

Serial Number 1944/141



**THE INDUSTRIAL MAN-POWER EMERGENCY REGULATIONS
1944, AMENDMENT NO. 1**

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 27th day of
September, 1944

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. (1) These regulations may be cited as the Industrial Man-power Emergency Regulations 1944, Amendment No. 1, and shall be read together with and deemed part of the Industrial Man-power Emergency Regulations 1944* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 28th day of September, 1944.

2. Regulation 13 of the principal regulations is hereby amended by inserting, after paragraph (c) of subclause (1) thereof, the following new paragraph :—

“(cc) If any employer purports to terminate the employment of any worker contrary to the provisions of paragraph (a) of this subclause, or contrary to the terms of the permission to terminate such employment given by the District Man-power Officer in accordance with paragraph (c) of this subclause, the following provisions shall apply :—

“(i) Where the permission of the District Man-power Officer to the termination of the employment has not been given the employment shall be deemed not to have been terminated, and it shall continue until it is duly terminated in accordance with these regulations :

* Statutory Regulations 1944, Serial number 1944/8, page 14.

“ (ii) Where the permission of the District Man-power Officer to the termination of the employment has been given but the employer has purported to terminate the employment before the date specified in that behalf by the District Man-power Officer or without giving the prescribed period of notice, the employment shall be deemed not to have been terminated until the date specified by the District Man-power Officer or until the expiration of the prescribed period of notice (whichever is the later) :

“ (iii) The rights and privileges of the worker in respect of wages or of any other matter shall not be deemed to have been affected by the action of the employer in purporting to terminate the employment of the worker.”

3. (1) Subclause (1) of Regulation 13 of the principal regulations is hereby further amended as follows :—

(a) By omitting from paragraph (j) the word “ wage ” wherever it occurs, and substituting the word “ payment ”:

(b) By omitting from paragraph (k) the words “ a minimum weekly wage ”, and substituting the words “ a minimum weekly payment from their employers ”:

(c) By inserting, after paragraph (k), the following new paragraph :—

“ (kk) Any order made by the Minister of Labour under the last preceding paragraph may be made in respect of the ordinary weekly working-hours of the workers concerned or of their actual working-hours, or in such other manner as in the circumstances of any case the Minister deems desirable, and may make different provisions in respect of workers of different classes. Any such order may include provisions prescribing the method or alternative methods of computing the minimum weekly payments fixed in the order, and may contain any other incidental provisions that the Minister deems necessary to secure the proper administration and operation of the order ” :

(d) By omitting from paragraph (l) the words “ the last preceding paragraph ”, and substituting the words “ paragraph (k) hereof ” ; and by omitting from the same paragraph the word “ wage ”, and substituting the word “ payment ”.

(2) Nothing in the last preceding subclause shall affect the validity or operation of the Minimum Weekly Wage (Essential Undertakings) Order 1942 (No. 2).*

4. Regulation 30 of the principal regulations is hereby amended by revoking subclause (1) thereof, and substituting the following subclause :—

“ (1) The Minister may from time to time, by an order of general application or by an order given to any specified person or persons, or to persons of any specified class (with or without exception), direct that no person to whom the order is for the time being applicable 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.”

* Statutory Regulations 1942, Serial number 1942/320, page 785.

5. (1) The principal regulations are hereby further amended by adding the following new regulation :—

“ 47. All moneys payable by an employer to a worker pursuant to these regulations or pursuant to any order or direction made or given thereunder shall be deemed to be wages due and payable by the employer to the worker, and may be recovered in the same manner in all respects as wages payable in accordance with an award or industrial agreement are recoverable.”

(2) The principal regulations are hereby consequentially amended as follows :—

- (a) By omitting from paragraph (g) of subclause (1) of Regulation 13 the words “ 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.”
- (b) By revoking subclause (3) of Regulation 37.

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 28th day of September, 1944.

These regulations are administered in the National Service Department.