



THE REMUNERATION FREEZE REGULATIONS 1982

DAVID BEATTIE, Governor-General

By his Deputy,
RONALD DAVISON

ORDER IN COUNCIL

At the Government House at Wellington this 28th day of June 1982

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL BY HIS DEPUTY IN COUNCIL
PURSUANT to the Economic Stabilisation Act 1948, His Excellency the
Governor-General, acting by and with the advice and consent of the
Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ul style="list-style-type: none"> 1. Title 2. Commencement and expiry 3. Interpretation | <ul style="list-style-type: none"> 4. Powers and functions of Minister of Labour 5. Remuneration frozen as at 28 June 1982 6. Offences 7. Savings 8. Conflict with other regulations |
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REGULATIONS

1. Title—These regulations may be cited as the Remuneration Freeze Regulations 1982.

2. Commencement and expiry—(1) These regulations shall come into force on the 29th day of June 1982.

(2) These regulations shall continue in force until the close of the 22nd day of June 1983, and shall then expire.

3. Interpretation—In these regulations, unless the context otherwise requires,—

“Enactment” means any provision of any Act, regulation, rules, bylaws, Order in Council, or Proclamation, or of any notice given by a Minister of the Crown:

“Local authority” means any body that is a local authority for the purposes of—

(a) The Local Authorities Loans Act 1956 or any Part of that Act; or

(b) The Local Authorities (Members’ Interests) Act 1968:

“Remuneration”—

(a) Means salary or wages and all other payments of any kind whatsoever payable to the holder of any office for his services; but

(b) Does not include—

(i) Any payment by way of expenses, refunds, or allowances to meet expenditure already incurred; or

(ii) Any remuneration (as defined in regulation 2 (1) of the Wage Adjustment Regulations 1974*) payable to a worker in his capacity as a worker; or

(iii) Any remuneration (as defined in section 2 (1) of the State Services Conditions of Employment Act 1977) payable to a State employee in return for his services as a State employee; or

(iv) Any salary or allowances payable to any person in accordance with a determination of the Higher Salaries Commission; or

(v) Any payment for professional services within the meaning of the Professional Charges (Price Freeze) Regulations 1982†:

“State employee” has the meaning given to it by regulation 45A of the Wage Adjustment Regulations 1974*:

“Statutory body”—

(a) Means a body of persons, whether corporate or unincorporate, established by an enactment; and

(b) Includes—

(i) A statutory board within the meaning of the Fees and Travelling Allowances Act 1951; and

(ii) A local authority; and

(iii) A trustee savings bank established under the Trustee Savings Banks Act 1948; but

(c) Does not include—

(i) A company formed and registered under the Companies Act 1955, or an existing company as defined in that Act; or

(ii) A building society incorporated under the Building Societies Act 1965 or under the Building Societies Act 1908; or

(iii) A society registered or deemed to be registered under the Friendly Societies Act 1908 or any branch of any such society; or

*S.R. 1974/143 (Reprinted with Amendments Nos. 1 to 16: S.R. 1978/226)
 Amendment No. 17: S.R. 1978/296
 Amendment No. 18: S.R. 1980/192
 Amendment No. 19: S.R. 1980/216

†S.R. 1982/143

(iv) A society incorporated under the Incorporated Societies Act 1908; or

(v) A society registered or deemed to be registered under the Industrial and Provident Societies Act 1908; or

(vi) A body incorporated outside New Zealand:

“Statutory officer” means a person holding, or performing the duties of, an office established by an enactment:

“Worker” has the same meaning as in the Industrial Relations Act 1973; and includes any person employed pursuant to section 113 (2) of the Coal Mines Act 1979 (which relates to State coal mines).

4. Powers and functions of Minister of Labour—Any powers or functions that the Minister of Trade and Industry may exercise or perform under the Economic Stabilisation Act 1948 may, in relation to any matter arising under these regulations, be exercised by the Minister of Labour.

5. Remuneration frozen as at 28 June 1982—(1) The remuneration paid to any statutory officer or to any member of a statutory body or to any member of the governing body of a statutory body in respect of his duties as such officer or member shall not, in respect of the whole or part of the period beginning on the 29th day of June 1982 and ending with the close of the 22nd day of June 1983, be payable to him at a rate that exceeds the rate at which remuneration was payable as at the 28th day of June 1982 (or, if the office was vacant on that date, would have been payable as at that date) to the person who held office as such officer or member on that date in respect of his duties as such officer or member.

(2) Subclause (1) of this regulation shall have effect notwithstanding—

(a) That the maximum rate of remuneration that may be paid to any statutory officer or to any member of a statutory board or to any member of the governing body of a statutory body in respect of his duties as such officer or member was fixed as at the 28th day of June 1982 by or pursuant to any enactment; and

(b) That the rate at which the remuneration referred to in paragraph (a) of this subclause was payable as at the 28th day of June 1982 was less than the maximum rate referred to in that paragraph.

6. Offences—(1) Without limiting the provisions of section 18 of the Economic Stabilisation Act 1948, every person commits an offence, and is liable accordingly to the penalties specified in subsection (3) of that section, who—

(a) Without lawful justification or excuse acts in contravention of or fails to comply with any provision of these regulations; or

(b) Either alone or in combination with any other person or group or body of persons, does any act with the intention of defeating or evading any provision of these regulations.

(2) Every payment made by any person to a statutory officer or to a member of a statutory body or to a member of a governing body of a statutory body in breach of any provision of these regulations shall be deemed to be a separate offence, whether there are several such payments to the same statutory officer or to different statutory officers or to the same member or to different members.

(3) Any information for an offence against these regulations may include 2 or more offences alleged to have been committed by the defendant.

7. Savings—(1) Nothing in these regulations prevents any increase in any rate of remuneration payable to an individual (other than in his capacity as a member of a statutory body or of the governing body of a statutory body) in any of the following cases:

- (a) Where the increase is made as the result of the promotion of the individual from one established position to another established position:
 - (b) Where the increase is made in accordance with an existing salary scale or arrangement providing for the increase on the grounds of age, service, or qualifications.
- (2) Nothing in these regulations limits the provisions of:
- (a) The Wage Freeze Regulations 1982*; or
 - (b) The Professional Charges (Price Freeze) Regulations 1982†.

8. Conflict with other regulations—In the event of any conflict between these regulations and the provisions of the Limitation of Directors' Fees Regulations 1982‡, the provisions of these regulations shall prevail.

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

*S.R. 1982/141

†S.R. 1982/143

‡S.R. 1982/146

EXPLANATORY NOTE

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

These regulations freeze, in respect of the period beginning on 29 June 1982 and ending with 22 June 1983, the remuneration payable to statutory officers and members of statutory bodies.

These regulations complement the Wage Freeze Regulations 1982 (S.R. 1982/141) and the Limitation of Directors' Fees Regulations 1982 (S.R. 1982/146).

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 28 June 1982.

These regulations are administered in the Department of Labour.