



THE WAGE FREEZE REGULATIONS 1982

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 22nd day of June 1982

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.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title 2. Commencement and expiry 3. Interpretation 4. Powers and functions of Minister of Labour 5. Rates of remuneration not to be increased | <ol style="list-style-type: none"> 6. Provision in respect of major projects and expired instruments not renewed in the 1981-1982 wage round 7. Prohibition of registration, etc. 8. Offences 9. Savings 10. Saving in relation to disputes Schedules |
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REGULATIONS

1. Title—These regulations may be cited as the Wage Freeze Regulations 1982.

2. Commencement and expiry—(1) These regulations shall come into force on the 23rd day of June 1982.

(2) These regulations shall continue in force until the close of the 22nd day of June 1983, and shall then expire.

3. Interpretation—(1) Where any expression is defined in regulation 2 or in regulation 45A of the Wage Adjustment Regulations 1974, that expression has in these regulations, unless the context otherwise requires, the meaning so defined.

(2) For the avoidance of doubt it is hereby declared that in these regulations the term “instrument” (as so defined) includes—

- (a) Any instrument prescribing the remuneration of any State employee; and
- (b) Any determination made by the Higher Salaries Commission.

(3) Without limiting the circumstances in which any rate of remuneration shall be treated as having been increased, any rate of remuneration shall for the purposes of these regulations be deemed to have increased proportionately in the following cases:

- (a) Where there has been any reduction in the hours or other period of work on which that remuneration is based without a corresponding reduction in the rate of remuneration;
- (b) Where there has been any increase in any minimum period of paid travelling time;
- (c) Where there has been any increase in holiday entitlement.

4. Powers and functions of Minister of Labour—Any powers or functions that the Minister of Trade and Industry may exercise or perform under the Economic Stabilisation Act 1948 may, in relation to any matter arising under these regulations, be exercised by the Minister of Labour.

5. Rates of remuneration not to be increased—(1) Notwithstanding anything in any enactment or in any instrument, no instrument which supersedes an instrument or is an amendment of another instrument shall fix a rate of remuneration that exceeds the rate of remuneration lawfully payable under the superseded or amended instrument.

(2) For the purposes of this regulation, any instrument made at any time after the 22nd day of June 1982, purporting to increase any rate of remuneration payable under any instrument, or to provide for payment of any additional remuneration to a person (being a worker, a State employee, or any other person) whose rates of remuneration are fixed by any instrument, shall be deemed to be an amendment of the instrument by which those rates are fixed, whether the increase or payment purports to have effect before, on, or after the close of the 22nd day of June 1983.

6. Provision in respect of major projects and expired instruments not renewed in the 1981–1982 wage round—(1) Nothing in regulation 5 of this regulation applies in respect of an instrument that implements a complete settlement, being—

- (a) An instrument, made after the commencement of these regulations, which supersedes an expired instrument specified in the First Schedule to these regulations; or
- (b) An instrument, made after the commencement of these regulations, which applies only to workers employed on a major project specified in the Second Schedule to these regulations and which fixes the rates of remuneration payable to those workers.

(2) Nothing in regulation 5 of these regulations applies in respect of an instrument that implements a complete settlement, being—

- (a) An instrument, made after the commencement of these regulations, which is a determination made under the State Services Conditions of Employment Act 1977 in respect of the rates of remuneration of any State employees specified in the Third Schedule to these regulations:
- (b) An instrument made after the commencement of these regulations, being a determination under the State Services Conditions of Employment Act 1977 in respect of Interservice Conditions and Allowances—Block A.

(3) Notwithstanding anything in any enactment or in any instrument, no instrument which supersedes an instrument to which paragraph (a) or paragraph (b) of subclause (1) of this regulation or paragraph (a) or paragraph (b) of subclause (2) of this regulation applies or is an amendment of an instrument to which paragraph (a) or paragraph (b) of subclause (1) of this regulation or paragraph (a) or paragraph (b) of subclause (2) of this regulation applies shall fix a rate of remuneration that exceeds the rate of remuneration lawfully payable under the superseded or amended instrument.

(4) For the purposes of this regulation, any instrument which is made at any time after the date of the making of an instrument to which paragraph (a) or paragraph (b) of subclause (1) of this regulation or paragraph (a) or paragraph (b) of subclause (2) of this regulation applies and which purports to increase any rate of remuneration payable under any instrument to which paragraph (a) or paragraph (b) of subclause (1) of this regulation or paragraph (a) or paragraph (b) of subclause (2) of this regulation applies, or to provide for payment of any additional remuneration to a person (being a worker, a State employee, or any other person) whose rates of remuneration are fixed by an instrument to which paragraph (a) or paragraph (b) of subclause (1) of this regulation or paragraph (a) or paragraph (b) of subclause (2) of this regulation applies, shall be deemed to be an amendment of the instrument by which those rates are fixed, whether the increase or payment purports to have effect before, on, or after the close of the 22nd day of June 1983.

- (5) For the purposes of this regulation, “complete settlement” means—
 - (a) In relation to an instrument (not being a determination made under the State Services Conditions of Employment Act 1977), a complete settlement arrived at between the parties to the instrument; and
 - (b) In relation to a determination made under the State Services Conditions of Employment Act 1977, an agreement in writing which relates to all the issues involved in the determination and which is reached with the service organisation or service organisations whose members are affected by the determination.

7. Prohibition of registration, etc.—No instrument that contravenes regulation 5 (1) or regulation 6 (3) of these regulations shall be—

- (a) Registered or filed under any provision of the Industrial Relations Act 1973; or
- (b) Certified under section 30 of the Aircrew Industrial Tribunal Act 1971; or
- (c) Lodged under section 34 of the Agricultural Workers Act 1977.

8. Offences—(1) Without limiting the provisions of section 18 of the Economic Stabilisation Act 1948, every person commits an offence, and is

liable accordingly to the penalties specified in subsection (3) of that section, who—

- (a) Without lawful justification or excuse acts in contravention of or fails to comply with any provision of these regulations; or
- (b) Either alone or in combination with any other person or group or body of persons, does any act with the intention of defeating or evading any provision of these regulations.

(2) Every payment made by an employer to a worker in breach of any provision of these regulations shall be deemed to be a separate offence, whether there are several such payments to the same worker or to different workers.

(3) Any information for an offence against these regulations may include 2 or more offences alleged to have been committed by the defendant.

9. Savings—(1) Nothing in these regulations prevents any increase in any rate of remuneration payable to an individual in any of the following cases:

- (a) Where the increase is made as the result of the promotion of the individual from one established position to another established position:
- (b) Where the increase is made in accordance with an existing salary scale or arrangement providing for the increase on the grounds of age, service, merit, or qualifications:
- (c) Where the increase is made on the grounds that the duties or responsibilities of the individual have substantially increased.

(2) Nothing in these regulations prevents—

- (a) The formal creation or completion of an instrument, where—
 - (i) A formal process is necessary, pursuant to any provision of any enactment, for the creation or completion of that instrument; and
 - (ii) That instrument implements a complete settlement of a dispute or question, being a settlement arrived at by the parties to the instrument before the commencement of these regulations;
- or
- (b) The operation of an instrument to which paragraph (a) of this subclause applies.

(3) Nothing in these regulations prevents an employing authority under the State Services Conditions of Employment Act 1977 from issuing a determination under that Act where the service organisation or service organisations whose members are affected by the determination had at the commencement of these regulations reached agreement in writing on the amount of the increase to be applied to the existing rate of remuneration.

(4) Except as expressly provided in these regulations, nothing in these regulations limits the provisions of the Wage Adjustment Regulations 1974.

10. Saving in relation to disputes—(1) This regulation applies to every dispute or question which involves a rate or rates of remuneration and which, before the commencement of these regulations, has been referred, pursuant to any enactment, to—

- (a) A Court or tribunal; or
- (b) A compulsory conference called under section 120 of the Industrial Relations Act 1973; or

(c) A committee of inquiry appointed under section 121 of the Industrial Relations Act 1973.

(2) In relation to any dispute or question to which this regulation applies, nothing in these regulations prevents—

(a) The creation or completion of an instrument comprising or implementing—

(i) The determination of the Court or tribunal; or

(ii) The decision of the compulsory conference; or

(iii) The results or findings of the committee of inquiry; or

(b) The registration, filing, certification, or lodging under any Act of any instrument to which paragraph (a) of this subclause applies; or

(c) The operation of any instrument to which paragraph (a) of this subclause applies.

SCHEDULES

Reg. 6 (1) (a)

FIRST SCHEDULE

EXPIRED INSTRUMENTS NOT RENEWED IN THE 1981-1982 WAGE ROUND

Document No. of Expired Instrument	Name of Expired Instrument
1556	Kapuni Ammonia Urea Construction Composite Agreement
905	New Zealand Actors and Actresses and Related Performers (Commercial and Film Performances) Award
93	Tasman Pulp and Paper Co. Ltd., Engine Drivers, Firemen and Greasers Collective Agreement (Voluntary)
203	Tasman Pulp and Paper Co. Ltd., Kawerau Pulp and Paper Workers Collective Agreement (Voluntary)
207	Tasman Pulp and Paper Co. Ltd., Mt Maunganui Pulp and Paper Workers Collective Agreement (Voluntary)
450	Tasman Pulp and Paper Co. Ltd., Timber Workers Collective Agreement (Voluntary)
228	Carter Oji Kokusaku Pan Pacific Ltd., Security Officers Collective Agreement (Voluntary)
238	Carter Oji Kokusaku Pan Pacific Ltd., Pulp and Paper Workers Collective Agreement (Voluntary)
263	Carter Oji Kokusaku Pan Pacific Ltd., Factory Engineers Collective Agreement (Voluntary)
281	Carter Oji Kokusaku Pan Pacific Ltd., Timber Workers Collective Agreement (Voluntary)
709	Caxton Paper Mills Ltd., Factory Engineers Collective Agreement (Voluntary)
717	Caxton Paper Mills Ltd., Electrical Workers Collective Agreement (Voluntary)
719	Caxton Paper Mills Ltd., Painters and Decorators Collective Agreement (Voluntary)
747	Caxton Paper Mills Ltd., Pulp and Paper Workers Collective Agreement (Voluntary)
600	Winstone Samsung Industries Ltd., Pulp and Paper Workers Collective Agreement (Voluntary)
1243	Winstone Samsung Industries Ltd., Electrical Workers Collective Agreement (Voluntary)
1248	Winstone Samsung Industries Ltd., Factory Engineers Collective Agreement (Voluntary)
1252	Winstone Samsung Industries Ltd., Timber Workers Collective Agreement (Voluntary)
1299	Winstone Samsung Industries Ltd., Security Officers Collective Agreement (Voluntary)

SECOND SCHEDULE

Reg. 6 (1) (b)

MAJOR PROJECTS

1. Major extensions to the steel mill at Glenbrook owned by New Zealand Steel Limited, a duly incorporated company having its registered office at Glenbrook, South Auckland.

2. The works described in paragraph (a) of clause 2 of the National Development Order 1980* (which paragraph relates to the construction and operation of the Petralgas Chemicals N.Z. Limited methanol plant at Mamaku Road, Waitara).

*S.R. 1980/173

THIRD SCHEDULE

Reg. 6 (2) (a)

STATE EMPLOYEES WHOSE REMUNERATION IS STILL UNDER
NEGOTIATION IN THE 1981-1982 WAGE ROUND*Public Service*

Employees in the following occupational classes:

Meat Inspectors	...	...	114.1
Nautical Services	...	...	205.1
Harbourmasters	...	...	205.1
Aviation Calibration	...	...	550.1
Aviation Calibration	...	...	550.2
Airworthiness	...	...	553.1

Hospital Service

Hospital Laundry Managers in General Hospitals employed under Hospital Service Determination DG35.

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, which come into force on the 23rd day of June 1982, freeze rates of remuneration until the close of the 22nd day of June 1983.

Provision is made—

- (a) For the making of instruments to implement certain agreements and certain complete settlements agreed on before the commencement of these regulations;
 - (b) For the making of instruments relating to major projects and for the making of instruments superseding expired instruments not renewed in the 1981-1982 wage round. To come within this exception an instrument must be made after the commencement of these regulations and must implement a complete settlement;
 - (c) Where a dispute or question involving a rate or rates of remuneration has, pursuant to any enactment, been referred, before the commencement of these regulations, to—
 - (i) A Court or tribunal; or
 - (ii) A compulsory conference called under section 120 of the Industrial Relations Act 1973; or
 - (iii) A committee of inquiry appointed under section 121 of the Industrial Relations Act 1973,—
- for the implementation of the determination or decision or findings.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 23 June 1982.

These regulations are administered in the Department of Labour.