

Serial Number 1940/86.



THE RATES OF WAGES EMERGENCY REGULATIONS 1940.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 16th day of
May, 1940.

Present :

THE 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.

1. These regulations may be cited as the Rates of Wages Emergency Regulations 1940.

2. In these regulations—

“ Award ” means an award of the Court of Arbitration :

“ Apprenticeship order ” means an order made by the Court under section 5 of the Apprentices Act, 1923 :

“ Court ” means the Court of Arbitration established under the Industrial Conciliation and Arbitration Act, 1925 :

“ Industrial agreement ” includes both an industrial agreement within the meaning of the Industrial Conciliation and Arbitration Act, 1925, and an agreement filed with the Clerk of Awards pursuant to section 8 of the Labour Disputes Investigation Act, 1913 :

“ Rates of remuneration ” includes time and piece wages and overtime and any other special payments.

3. Subject to the provisions hereinafter contained, the Court may from time to time, on the application of any industrial union or association of employers or workers, by general order amend the provisions of all awards and industrial agreements for the time being in force in so far as such provisions determine the rates of remuneration of workers to the intent that such rates shall be increased or reduced as the Court thinks just and equitable.

4. Nevertheless the Court shall not under the authority hereby conferred amend the provisions of awards and industrial agreements so that such amendment shall take effect less than six months after the date upon which any previous alteration of rates of remuneration made under these regulations took effect.

5. In making a general order under these regulations the Court shall take into account—

- (a) The economic and financial conditions affecting trade and industry in New Zealand :
- (b) The cost of living :
- (c) Any rise or fall in the cost of living since the date when any previous order under these regulations was made :
- (d) All other considerations which the Court deems relevant.

6. Before making any general order under these regulations the Court shall afford such opportunity as it thinks proper to representatives appointed by the parties bound by awards and industrial agreements to be heard by the Court with respect to the amount by which any rates of remuneration should be increased or decreased.

7. Nevertheless the failure of any parties to appoint any such representative shall not affect the validity of any general order made by the Court under these regulations, and the validity of any general order shall not be questioned solely on the ground that sufficient or adequate opportunity has not been afforded to any person affected to be heard by the Court.

8. Every general order made under these regulations shall be filed with the Clerk of Awards in every industrial district and shall be deemed to have been incorporated in every award or industrial agreement in force in such industrial district as from the date of the order, or as from such later date as may be specified in the order in that behalf, and shall have effect according to its tenor.

9. The Court may, by the same or a subsequent order of its own motion or on the application of any party to an award or industrial agreement, make such provision as it considers just and equitable for any class or section of workers if it is satisfied that by reason of the special provisions of any awards or industrial agreements affecting such workers, or of economic and financial conditions affecting any trade or industry, or any other relevant consideration, such class or section of workers should be excluded from the operation of such general order.

10. Every application under the last preceding clause shall state the special grounds on which the application is based and shall be filed with the Clerk of Awards in each of the industrial districts to which the award or industrial agreement relates, and where a date has been fixed by the Court for the hearing of such application the Clerk shall forthwith give notice to the parties concerned.

11. The powers conferred on the Court with respect to awards and industrial agreements by the foregoing provisions of these regulations may from time to time be exercised by the Court in respect of rates of remuneration fixed by it by apprenticeship orders :

Provided that nothing in any general order increasing or reducing rates of remuneration payable under apprenticeship orders shall apply to any contract of apprenticeship in force at the taking effect of such general order.

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 16th day of May, 1940.

These regulations are administered in the Department of Labour.