



**THE WATERFRONT CONTROL COMMISSION EMERGENCY
REGULATIONS 1940, AMENDMENT NO 2**

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 2nd day of
August, 1944

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Waterfront Control Commission Emergency Regulations 1940, Amendment No. 2, and shall be read together with and deemed part of the Waterfront Control Commission Emergency Regulations 1940* (hereinafter referred to as the principal regulations).

2. (1) The principal regulations are hereby amended by revoking Regulations 11 and 11A, and substituting the following regulation:—

“ 11. (1) The Commission may from time to time appoint a Secretary and such other officers and servants as it thinks necessary for the purpose of carrying out the functions of the Commission.

“ (2) Any person in the service of the Crown may be appointed as an officer or servant of the Commission:

“ Provided that no such person shall accept such appointment and be entitled to retain his position as a servant of the Crown except—

“ (a) In the case of a person subject to the Public Service Act, 1912, with the consent of the Public Service Commissioner; and

“ (b) In any other case, with the consent of the Minister to whose control he is subject.

“ (3) Every person who is an officer or servant of the Commission at the commencement of this regulation or who has previously been an officer or servant thereof at any time after the 31st day of March, 1944, shall be deemed from that date or from the time of his appointment (whichever is the later) to have been duly appointed under this regulation.”

(2) Regulation 25 of the principal regulations is hereby amended by inserting, after the word “Minister”, the words “or by the Commission”.

* Statutory Regulations 1940, Serial number 1940/59, page 163.

Amendment No. 1: Statutory Regulations 1940, Serial number 1940/109, page 302.

(3) Regulations 6 and 7 of the Waterfront Control Commission Emergency Regulations 1940, Amendment No. 1, are hereby revoked.

3. Regulation 12 of the principal regulations is hereby amended by revoking paragraphs (g), (l), and (m) of clause (2), and substituting the following paragraphs :—

“(g) Prescribe the conditions upon or subject to which any persons may be employed (whether by the Commission or otherwise) for the loading, unloading, or storage of cargo at any wharf or wharves, for the loading or unloading of any barges, lighters, or other vessels, and for any other work connected therewith ; prescribe the terms of such employment (whether as to remuneration or otherwise), including, if the Commission thinks fit, provision for a guaranteed weekly minimum payment ; and fix contract rates under a co-operative contracting system for the handling of cargo on a tonnage or unit basis :”

“(l) For the purpose of providing a guaranteed weekly minimum payment to waterside workers, impose levies on the owners, agents, or masters of ships and on any other employers of waterside labour, based on the total wages or earnings or co-operative contract rates paid or on the total number of hours paid for in respect of the loading, unloading, or storage of cargo :

“(m) Impose levies on the owners, agents, or masters of ships, and on any other employers of waterside labour, based on the total wages or earnings or co-operative contract rates paid or on the total number of hours paid for, for the purpose of providing pay for annual holidays allowed under the Annual Holidays Act, 1944, or for the purpose of providing moneys for carrying out the functions of the Commission :”.

4. Regulation 12 of the principal regulations is hereby further amended by adding to clause (2) the following paragraphs :—

“(v) Invest any moneys belonging to the Commission in such securities (being securities for the time being authorized by statute for the investment of trust money) in such manner and for such periods as the Commission from time to time thinks fit :

“(w) Purchase, take on lease, or otherwise acquire any land or interest in land, and erect, improve, alter, extend, equip, furnish, repair, and maintain buildings on any such land for the purpose of carrying out the functions of the Commission :

“(x) Make grants of money from the Commission’s funds to sick benefit societies, hospital comforts funds, sports clubs, and other societies and funds established for the benefit of waterside workers.”

5. Regulation 23 of the principal regulations is hereby amended by revoking clauses (2) and (3), and substituting the following clauses :—

“(2) There shall be paid to the officers and servants appointed under Regulation 11 hereof such salaries and wages as the Commission may from time to time fix.

“(3) All such salaries and the administrative expenses of the Commission shall be paid out of the funds of the Commission.

“(4) Subject to appropriation by Parliament, grants may from time to time be made to the Commission from the Consolidated Fund for such salaries and administrative expenses or any part thereof.”

6. The principal regulations are hereby amended by adding the following regulations :—

“26. (1) This regulation applies to every person who is employed by the Commission in connection with the loading or unloading of any ship or the loading, unloading, or storage of any cargo—

“(a) As a foreman stevedore ; or

“(b) Otherwise than as an officer or servant appointed under Regulation 11 hereof.

“(2) Notwithstanding anything to the contrary in any enactment or rule of law, every person to whom this regulation applies shall, for the purposes of the Workers’ Compensation Act, 1922, and its amendments, and the Deaths by Accidents Compensation Act, 1908, and its amendments, and for the purposes of any claim for damages or compensation in respect of any injury, loss, or damage to person or property suffered by that person or caused by any act or omission of that person (whether the claim is made under any Act or otherwise, and whether the event giving rise to the claim happened before or after the commencement of this regulation), and for the purposes of any proceedings or claim incidental to any such claim (whether for the joining of a third party or for indemnity or contribution or otherwise),—

“(a) Be deemed not to be employed or to have been employed by the Commission ; and

“(b) Be deemed to be employed or to have been employed by the owners, agents, or master of the ship, or by the person (other than the Commission) for whom the cargo has been loaded, unloaded, or stored, as the case may be.

“27. In connection with the loading or unloading of any ship or the loading, unloading, or storage of any cargo undertaken by the Commission, the Commission shall—

“(a) Take all reasonable and proper precautions in order to prevent accidents and to obviate the risk of personal injury to workers and others :

“(b) Forthwith upon the happening of any event that gives rise or might give rise to a claim to which Regulation 26 hereof relates, furnish to every person by whom any person concerned is deemed under that regulation to be employed or to have been employed full particulars of the event, specifying the time and place thereof, the name and address of every worker or other person alleged to have suffered or caused any injury, loss, or damage, and the names and addresses of all witnesses of the event so far as they can be ascertained, together with all other information in the possession or power of the Commission relevant to the event or to liability therefor.”

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

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These regulations are administered in the Waterfront Control Commission, Department of Labour.

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