

**1972/269**

**THE STABILISATION OF REMUNERATION REGULATIONS  
(NO. 2) 1972**

—  
DENIS BLUNDELL, Governor-General

**ORDER IN COUNCIL**

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

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL 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.

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**REGULATIONS**

**1. Title and commencement**—(1) These regulations may be cited as the Stabilisation of Remuneration Regulations (No. 2) 1972.

(2) These regulations shall come into force on the 19th day of December 1972.

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

“Employers’ union” means an industrial union or association of employers under the Industrial Conciliation and Arbitration Act 1954, or a branch of any such union:

“Instrument” means—

(a) Any award or industrial agreement:

(b) Any agreement under section 8 of the Labour Disputes Investigation Act 1913:

(c) Any collective or ruling rates agreement, whether in writing or not, made between a workers’ union and an employer or an employers’ union or a society or body of employers:

(d) Any order or determination fixing rates of remuneration made by any tribunal or employing authority constituted under any enactment:

(e) Any Order in Council fixing rates of remuneration of any workers made under the Agricultural Workers Act 1962:

Provided that nothing in Part I of these regulations shall apply with respect to any instrument to which Part II of these regulations applies:

“Remuneration” means the salary or wages payable to any worker; and includes—

- (a) Any minimum rate of salary or wages:
  - (b) Any actual rate of salary or wages:
  - (c) Time and piece wages and overtime and bonus and other special payments:
  - (d) Allowances, fees, commission, and every other emolument, whether in one sum or several sums, and whether paid in money or not;—
- but does not include any payment by way of expenses, refunds, or allowances to meet expenditure already incurred:

“Worker” has the same meaning as in the Industrial Conciliation and Arbitration Act 1954; but does not include a person to whom Part II of these regulations applies:

“Workers’ union”, or “union”, means an industrial association or union of workers under the Industrial Conciliation and Arbitration Act 1954, or a branch of any such union, or a society of workers that is subject to the Labour Disputes Investigation Act 1913:

“Award”, “employer”, and “industrial agreement” have the same meanings as in the Industrial Conciliation and Arbitration Act 1954.

## PART I

### DURATION OF PROVISIONS FIXING RATES OF REMUNERATION

**3. Rates of remuneration under existing instruments to continue in force**—Notwithstanding anything in any other enactment, every rate of remuneration fixed by any instrument made before the commencement of these regulations shall continue in force for the period fixed by the instrument, unless the parties have otherwise agreed before the commencement of these regulations.

**4. Rates of remuneration to be fixed for at least 12 months**—Except where the parties otherwise agree, no instrument made after the commencement of these regulations shall fix any rate of remuneration unless that rate is expressed as continuing in force for a period of at least 12 months from the date of the making of the instrument.

## PART II

### REMUNERATION OF STATE EMPLOYEES

**5. Interpretation**—In this Part of these regulations—

“Employing authority”—

(a) In relation to any person whose rate of remuneration is determined by an employing authority or tribunal under the State Services Remuneration and Conditions of Employment Act 1969 or by an Order in Council under that Act, means the employing authority as defined in that Act:

(b) In relation to any person whose rate of remuneration is determined under section 52 of the Hospitals Act 1957 (as substituted by section 58 (1) of the State Services Remuneration and Conditions of Employment Act 1969), means the Minister of Health:

(c) In relation to any person whose rate of remuneration is determined under subsection (3) of section 6 or section 219 of the Post Office Act 1959 (as substituted by sections 59 (1) and 59 (8), respectively, of the State Services Remuneration and Conditions of Employment Act 1969), means the Director-General of the Post Office:

(d) In relation to any person whose rate of remuneration is determined under any of the provisions of sections 66A to 66G of the Police Act 1958 (as inserted by section 2 (1) of the Police Amendment Act 1969), means the Commissioner of Police:

(e) In relation to any person whose rate of remuneration is determined pursuant to regulations made under section 22 of the Education Act 1964 or under section 60A of that Act (as inserted by section 3 of the Education Amendment Act 1969), means the person having jurisdiction under those regulations to determine that rate of remuneration:

“State employee” means—

(a) Every person whose rate of remuneration is determined by an employing authority or a tribunal under the provisions of the State Services Remuneration and Conditions of Employment Act 1969 or by an Order in Council under that Act:

(b) Every member of the State Services Commission:

(c) The Commissioner of Police:

(d) Every person whose rate of remuneration is determined under the said section 52 of the Hospitals Act 1957:

(e) Every person whose rate of remuneration is determined under the said subsection (3) of section 6 or section 219 of the Post Office Act 1959:

(f) Every person whose rate of remuneration is determined under any of the provisions of the said sections 66A to 66G of the Police Act 1958:

(g) Every person whose rate of remuneration is fixed pursuant to regulations made under the said section 22 or section 60A of the Education Act 1964.

**6. Half-yearly reviews of remuneration**—Notwithstanding anything in the State Services Remuneration and Conditions of Employment Act 1969 or in any other enactment, but subject to regulations 7 to 9 of these regulations, no adjustment of pay scales in the State Services shall be made following the half-yearly survey or ruling rates surveys conducted by the Department of Labour under section 24 or, as the case may be, section 26 of the State Services Remuneration and Conditions of Employment Act 1969 as at October of 1972.

**7. Cost of living adjustment to State employees covered by half-yearly reviews**—(1) This regulation shall apply to the State employees (other than employees comprised in the Printing Trades Occupational Class prescribed pursuant to section 41 of the State Services Act 1962) whose pay scales were adjusted following the half-yearly survey conducted by the Department of Labour under section 24 of the State Services Remuneration and Conditions of Employment Act 1969 as at April of 1972.

(2) Every employing authority in relation to the State employees to whom this regulation applies shall, notwithstanding anything in section 21 of the State Services Remuneration and Conditions of Employment Act 1969, issue an amending determination under that section increasing the rates of remuneration in the pay scales of those employees, on and from the 26th day of October 1972 (the date on which the cost of living order issued under regulation 19 of the Stabilisation of Remuneration Regulations 1972\* took effect), by 2.8 percent.

(3) For the purposes of this regulation, the proviso to subclause (3) of the said regulation 19 shall apply as if it had continued in force, and as if any pay scale to which this regulation applies were an award, and as if 2.8 percent were the amount of the percentage specified in the cost of living order.

**8. Cost of living adjustments to State employees covered by ruling rate surveys—**(1) This regulation shall apply to the State employees (other than employees comprised in the Printing Trades Occupational Class prescribed pursuant to section 41 of the State Services Act 1962) whose pay scales were adjusted following the ruling rate surveys of remuneration conducted by the Department of Labour pursuant to section 26 of the State Services Remuneration and Conditions of Employment Act 1969 as at April of 1972.

(2) Every employing authority in relation to the State employees to whom this regulation applies shall, notwithstanding anything in section 21 of the State Services Remuneration and Conditions of Employment Act 1969, issue an amending determination under that section increasing the rates of remuneration in the pay scales of those employees, on and from the said 26th day of October 1972, by the amount by which those rates of remuneration would have been increased by the cost of living order referred to in regulation 7 (2) of these regulations if those pay scales had been awards.

**9. Cost of living adjustments to State employees whose remuneration fixed by Order in Council—**(1) This regulation shall apply to all State employees whose pay scales are to be fixed by Order in Council made pursuant to any enactment.

(2) The rates of remuneration in the pay scales of the State employees to whom this regulation applies shall be increased, on and from the said 26th day of October 1972, by 2.8 percent pursuant to an Order in Council made under the relevant enactment.

(3) For the purposes of this regulation, the proviso to subclause (3) of regulation 19 of the Stabilisation of Remuneration Regulations 1972\* shall apply as if it had continued in force, and as if any pay scale to which this regulation applies were an award, and as if 2.8 percent were the amount of the percentage specified in the cost of living order.

### PART III

#### MISCELLANEOUS PROVISIONS

**10. Cost of living adjustment to workers whose remuneration is fixed in relation to rates in State services—**(1) This regulation shall apply to every instrument which contains a provision that the rates of remuneration of workers affected by the instrument shall be adjusted in relation to movements in the rates of remuneration of State employees.

\*S.R. 1972/59

Amendment No. 1: S.R. 1972/207

Amendment No. 2: S.R. 1972/246

(2) If an instrument to which this regulation applies is an award, or an industrial agreement, or an agreement under section 8 of the Labour Disputes Investigation Act 1913, the rates of remuneration in that instrument shall be increased, on and from the 26th day of October 1972,—

- (a) In the case of workers whose rates of remuneration are to be adjusted in relation to movements in the rates of remuneration of State employees to whom regulation 7 of these regulations applies, in the same manner as the rates of remuneration of those State employees are to be increased pursuant to the said regulation 7:
- (b) In the case of workers whose rates of remuneration are to be adjusted in relation to movements in the rates of State employees to whom regulation 8 of these regulations applies, in the same manner as the rates of remuneration of those employees are to be increased pursuant to the said regulation 8.
- (3) If an instrument to which this regulation applies is not an award, or an industrial agreement, or an agreement under section 8 of the Labour Disputes Investigation Act 1913, the rates of remuneration in that instrument may be increased in the same manner as rates of remuneration in awards or industrial agreements or agreements under the said section 8 are to be increased pursuant to subclause (2) of this regulation.

(4) Nothing in regulation 3 or regulation 4 of these regulations shall apply with respect to any increase in any rate of remuneration made pursuant to this regulation.

**11. Powers and functions of Minister**—Any powers or functions that the Minister of Trade and Industry may exercise or perform under the Economic Stabilisation Act 1948 may be exercised by the Minister of Labour.

**12. Regulations revoked**—The following regulations are hereby revoked:

- (a) The Stabilisation of Remuneration Regulations 1972\*:
- (b) The Stabilisation of Remuneration Regulations 1972, Amendment No. 1†:
- (c) The Stabilisation of Remuneration Regulations 1972, Amendment No. 2‡.

**13. Transitional provisions**—Where—

- (a) An instrument made before the commencement of these regulations contains any provision that under the regulations revoked by regulation 12 of these regulations does not have effect unless it is consented to by the Remuneration Authority under those regulations; and
- (b) Application for the consent of that Authority to that provision has not been made before the commencement of these regu-

lations, or such an application has been made but has not been determined before the commencement of these regulations,—that provision shall have effect according to its tenor, whether or not the instrument provides that the provision is subject to the consent of that Authority.

**14. Records of Remuneration Authority**—(1) All records and documents of any kind of the Remuneration Authority shall be transmitted to the Secretary of Labour and retained by him.

(2) Except in the discharge of his duties under any Act or with the authority of the Minister of Labour, the Secretary of Labour shall not communicate to any person any matters contained in any records or documents transmitted to him pursuant to subclause (1) of this regulation. Any such authority by the Minister of Labour may relate to specified classes of records or documents or to specified classes of matters contained in any such records or documents, or may relate to specified records or documents.

(3) Except with the consent of the person who supplied the information, no authority by the Minister under subclause (2) of this regulation shall authorise the communication by the Secretary of Labour of any matters that would identify or be likely to identify the person who supplied any information to the Remuneration Authority.

(4) Subject to subclause (1) of this regulation, every person who has been a member of the Remuneration Authority or has been engaged or employed in connection with the work of the Authority shall maintain and aid in maintaining the secrecy of all matters which came to his knowledge when carrying out his functions or duties under the regulations revoked by regulation 12 of these regulations, and shall not communicate any such matters to any person, except for the purpose of completing or giving effect to anything done under the said regulations which is of continuing effect under any provision of the Acts Interpretation Act 1924, or for the purpose of any proceedings, whether commenced before or after the commencement of these regulations, in relation to any thing done or omitted under the regulations so revoked.

P. J. BROOKS,

Clerk of the Executive Council.

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#### EXPLANATORY NOTE

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

The effect of these regulations is as follows:

(a) Part I provides that rates of remuneration fixed by existing instruments are to continue in force for the period fixed by the instrument unless the parties have otherwise agreed before the commencement of the regulations, and that, in the case of new instruments, the rates of remuneration are to be fixed for at least 12 months unless the parties otherwise agree.

(b) Part II provides that instead of receiving adjustments in pay scales following the half-yearly survey or ruling rates surveys as at October of 1972, State employees are to receive an increase in remuneration as follows:

(i) A cost of living increase of 2.8 percent is to be made, on and from 26 October 1972, in the rates of all State employees (other than those comprised in the Printing Trades Occupational Class, who have already

received the cost of living increase) whose rates were adjusted following the April 1972 half-yearly survey conducted by the Department of Labour. The "off-setting" principle in the proviso to regulation 19 (3) of the Stabilisation of Remuneration Regulations 1972 is applied.

(ii) A cost of living increase is to be made, on and from 26 October 1972, in the rates of all State employees (other than employees comprised in the Printing Trades Occupational Class) whose rates were adjusted following ruling rates surveys conducted by the Department of Labour as at April 1972. The cost of living order issued under regulation 19 of the Stabilisation of Remuneration Regulations 1972 is applied to them as if their pay scales were awards.

(iii) A cost of living increase of 2.8 percent is to be made, on and from 26 October 1972, in the rates of all State employees whose rates of remuneration are fixed by Order in Council. The "off-setting" principle referred to in subparagraph (i) above is applied in this case also.

(c) Part III contains the following provisions:

(i) Regulation 10 provides that workers affected by existing instruments containing State-linkage clauses are, in the case of awards, industrial agreements, and agreements under section 8 of the Labour Disputes Investigation Act 1913, to receive the same cost of living increase as is payable to State employees under Part II. In the case of other instruments, workers may be paid such an increase.

(ii) Regulation 11 provides that the functions and powers of the Minister of Trade and Industry under the Economic Stabilisation Act 1948 may be exercised by the Minister of Labour.

(iii) Regulation 12 revokes the Stabilisation of Remuneration Regulations 1972, under which the Remuneration Authority was established and increases in remuneration and other matters required the consent of that Authority.

(iv) Regulation 13 contains transitional provisions validating provisions in instruments which under the revoked regulations required the consent of the Remuneration Authority if that consent had not yet been applied for or if application for that consent had been made but had not yet been determined.

(v) Regulation 14 provides that the records and other documents of the Remuneration Authority are to be transmitted to the Secretary of Labour, and are to remain confidential except for limited purposes specified in the regulation. Persons bound by the secrecy provisions of the revoked regulations are to continue to be so bound.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 December 1972.

These regulations are administered in the Department of Labour.