

1976/5



**THE WAGE ADJUSTMENT REGULATIONS 1974,
AMENDMENT NO. 6**

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 20th day of January
1976

Present:

THE HON. R. D. MULDOON PRESIDING 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. 6, 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. Productivity agreements—Regulation 6 of the principal regulations is hereby amended by revoking subclause (3), and substituting the following subclause:

“(3) This regulation shall apply with respect to any productivity agreement between an employer and a group or groups of workers whose conditions of employment are governed by orders of the Waterfront Industry Tribunal or awards of the Aircrew Industrial Tribunal as if the reference in subclause (1) of this regulation to the Industrial Commission were a reference to the Waterfront Industry Tribunal or, as the case may be, to the Aircrew Industrial Tribunal.”

3. Functions of Higher Salaries Commission—(1) Regulation 23 of the principal regulations (as amended by regulation 7 of the Wage

*S.R. 1974/143

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

Amendment No. 2: S.R. 1974/274

Amendment No. 3: S.R. 1974/325

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

Amendment No. 5: S.R. 1975/297

Adjustment Regulations 1974, Amendment No. 1) is hereby further amended by revoking paragraph (e) of subclause (1), and substituting the following paragraph:

“(e) The salaries of the members of the State Services Commission, the Accident Compensation Commission, and the New Zealand Fire Service Commission and of the Commissioner of Police, the Deputy Commissioner of Police, and the General Manager of the Auckland Education Board:”.

(2) The First Schedule to the principal regulations is hereby amended by omitting from Part I the words “The Accident Compensation Commission”, and also the words “The Fire Service Council”.

4. Functions of Advisory Committees—Regulation 25 of the principal regulations is hereby amended by revoking subclause (6), and substituting the following subclause:

“(6) Notwithstanding anything in regulation 23 of these regulations or in this regulation, the Commission may from time to time and subject to such conditions as it thinks fit designate certain positions the salaries of which are subject to the determination of the Commission under paragraph (d) or paragraph (f) or paragraph (g) of regulation 23 (1) of these regulations as being subject to final determination by the State Services Co-ordinating Committee established by section 7 of the State Services Remuneration and Conditions of Employment Act 1969, or, as the case may be, the State Services Commission, or the said Hospital Medical Officers’ Advisory Committee, or the University Salaries Committee, where any such determination is made upon the unanimous vote of the members of the appropriate committee or commission.”

5. Frequency of adjustments—(1) Regulation 27 of the principal regulations is hereby amended by adding, to subclause (7), the following words “Notwithstanding anything in subclause (2) of this regulation, the Commission may consent to the rates of salary or allowance determined as an interim adjustment continuing in force for a period of less than 12 months from the date of their coming into force if it is satisfied that in all the circumstances there are particular and special reasons that justify a period of less than 12 months.”

(2) Regulation 27 of the principal regulations is hereby further amended by adding the following subclauses:

“(9) For the purposes of any general review or interim adjustment under this regulation the following persons and organisations shall be entitled to make written and at their option oral submissions to the Commission at a time and place and in a manner to be determined by the Commission:

“(a) Either—

“(i) Representatives of the members of each category of persons who are the subject of the general review or application for interim adjustment, as the case may be; or

“(ii) Any recognised organisation representing the members of each category of persons who are the subject of the general review or application for interim adjustment, as the case may be:

- “(b) Any recognised organisation representing employers of persons who are the subject of the general review or application for interim adjustment, as the case may be:
- “(c) Each employer or employing authority, or an authorised representative of each employer or employing authority, of the persons who are the subject of the general review or application for interim adjustment, as the case may be.”

6. Application of general adjustments—(1) Regulation 28 of the principal regulations is hereby amended—

- (a) By omitting from subclause (1) the words “Subject to subclause (2) of this regulation”; and
- (b) By revoking subclause (2).

(2) Notwithstanding anything in the principal regulations, after the commencement of these regulations it shall be lawful to pay to any person to whom regulation 29 of the principal regulations has applied at any time during the period beginning with the 15th day of January 1975 and ending with the commencement of these regulations a sum by way of remuneration equal to the sum that would have been paid to that person if the cost of living orders in force during that period had applied to the salary of that person.

7. Consultation with Higher Salaries Commission—The principal regulations are hereby amended by inserting, after regulation 48, the following regulation:

“49. (1) In this regulation the term ‘wage-fixing body’ means the Industrial Commission or the Waterfront Industry Tribunal or the Aircrew Industrial Tribunal or the State Services Tribunal, as the case may be.

“(2) In any proceedings before a wage-fixing body, where the wage-fixing body or any party to those proceedings considers that the possible outcome of those proceedings will or may tend to lead to unreasonable disparities or inappropriate relativities with salaries determined or to be determined by the Higher Salaries Commission under regulation 23 of these regulations, the wage-fixing body shall before making a final decision in respect of the proceedings, consult with the Higher Salaries Commission, and have regard to any opinions expressed by the Higher Salaries Commission and to any relevant salaries determined by that Commission.”

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 make a number of amendments to the Wage Adjustment Regulations 1974.

Regulation 2 extends to the Aircrew Industrial Tribunal the power to approve a productivity agreement under regulation 6 of the principal regulations. This power is already possessed by the Industrial Commission and the Waterfront Industry Tribunal.

Regulation 3: Subclause (1) obliges the Higher Salaries Commission to determine the salaries of the members of the Accident Compensation Commission and the New Zealand Fire Service Commission.

Subclause (2) removes from the determination of the Higher Salaries Commission the salaries of the highest paid executive officer of the Accident Compensation Commission and the former Fire Service Council since the members of the employing commissions are themselves full-time salaried executives.

Regulation 4 includes the State Services Commission among other employing bodies to whom the Higher Salaries Commission may make limited delegations and clarifies the power of the Higher Salaries Commission to control such delegations.

Regulation 5: Subclause (1) extends the discretionary powers of the Higher Salaries Commission in making interim adjustments. Subclause (2) clarifies the rights of affected parties to make submissions to the Higher Salaries Commission.

Regulation 6: Subclause (1) provides that cost of living orders are to be applied to salaries frozen under the provisions of regulation 29 of the principal regulations.

Subclause (2) authorises the payment of sums by way of remuneration to compensate for the non-application, during the period beginning on 15 January 1975 and ending with the commencement of these regulations, of cost of living orders to salaries so frozen.

Regulation 7 provides for wage fixing bodies to consult the Higher Salaries Commission, where appropriate, and to take into account relevant determinations and opinions of the Higher Salaries Commission.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 22 January 1976.

These regulations are administered in the Department of Labour.