

1976/124



THE WAGE ADJUSTMENT REGULATIONS 1974,
AMENDMENT NO. 9

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 14th day of May 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.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Wage Adjustment Regulations 1974, Amendment No. 9, 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 15th day of May 1976.

2. Interpretation—(1) Regulation 2 (1) of the principal regulations is hereby amended—

(a) By omitting from paragraph (e) of the definition of the term “instrument” (as amended by regulation 2 (1) of the Wage Adjustment Regulations 1974, Amendment No. 4) the words “an individual worker”, and substituting the words “one or more workers”;

(b) By inserting in the proviso to the definition of the term “instrument”, after the words “Part I”, the words “or Part IA”.

(2) Regulation 2 (1) of the principal regulations is hereby amended by inserting, after the definition of the term “instrument”, the following definition:

“‘Ordinary pay’ has the meaning assigned to it by the Annual Holidays Act 1944; and includes any remuneration determined by a piece rate.”.

(3) Regulation 2 (2) of the principal regulations (as amended by regulation 2 (2) (a) of the Wage Adjustment Regulations 1974, Amendment No. 7) is hereby amended by omitting the words “or regulation 4 or in regulations 4A to 4C”.

3. New Part substituted—The principal regulations are hereby amended by revoking Part I, and substituting the following Part:

*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: (*Revoked by S.R. 1976/7*)
- Amendment No. 6: S.R. 1976/5
- Amendment No. 7: S.R. 1976/7
- Amendment No. 8: S.R. 1976/96

"PART I

"COST OF LIVING ALLOWANCE

"3. **Cost of living allowance**—(1) Every worker whose remuneration does not exceed the minimum rates prescribed by any award or collective agreement shall be entitled, on and after the 25th day of June 1976, to receive as part of his remuneration and as an addition to his ordinary pay, a cost of living allowance to be paid by his employer.

"(2) The allowance shall be added to each payment of the worker's ordinary pay and shall be an amount equal to 7 percent of the worker's ordinary pay for the period to which the payment relates:

"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.

"(3) Where the ordinary pay paid to any worker in respect of any week or longer period is, because of the time worked, less than the full rate of ordinary pay for that week or longer period, the amount of the cost of living allowance that may be paid pursuant to subclause (2) of this regulation shall be reduced so that that amount shall bear to the full amount of the cost of living allowance otherwise payable the same proportion as the ordinary pay paid for the period bears to the full rate of ordinary pay for the period.

"(4) 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) to (3) of this regulation.

"(5) A cost of living allowance in accordance with subclauses (1) to (3) of this regulation may be paid, on and after the 25th day of June 1976, to any worker whose 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.

"(6) A cost of living allowance under this regulation shall not form part of any worker's ordinary time rate of remuneration and shall not be taken into account in calculating any other rate of remuneration.

"(7) 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.

"(8) Subclauses (1) to (3) of this regulation shall apply with respect to every worker whose remuneration is governed by 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,—
as if his remuneration were governed by an award of the Industrial Commission; and subclause (4) of this regulation shall apply to every such instrument as if it were an award of the Industrial Commission.

“4. Existing instruments to continue in force—(1) Notwithstanding anything in any other enactment or in any instrument, but subject to regulations 3, 5, 6, 7, 8, 10, 16H, and 45C of these regulations, every instrument in force at the close of the 14th day of May 1976 shall continue in force without amendment until the close of the 14th day of May 1977 or until the expiration of a period of 12 months beginning on the day after the date on which it would have expired but for the provisions of this subclause, whichever is the later:

“Provided that in no case shall an instrument be continued in force by virtue of this subclause beyond the 30th day of September 1977.

“(2) Any purported amendment to any such instrument (other than an amendment expressly permitted under these regulations) shall be void and of no effect.

“(3) For the purposes of this regulation any instrument made at any time after the 14th day of May 1976, purporting to increase any rate of remuneration payable under any instrument in force at the close of the 14th day of May 1976, or to provide for payment of any additional remuneration to workers whose rates of remuneration are fixed by any instrument in force at the close of the 14th day of May 1976, shall be deemed to be an amendment of the instrument in force at the close of the 14th day of May 1976 whether the increase or payment purports to have had effect either before or after the close of the 14th day of May 1976.

“5. Amendments permissible to awards and collective agreements 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 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, a proposed instrument amending those rates 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.

“6. Amendments permissible to instruments other than awards and collective agreements—Notwithstanding anything in regulation 4 of these regulations, where the parties to a proposed instrument that is not an award or collective agreement have, on or before the 14th day of May 1976, reached agreement on the terms of that instrument, it may take effect 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.

“7. Essential amendments—(1) Notwithstanding anything in regulation 4 of these regulations, where the Industrial Commission is satisfied, on the joint application of the parties to any instrument,—

“(a) That, by reason of significant changes in the content of any job (being changes that have taken place since the 30th day of

June 1975 or since the instrument was made, whichever is the later), substantial problems have arisen in the application of the instrument; and

“(b) That an amendment to the instrument is the only way of resolving those problems; and

“(c) 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, make an appropriate amendment to the instrument which shall have effect according to its tenor.

“(2) Notwithstanding anything in regulation 4 of these regulations, where the Industrial Commission is satisfied, on the application of any party to an instrument, that the rate of any meal allowance or the formula by which any meal allowance is calculated, being a rate or formula already specified in that instrument, should be altered to compensate for increases in the reasonable cost of a meal since the rate or formula was last fixed, the Commission may, in its discretion, make an appropriate amendment to the instrument which shall have effect according to its tenor.

“8. **Implementation of equal pay**—Nothing in regulation 4 of these regulations shall apply with respect to any increase in remuneration or work classification made for the purpose of implementing the Equal Pay Act 1972.

“9. **Rates of remuneration to be fixed for at least 12 months**—

(1) Where it is permissible under this Part of these regulations to make any instrument after the close of the 14th day of May 1976, no such instrument shall fix any rate of remuneration unless that rate is expressed as continuing in force for at least 12 months from the date of the making of the instrument.

“(2) For the purposes of this regulation the date of the making of any Order in Council under section 15 of the Agricultural Workers Act 1962 shall be deemed to be the date on which it comes into force or is deemed to have come into force, whether that date is before or after the date of the making of the order.

“(3) Where for the purpose of implementing the Equal Pay Act 1972 at intervals of not less than 12 months it is necessary to amend any instrument, that instrument may be amended for that purpose, notwithstanding anything in subclause (1) of this regulation.

“10. **Disputes**—(1) Notwithstanding anything in regulations 4 and 9 of these regulations, where pursuant to section 115 of the Industrial Relations Act 1973 a disputes clause is inserted or deemed to be inserted in any instrument any increase in remuneration, being a matter related to matters dealt with in the instrument and not specifically and clearly disposed of by the terms of the instrument, shall take effect if that increase is properly decided pursuant to that disputes clause—

“(a) By a disputes committee whose chairman is a conciliator within the meaning of the Industrial Relations Act 1973 or a person

appointed by him or a person approved as chairman by the Minister of Labour; or

“(b) By the chairman of the disputes committee, being a chairman of the kind described in paragraph (a) of this subclause; or

“(c) By the Industrial Court.

“(2) Notwithstanding anything in regulations 4 and 9 of these regulations, where the Minister of Labour appoints any person to be chairman of a compulsory conference called pursuant to section 120 of the Industrial Relations Act 1973 with power to make a decision settling a dispute, any such decision shall take effect according to its tenor:

“Provided also that the increase shall not in any way justify the fixing of any other rate of remuneration.

“(3) Notwithstanding anything in regulations 4 and 9 of these regulations, where the Minister of Labour appoints a committee of inquiry pursuant to section 121 of the Industrial Relations Act 1973 with power to inquire into the matter of any dispute or into such aspects of any dispute as he specifies, any amendment to an instrument which is agreed to by the parties to that instrument and which implements the findings of any such committee may be made if it is approved by the Industrial Commission.

“(4) No increase or decision or amendment to any instrument shall be made, authorised, or approved pursuant to the provisions of this regulation unless—

“(a) The disputes committee or its chairman or the Industrial Court, as the case may require, in the case of a matter dealt with under subclause (1) of this regulation; or

“(b) The chairman of the compulsory conference, in the case of a decision under subclause (2) of this regulation; or

“(c) The Industrial Commission, in the case of an approval given under subclause (3) of this regulation,

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.

“11. **New instruments**—(1) No instrument (other than an instrument that supersedes an expired instrument or is an amendment of another instrument) made during the period beginning with the 15th day of May 1976 and ending with the close of the 14th day of May 1977 shall have any effect except with the approval of the Industrial Commission.

“(2) On application to the Industrial Commission under this regulation for its approval of an instrument, the Commission, in its discretion, having regard to the general purpose 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.

“(3) In determining any rate of remuneration to be paid under any such instrument, and without limiting the power of the Industrial Commission to have regard to other matters, the Commission shall have regard to any positions carrying corresponding duties and responsibilities in the employer's undertaking or in similar undertakings in the same locality.

“12. Waterfront Industry Tribunal and Aircrew Industrial Tribunal—
(1) Regulations 5, 6, and 11 of these regulations shall apply with respect to every order of the Waterfront Industry Tribunal and to every award of the Aircrew Industrial Tribunal as if it were an instrument to which each of those regulations applied, and as if the Waterfront Industry Tribunal or, as the case may be, the Aircrew Industrial Tribunal were the Industrial Commission.

“(2) For the purposes of subclause (1) of this regulation, the term ‘order’, in relation to the Waterfront Industry Tribunal, includes any instrument covering workers whose conditions of employment are governed by orders of that Tribunal.

“13. Rates of remuneration in relation to rates of State employees—
(1) In this regulation the term ‘State linkage clause’ means a provision which is contained in an instrument and which provides that any rate of remuneration of workers affected by that instrument shall be adjusted in relation to any movements in any rates of remuneration in any of the State services or in any rates of remuneration that are related to rates of remuneration in any of the State services.

“(2) Where a State linkage clause applies to any rate of remuneration in an instrument, no increase in that rate (other than the increase effected by regulation 3 of these regulations) shall take effect before the relevant State rate of remuneration has increased.

“(3) A State linkage clause contained in any instrument made after the commencement of these regulations shall not apply to the rates of remuneration of any workers, unless a State linkage clause contained in any instrument in force at the commencement of these regulations applied to the rates of remuneration of those workers.

“(4) Notwithstanding the provisions of subclause (3) of this regulation, where as a result of a merger between two or more local authorities the following conditions apply—

“(a) It is necessary to make a new instrument to replace the two or more instruments covering the workers employed by those authorities; and

“(b) Immediately before the making of the new instrument a State linkage clause applied to the rates of remuneration of the majority of the workers employed by those authorities who are to be covered by the new instrument—

a State linkage clause may be inserted in the new instrument so as to apply to all the workers to be covered by it.

“14. Power of Industrial Commission to interpret its own decisions—
The Industrial Commission may at any time decide any question as to the construction or application of any decision, determination, or order of the Commission under these regulations.

“15. General Wage Orders Act suspended—Subject to regulations 3 (7) and 16H (6) of these regulations, the General Wage Orders Act 1969 shall be deemed to be suspended while these regulations continue in force.”

4. General wage hearing—The principal regulations are hereby amended by inserting, after Part I (as substituted by regulation 3 of these regulations), the following Part:

"PART IA

"GENERAL WAGE HEARING

"16. **Wage Hearing Tribunal**—(1) There is hereby established a tribunal to be called the Wage Hearing Tribunal.

"(2) The Tribunal shall consist of not more than 5 members, who shall be appointed by the Governor-General on the recommendation of the Minister of Labour. One of the members shall be appointed as the Chairman of the Tribunal.

"(3) No member of the Tribunal shall be appointed to represent, or be deemed to represent, any sectional interest.

"(4) Before recommending the appointment of any member of the Tribunal, the Minister of Labour shall notify the New Zealand Federation of Labour, the New Zealand Employers' Federation Incorporated, and the Combined State Service Organisations, and shall have regard to any representations with respect thereto received from any of those bodies.

"(5) The powers of the Tribunal shall not be affected by any vacancy in its membership.

"(6) Every member of the Tribunal shall hold office during the pleasure of the Minister.

"16A. **Extraordinary vacancies**—(1) Any member of the Tribunal may at any time resign his office by written notice given to the Minister of Labour.

"(2) If any member dies or resigns or is removed from office, the vacancy thereby created shall be deemed to be an extraordinary vacancy.

"(3) An extraordinary vacancy shall be filled by the appointment of a person in the same manner as the appointment of the person vacating the office.

"16B. **Meetings of Tribunal**—(1) At any meeting of the Tribunal, 3 members shall form a quorum.

"(2) The Chairman shall preside at every meeting of the Tribunal at which he is present.

"(3) In the absence of the Chairman from any meeting, the members present shall elect one of their number to preside at that meeting.

"(4) A decision of a majority of the members present at any meeting shall be the decision of the Tribunal, and, in the event of an equality of votes, the member presiding shall have a casting vote as well as a deliberative vote.

"(5) Subject to the provisions of these regulations, the Tribunal may regulate its procedure in such manner as it thinks fit.

"(6) The Tribunal may defer consideration of any application until such further particulars or reasons relating to the application as the Tribunal requires are supplied to it by the applicant.

"16C. **Members and officers to maintain secrecy**—Every member of the Wage Hearing Tribunal and every person engaged or employed in connection with the work of the Tribunal shall maintain and aid in maintaining the secrecy of all matters which come to his knowledge

when carrying out his functions or duties under these regulations, and shall not communicate any such matters to any person except in the discharge of his duties under these regulations.

“16D. Remuneration and travelling allowances—(1) The Wage Hearing Tribunal is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

“(2) There shall be paid out of money appropriated by Parliament for the purpose to the members of the Tribunal remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

“16E. Function and powers of Tribunal—(1) The functions of the Wage Hearing Tribunal shall be to receive and determine any application made to it under regulation 16H of these regulations.

“(2) For the purpose of carrying out its functions under these regulations, the Tribunal shall be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1908, and the provisions of that Act, except sections 2, 4A, 11, and 12, shall apply accordingly.

“(3) For the purposes of any hearing held by the Tribunal on any application made to it under regulation 16H of these regulations, the powers conferred on the Tribunal by section 4 of the Commissions of Inquiry Act 1908 (as applied by subclause (2) of this regulation) shall be deemed to include power for the Tribunal, of its own motion, to summon any witness to give evidence before the Tribunal.

“(4) The Tribunal may receive in evidence any statement, document, information, or matter that may in its opinion assist it to deal effectually with the matter before it, whether or not the same would otherwise be admissible in a Court of law.

“16F. Services for Tribunal—The Department of Labour shall furnish such secretarial, recording, clerical, and other services as may be necessary to enable the Wage Hearing Tribunal to exercise its functions and powers.

“16G. Decision of Tribunal to be final—Proceedings before the Wage Hearing Tribunal shall not be held bad for want of form. No appeal shall lie from any decision of the Tribunal, and, except on the ground of lack of jurisdiction, no proceeding or order of the Tribunal shall be liable to be challenged, reviewed, quashed, or called in question in any Court.

“16H. Wage order—(1) Subject to this regulation, the Wage Hearing Tribunal may, on the application of the New Zealand Federation of Labour or of the New Zealand Employers' Federation Incorporated, make an order amending the provisions of all awards and collective agreements for the time being in force so far as those provisions determine the rates of remuneration of workers, to the intent that those rates shall be increased.

“(2) In deciding whether to make an order under subclause (1) of this regulation the Tribunal shall give paramount importance to the promotion of the economic stability of New Zealand.

“(3) The Tribunal shall also consider—

- “(a) Whether an increase in the rates of remuneration should be made in order to maintain and promote living standards, so far as it is within the capacity of the economy to sustain such an increase; and
- “(b) The promotion of industrial harmony; and
- “(c) The maintenance and promotion of exports from New Zealand; and
- “(d) The maintenance of full and productive employment; and
- “(e) The extent to which the Consumers’ Price Index has increased since the Consumers’ Price Index for the quarter ending with the 30th day of June 1976.

“(4) Before making any order under subclause (1) of this regulation the Tribunal shall afford such opportunity to be heard as it thinks proper to representatives appointed by the New Zealand Federation of Labour, the New Zealand Employers’ Federation Incorporated, the Combined State Service Organisations, and the Minister of Labour respectively:

“Provided that the failure of any parties to appoint any such representative shall not affect the validity of any order under subclause (1) of this regulation, and the validity of any such order shall not be questioned on the ground that sufficient or adequate opportunity to be heard by the Tribunal has not been afforded to any person affected.

“(5) Any rate of remuneration lawfully payable under an instrument that is not an award or a collective agreement may be increased to the extent and in the manner prescribed by an order made under subclause (1) of this regulation.

“(6) Section 6 (relating to exclusions from general 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 making by the Wage Hearing Tribunal of any order under subclause (1) of this regulation as if every reference in those sections to a general order were a reference to an order under subclause (1) of this regulation.

“(7) Any order under subclause (1) of this regulation shall apply with respect to—

“(a) Every order of the Waterfront Industry Tribunal:

“(b) Every award of the Aircrew Industrial Tribunal:

“(c) Every Order in Council fixing rates of remuneration of any worker made under the Agricultural Workers Act 1962—
as if it were an award of the Industrial Commission.

“(8) The provisions of this regulation and of any order made under subclause (1) of this regulation shall have effect notwithstanding the provisions of regulations 4, 27, and 37 of these regulations.

“16i. **Varying application of awards and collective agreements—**

(1) This section applies to every provision in an award or collective agreement which provides that the award or collective agreement or any part thereof shall or shall not apply to any class of workers defined by reference to a specified rate of remuneration.

“(2) Where an order under regulation 16H (1) of these regulations

increases any rates of remuneration determined by an award or collective agreement which contains any provision to which this section applies, that order shall be deemed to apply to every rate of remuneration specified in that provision.”

5. Frequency of adjustments—(1) Regulation 27 of the principal regulations is hereby amended by inserting, after subclause (2), the following subclause:

“(2A) Subject to subclause (8) of this regulation and to regulation 28 of these regulations, every determination of the Commission under regulation 23 of these regulations in force at the close of the 14th day of May 1976 shall continue in force until the close of the 14th day of May 1977 or until the expiration of a period of 12 months beginning on the day after the date on which it would have expired but for the provisions of this subclause, whichever is the later:

“Provided that in no case shall a determination be continued in force by virtue of this subclause beyond the 30th day of September 1977.”

(2) Regulation 27 (4) of the principal regulations is hereby amended by adding the words “but no determination implementing the general review made as at the 1st day of April 1976 shall come into force while a previous determination remains in force pursuant to subclause (2A) of this regulation”.

(3) Regulation 27 (7) of the principal regulations (as amended by regulation 5 (1) of the Wage Adjustment Regulations 1974, Amendment No. 6) is hereby amended by adding the following proviso:

“Provided that the Commission shall not determine any interim adjustment under this subclause during the period beginning with the 15th day of May 1976 and ending with the close of the 14th day of May 1977.”

6. Application of cost of living allowance and wage order—The principal regulations are hereby amended by revoking regulation 28, and substituting the following regulation:

“28. (1) Regulation 3 of these regulations shall apply to the persons to whom regulation 23 (1) of these regulations applies as if the salaries of those persons were remuneration payable under an award.

“(2) Every wage order made by the Wage Hearing Tribunal under regulation 16H (1) of these regulations shall apply, without further authority than this clause, with respect to the salaries of the persons to whom regulation 23 (1) of these regulations apply, as if those salaries were remuneration payable under an award.”

7. New regulations substituted—(1) The principal regulations are hereby amended by revoking regulations 34 to 40, and substituting the following regulations:

“34. **Cost of living allowance**—Regulation 3 of these regulations shall apply to State employees as if they were workers whose remuneration is governed by an award of the Industrial Commission and every instrument fixing the rate of remuneration paid to State employees shall be deemed to have been amended to include provision for the cost of living allowance in accordance with subclauses (1) to (3) of regulation 3 of these regulations.

“35. Application of wage orders to State employees—Every order made by the Wage Hearing Tribunal under regulation 16H (1) of these regulations shall apply, without further authority than this regulation, with respect to the remuneration (other than an allowance to which regulation 36 of these regulations applies) payable in every instrument for the time being in force fixing the remuneration of any State employees as if that remuneration were fixed in an award, and that instrument shall be deemed to have been amended to give effect to that order.

“36. Allowances—(1) In this regulation the term ‘allowance’ means any remuneration the rate of which was not increased as a result of the application to the State Services of the general order under the General Wage Orders Act 1969 made by the Court of Arbitration on the 3rd day of November 1970

“(2) The provisions of regulation 35 of these regulations may be applied by an employing authority to any allowance payable to any State employee as if that allowance were remuneration.

“37. Existing instruments to continue in force—(1) Notwithstanding anything in any other enactment or in any instrument, but subject to regulations 34, 35, 38, 39, 44A, 45, and 45c of these regulations, every instrument fixing the rate of remuneration paid to State employees and in force at the close of the 14th day of May 1976 shall continue in force without amendment until the close of the 14th day of May 1977 or until the expiration of a period of 12 months beginning on the day after the date on which it would have expired but for the provisions of this subclause, whichever is the later:

“Provided that in no case shall an instrument be continued in force by virtue of this subclause beyond the 14th day of November 1977.

“(2) Any purported amendment to any such instrument (other than an amendment expressly permitted by these regulations) shall be void and of no effect.

“(3) For the purposes of this regulation any instrument made at any time after the 14th day of May 1976, purporting to increase any rate of remuneration payable to State employees under any instrument in force at the close of the 14th day of May 1976, or to provide for payment of any additional remuneration to State employees whose rates of remuneration are fixed by any instrument in force at the close of the 14th day of May 1976, shall be deemed to be an amendment of the instrument in force at the close of the 14th day of May 1976, whether the increase or payment purports to have had effect either before or after the close of the 14th day of May 1976.

“38. Amendments permissible where no increase (other than cost of living increases) obtained since 30 June 1975—Notwithstanding anything in regulation 37 of these regulations, where the rates of remuneration in any instrument fixing the remuneration of State employees 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, a proposed instrument amending those rates may come into

force if it is approved by the State Services Tribunal 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.

“39. Essential amendments—(1) Notwithstanding anything in regulation 37 of these regulations, where the Industrial Commission is satisfied, on the joint application of the parties to any instrument,—

“(a) That, by reason of significant changes in the content of any job (being changes that have taken place since the 30th day of June 1975 or since the instrument was made, whichever is the later), substantial problems have arisen in the application of the instrument; and

“(b) That an amendment to the instrument is the only way of resolving those problems; and

“(c) 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, make an appropriate amendment to the instrument which shall have effect according to its tenor.

“(2) Notwithstanding anything in regulation 37 of these regulations, where the Industrial Commission is satisfied, on the application of any party to an instrument, that the rate of any meal allowance or the formula by which any meal allowance is calculated, being a rate or formula already specified in that instrument, should be altered to compensate for increases in the reasonable cost of a meal since the rate or formula was last fixed, the Commission may, in its discretion, make an appropriate amendment to the instrument which shall have effect according to its tenor.”

(2) The principal regulations are hereby further amended by revoking regulation 42.

(3) Regulation 45 of the principal regulations is hereby consequentially amended by omitting the words “or regulation 40”.

8. Rates of remuneration of State employees to be fixed for at least 12 months—Regulation 41 of the principal regulations is hereby amended by revoking subclauses (2) and (3).

9. Settlement of minor matters—Regulation 44A of the principal regulations (as inserted by regulation 10 of the Wage Adjustment Regulations 1974, Amendment No. 4) is hereby amended by revoking subclause (2), and substituting the following subclause:

“(2) Notwithstanding anything in regulations 37 and 41 of these regulations, any increase in remuneration agreed to by any employing authority in settlement of a matter to which this regulation applies and approved by the State Services Co-ordinating Committee or, in default of any such agreement, determined by the State Services Tribunal, may come into force only if the Committee or the Tribunal, as the case may require, declares in writing that the increase is not contrary to the general purpose of these regulations.”

10. Approval of redundancy provisions—(1) Regulation 45c (5) (b) of the principal regulations (as inserted by regulation 3 of the Wage

Adjustment Regulations 1974, Amendment No. 8) is hereby amended by omitting the words "regulation 12", and substituting the words "regulation 9".

(2) Regulation 45c of the principal regulations is hereby further amended by adding the following subclause:

"(6) Notwithstanding the provisions of regulations 4, 9, 37, and 41 of these regulations, where provisions are approved under this regulation, any necessary amendments may be made to the appropriate instrument or Order in Council."

11. Revocations—The following regulations are hereby revoked:

- (a) Regulations 2 to 5 of the Wage Adjustment Regulations 1974, Amendment No. 1:
- (b) The Wage Adjustment Regulations 1974, Amendment No. 2:
- (c) The Wage Adjustment Regulations 1974, Amendment No. 3:
- (d) Regulations 3 to 6 of the Wage Adjustment Regulations 1974, Amendment No. 4:
- (e) Regulations 2 and 6 of the Wage Adjustment Regulations 1974, Amendment No. 6:
- (f) The Wage Adjustment Regulations 1974, Amendment No. 7.

12. Saving—Nothing in these regulations shall affect any amendment made to any rate of remuneration before the commencement of these regulations, and every such amendment shall continue to have effect notwithstanding the substitution of a new Part I in the principal regulations by regulation 3 of these regulations or the revocation of the regulations that effected any such amendment by regulation 11 of 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 make a number of substantial amendments to the Wage Adjustment Regulations 1974.

The main provisions are as follows:

- (a) Provision is made for the payment of a cost of living allowance as an addition to ordinary pay. Its amount is to be equal to 7 percent of the worker's remuneration by way of ordinary pay with a maximum of \$7 in respect of any one week and of \$365 in respect of any one year.

This provision takes effect on and from 25 June 1976.

- (b) Each existing instrument is to be continued in force for a period of 12 months without amendment (subject to certain limited exceptions) until the close of the 14th day of May 1977 or until the expiration of a period of 12 months beginning on the day after the date on which it would have expired but for the provisions of these regulations, whichever is the later:

Provided that no instrument is to be so continued in force beyond the 30th day of September 1977.

- (c) A Wage Hearing Tribunal is established with power to make an order effecting a general wage increase.
- (d) The implementation of decisions of the Higher Salaries Commission is postponed for a period of 12 months.
- (e) The existing increases in rates of remuneration effected by cost of living orders continue to apply.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 14 May 1976.

These regulations are administered in the Department of Labour.