

1976/157

**THE WAGE ADJUSTMENT REGULATIONS 1974,
AMENDMENT NO. 10**

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 17th day of June 1976

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.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. New regulations substituted <ol style="list-style-type: none"> 3. Cost of living allowance 4. Rates of remuneration not to be increased 4A. Consent required before instrument takes effect 5. Amendments permissible to awards and collective agreements and to Orders in Council under the Agricultural Workers Act 1962 where no increase (other than cost of living increases) obtained since 30 June 1975 4. New regulations substituted <ol style="list-style-type: none"> 7. Exceptional circumstances 7A. Productivity agreements 7B. Matters deferred until next renegotiation of instrument 7C. Reconstruction of instruments | <ol style="list-style-type: none"> 5. Rates of remuneration to be fixed for at least 12 months 6. Disputes 7. Waterfront Industry Tribunal and Aircrew Industrial Tribunal 8. Wage Hearing Tribunal 9. Wage order 10. Frequency of adjustments 11. New regulations substituted <ol style="list-style-type: none"> 37. Rates of remuneration not to be increased 37A. Consent required before instrument takes effect 12. Amendments permissible where no increase (other than cost of living increases) obtained since 30 June 1975 13. Exceptional circumstances, productivity agreements, and matters deferred until next renegotiation of instrument 14. Rates of remuneration of State employees to be fixed for at least 12 months 15. Settlement of minor matters 16. Interpretation 17. Miscellaneous amendments |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Wage Adjustment Regulations 1974, Amendment No. 10, and shall be read together with and deemed part of the Wage Adjustment Regulations 1974* (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. Interpretation—(1) Regulation 2 (1) of the principal regulations is hereby amended by omitting the definition of the term “ordinary pay” (as inserted by regulation 2 (2) of the Wage Adjustment Regulations 1974, Amendment No. 9).

(2) Regulation 2 (1) of the principal regulations is hereby further amended by omitting the definition of the term “remuneration”, and substituting the following definition:

“‘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.”

(3) Regulation 2 of the principal regulations is hereby amended by revoking subclause (3) (as added by regulation 2 (2) of the Wage Adjustment Regulations 1974, Amendment No. 4), and substituting the following subclause:

“(3) Subject to compliance with any determination of the Higher Salaries Commission in respect of the salaries and allowances of the persons to whom regulation 23 (1) of these regulations applies, nothing in these regulations shall prevent any increase in any rate of remuneration payable to an individual 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:

“(c) Where the increase is made on the grounds that the duties or responsibilities of the individual have substantially increased.”

*S.R. 1974/143

Amendment No. 1: S.R. 1974/252

Amendment No. 2: (Revoked by S.R. 1976/124)

Amendment No. 3: (Revoked by S.R. 1976/124)

Amendment No. 4: S.R. 1975/126

Amendment No. 5: (Revoked by S.R. 1976/7)

Amendment No. 6: S.R. 1976/5

Amendment No. 7: (Revoked by S.R. 1976/124)

Amendment No. 8: S.R. 1976/96

Amendment No. 9: S.R. 1976/124

(4) Regulation 2 (2) of the Wage Adjustment Regulations 1974, Amendment No. 4, and regulation 2 (2) of the Wage Adjustment Regulations 1974, Amendment No. 9, are hereby consequentially revoked.

3. New regulations substituted—(1) The principal regulations are hereby amended by revoking regulations 3 to 5 (as substituted by regulation 3 of the Wage Adjustment Regulations 1974, Amendment No. 9), and substituting the following regulations:

“3. **Cost of living allowance—**(1) Every worker whose remuneration is governed by any award or collective agreement shall be entitled, on and after the 25th day of June 1976, to receive from his employer the minimum rates prescribed by that award or collective agreement and a cost of living allowance.

“(2) The allowance shall—

“(a) Not form part of the worker’s ordinary time rate of remuneration:

“(b) Be deemed to form part of the worker’s ordinary pay and average weekly earnings for the purpose of calculating annual holiday pay:

“(c) Not be taken into account in calculating any other rate of remuneration:

“(d) Be added to each periodic payment of the worker’s remuneration after all other amounts payable (including amounts payable by way of overtime) have been calculated:

“(e) Form part of the worker’s taxable earnings:

“(f) Be an amount equal to 7 percent of the worker’s other taxable earnings:

“Provided that the amount of the allowance paid by any one employer to any one worker shall not exceed \$7 in respect of any one week or \$365 in respect of any one year or the appropriate multiple of \$7 or the appropriate proportion of \$365 in respect of any pay period of more than one week or less than one year.

“(3) Every award or collective agreement shall be deemed to have been amended to include provision for the cost of living allowance in accordance with subclauses (1) and (2) of this regulation.

“(4) A cost of living allowance in accordance with subclauses (1) and (2) of this regulation may be paid, on and after the 25th day of June 1976, to any worker whose lawful remuneration exceeds the minimum rates prescribed by any award or collective agreement or is governed by any instrument that is not an award or a collective agreement.

“(5) Section 6 (relating to exclusions from General Wage Orders) and subsections (1) and (2) of section 7 (relating to exclusions from general orders by agreement) of the General Wage Orders Act 1969 shall, with the necessary modifications, apply to the cost of living allowance provided for in this regulation as if that allowance were an increase in rates of remuneration effected by a general order made on the 25th day of June 1976.

“(6) Subclauses (1) and (2) of this regulation shall apply with respect to every worker whose remuneration is governed by an Order in Council made under the Minimum Wage Act 1945 or an instrument that is—

- “(a) An order of the Waterfront Industry Tribunal; or
- “(b) An award of the Aircrew Industrial Tribunal; or
- “(c) An Order in Council made under the Agricultural Workers Act 1962; or
- “(d) An apprenticeship order or contract of apprenticeship; or
- “(e) A determination under the Technicians Training Act 1967 fixing the conditions of employment of trainees or of any class of trainees within the meaning of that Act,—

as if his remuneration were governed by an award of the Industrial Commission; and subclause (3) of this regulation shall apply to every such Order in Council and instrument as if it were an award of the Industrial Commission.

“(7) Where an award or collective agreement contains a provision that the award or collective agreement or any part thereof shall or shall not apply to any class of worker defined by reference to a specified monetary amount, that monetary amount shall be deemed to have been increased by the amount of the cost of living allowance calculated in accordance with subclause (2) of this regulation.

“4. Rates of remuneration not to be increased—(1) Notwithstanding anything in any enactment or in any instrument, no instrument which supersedes an expired instrument or is an amendment of another instrument and which takes effect before the close of the 14th day of May 1977 shall, except as provided in regulations 2 (3), 5, 6, 7, 7A, 7B, 7c, 8, 10, 16H, and 45c of these regulations, fix a rate of remuneration that exceeds the rate of remuneration lawfully payable under the superseded or amended instrument.

“(2) Without limiting the circumstances in which any rate of remuneration shall be treated as having been increased, any rate of remuneration shall for the purposes of this regulation be deemed to have increased proportionately in the following cases:

- “(a) Where there has been any reduction in the hours or other period of work on which that remuneration is based without a corresponding reduction in the rate of remuneration;
- “(b) Where there has been any increase in any minimum period of paid travelling time;
- “(c) Where there has been any increase in holiday entitlement.

“(3) Notwithstanding anything in the Industrial Relations Act 1973, no instrument that contravenes subclause (1) of this regulation shall be registered or filed under any provision of that Act.

“4A. Consent required before instrument takes effect—(1) Notwithstanding anything in any other enactment or in any instrument, but subject to regulation 4 of these regulations, an instrument (whether dealing with rates of remuneration, reimbursing payments, or conditions of employment not involving rates of remuneration) made after the commencement of Amendment No. 10 of these regulations and before the close of the 14th day of May 1977 shall, except as provided in regulations 2 (3), 3, 8, 10, 16H, and 16I of these regulations, take effect only with the approval or consent of the Industrial Commission.

“(2) Application for approval or consent under subclause (1) of this regulation may be made by any party to the instrument except where, in terms of these regulations, the joint application of the parties to the instrument is required in respect of any particular matter.

“(3) In deciding any application made to the Commission under this Part of these regulations, the Commission, in its discretion, but having

regard to the general purposes of Amendment No. 9 and Amendment No. 10 of these regulations, may refuse the application, or may grant it wholly or partly and either unconditionally or subject to such conditions as it thinks fit.

“(4) In determining any rate of remuneration to be paid under any instrument (not being an instrument that supersedes or amends another instrument), and without limiting the power of the Industrial Commission to have regard to other matters, the Commission shall have regard to subclause (3) of this regulation and to any positions carrying corresponding duties and responsibilities in the employer’s undertaking or in similar undertakings in the same locality.

“5. Amendments permissible to awards and collective agreements and to Orders in Council under the Agricultural Workers Act 1962 where no increase (other than cost of living increases) obtained since 30 June 1975—Notwithstanding anything in regulation 4 of these regulations, where the rates of remuneration in any award or collective agreement or in any Order in Council made under the Agricultural Workers Act 1962 have not at the close of the 14th day of May 1976 been increased (other than by cost of living orders) since the 30th day of June 1975, an instrument that supersedes or amends any such award, agreement, or Order in Council may come into force only if it is approved by the Industrial Commission as an instrument that could have been made if these regulations, as they stood immediately before the commencement of Amendment No. 9, were still in force.”

(2) Regulation 6 of the principal regulations (as substituted by regulation 3 of the Wage Adjustment Regulations 1974, Amendment No. 9) is hereby consequentially amended:

(a) By inserting in the heading, after the words “collective agreements”, the words “and Orders in Council under the Agricultural Workers Act 1962”:

(b) By inserting, after the words “collective agreement”, the words “or Order in Council made under the Agricultural Workers Act 1962”.

(3) Regulation 8 of the principal regulations (as substituted by regulation 3 of the Wage Adjustment Regulations 1974, Amendment No. 9) is hereby consequentially amended by inserting, after the expression “regulation 4”, the expression “or regulation 4A”.

(4) Regulation 11 of the principal regulations (as substituted by regulation 3 of the Wage Adjustment Regulations 1974, Amendment No. 9) is hereby consequentially revoked.

(5) Regulation 16r of the principal regulations (as inserted by regulation 4 of the Wage Adjustment Regulations 1974, Amendment No. 9) is hereby amended—

(a) By omitting the words “rate of remuneration” in both places where they occur, and substituting in each case the words “monetary amount”:

(b) By adding to subclause (2) the words “notwithstanding anything in regulation 4A of these regulations”.

(6) Regulation 34 of the principal regulations (as substituted by regulation 7 (1) of the Wage Adjustment Regulations 1974, Amendment No. 9) is hereby consequentially amended by omitting the expression “(1) to (3)”, and substituting the expression “(1) and (2)”.

(7) The continuation in force of instruments by regulation 4 of the principal regulations (as substituted by regulation 3 of the Wage

Adjustment Regulations 1974, Amendment No. 9) shall cease to have effect on the commencement of these regulations.

(8) As soon as practicable after the commencement of these regulations, every conciliator who was, before the 15th day of May 1976, appointed under section 68 (7) of the Industrial Relations Act 1973 to hear any dispute shall, if that dispute was still current immediately before that day, appoint a day and place for the hearing of that dispute in accordance with sections 68 and 69 of the Industrial Relations Act 1973; and any appointment, made before the commencement of these regulations, of a day and place for the hearing of that dispute shall be deemed to be cancelled.

4. New regulations substituted—The principal regulations are hereby amended by revoking regulation 7 (as substituted by regulation 3 of the Wage Adjustment Regulations 1974, Amendment No. 9), and substituting the following regulations:

“7. Exceptional circumstances—Notwithstanding anything in regulation 4 of these regulations, where the Industrial Commission is satisfied, on the joint application of the parties to any instrument, that the following requirements are met:

“(a) That there are exceptional circumstances, the effects of which have become apparent since the 30th day of June 1975:

“(b) That as a result of those exceptional circumstances substantial problems have arisen in the application of the instrument:

“(c) That an amendment to the instrument is the only way of resolving those problems:

“(d) That it is essential to the operation of any activity of the employer that an appropriate amendment be made without delay,—

the Commission may, in its discretion, but subject to regulation 4A (3) of these regulations, approve an appropriate amendment to the instrument which shall have effect according to its tenor.

“7A. Productivity agreements—(1) Notwithstanding anything in regulation 4 of these regulations, the Industrial Commission may, on the joint application of the parties, but subject to regulation 4A (3) of these regulations, approve a new genuine productivity agreement, which for the purposes of this regulation shall include a variation of an existing productivity agreement and a productivity agreement that supersedes an expired productivity agreement.

“(2) For the purposes of this regulation the term ‘productivity agreement’ means an agreement between an employer and a group or groups of workers employed by him (or a union representing them) which incorporates—

“(a) Changes in the working practice of the workers:

“(b) More efficient working as a result of the changes:

“(c) Provision for payment at higher rates or for other benefits for the workers:

“(d) An undertaking by the employer that there will be no resulting increase in prices or charges in his business.

“(3) Where the Industrial Commission approves an agreement under subclause (1) of this regulation, the parties shall, not sooner than 6 months but not later than 7 months after the date on which the

Commission approves the agreement, produce to the Commission evidence—

“(a) That the operation of the agreement—

“(i) Is in fact resulting in more efficient working without a resulting increase in prices or charges in the business of the employer; and

“(ii) Is not contrary to the general purposes of Amendment No. 9 and Amendment No. 10 of these regulations; and

“(b) That any conditions imposed by the Commission in giving its approval to the agreement are being complied with.

“(4) If the parties fail to comply with subclause (3) of this regulation or if the evidence produced fails to satisfy the Commission concerning the matters mentioned in subclause (3) of this regulation, the Commission may, by notice to the parties or to such representatives of the parties as it shall designate, withdraw its approval of the agreement from such date as it shall specify in the notice and that agreement shall cease to have effect from that date.

“(5) Where any such agreement has been registered or filed under any provision of the Industrial Relations Act 1973 the Commission may, on the withdrawal of its approval of that agreement, cause an appropriate endorsement to be made on the agreement and on any instrument in which that agreement or its effect has been incorporated.

“7B. **Matters deferred until next renegotiation of instrument**—Notwithstanding anything in regulation 4 of these regulations, where the Industrial Commission is satisfied—

“(a) That a particular matter has arisen in relation to an instrument and the parties to that instrument have agreed before the close of the 14th day of May 1976 to defer consideration of that matter until the next renegotiation of that instrument; and

“(b) That there is specific evidence of the existence before the close of the 14th day of May 1976 of that agreement; and

“(c) That that matter and the manner in which it is proposed to deal with it in the superseding or amending instrument is not contrary to the general purposes of Amendment No. 9 and Amendment No. 10 of these regulations,—

it may, on the joint application of the parties, but subject to regulation 4A (3) of these regulations, approve the inclusion in the superseding or amending instrument of provisions dealing with that matter.

“7c. **Reconstruction of instruments**—Where the Industrial Commission is satisfied, on the joint application of the parties,—

“(a) That any instrument or instruments should be made, for one or more of the following purposes, namely:

“(i) Amalgamating two or more instruments to bring two or more groups of workers under the coverage of the one instrument:

“(ii) Excluding any group of workers from the coverage of any instrument and including them within the coverage of another instrument:

“(iii) Bringing a composite agreement into being; and

“(b) That the proposed instrument or instruments would not be contrary to the general purposes of Amendment No. 9 and Amendment No. 10 of these regulations,—

the Commission may, subject to regulation 4A (3) of these regulations, consent to the making of the proposed instrument; and any instrument to which consent is given under this regulation shall not be prevented by the provisions of this Part of these regulations from having effect according to its tenor."

5. Rates of remuneration to be fixed for at least 12 months—The principal regulations are hereby amended by revoking regulation 9 (as substituted by regulation 3 of the Wage Adjustment Regulations 1974, Amendment No. 9), and substituting the following regulation:

"9. (1) Subject to this regulation, no instrument shall fix any rate of remuneration unless that rate is to continue in force for a period of at least 12 months from the date of the coming into force of the rate of remuneration fixed by the instrument, or, where the duration of the employment of every worker whose rate of remuneration fixed by the instrument is less than 12 months, for the duration of that employment.

"(2) Where for the purpose of implementing the Equal Pay Act 1972 it is necessary to amend any instrument, that instrument may be amended for that purpose, notwithstanding anything in subclause (1) of this regulation.

"(3) Notwithstanding anything in subclause (1) of this regulation, where all the parties to a proposed new instrument or their representatives have agreed that any provision in the instrument fixing a rate of remuneration shall continue in force for a period of less than 12 months from the date of the coming into force of that provision, the Industrial Commission, on the application of any party, may consent to that provision if it is satisfied that in all the circumstances there are particular and special reasons that justify a period of less than 12 months.

"(4) Notwithstanding anything in subclause (1) of this regulation, any rate of remuneration fixed by any instrument may be increased to the extent and in the manner prescribed by an order made under regulation 16H (1) of these regulations."

6. Disputes—Regulation 10 of the principal regulations (as substituted by regulation 3 of the Wage Adjustment Regulations 1974, Amendment No. 9) is hereby amended—

(a) By inserting after the expression "regulations 4", wherever it appears in subclauses (1), (2), and (3), the expression "4A,";

(b) By omitting from subclause (4) the words "has declared in writing that the increase or decision or amendment, as the case may require, is not contrary to the general purpose of these regulations", and substituting the words "is satisfied that the increase or decision or amendment, as the case may require, is not contrary to the general purposes of Amendment No. 9 and Amendment No. 10 of these regulations".

7. Waterfront Industry Tribunal and Aircrew Industrial Tribunal—Regulation 12 of the principal regulations (as substituted by regulation 3 of the Wage Adjustment Regulations 1974, Amendment No. 9) is hereby amended by omitting the expression "5, 6, and 11", and substituting the expression "4A, 5, 6, 7, 7A, 7B, and 9".

8. Wage Hearing Tribunal—Regulation 16 (6) of the principal regulations (as inserted by regulation 4 of the Wage Adjustment

Regulations 1974, Amendment No. 9) is hereby amended by omitting the word "Minister", and substituting the word "Governor-General".

9. Wage order—(1) Regulation 16H (3) of the principal regulations (as inserted by regulation 4 of the Wage Adjustment Regulations 1974, Amendment No. 9) is hereby amended by revoking paragraph (e), and substituting the following paragraph:

"(e) Movements in the Consumers' Price Index and in the relative incomes of sections of the community other than wage and salary earners."

(2) Regulation 16H (8) of the principal regulations (as so inserted) is hereby amended by omitting the expression "27, and 37", and substituting the expression "4A, 37, and 37A".

10. Frequency of adjustments—(1) Regulation 27 of the principal regulations (as amended by regulation 5 of the Wage Adjustment Regulations 1974, Amendment No. 9) is hereby amended by revoking subclause (2A) and the proviso to subclause (7).

(2) Regulation 27 (4) of the principal regulations (as amended by regulation 5 (2) of the Wage Adjustment Regulations 1974, Amendment No. 9) is hereby amended by omitting the words "while a previous determination remains in force pursuant to subclause (2A) of this regulation", and substituting the words "before the close of the 14th day of May 1977".

(3) Regulation 27 of the principal regulations is hereby further amended by inserting, after subclause (7), the following subclauses:

"(7A) Subject to subclauses (7B), (7C), (7D), and (8) of this regulation and to regulation 2 (3) of these regulations, no interim adjustment determined by the Commission under subclause (7) of this regulation after the commencement of Amendment No. 10 of these regulations shall come into force before the close of the 14th day of May 1977.

"(7B) Notwithstanding anything in subclause (7A) of this regulation, where the salary of any person to whom regulation 23 (1) of these regulations applies has not at the close of the 14th day of May 1976 been increased (other than by cost of living orders) since the 30th day of June 1975, the Commission may determine an interim adjustment to the salary of that person as if these regulations, as they stood immediately before the commencement of Amendment No. 9, were still in force.

"(7C) Notwithstanding anything in subclause (7A) of this regulation, the Commission may, having regard to the general purposes of Amendment No. 9 and Amendment No. 10 of these regulations, determine an interim adjustment to the allowances of Members of the House of Representatives to the extent that such an adjustment is necessary to compensate for increases in the reasonable cost of items to which those allowances relate, being increases that have occurred since those allowances were last fixed.

"(7D) Notwithstanding anything in subclause (7A) of this regulation, regulations 7 and 7B of these regulations shall apply, with all necessary modifications, with respect to every determination of the salaries of the persons to whom regulation 23 (1) of these regulations applies as if it were an instrument to which regulations 7 and 7B of these regulations applied and as if the Higher Salaries Commission were the Industrial Commission."

(4) Regulation 5 of the Wage Adjustment Regulations 1974, Amendment No. 9, is hereby consequentially amended by revoking subclause (1) and subclause (3).

(5) The continuation in force of determinations by regulation 27 (2A) of the principal regulations (as inserted by regulation 5 (1) of the Wage Adjustment Regulations 1974, Amendment No. 9) shall cease to have effect on the commencement of these regulations.

11. New regulations substituted—(1) The principal regulations are hereby amended by revoking regulation 37 (as substituted by regulation 7 (1) of the Wage Adjustment Regulations 1974, Amendment No. 9), and substituting the following regulations:

“37. Rates of remuneration not to be increased—Regulation 4 of these regulations shall apply, with all necessary modifications, with respect to every instrument prescribing the remuneration of any State employees as if it were an instrument to which that regulation applied.

“37A. Consent required before instrument takes effect—(1) Subclauses (1) to (3) of regulation 4A of these regulations shall apply, with all necessary modifications, with respect to every instrument prescribing the remuneration or conditions of employment of any State employees as if it were an instrument to which those subclauses applied and as if the State Services Tribunal were the Industrial Commission.

“(2) In determining any rate of remuneration to be paid under any instrument (not being an instrument that supersedes or amends another instrument), and without limiting the power of the State Services Tribunal to have regard to other matters, the Tribunal shall have regard to regulation 4A (3) of these regulations and to any positions carrying corresponding duties and responsibilities in the particular branch of the State Services, or, where there is no such position, in similar positions in the State Services generally, or, where there are no such similar positions in the State Services, in similar positions outside the State Services.”

(2) Regulation 43 of the principal regulations is hereby consequentially revoked.

(3) Regulation 45 of the principal regulations (as amended by regulation 7 (3) of the Wage Adjustment Regulations 1974, Amendment No. 9) is hereby consequentially amended by inserting, after the expression “37”, the expression “or regulation 37A”.

(4) The continuation in force of instruments fixing the rate of remuneration paid to State employees by regulation 37 of the principal regulations (as substituted by regulation 7 (1) of the Wage Adjustment Regulations 1974, Amendment No. 9) shall cease to have effect on the commencement of these regulations.

12. Amendments permissible where no increase (other than cost of living increases) obtained since 30 June 1975—Regulation 38 of the principal regulations (as substituted by regulation 7 (1) of the Wage Adjustment Regulations 1974, Amendment No. 9) is hereby amended by omitting the words “a proposed instrument amending those rates”, and substituting the words “an instrument that supersedes or amends any such instrument”.

13. Exceptional circumstances, productivity agreements, and matters deferred until next renegotiation of instrument—The principal regula-

tions are hereby amended by revoking regulation 39 (as substituted by regulation 7 (1) of the Wage Adjustment Regulations 1974, Amendment No. 9), and substituting the following regulation:

“39. (1) Regulations 7 and 7B of these regulations shall apply, with all necessary modifications, with respect to every instrument prescribing the remuneration or conditions of employment of any State employees as if it were an instrument to which those regulations applied and as if the State Services Tribunal were the Industrial Commission.

“(2) Regulation 7A of these regulations shall apply, with all necessary modifications, with respect to every productivity agreement between an employing authority and a group or groups of State employees or a service organisation representing a group or groups of State employees as if it were a productivity agreement to which that regulation applied and as if the State Services Tribunal were the Industrial Commission.

“(3) This regulation shall have effect notwithstanding anything in regulation 37 of these regulations.”

14. Rates of remuneration of State employees to be fixed for at least 12 months—Regulation 41 of the principal regulations (as amended by regulation 8 of the Wage Adjustment Regulations 1974, Amendment No. 4, and by regulation 8 of the Wage Adjustment Regulations 1974, Amendment No. 9) is hereby amended by adding the following subclauses:

“(7) Notwithstanding anything in subclause (1) of this regulation, any rate of remuneration fixed by any instrument may be increased to the extent and in the manner prescribed by an order made under regulation 16H (1) of these regulations (as applied to State employees by regulation 35 of these regulations).

“(8) Subclause (7) of this regulation shall apply with respect to any allowance (as defined in regulation 36 of these regulations) in any case where under that regulation the employing authority has applied regulation 35 of these regulations to that allowance.”

15. Settlement of minor matters—Regulation 44A (2) of the principal regulations (as substituted by regulation 9 of the Wage Adjustment Regulations 1974, Amendment No. 9) is hereby amended—

(a) By inserting after the expression “regulations 37”, the expression “; 37A,”:

(b) By omitting the words “declares in writing that the increase is not contrary to the general purpose of these regulations”, and substituting the words “is satisfied that the increase is not contrary to the general purposes of Amendment No. 9 and Amendment No. 10 of these regulations”.

16. Interpretation—Regulation 45A of the principal regulations (as inserted by regulation 3 of the Wage Adjustment Regulations 1974, Amendment No. 8) is hereby amended by adding to the definition of the term “ordinary pay” the words “; and shall be deemed to include the cost of living allowance provided for in regulation 3 of these regulations”.

17. Miscellaneous amendments—(1) Regulation 16r (1) of the principal regulations (as inserted by regulation 4 of the Wage Adjust-

ment Regulations 1974, Amendment No. 9) is hereby amended by omitting the word "section", and substituting the word "regulation".

(2) Regulation 28 (2) of the principal regulations (as substituted by regulation 6 of the Wage Adjustment Regulations 1974, Amendment No. 9) is hereby amended—

(a) By omitting the word "clause", and substituting the word "subclause":

(b) By omitting the word "apply" in the second place where it appears, and substituting the word "applies".

(3) Regulation 30 (2) of the principal regulations is hereby amended by omitting the words "this Act", and substituting the words "these regulations".

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

EXPLANATORY NOTE

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

These regulations amend the Wage Adjustment Regulations 1974.

The main changes are as follows:

- (a) The cost of living allowance provided for in Amendment No. 9 is to be calculated on all taxable earnings instead of only on ordinary pay. The maximum amount of the allowance is \$7 in respect of any one week and \$365 in respect of any one year or the appropriate multiple of \$7 or the appropriate proportion of \$365 in respect of any pay period of more than one week or less than one year:
- (b) The provision that continued existing instruments in force has been revoked. Instead instruments will expire on their due dates and may be renegotiated in respect of reimbursing payments and conditions of employment not involving rates of remuneration:
- (c) Rates of remuneration will in general remain frozen and may be negotiated only where—
 - (i) There are exceptional circumstances, the effects of which have become apparent since the 30th day of June 1975; or
 - (ii) They are part of a new genuine productivity agreement; or
 - (iii) There is specific evidence of an agreement that a particular matter has been deferred until the next renegotiation of the instrument:
- (d) Provision is made for the reconstruction of instruments in appropriate cases:
- (e) All instruments made after the commencement of these regulations require the consent or approval of the appropriate wage-fixing body which will in each case be required to have regard to the general purposes of Amendment No. 9 and Amendment No. 10 of these regulations:
- (f) Instruments fixing rates of remuneration will be required to remain in force for 12 months unless all the parties have agreed to a shorter period and the appropriate wage fixing body is satisfied that there are particular and special reasons that justify a period of less than 12 months:
- (g) A new definition of remuneration has been substituted. This definition is the same as the definition of that term in the Stabilisation of Remuneration Regulations 1972 (except that it does not refer to directors' fees which are now separately controlled under the Limitation of Directors' Fees Regulations 1976):
- (h) One of the matters that the Wage Hearing Tribunal is required to take into account has been altered.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 June 1976.

These regulations are administered in the Department of Labour.