



**THE REMUNERATION (GENERAL INCREASE)  
REGULATIONS 1980**

—  
KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 14th day of July 1980.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 4 and 5 of the Remuneration Act 1979, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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ANALYSIS

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Remuneration (General Increase) Regulations 1980.

(2) These regulations shall come into force on the 1st day of August 1980.

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

“Award” means an award made under the Industrial Relations Act 1973 or any corresponding former Act; and includes an award made under section 32 (3) of the Agricultural Workers Act 1977 and an agreement deemed to be an award by section 34 (2) of that Act:

“Collective agreement” means a collective agreement within the meaning of the Industrial Relations Act 1973; and includes an agreement filed with the Registrar of the Arbitration Court under section 141 of that Act:

“Remuneration” means salary or wages and all other payments of any kind whatsoever prescribed in awards and collective agreements.

**3. General increase**—(1) Every award and collective agreement in force on the 1st day of August 1980 is hereby amended, on and from that date, by increasing by 4 percent every rate of remuneration determined in respect of workers by the provisions of the award or collective agreement.

(2) Where an award of the Aircrew Industrial Tribunal is in force on the 1st day of August 1980, subclause (1) of this regulation shall apply to that award as if it were an award made under the Industrial Relations Act 1973.

**4. Cases where general increase inapplicable**—(1) Nothing in regulation 3 of these regulations shall have effect to increase—

- (a) Any rate of commission or other like payment which is, whether directly or indirectly, a percentage or proportion of sales or takings; or
- (b) The rate of any incentive or bonus payment which is expressed, whether directly or indirectly, as a percentage or proportion of any rate of remuneration.

(2) Nothing in regulation 3 of these regulations shall apply to any award (including an award of the Aircrew Industrial Tribunal) or collective agreement that contains a provision having the effect, directly or indirectly, of requiring rates of remuneration of workers affected by the award or agreement to be adjusted in relation to any movements in any rates of remuneration of employees in the State services.

**5. Exclusion of general increase by agreement**—(1) The parties to any collective agreement, or the assessors in conciliation proceedings, may by agreement include in the collective agreement, or have included in the award, a provision to the effect that no general increase in rates of remuneration determined by awards and collective agreements, being a general increase which is of the kind described in section 5 of the Remuneration Act 1979 and which is effected by or pursuant to section 4 of that Act, shall apply to it.

(2) A provision to the effect that no general increase which is of the kind described in section 5 of the Remuneration Act 1979 and which is effected by or pursuant to section 4 of that Act shall apply to it may be included in any award made under section 32 (3) of the Agricultural Workers Act 1977 or in any agreement deemed to be an award by section 34 (2) of that Act if—

- (a) The parties to that award or agreement so agree; or
- (b) A conciliation council constituted under section 30 of that Act so determines by unanimous decision of its members.

(3) Nothing in regulation 3 of these regulations shall apply to any award (including an award of the Aircrew Industrial Tribunal) or collective agreement that contains—

- (a) A provision to the effect that no general increase in rates of remuneration determined by awards and collective agreements, being a general increase which is of the kind described

in section 5 of the Remuneration Act 1979 and which is effected by or pursuant to section 4 of that Act, shall apply to that award or collective agreement; or

- (b) A provision to the effect that no general order under the General Wage Orders Act 1977 shall apply to that award or collective agreement.

**6. Varying application of awards and collective agreements—**

(1) This regulation applies to every provision in an award (including an award of the Aircrew Industrial Tribunal) or collective agreement which provides that the award or collective agreement or any part thereof shall or shall not apply to any class of workers defined by reference to a specified monetary amount.

(2) Where regulation 3 of these regulations increases any rates of remuneration determined by an award (including an award of the Aircrew Industrial Tribunal) or collective agreement that contains any provision to which this regulation applies, regulation 3 of these regulations shall be deemed to apply to every monetary amount specified in that provision.

**7. Revocation and saving—**(1) The Remuneration (General Increase) Regulations 1979\* are hereby revoked.

(2) The revocation effected by subclause (1) of this regulation shall not affect the general increase effected by the Remuneration (General Increase) Regulations 1979.

A. C. MACLEOD,  
Acting for the Clerk of the Executive Council.

\*S.R. 1979/170

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## EXPLANATORY NOTE

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

These regulations, which come into force on 1 August 1980, effect (subject to the exceptions set out in regulations 4 and 5) a 4 percent general increase in rates of remuneration determined in respect of workers by the provisions of—

- (a) Awards and collective agreements;
- (b) Awards made under the Agricultural Workers Act 1977; and
- (c) Awards of the Aircrew Industrial Tribunal.

By virtue of regulation 6 (4) of the Wage Adjustment Regulations 1974, where any rate of remuneration lawfully exceeds the minimum rate prescribed by an award or a collective agreement or is lawfully payable under an instrument that is not an award or a collective agreement, that rate may be increased to the extent and in the manner prescribed by regulation 3 of these regulations as if that rate were a rate fixed by an award or a collective agreement.

Some Acts such as the Waterfront Industry Act 1976, the State Services Conditions of Employment Act 1977, and the Higher Salaries Commission Act 1977 (all of which were amended by the Remuneration Act 1979) make special provision for the passing on of general increases of the kind made by these regulations.

Apprentices will get the benefit of the general increase effected by these regulations as the amendment made by regulation 3 of these regulations to the relevant award or collective agreement automatically applies to the relevant apprenticeship order by reason of the fact that the rates of remuneration of apprentices are fixed by the apprenticeship order as proportions of the rates of remuneration from time to time fixed for journeymen.

The Remuneration (General Increase) Regulations 1979 are revoked but the general increase effected by those regulations is not affected.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 15 July 1980.

These regulations are administered in the Department of Labour.