

Serial Number 1940/44.



**THE WATERFRONT CONTROL EMERGENCY  
REGULATIONS 1940.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 11th day of  
March, 1940.

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 Emergency Regulations 1940.

2. In these regulations, unless inconsistent with the context,—

“Controller” means a Controller appointed under these regulations; and includes any person for the time being authorized to exercise or perform any of the powers or functions of any Controller:

“Minister” means the Minister of Labour:

“Wharf” includes any wharf, quay, pier, jetty, or other place used or capable of being used for the loading or unloading of ships or for the storage of cargo immediately prior to loading on a ship or subsequent to unloading and prior to delivery from the wharf; and also includes any place belonging to or in the possession of or under the control of a Harbour Board; and also includes any railway or public highway so far as it intersects or is contiguous to or runs on any such wharf, quay, pier, jetty, or other place as aforesaid.

3. (1) The Minister may from time to time appoint for any port in New Zealand a Controller to be known as the “[*Name of port*] Waterfront Controller”.

(2) Every Controller shall hold office during the pleasure of the Minister.

4. (1) Notwithstanding anything to the contrary in any Act, any Controller may from time to time do all such things as he deems necessary for the purpose of ensuring the utmost expedition in the loading, unloading, and storage of cargo at the port for which he is appointed.

(2) Without limiting the general power conferred on any Controller by clause (1) of this regulation, it is hereby declared that in the exercise of that power the Controller may from time to time do all or any of the following things, that is to say:—

- (a) Control, use, or administer any wharf or wharves, including any gear or equipment thereon, and also any barges, lighters, and other vessels:
- (b) Direct in such manner as he may think fit the loading, unloading, or storage of cargo at any wharf or wharves, or the loading or unloading of any barges, lighters, or other vessels:
- (c) Take such action as he may think fit to ensure the loading, unloading, or storage of cargo in or from any ship, or the continuation of any such work by the workers employed for the purpose:
- (d) Direct the continuation of any existing methods of engaging labour and paying workers, order variations thereof, or take over the control of any offices and staff connected therewith:
- (e) Introduce any new method of employing labour or new system of handling cargo:
- (f) Employ all such waterside workers and other persons as he may think necessary for the loading, unloading, and storage of cargo:
- (g) Classify in such manner as he may think fit the workers available for employment on the waterfront:
- (h) Enter any premises in which there is reason to believe that any gear or equipment is stored and take an inventory thereof, or by order in writing authorize any other person or persons so to do:
- (i) Hire or by order in writing requisition any gear or equipment used or suitable for use in the loading, unloading, or storage of cargo, whether such gear or equipment is at or on any wharf or not:
- (j) Co-ordinate the activities of any persons or bodies concerned in the use, control, or administration of any wharf or wharves:
- (k) Exclude from any wharf or wharves any person whose presence on such wharf or wharves is, in the opinion of the Controller, prejudicial to the expeditious loading or unloading of cargo or despatch of shipping:

- (l) Suspend for any period he may think fit or exclude from waterside work any person for misconduct, refusal or failure to comply with any reasonable demands, or for any other good reason:
- (m) By order in writing authorize any other person to suspend any person as provided in the last preceding paragraph, and to exclude any person so suspended from any wharf or wharves pending the decision of the Controller:
- (n) Require any person to furnish from time to time such returns, statements, statistics, or other information relating to matters coming within the jurisdiction of the Controller as he may deem necessary; and require that any such information be verified by statutory declaration; and examine any records from which such information is obtained and enter any premises for that purpose:
- (o) Make any order in respect of any matter coming within his jurisdiction.

5. (1) The Minister may from time to time, by order in writing, suspend in whole or in part, or modify to such extent as he may consider necessary, all or any of the provisions of the Industrial Conciliation and Arbitration Act, 1925, or the Labour Disputes Investigation Act, 1913, or any awards or industrial agreements thereunder, in respect of their application to any port for which a Controller has been appointed, in so far as any such Acts, awards, or agreements apply to workers employed on work connected with the loading or unloading of ships or with the storage on any wharf or wharves of cargo for loading on any ship or of cargo unloaded from any ship, and may at any time or from time to time revoke or vary any such order.

(2) Any order made by the Minister under this regulation shall be published in the *Gazette*; but every such order shall, unless otherwise provided therein, take effect on the day of the making thereof.

6. (1) Every order excluding any person from any wharf or wharves shall take effect immediately such order has been brought to the knowledge of the person so excluded, and such order shall remain in force until revoked by the Controller.

(2) Any person who has been excluded from any wharf or wharves and who, while such order of exclusion remains in force, enters or remains on that wharf or those wharves or loiters in the vicinity thereof commits an offence against these regulations.

7. Any person who in any way attempts to prevent, delay, or otherwise interfere with the expeditious loading, unloading, or despatch of any ship commits an offence against these regulations.

8. Any person who commits a breach of any order of the Controller or who fails to comply with any direction or decision of the Controller commits an offence against these regulations.

9. (1) Where the Controller decides to exercise his power to requisition any gear or equipment, notice in writing of the exercise of such power shall be given to the owner thereof or to the person in whose possession such gear or equipment is for the time being, and such owner or other person shall forthwith make such gear or equipment available accordingly.

(2) The owner of any gear or equipment requisitioned in pursuance of these regulations shall be entitled to obtain from the user reasonable payment for the use thereof and compensation for loss thereof or damage thereto.

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

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These regulations are administered in the Department of Labour.