

1978/210



**THE WAGE ADJUSTMENT REGULATIONS 1974,
AMENDMENT NO. 16**

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 1st day of August 1978

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.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Wage Adjustment Regulations 1974, Amendment No. 16, 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—Regulation 2 (1) of the principal regulations is hereby amended by revoking the proviso to the definition of the term “instrument” (as substituted by section 35 (2) of the Higher Salaries Commission Act 1977), and substituting the following proviso:

“Provided that, subject to the Higher Salaries Commission Act 1977, nothing in Part I of these regulations shall apply with respect to—

“(a) Any instrument prescribing the remuneration of any State employee (as defined in regulation 45A of these regulations);
or

“(b) Any determination made by the Higher Salaries Commission.”

3. Rates of remuneration to be fixed for at least 12 months—Regulation 6 of the principal regulations (as substituted by regulation 3 of the Wage Adjustment Regulations 1974, Amendment No. 13, and amended by section 17 (1) (a) of the General Wage Orders Act 1977) is hereby amended by adding the following subclause:

*S.R. 1974/143 (Reprinted with Amendments Nos. 1 to 13: S.R. 1977/265)
Amendment No. 14: S.R. 1977/323
Amendment No. 15: S.R. 1978/167

“(4) Notwithstanding anything in subclause (1) of this regulation, but without limiting section 14 (2) (c) or section 16 (e) of the Water-front Industry Act 1976, 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 a general order made under the General Wage Orders Act 1977 as if that rate were a rate fixed by an award or a collective agreement.”

4. 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” (as amended by regulation 16 of the Wage Adjustment Regulations 1974, Amendment No. 10) the words “(as enacted by regulation 3 (1) of the Wage Adjustment Regulations 1974, Amendment No. 10)”.

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.

Regulation 2 makes an amendment to the definition of the term “instrument”. The amendment is consequential on the revocation of Part III dealing with the remuneration of State employees.

Regulation 3 creates an exception to the 12-months rule. The subclause establishing the exception provides that 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 a general order made under the General Wage Orders Act 1977 as if that rate were a rate fixed by an award or a collective agreement.

Regulation 4 clarifies the meaning of the term “ordinary pay” in Part IIIA of the principal regulations for the purpose of ensuring that the cost of living allowance payable pursuant to the regulation 3 enacted by the now revoked Amendment No. 10 (S.R. 1976/157) continues to constitute ordinary pay for the purposes of that Part of the principal regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 August 1978.

These regulations are administered in the Department of Labour.