



**THE INDUSTRIAL MAN-POWER EMERGENCY
REGULATIONS 1944**

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 2nd day of
February, 1944

Present :

THE RIGHT HON. P. FRASER PRESIDING 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

PART I.—PRELIMINARY

1. (1) These regulations may be cited as the Industrial Man-power Emergency Regulations 1944, and shall come into force on the 14th day of February, 1944.

(2) The regulations specified in the Schedule hereto are hereby revoked.

(3) All offices, appointments, Committees, Councils, registers, registrations, enrolments, applications, certificates, forms, orders, directions, declarations, requirements, rules, notices, exemptions, appeals, decisions, and generally all acts of authority that originated under any of the provisions 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 if they had originated under the corresponding provisions of these regulations, and accordingly shall, where necessary, be deemed to have so originated.

(4) All matters and proceedings commenced under the regulations hereby revoked and pending or in progress at the commencement of these regulations may be continued, completed, and enforced under these regulations.

(5) The revocation of the said regulations shall not affect the liability of any person for any offence against any of the provisions thereof, and proceedings in respect of any such offence may be taken as if it were an offence against the corresponding provisions of these regulations.

2. (1) In these regulations, unless the context otherwise requires,—
“Armed force” means any of His Majesty’s Naval, Military, or Air Forces, and includes the Home Guard :

“Controller” means the Controller of Man-power appointed under these regulations, and includes any person for the time being duly authorized to exercise or perform any of the powers or functions of the Controller :

“ District Man-power Officer ” means a District Man-power Officer appointed under these regulations, and includes any person for the time being authorized by the Minister or the Controller to exercise any of the powers or functions of a District Man-power Officer :

“ Man-power Appeal Committee ” means a Man-power Appeal Committee appointed under these regulations :

“ Minister ” means the Minister of Industrial Man-power.

(2) References in these regulations to any regulations cited by their title include references to all subsequent regulations made in amendment thereof or in substitution therefor and for the time being in force.

3. Where by or by virtue of these regulations any obligation is imposed on any person being a member of any armed force his obligations as a member of such force shall, in case of conflicting obligations, prevail over any obligation imposed on him by or by virtue of these regulations.

PART II.—ADMINISTRATION

MINISTER OF INDUSTRIAL MAN-POWER

4. These regulations shall be administered by such Minister of the Crown as may from time to time be charged with the administration thereof, and the Minister so charged shall, in relation to his functions under these regulations, be known as the Minister of Industrial Man-power.

CONTROLLER OF MAN-POWER

5. (1) For the purposes of these regulations there shall be an officer of the Public Service to be known as the Controller of Man-power.

(2) In the exercise of his functions under these regulations the Controller of Man-power shall be subject to the control of the Minister.

DISTRICT MAN-POWER OFFICERS

6. There shall from time to time be appointed for the purposes of these regulations, as officers of the Public Service, such number of District Man-power Officers as may be required. Every District Man-power Officer shall for the purposes of these regulations be subject to the control of the Minister and the Controller.

MAN-POWER APPEAL COMMITTEES

7. (1) For the purposes of these regulations there shall be established such number of Man-power Appeal Committees as the Minister from time to time thinks necessary. Every such Committee shall within the scope of its jurisdiction be deemed to be a Commission under the Commissions of Inquiry Act, 1908, and all the provisions of that Act shall apply accordingly.

(2) Each Committee shall be distinguished by such distinctive name as the Minister thinks fit.

(3) Every Committee shall consist of three persons, to be appointed by the Minister and to hold office during his pleasure.

(4) One member of each Committee shall be appointed by the Minister as the Chairman thereof.

(5) Each Committee shall sit at such times and places as may be determined by the Chairman.

(6) No sitting of a Committee shall take place unless all the members of the Committee are present, but the decision of a majority of the members shall be the decision of the Committee.

(7) The Chairman of a Man-power Appeal Committee, or any other member or the Secretary of any such Committee, purporting to act by direction or with the authority of the Chairman, may issue summonses requiring the attendance of witnesses before the Committee, or the production of documents, or may do any other act preliminary or incidental to the hearing of any appeal or other matter by the Committee.

(8) Except where the procedure to be adopted in proceedings before a Man-power Appeal Committee is expressly provided for by these regulations, every such Committee shall determine its own procedure.

8. (1) The Minister may from time to time appoint such deputy members of any Man-power Appeal Committee as he thinks fit, to hold office during his pleasure.

(2) Any member of a Committee or any deputy member appointed under this regulation may be appointed by the Minister to be the Deputy Chairman of the Committee.

(3) On the occurrence from any cause of a vacancy in the office of Chairman or in the absence of the Chairman the powers and functions of the Chairman may be exercised and performed by the Deputy Chairman. The powers and functions of any other member may, whenever the occasion arises, be exercised and performed by any deputy member.

(4) No act done by a Man-power Appeal Committee sitting with a Deputy Chairman or a deputy member, or done by any such Deputy Chairman or deputy member, shall be questioned on the ground that the occasion for which the deputy was qualified to act had not arisen or had ceased.

ADVISORY COUNCILS AND ADVISORY COMMITTEES

9. (1) For the purpose of assisting in the administration of these regulations, the Minister may from time to time appoint such number of Advisory Councils or Advisory Committees as he thinks fit.

(2) The members of any Advisory Council or Advisory Committee shall hold office as such during the pleasure of the Minister.

(3) Every Advisory Council or Advisory Committee appointed under this regulation shall have such functions in relation to these regulations as the Minister may from time to time determine.

PART III.—MAINTENANCE OF ESSENTIAL INDUSTRIES AND ESSENTIAL UNDERTAKINGS

10. For the purposes of this Part of these regulations the term "industry" includes any trade, occupation, business, manufacture, work, or service of any kind whatsoever, and the term "undertaking" means a unit or any specified part of a unit of any industry as herein defined.

11. (1) The Minister may at any time declare any industry to be an essential industry or any undertaking to be an essential undertaking for the purposes of this Part of these regulations. The declaration of any industry as an essential industry may be absolute, or may

exempt any specified undertaking or any specified class of undertakings within that industry. Any such exemption may be included in the declaration or may be given at any time by public notice or by personal notice to the owners or persons in charge of the undertakings concerned. All undertakings within an essential industry that are not for the time being exempted as aforesaid shall be deemed to be essential undertakings within the meaning of this Part of these regulations.

(2) Every declaration made under the last preceding subclause shall be in writing under the hand of the Minister or of a person for the time being duly authorized to act for the Minister in that behalf.

(3) Where any declaration as aforesaid is made in respect of any specified undertaking, notice in writing shall be given to the owner, or manager, or person in charge or appearing to be in charge of the undertaking and in such other manner, if any, as the Minister thinks fit. Except in the case of specified undertakings as aforesaid, notice of all declarations made under this regulation shall be published in the *Gazette* and may also be published in such other manner, if any, as the Minister thinks fit.

(4) Any declaration or exemption made or given under the foregoing provisions of this regulation may be at any time in like manner amended or revoked.

12. (1) The Minister may issue or cause to be issued, in respect of any essential undertaking, a certificate to the effect that it has been declared an essential undertaking within the meaning of this Part of these regulations. The said certificate shall be served on the owner or manager or person in charge of the undertaking, and it shall be the duty of the person on whom it is served to display the certificate or a copy or notice thereof in a conspicuous part of the premises wherein the undertaking is carried on or, as the case may require, in every separate branch or department where workers are employed, and to keep it so displayed while the certificate remains in force. If in any case the certificate or a copy or notice thereof cannot be displayed as aforesaid, it shall be displayed in some place where it is likely to be observed by the workers employed in the undertaking.

(2) Every person commits an offence against these regulations who, by the display of notices or otherwise howsoever, represents, contrary to the fact, that any undertaking is an essential undertaking within the meaning of this Part of these regulations.

13. (1) With respect to employment in any essential undertaking the following special provisions shall apply, namely:—

- (a) Except with the prior permission in writing of the District Man-power Officer, the employer shall not terminate the employment in the undertaking of any person for the time being employed therein; nor shall he cause or permit any such person to give his services in any other undertaking (whether an essential undertaking or not) except in case of emergency, and then only for a period not exceeding fourteen days at any one time and not exceeding twenty-one days within any period of three months:
- (b) Except with the prior permission in writing of the District Man-power Officer, no person for the time being employed in the undertaking shall leave his employment:
- (c) In granting permission to an employer or worker to terminate any employment in accordance with paragraph (a) or paragraph (b) hereof, the District Man-power Officer shall specify the earliest date on which the employment may be

terminated. Except as hereinafter provided in this paragraph, such permission shall be subject to the condition that not less than seven days' notice of intention to terminate the employment has been given by or on behalf of the employer to the worker, or has been given by the worker to the employer or his representative, as the case may be. Any such notice of intention may be given before or after permission to terminate the employment has been given by the District Man-power Officer. In exceptional circumstances, having due regard to the public interest, the District Man-power Officer may grant permission to terminate any employment as aforesaid without notice, or after such shorter period of notice than seven days as he thinks fit :

(d) Subject to the provisions of this paragraph, any employer may, on the ground of serious misconduct, suspend any worker employed by him in an essential undertaking. Within twenty-four hours after any such suspension has been given effect to, notice in writing of the suspension, with particulars of the alleged misconduct, shall be given to the District Man-power Officer by the employer or person in charge of the undertaking. As soon as possible after receiving the notice of suspension the District Man-power Officer, after making such inquiry as in the circumstances he considers necessary, shall do such one of the following things as he thinks proper, namely :—

(i) Give directions to the employer or his representative that the worker be reinstated in the undertaking ; or

(ii) Decide that the employment of the worker shall be deemed to have been duly terminated when he was suspended (unless both the employer and the worker have agreed to the continuance of the employment or to its termination on a date subsequent to the date of suspension) ; or

(iii) Decide (in cases where he is not satisfied that summary dismissal is justified but is of opinion that, by reason of the mutual relationships that have become established between the worker and his employer or his fellow-workers, it is not in the public interest that the worker's employment in the undertaking should be compulsorily continued) that the employment of the worker shall be deemed to have terminated on a specified date subsequent to the date of his suspension ; and in any such case the worker shall be entitled to wages in lieu of notice for the period elapsing between the date of suspension and the date of termination, or for so much of that period as the District Man-power Officer may determine :

(e) Any direction given by the District Man-power Officer in accordance with subparagraph (i) of the last preceding paragraph shall, unless otherwise expressly provided therein, be to the effect that the worker shall be reinstated in his former position at the same rate of wages :

Provided that the District Man-power Officer may, if he thinks fit, direct that the worker shall be re-engaged by the employer in a different position or in work of a different kind, either at his former rate of wages or at a lower rate appropriate to the work on which he is employed after being re-engaged :

- (f) Every decision or direction given by a District Man-power Officer for the purposes of paragraph (d) or paragraph (e) hereof shall be communicated in writing to the worker and also to the employer or his representative and shall, in accordance with the provisions of Part VI hereof, be subject to appeal to a Man-power Appeal Committee :
- (g) Where any person is reinstated by the District Man-power Officer in accordance with paragraph (d) hereof, or by the Man-power Appeal Committee in accordance with paragraph (f) hereof, that Officer or Committee, as the case may be, may, if he or it deems it equitable so to do, direct the employer to pay to the worker (in respect of the period between his suspension and his reinstatement) either the amount that he would have earned during that period if he had not been suspended or so much thereof as may be determined by the District Man-power Officer or the Man-power Appeal Committee, as the case may be. Any moneys payable to a worker pursuant to this paragraph shall be deemed to be wages due and payable by the employer to the worker, and may be recovered in the same manner as wages payable in accordance with an award or industrial agreement :
- (h) Subject to appeal to a Man-power Appeal Committee in accordance with the provisions of Part VI hereof, the employer, with the prior permission in writing of the District Man-power Officer but not otherwise, may transfer any worker from his usual work to other work in the same undertaking for which a lower rate of remuneration is payable, and thereafter the work to which he has been transferred shall, for the purposes of this regulation, be deemed to be the usual work or occupation of the worker :
- (i) Except where a worker is transferred pursuant to any of the foregoing provisions of this regulation, no worker employed in an essential undertaking shall be transferred from one position to another position in the same undertaking, if the transfer involves a change in the nature of his work, except in accordance with the following provisions of this paragraph, namely :—
- (i) The worker may be at any time transferred, either permanently or temporarily, to a position in respect of which a higher time-rate of wages is payable :
- Provided that any worker who is transferred in accordance with this paragraph may, within seven days after the date of his transfer, appeal therefrom to a District Man-power Officer, who may give such decision in the matter as he thinks fit and whose decision shall be subject to appeal to a Man-power Appeal Committee in accordance with Part VI of these regulations ;
- (ii) In any case to which the last preceding subparagraph does not apply, the worker may be transferred only if the position in which he is usually employed is abolished, or if his usual work is temporarily unavailable, or if his services are temporarily required for work of greater urgency, or if his transfer has been authorized in writing by the District Man-power Officer and the worker has been informed in writing of his right of appeal under Part VI of these regulations ;

(iii) Except where the transfer is to work in respect of which a higher time-rate of wages is payable, no worker shall, without the permission in writing of the District Man-power Officer, be transferred from his usual work to any other work, for a longer period than one month, or for more than one month in the aggregate in any period of two months ;

(iv) Any worker to whom the foregoing provisions of this paragraph apply shall, in respect of any period of transfer, be entitled to wages computed at the time-rate as for his usual work, or to the wages appropriate to the position to which he has been transferred (whichever amount is the greater) :

(j) Every worker for the time being employed in an essential undertaking shall, subject to the provisions of the next succeeding paragraph, be entitled to receive not less than such minimum weekly wage as may be fixed in that behalf by the Minister of Labour pursuant to the next succeeding paragraph. If at any time the said Minister has failed to fix a minimum weekly wage that is applicable in the case of any worker employed in an essential undertaking as aforesaid, any order that may thereafter be made by the said Minister in respect of that undertaking may, in its application to that worker, be made retrospective to the date on which the undertaking was declared an essential undertaking, but not in any case to an earlier date than the 18th day of May, 1942 :

(k) The Minister of Labour may from time to time by order fix in respect of the workers or of workers of any class for the time being employed in any essential undertaking a minimum weekly wage to which such workers shall be entitled while so employed :

Provided that the right of any worker to receive payment in accordance with this paragraph shall be subject to his compliance with such conditions (if any), not inconsistent with these regulations, as the Minister of Labour may fix, and shall also be subject to the condition that the worker, during any period when he was not working at his usual work, was capable of performing and was available for his work, and that, when not actually required to perform such work, he was willing to perform any other services connected with the undertaking that he might in the circumstances be reasonably required to perform :

(l) For the purposes of the last preceding paragraph a worker shall be deemed not to have been available for work during any period when he was absent from work on account of personal sickness or accident, or on account of any circumstances within his own control, or during any period when the employer was unable to provide work for the worker by reason of a strike of workers employed in the same or any other undertaking, but shall be deemed to have been available for work at all other times during ordinary working-hours :

Provided that where application for leave to terminate his employment is made by a worker to the District Man-power Officer, in accordance with paragraph (b) of this subclause, on the ground that, in consequence of any strike

as aforesaid, he has not received in any specified week the weekly minimum wage fixed by the Minister of Labour in accordance with paragraph (k) hereof, the District Man-power Officer shall grant to the worker leave to terminate his employment in accordance with the application if he is satisfied that it is genuinely made on the ground stated, unless in any such case the employer agrees to make good the amount of the deficiency :

- (m) Except where a worker is duly transferred in accordance with the foregoing provisions of this regulation to a position for which a lower rate of wages is payable, every worker for the time being employed in an essential undertaking shall, notwithstanding anything to the contrary in any order issued by the Minister of Labour under paragraph (k) hereof, be entitled to receive not less than the rate of wages which he was receiving in respect of his usual work in the undertaking when it was declared an essential undertaking, or, if he was not then employed in the undertaking, he shall be entitled to receive not less than the rate of wages that he received to receive in respect of his first regular work in the undertaking :
- (n) It shall be the duty of every person who is for the time being employed in any essential undertaking, if at any time during his prescribed working-hours (as defined in Regulation 18 hereof) sufficient work is not available for him in his usual work, to undertake any other work in or in connection with the same undertaking that he may reasonably be required to undertake :
- (o) Every person commits an offence against these regulations who, without the prior permission in writing of a District Man-power Officer, employs or engages or enters into any contract in respect of the services of any person whose last continuous employment for a period of more than seven days was in an essential undertaking and whose employment as aforesaid was terminated by him contrary to the provisions of this regulation :

Provided that it shall be a good defence in any proceedings for an offence under this paragraph if the defendant proves that before employing or engaging the worker he made all reasonable inquiries as to his former employment, and that he did not know and had no reasonable grounds to suspect that the worker had left his employment in an essential undertaking contrary to the provisions of this regulation.

(2) For the purposes of this regulation the expression "usual work," in relation to any worker, includes any task that in normal circumstances the worker could properly be required to perform under his contract of employment or could properly be required to perform in or in connection with the particular operation or operations in which he is usually or normally engaged. Where, before the declaration of any undertaking as an essential undertaking, any worker engaged therein was entitled to receive different rates of wages in respect of different tasks forming part of his "usual work" as hereinbefore defined, the rate of wages in respect of his usual work shall, for the purposes of paragraph (i) and paragraph (m) of the last preceding subclause, be deemed to be the rate appropriate to each such task :

Provided that when any such worker is not engaged for any period during his prescribed working-hours on any task forming part of his usual work as aforesaid, his pay for that period shall be determined by reference to the work (if any) on which he is actually engaged during that period or by reference to the highest rate payable for the several tasks that constitute his usual work (whichever amount is the greater).

(3) Where any worker engaged in an essential undertaking is entitled, by virtue of his contract of employment or by any award or agreement or otherwise, to a rate of wages in excess of the minimum rates to which he is entitled in accordance with the foregoing provisions of this regulation, his wages shall not, except as may be otherwise provided in these regulations, be reduced below the rate to which he is entitled under his contract of employment, or under any award or agreement or otherwise, as aforesaid.

(4) Nothing in the foregoing provisions of this regulation shall apply with respect to the employment in any essential undertaking—

(a) Of any person whose employment in the undertaking lasts for less than a continuous period of eight days, including Sundays and holidays, provided that, in the case of a person whose employment in an essential undertaking lasts for a continuous period of eight days or more (including Sundays and holidays), not being a person to whom paragraph (c) of this subclause applies, the provisions of this regulation shall be deemed to have applied throughout the whole period of such employment; or

(b) Of any person in respect of whom the following provisions of this paragraph apply, namely,—

(i) His engagement in the undertaking is as a part-time worker; and

(ii) He is regularly available for work in the undertaking for part only of the ordinary working-hours prescribed in respect of that undertaking (whether by award, industrial agreement, or otherwise); and

(iii) His regular weekly working-hours, throughout the currency of his employment in the undertaking, are less than thirty; or

(c) Of any other person who, being engaged in the undertaking only for the purposes of a specific job of short duration but extending over eight days or more (including Sundays and holidays), is excluded from the operation of this regulation by the District Man-power Officer on application to extend the aforesaid period, made either by the worker or by the employer before the expiration of the said period. Every decision given by the District Man-power Officer for the purposes of this paragraph shall be by way of a refusal to extend the said period, or by an extension of the said period by such number of working-days or to such specified date as, in the circumstances of the case, the District Man-power Officer thinks proper. Every such decision shall be communicated in writing by the District Man-power Officer to the employer and to the worker or to the several workers affected thereby.

(5) Except where the employment of a worker by an employer engaged in an essential undertaking is with the consent in writing or by the direction of the District Man-power Officer, it shall be the duty of every such employer to give to the District Man-power Officer

in respect of every person who at any time hereafter completes a continuous period of full-time employment in the undertaking extending over eight days (including Sundays and holidays) a notice in writing specifying the full name and residential address of the worker, the age of the worker (in the case of a worker under twenty-one years of age), the date on which he commenced work, and the work or class of work on which he is usually employed in the undertaking. The notice hereby required to be given in respect of any worker shall be given within fourteen days after the commencement of his employment in the undertaking.

14. All applications made to a District Man-power Officer for the purposes of this Part of these regulations shall be in writing, and shall contain all such particulars as may be reasonably necessary to enable that Officer to arrive at a proper decision. The decision of the District Man-power Officer shall be communicated in writing to the employer and to the worker affected by the decision.

15. All decisions of a District Man-power Officer made for the purposes of this Part of these regulations shall be subject to an appeal to a Man-power Appeal Committee in accordance with the provisions in that behalf of Part VI of these regulations.

16. If any direction given by the Minister in accordance with Regulation 28 hereof or given by a District Man-power Officer in accordance with Regulation 33 hereof is given to or in respect of a worker employed in an essential undertaking in accordance with the foregoing provisions of this Part of these regulations, the obligations imposed on the worker by the said Regulation 28 or Regulation 33, as the case may be, shall, subject to appeal in accordance with Part VI of these regulations, prevail over any rights or obligations conferred or imposed on the worker by this Part.

APPLICATION OF THIS PART OF THESE REGULATIONS TO GOVERNMENT UNDERTAKINGS

17. (1) Any undertaking for the time being carried on by any Department of State may be declared to be an essential undertaking within the meaning of this Part of these regulations, and all the provisions of these regulations as to essential undertakings shall bind the Crown in respect of that undertaking.

(2) Any declaration made for the purposes of this regulation may be made in respect of a specified Department or of specified Departments, or may be made in respect of all Departments (with or without exception) under the same control. Any such declaration may exempt from the operation thereof the holders for the time being of any specified offices or the holders of offices of any specified class. Any two or more Departments to which any declaration made for the purposes of this regulation relates may, in accordance with the terms of that declaration, constitute a single undertaking.

PART IV.—INDUSTRIAL ABSENTEEISM

18. In this Part of these regulations, unless the context otherwise requires,—

“ Controller ” means a Controller for the time being in office as a Controller, whether under the Supply Control Emergency Regulations 1939* or under any other emergency regulations :

* Statutory Regulations 1939, Serial number 1939/131, page 599.

“ Ordinary working-hours ”, in respect of any worker engaged in any undertaking to which this Part applies, includes all working-hours for which the worker is not entitled to claim any overtime rates of payment :

“ Prescribed working-hours ”, in respect of any worker engaged in any undertaking to which this Part applies, includes all ordinary working-hours, and, in any case where the worker is obliged to work additional hours by virtue of a notice given by the Minister of Labour or by any Controller or by a District Man-power Officer, acting pursuant to the powers in that behalf conferred by Regulation 20 hereof, includes all such additional hours :

“ Week ” means a period of seven days ending at midnight on any Saturday.

APPLICATION OF THIS PART

19. (1) Except as provided in the next succeeding subclause this Part of these regulations shall apply with respect to all employers and workers for the time being engaged in—

(a) Any undertaking that is for the time being an essential undertaking within the meaning of Part III of these regulations :

(b) Any other undertaking to which this Part is for the time being applicable by virtue of a declaration made by the Minister pursuant to subclause (3) hereof.

(2) Nothing in this Part of these regulations shall apply with respect to any workers to whom the provisions of subclause (4) of Regulation 13 hereof are for the time being applicable.

(3) The Minister may from time to time, by notice published in the *Gazette* and in such other manner, if any, as he thinks fit,—

(a) Declare any undertaking specified in the notice to be an undertaking to which this Part of these regulations applies :

(b) Declare undertakings of a class specified in the notice (with or without exception) to be undertakings to which this Part of these regulations applies.

(4) Any notice given by the Minister pursuant to this regulation may be at any time in like manner amended or revoked.

(5) Any notice under this regulation may be given in respect of any undertaking for the time being carried on by any Department of State.

WORKING-HOURS IN UNDERTAKINGS TO WHICH THIS PART APPLIES

20. (1) The Minister of Labour may from time to time, by notice given in such manner as in the circumstances he deems adequate, direct in respect of any undertaking to which this Part applies and in respect of the workers or of any of the workers for the time being employed therein, that the undertaking shall be operated and that the workers shall be bound to work for times to be specified in the notice or to be determined in accordance with the notice.

(2) Any notice under this regulation may be given in respect of a specified undertaking, or may be given in respect of undertakings of a specified class (with or without exception). Any such notice may be at any time amended or revoked by the Minister of Labour.

(3) Any notice given under this regulation with reference to the operation of any undertaking may require that the undertaking shall be operated—

- (a) During specified hours or for a specified number of hours in any specified day or specified days ; or
- (b) During specified hours or for a specified number of hours in any specified week, or in each and every week during any specified period or until further notice.

(4) Any notice given under this regulation with reference to the workers for the time being employed in any undertaking may require any specified worker or specified workers, or workers of any specified class, if and whenever work is available for them in the undertaking, to work in the undertaking—

- (a) During specified hours or for a specified number of hours in any specified day or specified days ; or
- (b) During specified hours or for a specified number of hours in any specified week, or in each and every week during any specified period or until further notice.

(5) In respect of any undertaking within an industry for which a Controller has been appointed, and in respect of the workers employed in any such undertaking, the powers conferred by this regulation upon the Minister of Labour may be exercised by that Controller to the like effect as if they had been exercised by the said Minister.

(6) If, in the opinion of a District Man-power Officer, any work should be carried out urgently or without interruption and time does not in his opinion permit of the exercise by the Minister of Labour or by a Controller of the powers conferred by this regulation, the District Man-power Officer, for the purpose of ensuring that the work is done as and when required, may exercise any of the powers conferred on the said Minister by this regulation, to the like effect as if they had been exercised by that Minister :

Provided that no direction shall be given by any District Man-power Officer pursuant to this subclause except with respect to work required to be done on the day on which the direction is given or within three days thereafter.

(7) Any notice given for the purposes of this regulation may, notwithstanding anything to the contrary in any Act or regulations, or in any award or agreement, be given in respect of any Sunday or holiday.

(8) Nothing in this regulation shall be construed to affect any powers conferred on any person otherwise than by this Part of these regulations to require the production of any goods or services, or to require any employer to provide work, or to require any worker to work at any time in any undertaking.

OFFENCES BY OWNERS OR MANAGERS OF UNDERTAKINGS SUBJECT TO THIS PART

21. If any undertaking to which this Part of these regulations is for the time being applicable is not operated to the full extent during all ordinary working-hours, or is not operated during any other hours to the extent required to give effect to a direction given by the Minister of Labour or any Controller or District Man-power Officer, acting in accordance with the last preceding regulation, the owner or

owners of the undertaking, or if the undertaking is owned by a company, the company, its directors, and the manager or other person having charge of the operations of the undertaking, shall be severally guilty of an offence against these regulations unless in any such case the defendant in any proceedings proves that failure to operate the undertaking to its full extent, or, as the case may be, to the extent required to give effect to any direction as aforesaid, was due to causes beyond his control.

OFFENCES BY WORKERS EMPLOYED IN UNDERTAKINGS SUBJECT TO THIS PART

22. (1) If at any time while work is available for any worker employed in any undertaking to which this Part applies, the worker absents himself from work without leave or without reasonable excuse at any time during his prescribed working-hours, he shall be deemed to have committed an offence against these regulations and, subject to the provisions of Regulation 46 (3) hereof, shall be liable accordingly.

(2) Without limiting the foregoing provisions of this regulation it is hereby declared that if any worker at any time during his prescribed working-hours attends a "stop-work" meeting he shall be deemed to have committed an offence against these regulations unless he proves that the holding of the meeting and his attendance thereat were authorized by the provisions of an award or industrial agreement or other agreement for the time being in force in respect of the undertaking in which the worker is employed, or that his attendance at the meeting was previously authorized by or on behalf of his employer.

23. (1) If any person employed in any undertaking to which this Part applies fails to perform his work with due diligence, or wilfully or negligently fails to exercise proper skill and care in the performance of his work, or wilfully or negligently fails to comply with any reasonable rules, instructions, or directions made or given for ensuring the safe or efficient operation of the undertaking, he shall be deemed to have committed an offence against these regulations.

(2) Any offence alleged to have been committed against this regulation may be reported in writing by or on behalf of the employer to the District Man-power Officer, who shall forthwith investigate the allegation. If, after investigation, the District Man-power Officer is of opinion that an offence against this regulation has been committed and that the circumstances warrant further action being taken against the worker, he shall report the matter to the Man-power Appeal Committee.

(3) On receipt of the report of the District Man-power Officer, the Man-power Appeal Committee shall proceed to consider the matter and shall give to all interested parties an opportunity of appearing before it and being heard. If, after consideration, the Committee is satisfied that an offence has been committed, it shall either direct that a deduction be made from the wages of the worker in accordance with Regulation 24 (2) hereof or authorize the taking of judicial proceedings against the worker.

(4) No judicial proceedings shall be taken in respect of any offence against this regulation except with the authority of the Committee communicated in writing to the District Man-power Officer.

**DEDUCTIONS FROM PAY FOR UNAUTHORIZED ABSENCES FROM WORK
OR OTHER OFFENCES**

24. (1) Where any worker employed in an undertaking to which this Part applies has been habitually or persistently absent from work during any part of his prescribed working-hours, or has absented himself from work without leave for the whole or the greater part of any shift or for all or the greater part of the prescribed working-hours in the forenoon or the afternoon of any day, the employer (unless he is satisfied that the worker had a reasonable excuse for his absence or unless during the period of such absence there was no work or there was not sufficient work available for the worker) shall forthwith report the matter to the appropriate District Man-power Officer and, if directed by the District Man-power Officer so to do, shall deduct from the wages of the worker in respect of any week during which the worker has been absent from work as aforesaid an amount not exceeding the equivalent of two days' pay (exclusive of social security charge and national security tax).

(2) Where any worker is alleged to have committed an offence against Regulation 23 hereof and the matter has been reported to the District Man-power Officer, in accordance with that regulation, the employer, if directed by the Man-power Appeal Committee so to do, shall deduct from the wages of the worker in respect of the alleged offence an amount not exceeding the equivalent of two days' pay (exclusive of social security charge and national security tax).

(3) All deductions directed or authorized to be made from the wages of any worker pursuant to this regulation shall be computed at the appropriate time-rate as for his ordinary working-hours.

(4) No deduction made pursuant to this regulation from the wages of any worker shall affect the amount of the social security charge or the national security tax for the payment of which the worker is liable, and the amount of the said charge or tax shall be computed as if no deduction had been made under these regulations.

(5) Whenever any deduction from the wages of any worker is made under subclause (1) of this regulation the District Man-power Officer shall give to the worker a statement in writing specifying the amount of the deduction and the grounds upon which the deduction has been made, and notifying the worker of his right of appeal under the next succeeding regulation.

25. (1) Any worker from whose wages any deduction has been made in accordance with subclause (1) of the last preceding regulation may, within seven days after the receipt by him of the statement referred to in subclause (5) thereof, appeal from the deduction by giving to the District Man-power Officer a notice in writing requiring the matter to be referred to a Man-power Appeal Committee in accordance with Part VI hereof.

(2) If, after hearing the appeal, the Committee is satisfied that the absence in respect of which the deduction was made was with leave or with reasonable excuse, or that on the occasion of the absence no work or not sufficient work was available for the worker, or that the amount of the deduction is in excess of an amount deemed by the Committee to be appropriate in the circumstances, it shall authorize a refund to the worker of the amount deducted or of the amount of the excess, as the case may be.

(3) If the Committee is not so satisfied, it shall dismiss the appeal.

26. (1) Notwithstanding anything to the contrary in Regulation 24 hereof, any deduction required to be made from the wages of any worker pursuant to this Part of these regulations shall, if the District Man-power Officer so directs, be made in whole or in part by an employer other than the employer by whom the worker was employed when the occasion for the deduction arose.

(2) Any direction given by the District Man-power Officer for the purposes of this regulation may be given to the employer by whom the worker is for the time being employed or to any former employer in respect of any wages that, being payable to the worker by that employer, have not been paid.

(3) All deductions made pursuant to this Part of these regulations shall be paid by the employer to the credit of a deposit account to be held by the District Man-power Officer.

(4) All refunds made pursuant to the last preceding regulation shall be paid out of the appropriate deposit account.

(5) The District Man-power Officer shall from time to time, as required by official instructions, pay into the War Expenses Account all moneys received by him as deductions from wages pursuant to this Part, less any amounts refunded by him as aforesaid.

27. (1) Any deduction required to be made from the wages of any worker pursuant to this Part of these regulations shall, if practicable, be made at the time of the payment of the residue of the worker's wages for the week in which the employer receives instructions to make the deduction :

Provided that if for any reason any required deduction is not so made it shall be made as soon as practicable from wages thereafter becoming payable by the employer to the worker.

(2) Every employer who fails to make any deduction required to be made pursuant to this Part from the wages of any worker shall be deemed to have committed an offence against these regulations and shall be liable accordingly.

(3) Every employer or other person who, having made any deduction pursuant to this Part from the wages of any worker, disposes of such deduction or of any part thereof otherwise than in accordance with the terms of this Part shall be deemed to have committed an offence against these regulations and shall be liable accordingly.

(4) All amounts deducted as aforesaid and not duly accounted for may be recovered as a debt due by the employer to the Crown.

PART V.—OTHER OBLIGATIONS IN RESPECT OF INDUSTRIAL SERVICE

MINISTER MAY DIRECT PERFORMANCE OF NON-MILITARY SERVICES

28. (1) In this regulation, unless the context otherwise requires, the term "person" includes a company or other corporation and also includes a firm or other unincorporated association of persons.

(2) Except as provided in the next succeeding subclause, this regulation shall apply with respect to—

- (a) All persons for the time being resident in New Zealand ; and
- (b) Every company or other corporation and every firm or other association of persons for the time being carrying on business in New Zealand or engaged in any other activity in New Zealand.

(3) For the purposes of this regulation a person shall be deemed to be resident in New Zealand if his home is in New Zealand, or if he has arrived in New Zealand (whether before or after the commencement

of these regulations) with the intention of establishing his home in New Zealand or with the intention of remaining in New Zealand for an indefinite period, or if he has remained or remains in New Zealand for a period of not less than three months, or if he is a person for the time being engaged under New Zealand articles on any ship, or if his last employment was under New Zealand articles on any ship.

(4) Nothing in this regulation shall apply with respect to members of any of the armed forces (except the Home Guard), other than members who are for the time being on leave of absence without pay.

(5) If at any time it appears to the Minister to be necessary or expedient in the public interest so to do, he may by notice given in accordance with Regulation 45 hereof direct any person to whom this regulation applies to perform such services as may be specified in the direction or to perform services of a kind or class specified in the direction (not being in any case services outside New Zealand or services as part of any armed force). Any direction given for the purposes of this regulation may be to the effect that the person to whom the notice is given shall continue to perform services of the kind in which he is engaged or employed at the time when the direction is given.

(6) Every general direction given under this regulation shall have effect according to its tenor, notwithstanding that services of the kind specified in the direction may in ordinary circumstances be performed only by persons who are licensed or otherwise specially authorized to undertake or perform such services.

(7) Any direction under this regulation may be given to a specified person, or may be given to persons belonging to a specified class (with or without exception). Any specific or general direction given under this regulation with respect to any person or persons for the time being on leave of absence without pay from the armed forces may be given so as to apply from time to time whenever the person or persons to whom it is given or any person being a member of the class with respect to which it is given is on leave of absence as aforesaid (whether or not any such person to whom the direction applies was on leave of absence without pay when the direction was given).

(8) Any services performed pursuant to a direction given under this regulation shall be performed upon terms as to remuneration that are not less favourable to the worker than are the corresponding terms prescribed by any Act, or by any regulations or orders made under any Act, or by any award or industrial agreement or by any other agreement whatsoever that may be applicable to those services or to similar services.

(9) If no terms prescribed as aforesaid are applicable in respect of any services to be performed under this regulation, the services shall be performed upon such terms as to remuneration as may be prescribed for the purpose by the Minister of Labour.

(10) The Minister of Industrial Man-power may from time to time direct any person to undergo any training prescribed or approved by him for the purpose of fitting that person to perform any services under this regulation.

(11) For the purpose of enabling effect to be given to any direction given to any person under the foregoing provisions of this regulation the Minister may give such orders and directions as he thinks fit to any other person or to persons of any specified class.

(12) Any person who is for the time being subject to any direction given by the Minister for the purposes of this regulation or the corresponding provisions of any former regulations, or the employer of any such person, may at any time apply in writing to the District Man-power Officer for his release from such direction, and in any such case the District Man-power Officer, acting with the authority of the Minister, may, if he thinks fit, release the person concerned either wholly or in part from his obligation to comply with the direction.

(13) All directions given by the Minister or decisions made by the District Man-power Officer for the purposes of the foregoing provisions of this regulation shall be subject to an appeal to a Man-power Appeal Committee in accordance with the provisions of Part VI of these regulations.

(14) Every person commits an offence against these regulations who employs or continues to employ any person so as to prevent or in any way to interfere with the fulfilment by that person of any obligation imposed on him by virtue of any direction given by the Minister pursuant to this regulation, or who employs or continues to employ any person subject to any obligation as aforesaid if the employment of that person is in any way incompatible with his fulfilment of such obligation :

Provided that it shall be a good defence in any proceedings for an offence against this subclause if the defendant proves that he did not know and had no reasonable grounds to suspect that the worker in respect of whose employment the proceedings were taken was subject at any time during the period of his employment to any unfulfilled obligations under this regulation, or that the employment of the worker was incompatible with the fulfilment by the worker of any such obligation.

(15) The provisions of the Occupational Re-establishment Emergency Regulations 1940,* and of the Suspension of Apprenticeship Emergency Regulations 1939†, shall apply with respect to persons who are at any time transferred in accordance with this regulation from their normal employment in all respects as if those persons had then been called up for service with the armed forces.

(16) The time allowed by the regulations referred to in the last preceding subclause for the exercise by any apprentice or employee of the right to have his contract of apprenticeship revived or of the right to be reinstated in his employment, as the case may be, shall be deemed not to run during any period when the apprentice or employee was employed or engaged subject to any direction given by the Minister under this regulation.

29. (1) This regulation applies with respect to all British subjects who, at any time since the 28th day of April, 1941, and whether before or after the commencement of these regulations, have served as seamen on any ship.

(2) If at any time it appears to the Minister to be necessary or expedient in the public interest so to do, he may, by notice in writing given in accordance with Regulation 45 hereof, direct any person to whom this regulation applies to serve as a seaman on any home-trade or foreign-going British ship :

* Statutory Regulations 1940, Serial number 1940/291, page 1006.

† Statutory Regulations 1939, Serial number 1939/154, page 693.

Provided that no direction shall be given under this regulation to any person who, in the opinion of the Minister, is more closely connected with any other Dominion or with India than he is with the Dominion of New Zealand or with the United Kingdom.

(3) All directions given by the Minister acting under this regulation shall be subject to an appeal to a Man-power Appeal Committee in accordance with the provisions of Part VI of these regulations.

(4) For the purposes of this regulation the terms "seaman", "ship", "foreign-going ship", and "home-trade ship" have the same meanings respectively as in the Shipping and Seamen Act, 1908.

MINISTER MAY GIVE DIRECTIONS AS TO THE EMPLOYMENT OR THE
TERMINATION OF THE EMPLOYMENT OF WORKERS

30. (1) The Minister may from time to time, by direction given to employers generally or to any specified employer or employers, or to employers of any specified class (with or without exception) direct that no employer to whom such direction is given shall, except with the consent of a District Man-power Officer, engage or attempt to engage any worker whomsoever, or engage or attempt to engage any worker in any specified industry, trade, or occupation, or engage or attempt to engage any worker who is normally or usually engaged in any specified industry, trade, or occupation.

(2) The Minister may from time to time, by direction given to employers generally or to any specified employer or employers, or to employers of any specified class (with or without exception), direct any such employer to terminate the employment of any specified worker or of all or any workers of a specified class, or to cease employing any such worker or workers on any specified work or on work of a specified kind. No action shall lie against the employer for any breach of a contract of service or otherwise if he proves that the breach complained of was due to his compliance with any direction given by the Minister under this subclause.

(3) Within twenty-four hours after the termination by the employer or the worker of the employment of any worker who has been employed by an employer to whom any direction under subclause (1) or subclause (2) of this regulation or under the corresponding provisions of the Industrial Man-power Emergency Regulations 1942 has been given or to whom any such direction is applicable (whether or not the employment of the worker by the employer required the consent of a District Man-power Officer or was with such consent), the employer shall give to a District Man-power Officer a notice in writing containing the following particulars:—

- (a) The full name and residential address of the worker and, in the case of a worker under twenty-one years of age, the age of the worker ;
- (b) The class of work on which he was ordinarily engaged by the employer ;
- (c) The reason for the termination of the employment ; and
- (d) The date on which the worker ceased to be employed by the employer.

(4) All directions of the Minister and all decisions of a District Man-power Officer given for the purposes of the foregoing provisions of this regulation shall be subject to an appeal to a Man-power Appeal Committee in accordance with the provisions of Part VI of these regulations.

MINISTER MAY REQUIRE REGISTRATION OF EMPLOYERS IN SPECIFIED INDUSTRIES

31. The Minister may from time to time, by notice given in such manner as he thinks fit, direct all persons engaged otherwise than as employees in any specified industry, trade, or occupation, or all such persons of any specified class or of specified classes, to register in such manner and to furnish, in a form approved by or acceptable to the Minister, such information and particulars in relation to any work of a kind usually undertaken by them or in relation to any work actually undertaken by them as the Minister may from time to time require.

REGISTRATION OF PERSONS AVAILABLE FOR EMPLOYMENT

32. (1) The Minister may from time to time, by notice given in such manner as he thinks fit, direct all persons of any specified class or of specified classes, whether normally engaged in any occupation or not, to register for employment with the nearest District Man-power Officer or with any other specified official. Every person who, having been called up for service with the armed forces, is for the time being on leave of absence without pay because he has been classified as being medically unfit for service or because his obligation to serve has been duly postponed shall be deemed to have registered under this regulation, and if any such person is included in a class to which a notice under this regulation relates it shall not be necessary for him to fill in any form of application for registration pursuant to this regulation, or to take any other steps towards his registration unless he is expressly required so to do by further notice given by the Minister or by notice given by a District Man-power Officer.

(2) Any person, not being a person to whom a notice under the last preceding subclause applies, may, by leave of the District Man-power Officer, voluntarily register in accordance with this regulation as if he were required to register by the terms of a notice under this regulation.

(3) If any direction given by the Minister under subclause (1) hereof is given by public notice, it shall be the duty of every employer to ascertain with respect to every person employed or thereafter becoming employed by him—

(a) Whether or not the direction applies to such person; or

(b) If the direction applies to such person, whether or not it has been complied with.

(4) If default is made by any employee in complying with any direction given by the Minister as aforesaid, it shall be the duty of his employer forthwith to report the default to the District Man-power Officer.

(5) In the event of a change of name, by marriage or otherwise, or of the residential or other postal address or of the occupation or employment of any person for the time being registered under this regulation, the person concerned shall forthwith give notice in writing to the District Man-power Officer of his or her new name, address, occupation, or employment, as the case may be. Any such notice may be delivered at the office of the District Man-power Officer, and if not so delivered shall be sent by registered letter addressed to that Officer at his office.

(6) It shall not be lawful for any employer to terminate the employment of any person employed by him on the ground that such person has been registered or is required to be registered in accordance with this regulation.

(7) Forms of application for registration under this regulation shall be made available at such places as the Minister may from time to time determine, and the Minister shall from time to time as occasion requires give all necessary directions as to the particulars to be furnished and as to the procedure to be followed in effecting registration.

COMPULSORY EMPLOYMENT OF REGISTERED PERSONS

33. (1) Every person registered under the last preceding regulation shall, as required by the District Man-power Officer, continue in or undertake such employment or training for employment as that Officer may direct, and shall continue in such employment or training for such period as the said Officer may require. For the purpose of enabling effect to be given to any direction under the foregoing provisions of this subclause, the District Man-power Officer may require any employer or other person to continue or to undertake the employment or training of any person to whom such direction relates, or as the case may require, to continue or to undertake both the employment and training of any such person.

(2) Any person who is for the time being subject to any direction given by the District Man-power Officer for the purposes of this regulation or the corresponding provisions of any former regulations, or the employer of any such person, may at any time apply in writing to the District Man-power Officer for his release from such direction, and in any such case the District Man-power Officer, if he thinks fit, may release the person concerned either wholly or in part from his obligation to comply with the direction.

(3) The provisions of subclauses (8) and (9) of Regulation 28 hereof (as to the rates of remuneration of persons employed under that regulation) shall, so far as applicable, apply with respect to persons for the time being employed or being trained for employment in accordance with this regulation.

(4) All directions and decisions given or made by a District Man-power Officer for the purposes of this regulation shall be subject to an appeal to a Man-power Appeal Committee in accordance with the provisions of Part VI of these regulations.

(5) Every person commits an offence against these regulations who employs or continues to employ any person so as to prevent or in any way to interfere with the fulfilment by that person of any obligation imposed on him by virtue of any direction given by the District Man-power Officer pursuant to this regulation, or who employs or continues to employ any person subject to any obligation as aforesaid if the employment of that person is in any way incompatible with his fulfilment of such obligation :

Provided that it shall be a good defence in any proceedings for an offence against this subclause if the defendant proves that he did not know and had no reasonable grounds to suspect that the worker in respect of whose employment the proceedings were taken was subject at any time during the period of his employment to any unfulfilled obligations under this regulation, or that the employment of the worker was incompatible with the fulfilment by the worker of any such obligation.

(6) The provisions of the Occupational Re-establishment Emergency Regulations 1940* and of the Suspension of Apprenticeship Emergency Regulations 1939† shall apply with respect to persons for the time being employed or being trained for employment in accordance with this regulation in the same manner in all respects as if those persons had been called up for service with the armed forces.

(7) The time allowed by the regulations referred to in the last preceding subclause for the exercise by any apprentice or employee of the right to have his contract of apprenticeship revived or of the right to be reinstated in his employment, as the case may be, shall be deemed not to run during any period when the apprentice or employee was employed or engaged subject to any direction given by the District Man-power Officer under this regulation.

COMPLIANCE WITH LAW AS TO COMPULSORY UNIONISM

34. (1) Every person who is for the time being employed in accordance with the provisions of Part III of these regulations or in accordance with Regulation 28, Regulation 29, or Regulation 33 hereof shall, while so employed, be deemed to be a member of the appropriate industrial union of workers (if any), as if he had duly applied for and been admitted to membership of the union :

Provided that this subclause shall not apply with respect to any person who, by virtue of any award or industrial agreement for the time being in force under the Industrial Conciliation and Arbitration Act, 1925, or by virtue of section 18 of the Industrial Conciliation and Arbitration Amendment Act, 1936, may be lawfully employed by any employer in the position or employment in which he is in fact employed notwithstanding that he is not a member of an industrial union of workers.

(2) If any person to whom the last preceding subclause applies refuses or fails to pay any entrance fee or subscription or other moneys due by him to the union, the secretary of the union or of the appropriate branch of the union or any person authorized in that behalf by the executive committee of the union or branch may request the District Man-power Officer to require the employer to deduct the amount from the wages of the person concerned, and in any such case the District Man-power Officer, if he is satisfied that the amount is due or owing in respect of a period during which the worker was subject to the regulations referred to in the last preceding subclause or to the corresponding provisions of any former regulations, and that the secretary or other authorized person has made at least two demands in writing for the payment of the amount due before having recourse to the special provisions of this subclause, shall, by writing under his hand, direct the employer to deduct the amount from the wages of the worker concerned and to pay it to the secretary or other authorized person.

(3) It shall be the duty of every employer to whom any such direction is given to comply with the direction, and, unless otherwise specified in the direction, the necessary deduction shall be made from the first wages thereafter becoming payable to the worker.

(4) Any direction given for the purposes of this regulation may be given to the employer by whom the worker is for the time being employed, or may be given to any former employer in respect of any wages that, being payable to the worker by that employer, have not been paid.

* Statutory Regulations 1940, Serial number 1940/291, page 1006.

† Statutory Regulations 1939, Serial number 1939/154, page 603.

PART VI.—APPEALS TO MAN-POWER APPEAL COMMITTEE

35. (1) Where any direction or decision given or made for the purposes of these regulations is subject to an appeal to a Man-power Appeal Committee, any person who is directly concerned therewith may, within seven days after it has been delivered or communicated to him, appeal therefrom by giving notice in writing to the nearest District Man-power Officer requiring the matter to be referred to a Man-power Appeal Committee for rehearing.

(2) Forthwith upon receipt of any such notice the District Man-power Officer shall refer the matter to a Man-power Appeal Committee for rehearing, and the Committee, on the completion of the rehearing, shall give in writing such directions on the matter as it thinks fit, and such directions shall be final :

Provided that if the Controller has reason to believe that the determination of the Committee has been obtained by fraud or that any new and material evidence is available he may refer the matter back to the Committee for further rehearing in whole or in part, and in any such case the Committee may cancel, confirm, or vary its former decision in respect of the matter so referred to it.

(3) A copy of the directions of the Committee, under the hand of the Chairman of the Committee, shall be forthwith furnished by the Committee to every person directly concerned with the appeal (including in every case the worker or workers to whom the appeal relates).

(4) If the notice of any appeal is not given within the time limited in that behalf by subclause (1) hereof the Man-power Appeal Committee shall not hear the appeal unless it is satisfied that the failure to give the notice within the time so limited was occasioned by mistake or by some other reasonable cause.

36. (1) All appeals to a Man-power Appeal Committee under these regulations shall be heard in public unless the Committee is of opinion in any case that, in the public interest, the appeal should, in whole or in part, be heard in private.

(2) Adequate notice of the hearing of an appeal shall be given by or on behalf of the Committee to the parties to the appeal and also to the District Man-power Officer.

(3) At the hearing of any appeal the District Man-power Officer shall have the right to examine witnesses and to address the Committee.

(4) Any employer or worker, being a party to any appeal, and being a member of an industrial union or other association of employers or an industrial union or other association of workers, may be represented thereat by an officer of the union or association appointed by the employer or worker for the purpose.

(5) Whether or not the provisions of the last preceding subclause are applicable in any case, any party to an appeal under these regulations may appear in person at the hearing of the appeal or may be represented thereat by a barrister or solicitor.

(6) Except as expressly provided in these regulations, every Man-power Appeal Committee shall determine its own procedure at the hearing of appeals.

37. (1) Where any worker employed in an essential undertaking, within the meaning of Part III of these regulations, loses time in consequence of an appeal under these regulations, and the decision of the Man-power Appeal Committee is in favour of the worker, the employer shall, if the Committee so directs, pay to the worker, in

respect of the time so lost, either the amount that the worker would have earned during that time or so much thereof as the Committee may determine.

(2) Where any appeal by a worker as aforesaid is against the termination of his employment with the permission of the District Man-power Officer, any time during which the worker was unemployed or was employed at a reduced rate of wages between the termination of his employment and the re-engagement of the worker (if he is in fact re-engaged) or (where the worker is not re-engaged by the employer) between the termination of his employment and the determination of the appeal, shall be deemed to be time lost by the worker in consequence of the appeal.

(3) Any moneys payable to a worker pursuant to this regulation shall be deemed to be wages due and payable by the employer to the worker, and may be recovered in the same manner as wages payable in accordance with an award or industrial agreement.

38. The pendency of any appeal shall in no way suspend the obligations imposed on the appellant by or by virtue of the direction or decision appealed from, except so far as any such suspension may be expressly allowed to the appellant by writing under the hand of a District Man-power Officer.

PART VII.—MISCELLANEOUS

39. (1) There may be paid out of moneys appropriated by Parliament for the purpose to the members of any Man-power Appeal Committee, Advisory Council, or Advisory Committee appointed under these regulations, not being officers of the Public Service, such remuneration by way of salary, fees, or allowances and such travelling allowances and expenses as may from time to time be directed or approved by the Minister of Finance, either generally or in respect of any particular person or class of persons.

(2) All such travelling allowances and expenses shall be payable in accordance with the Travelling-allowance Regulations 1941,* and those regulations shall for the purposes of this regulation be deemed to be incorporated in these regulations.

40. The Minister or the Controller, or any District Man-power Officer acting with the authority of the Minister or the Controller, may from time to time require any person to furnish in writing any information or particulars that may be required for the purposes of these regulations.

41. (1) If any person submits or claims, on medical grounds, that he should be allowed to terminate his employment, or to change the nature thereof, or that he should be exempted, in whole or in part, from any obligations imposed on him by or by virtue of these regulations, the Minister or the Controller, or the Man-power Appeal Committee, or the District Man-power Officer acting with the authority of the Minister or the Controller, may require him to submit himself for medical examination by a medical practitioner or by any two or more medical practitioners, to be nominated for the purpose by the Minister or the Controller.

(2) If any person refuses or fails to submit himself for medical examination as aforesaid he shall be deemed to have committed an offence against these regulations, and, on any appeal to a Man-power Appeal Committee under Part VI of these regulations, he shall not be allowed, except with the consent of the Committee, to give or to call any evidence relating to his state of health.

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

42. (1) Any District Man-power Officer or any person authorized in writing in that behalf by a District Man-power Officer may, for the purposes of these regulations, enter upon and inspect any premises during ordinary or extended working-hours or business hours or at any other reasonable time, may interview any persons for the time being thereon or therein, and may demand the production of any books or other documents relating to any matters with which these regulations are concerned, and may make copies of or extracts from any such books or documents.

(2) For the purpose of ensuring compliance with these regulations or with any orders or directions given thereunder, any constable, or any District Man-power Officer, or any person acting with the written authority of the Controller or of a District Man-power Officer, may, on production of sufficient evidence of his office or authority, question any person whom he finds in any public place, as defined by section 40 of the Police Offences Act, 1927, as to his name, or place of residence, or occupation, or age, or as to his obligations or exemption from obligation under these regulations or under any such order or direction as aforesaid. Any constable may, pending further inquiry, arrest without warrant or detain any person whom he suspects to have given any false or misleading information in answer to any question put to him for the purposes of this subclause, or who refuses or fails to answer any such question.

(3) Any District Man-power Officer or any person authorized in writing in that behalf by a District Man-power Officer may, for any purpose in connection with these regulations, require any person to appear before the District Man-power Officer or before any authorized person as aforesaid, to produce any books or other documents for inspection, and to answer any questions or to furnish any information that may be required by the District Man-power Officer or by such authorized person.

43. (1) The Minister, or any other person with the authority of the Minister, may from time to time, either generally or particularly, delegate any of the powers conferred on him by these regulations, including the power of delegation conferred by this regulation.

(2) Subject to any general or special directions given or conditions attached by the Minister or other person by whom any powers are delegated as aforesaid, the person to whom any powers are so delegated may exercise those powers in the same manner and with the same effect as if they had been directly conferred on him by these regulations and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this regulation shall be presumed to be acting in accordance with the terms of the delegation unless and until the contrary is proved.

(4) Any delegation under this regulation may be made to a specified person or to persons of a specified class, or may be made to the holder for the time being of a specified office.

(5) The delegation by the Minister or by any other person of any powers conferred on him by or by virtue of these regulations shall not prevent the personal exercise of those powers by the Minister or by that other person.

44. (1) Any written notice, order, direction, restriction, requirement, or other instrument given, granted, or made by the Minister or any person authorized in that behalf under these regulations shall

be sufficiently authenticated if it is signed by the Minister or authorized person or by any person on behalf of and by direction of the Minister or authorized person, as the case may be.

(2) Every instrument purporting to be signed by or on behalf of the Minister or any person authorized in that behalf shall, in the absence of proof to the contrary, be deemed to have been duly signed by or on behalf of and by direction of the Minister or authorized person, as the case may be.

45. (1) The Minister or any person authorized in that behalf may give public notice of the exercise of any of his powers under these regulations or of any order, direction, restriction, requirement, or condition given or imposed by him under these regulations, and all persons shall be bound thereby.

(2) For the purposes of these regulations, except where otherwise specially provided, the term "public notice" means a notice published in the *Gazette* or in a newspaper circulating in the locality in which the matter of the notice arises or to which it relates.

(3) The Minister or any person authorized in that behalf may, without public notice, give notice to any person of any such order, direction, restriction, requirement, or condition, and every person to whom notice is so given shall be bound thereby.

(4) Except where otherwise specially provided, any notice required to be given to any person for the purposes of these regulations may be given by causing it to be delivered to that person, or to be left at his usual or last known place of abode or business or at the address specified by him in any application, notice, or other document received from him by the Minister or authorized person, or to be posted in a letter addressed to him at that place of abode or business or at that address.

(5) If any such notice is sent to any person by registered letter it shall be deemed to have been delivered to him when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

(6) Every notice under these regulations shall take effect on the date when it is published or given, or on such later date as may be specified in that behalf in the notice.

(7) Any notice given under these regulations may be at any time varied or revoked by a subsequent notice.

46. (1) In addition to the offences specifically created by the foregoing provisions of these regulations, every person commits an offence against these regulations who—

- (a) Without lawful justification or excuse acts in contravention of or fails to comply in any respect with any provision of these regulations or of any order, direction, restriction, requirement, or condition given or imposed under these regulations :
- (b) Wilfully deceives or attempts to deceive any District Man-power Officer or any Man-power Appeal Committee in the exercise of any powers or functions under these regulations :
- (c) With intent to deceive, makes any false or misleading statement in or any material omission from any communication with or application to the Minister or any other person (whether in writing or otherwise) for the purposes of these regulations :

- (d) Resists, obstructs, or deceives any person who is exercising or attempting to exercise any power or function under these regulations :
- (e) Offers any bribe or other unlawful or improper inducement to any person with intent to influence him in the exercise of any powers, duties, or functions under or for the purposes of these regulations :
- (f) Being an employer or the servant or agent of an employer, or a fellow-worker, victimizes or attempts to victimize any worker with intent to deter the worker from exercising any right of appeal under these regulations, or to deprive the worker of the benefit of the result of any such appeal, or of any other right or privilege conferred by or by virtue of these regulations, or with intent to induce the worker to take steps to procure the termination of his employment :
- (g) Being a worker, behaves towards his employer or a fellow-worker, or being an employer, behaves towards any worker, in a threatening, insulting, embarrassing, or offensive manner with intent to induce the employer to take steps for the termination of the employment of the same or any other worker, or to induce any worker to take steps for the termination of his own employment.

(2) Every person who commits an offence against these regulations shall be liable on summary conviction,—

- (a) In the case of an individual, to imprisonment for a term not exceeding three months or to a fine not exceeding £50 and (if the offence is a continuing one) to a further fine not exceeding £5 for every day during which the offence continues :
- (b) In the case of a company or other corporation, to a fine not exceeding £200 and (if the offence is a continuing one) to a further fine not exceeding £20 for every day during which the offence continues.

(3) No proceedings shall be taken under this regulation against any worker for an offence against Regulation 22 hereof (other than an offence arising out of attendance at a “stop-work” meeting or an offence arising out of failure to comply with a direction given in accordance with Regulation 20 hereof) unless on at least two occasions deductions from the wages of the worker have been directed to be made pursuant to Regulation 24 hereof or the corresponding provisions of any former regulations, and, where there has been an appeal from any such deduction, the appeal has been dismissed.

(4) Where in any proceedings against a worker for an offence against Regulation 22 hereof, the worker pleads that the absence from work in respect of which the proceedings have been taken was by leave of his employer or with reasonable excuse, the burden of proving that he had obtained leave or the existence of such reasonable excuse, as the case may be, shall be on the defendant.

(5) Section 50 of the Justices of the Peace Act, 1927, shall not apply with respect to any prosecution for an offence against these regulations.

SCHEDULE

REGULATIONS REVOKED

THE Industrial Man-power Emergency Regulations 1942 (Statutory Regulations 1942, Serial number 1942/296, page 714).

The Industrial Man-power Emergency Regulations 1942, Amendment No. 1 (Statutory Regulations 1943, Serial number 1943/61, page 127).

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 3rd day of February, 1944.

These regulations are administered in the Department of National Service.