60 of the Public Service Act, 1912.*

4. The Tribunal shall be deemed to be a Commission under the Commissions of Inquiry Act, 1908†, and, subject to the provisions of these regulations, all the provisions of that Act shall apply accordingly.

5. (1) At all meetings of the Tribunal two members shall constitute a quorum, unless the Tribunal consists of five members, in which case three members shall constitute a quorum.

(2) The Chairman at any meeting of the Tribunal shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(3) In the absence of the Chairman from any meeting of the Tribunal the members present shall select one of their number to act as the Chairman at that meeting.

(4) Subject to the provisions of these regulations, the Tribunal may regulate its procedure in such manner as it thinks fit.

PRESCRIBING AND REVIEW OF CHARGES.

6. (1) The functions of the Tribunal shall be to prescribe and review the charges to be made for the carriage of goods (including mails) in goods-services.

(2) In exercising its powers and functions the Tribunal shall be deemed to be exercising them under and for the purposes of the Economic Stabilization Emergency Regulations 1942‡ within the meaning of Regulation 4 (3) of those regulations, and shall have regard to the general purpose of those regulations.

7. (1) While these regulations continue in force no Licensing Authority shall exercise any jurisdiction in relation to the prescribing or review of the charges for any goods-service, whether under clause 12 or clause 15 or clause 18 of the Schedule to the Order or otherwise.

(2) Subject to the provisions of these regulations, every decision made by the Tribunal under these regulations prescribing or altering the charges for any goods-service shall have the same effect as if it were a decision made by the proper Licensing Authority prescribing or amending the terms and conditions of the license for the goods-service under the applied provisions of the Order; and, subject as aforesaid, the applied provisions of the Order shall apply accordingly:

Provided that there shall be no right of appeal from any decision of the Tribunal:

Provided also that subclause (3) of clause 15 of the Schedule to the Order shall not apply with respect to any decision of the Tribunal.

8. The Tribunal may at any time, on application as hereinafter provided or of its own motion, proceed in accordance with these regulations to prescribe, review, or alter the charges for any goods-service or the charges common to any group of goods-services, whether the charges to be reviewed or altered have been prescribed before or after the commencement of these regulations.

* See Reprint of Statutes, Vol. VII, page 541.

† See Reprint of Statutes, Vol. I, page 1036.

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

9. (1) Any of the following persons, and no others, may apply to the Tribunal to prescribe, review, or alter the charges for any goods-service or the charges common to any group of goods-services:—

- (a) The person applying for or holding the license for the goods-service, or any of the persons applying for or holding the licenses for the group of goods-services:
- (b) The New Zealand Road Transport Alliance, Incorporated:
- (c) New Zealand Carriers' Federation, Incorporated:
- (d) The Commissioner, or any other permanent head of a Government Department:
- (e) Any local authority or public body:
- (f) Any organization of persons who in the opinion of the Tribunal are reasonably representative of any section or sections of the public affected by the charges or proposed charges:
- (g) Any twenty-five or more adult residents of any locality in which the charges are or would be in force.

(2) Every application to the Tribunal to prescribe, review, or alter any charges shall be made in writing, and, except in the case of an application by the Commissioner, shall be addressed and forwarded to the Commissioner, together with a fee of £4. The whole or any portion of the fee payable on any application under this subclause may on the certificate of the Commissioner be refunded or remitted on the ground that the application has been withdrawn or on any other ground considered by the Commissioner to justify the refund or remission.

10. The Tribunal shall give to the Commissioner a notification in writing of its intention to prescribe, review, or alter any charges of its own motion.

11. (1) Upon making or receiving an application under Regulation 9 hereof, or upon receiving a notification under Regulation 10 hereof, the Commissioner shall give public notice thereof, specifying in the notice—

- (a) Where definite charges are proposed, either particulars of the charges or a place where they may be inspected by any person interested:
- (b) A time, being not less than seven clear days from the date of the notice, within which written representations may be forwarded to the Commissioner concerning the charges or proposals.

(2) The Commissioner shall also send a copy of the notice to the applicant (if any) and to the licensee of every goods-service affected by the application or notification.

(3) After the expiry of the time fixed for the receipt of representations as aforesaid the Commissioner shall transmit to the Tribunal a copy of the application or notification, as the case may be, together with all representations received in respect thereof. If no such representations are received the Commissioner shall notify the Tribunal accordingly.

12. (1) Every decision of the Tribunal prescribing or altering any charges shall be notified by the Commissioner by public notice, in which shall be specified—

- (a) The name of the licensee of every goods-service affected by the decision; and
- (b) Particulars of the charges as prescribed or altered by the Tribunal or a place where particulars of the charges may be inspected by any person interested.

(2) A certificate under the hand of the Commissioner that the charges specified in the certificate were in force for a goods-service so specified on a date so specified shall, until the contrary is proved, be sufficient evidence of the facts stated in the certificate.

REMUNERATION AND TRAVELLING-ALLOWANCES.

13. There may be paid to each member of the Tribunal (not being an officer of the Public Service) a fee of £3 3s. for every day on which he attends a meeting of the Tribunal.

14. (1) The Travelling-allowance Regulations 1941* shall apply to and be deemed to be incorporated in these regulations so as to relate to the Tribunal.

(2) For the purposes of these regulations the rate of the subsistence allowance referred to in clause 4 of the Travelling-allowance Regulations 1941 shall be £1 5s. a day, with a proportionate part of that amount for every part of a day.

(3) For the purposes of these regulations the rate of the mileage-allowance referred to in clause 11 of the Travelling-allowance Regulations 1941 for journeys performed in a motor-vehicle shall—

- (a) Where the horse-power of the vehicle does not exceed $9\frac{1}{2}$, be $4\frac{1}{2}$ d. for every mile or part of a mile :
- (b) Where the horse-power exceeds $9\frac{1}{2}$ but does not exceed $14\frac{1}{2}$, be 5d. for every mile or part of a mile :
- (c) Where the horse-power exceeds $14\frac{1}{2}$, be $5\frac{1}{4}$ d. for every mile or part of a mile.

(4) For the purposes of these regulations the actual garage expenses referred to in clause 11 of the Travelling-allowance Regulations 1941 shall not exceed 2s. 6d. a night.

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

* Statutory Regulations 1941, Serial number 1941/149, page 486.

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These regulations are administered in the Transport Department.