

1972/207



THE STABILISATION OF REMUNERATION REGULATIONS  
1972, AMENDMENT NO. 1

RICHARD WILD, Administrator of the Government

ORDER IN COUNCIL

At the Government House at Wellington this 18th day of September 1972

Present:

THE RIGHT HON. J. R. MARSHALL PRESIDING IN COUNCIL

PURSUANT to the Economic Stabilisation Act 1948, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Stabilisation of Remuneration Regulations 1972, Amendment No. 1, and shall be read together with and deemed part of the Stabilisation of Remuneration Regulations 1972\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

**2. Meaning of “remuneration”**—Regulation 2 of the principal regulations is hereby amended by omitting from the definition of the term “remuneration” in subclause (1) the words “but does not include any payment by way of expenses, refunds, or allowances to meet expenditure already incurred”, and substituting the words “but does not include any reimbursing payment to meet expenditure already incurred, except a payment that is made pursuant to a new instrument made after the commencement of the Stabilisation of Remuneration Regulations 1972, Amendment No. 1, which provides for the first time for such a payment or for the first time for payment in respect of expenses, refunds, or expenditure of the kind specified in the instrument”.

**3. Rates of remuneration not fixed by existing instruments**—Regulation 18 of the principal regulations is hereby amended by adding the following paragraph:

“(d) For the purposes of the application of regulations 19 and 20 of these regulations, any rate of remuneration consented to by the Authority pursuant to this regulation, or any lower rate

consented to by the Authority, shall be deemed to be the rate of remuneration lawfully payable on the 1st day of February 1972.”

**4. Cost of living order**—Regulation 19 of the principal regulations is hereby amended by adding the following subclause:

“(10) Where at any time after the 31st day of January 1972 any rate of remuneration in any instrument has been increased solely to give effect, in accordance with the provisions of the Stabilisation of Remuneration Act 1971, to the cost of living order issued by the Authority on the 18th day of January 1972 pursuant to that Act, the rate of remuneration so increased shall, for the purposes of this regulation and of regulation 20 of these regulations, be deemed to be the rate of remuneration lawfully payable on the 1st day of February 1972.”

**5. Increase in rates of remuneration under agreements not subject to cost of living order**—Regulation 20 of the principal regulations is hereby amended by adding the following subclause:

“(3) Where, pursuant to paragraph (a) or paragraph (c) of subclause (2) of regulation 16 of these regulations, an increased payment is made to an individual worker to whom this regulation applies, as a result of his promotion from one established position to another or on the ground that his duties or responsibilities have been substantially increased, the provisions of this regulation shall apply as if that increased payment were the rate of remuneration lawfully payable to that worker on the 1st day of February 1972.”

**6. Instruments not to fix rates of remuneration in relation to rates in State services**—Regulation 21 of the principal regulations is hereby amended by adding the following subclause:

“(3) Subclauses (1) and (2) of this regulation shall not apply to any instrument made consequently upon a determination made by the Remuneration Authority in accordance with the provisions of the Stabilisation of Remuneration Act 1971 under the powers given to it by paragraph (a) of regulation 31 of these regulations.”

**7. Increase in rate of remuneration pursuant to disputes clause in instrument**—Regulation 23 of the principal regulations is hereby amended—

(a) By inserting in paragraph (a) of subclause (1), after the words “disputes clause”, the words “or that increase relates to a site or locality allowance”:

(b) By inserting in paragraph (b) of subclause (1), after the words “that increase”, the words “, not being an increase relating to a site or locality allowance,”.

**8. Regradings and reviews of remuneration**—Regulation 28 of the principal regulations is hereby amended by omitting the words “in any of the State services” wherever they occur, and substituting in each case the words “of State employees”.

P. J. BROOKS,  
Clerk of the Executive Council.

EXPLANATORY NOTE

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

The effect of regulation 2 is that newly created allowances will be treated as "remuneration" for the purposes of the principal regulations and will not be excluded by the provisions in the definition of that term that it does not include reimbursing payments to meet expenditure already incurred.

Regulation 3 amends regulation 18 of the principal order (relating to rates of remuneration not fixed by existing instruments), and establishes a base rate for the purposes of the application of the September 1972 cost of living order. For that purpose, the rate consented to by the Remuneration Authority is to be the base rate.

The effect of regulation 4 is that where an employer has applied the January 1972 cost of living order under the former Act from a date subsequent to 1 February 1972, the increase granted will not be subject to the off-setting principle in the proviso to regulation 19 (3) of the principal regulations for the purposes of the application of the September 1972 cost of living order.

The effect of regulation 5 is that where a worker who is employed under an agreement that is not subject to a cost of living order under regulation 19 of the principal regulations has received an increase in remuneration after 1 February 1972 as a result of his promotion from one established position to another or on the ground that his duties or responsibilities have increased, the increase granted will not be subject to the off-setting principle in the proviso to regulation 19 (3) of the principal regulations if his employer applies the cost of living order to that worker.

Regulation 6 excludes from the operation of regulation 21 of the principal regulations (prohibiting the fixing of remuneration in relation to State rates) remuneration consented to under provisions of the former Act pursuant to regulation 31 (a).

The effect of regulation 7 is that an increase in remuneration pursuant to a disputes clause in an instrument will require the consent of the Remuneration Authority if the increase relates to a site or locality allowance.

The effect of regulation 8 is that regulation 28 of the principal regulations (requiring the consent of the Authority to regradings in the State services) is to apply to all group regradings of State employees as defined in Part IV of the principal regulations and not merely to regradings in the State services.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 September 1972.

These regulations are administered in the Department of Labour.