

1982/194

**THE WAGE FREEZE REGULATIONS 1982,
AMENDMENT NO. 2**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 20th day of August 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

<ol style="list-style-type: none"> 1. Title 2. Commencement and expiry 3. Interpretation 4. Disputes of interest, etc., not to be dealt with 5. New regulations inserted <ol style="list-style-type: none"> 6A. Exemptions 6B. Wage Freeze Authority 6C. Term of office 6D. Extraordinary vacancies 6E. Member and officers to maintain secrecy 		<ol style="list-style-type: none"> 6F. Remuneration and travelling allowances 6G. Functions of Authority 6H. Criteria for Authority 6I. Powers of Authority 6J. Procedure 6K. Services for Authority, etc. 6L. Authority to have seal 6. Prohibition of registration, etc. 7. First Schedule amended 8. First Schedule amended on 31 August 1982 9. New Fourth Schedule added Schedule
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REGULATIONS

1. Title—These regulations may be cited as the Wage Freeze Regulations 1982, Amendment No. 2, and shall be read together with and deemed part of the Wage Freeze Regulations 1982* (hereinafter referred to as the principal regulations).

2. Commencement and expiry—(1) Except as provided in regulation 8 (2) of these regulations, these regulations shall come into force on the 21st day of August 1982.

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

3. Interpretation—Regulation 3 of the principal regulations is hereby amended by inserting, after subclause (2), the following subclause:

“(2A) For the purposes of these regulations, a decision fixing the classification or grading of any position in the State services is an instrument prescribing a rate of remuneration.”

4. Disputes of interest, etc., not to be dealt with—The principal regulations are hereby amended by inserting, after regulation 5, the following regulation:

“5A. (1) Notwithstanding anything in any enactment or in any instrument, in the period beginning with the commencement of this regulation and ending with the close of the 22nd day of June 1983,—

“(a) No dispute of interest shall be heard by a conciliation council constituted under the Industrial Relations Act 1973 and no hearing of such a dispute, if that hearing has been commenced but not completed before the commencement of this regulation, shall be continued:

“(b) No dispute of interest shall be determined by the Arbitration Court and no proceedings in relation to any such dispute which have been commenced but not completed before the commencement of this regulation shall be continued:

“(c) No dispute of interest shall be negotiated under section 65 or section 66 of the Industrial Relations Act 1973 and no negotiations of such a dispute which have been commenced but not completed before the commencement of this regulation shall be completed:

“(d) No collective agreement that records a voluntary settlement arrived at under section 65 of the Industrial Relations Act 1973 in contravention of paragraph (c) of this subclause shall be registered under that section as a collective agreement:

“(e) No composite agreement that records a voluntary settlement arrived at under section 66 of the Industrial Relations Act 1973 in contravention of paragraph (c) of this subclause shall be registered under that section as a collective agreement:

“(f) No agreement (being an agreement to which section 141 of the Industrial Relations Act 1973 applies) which relates to a dispute in the nature of a dispute of interest shall be entered into:

“(g) No agreement entered into in contravention of paragraph (f) of this subclause shall be filed under section 141 of the Industrial Relations Act 1973:

“(h) No application made under section 23 of the State Services Conditions of Employment Act 1977 by any service organisation shall be negotiated, and no determination shall be issued in respect thereof, and no such application forwarded to the Public Sector Tribunal or to a Single Service Tribunal shall be heard or determined; and no proceedings in respect of any

such application which have been commenced but not completed before the commencement of this regulation shall be continued:

- “(i) No application made under section 219B of the Post Office Act 1959 by any service organisation shall be negotiated, and no determination shall be issued in respect thereof, and no such application forwarded to the Public Sector Tribunal or to the Post Office Staff Tribunal shall be heard or determined; and no proceedings in respect of any such application which have been commenced but not completed before the commencement of this regulation shall be continued:
- “(j) No application made under section 66C of the Police Act 1958 by any service organisation shall be negotiated, and no determination shall be issued in respect thereof, and no such application forwarded to the Police Staff Tribunal shall be heard or determined; and no proceedings in respect of any such application which have been commenced but not completed before the commencement of this regulation shall be continued:
- “(k) No industrial dispute which is in the nature of a dispute of interest (as defined in section 2 of the Industrial Relations Act 1973) shall be heard by the Coal Mines Council and no hearing of such a dispute that has been commenced but not completed before the commencement of this regulation shall be continued:
- “(l) No conciliation proceedings in relation to any application for a principal order or for an order under section 16 (b) or section 17 of the Waterfront Industry Act 1976 shall be conducted under section 22 of that Act and no such proceedings that have been commenced but not completed before the commencement of this regulation shall be continued:
- “(m) No principal order and no order under section 16 (b) or section 17 of the Waterfront Industry Act 1976 shall be made by the Waterfront Industry Tribunal and no proceedings in relation to an application for any such order which have been commenced but not completed before the commencement of this regulation shall be continued:
- “(n) No agreement (being an agreement to which section 33 of the Waterfront Industry Act 1976 applies) which relates to a matter that could be the subject of a principal order or of an order under section 16 (b) or section 17 of that Act shall be entered into:
- “(o) No agreement entered into in contravention of paragraph (n) of this subclause shall be filed under section 33 of the Waterfront Industry Act 1976:
- “(p) No industrial question that is in the nature of a dispute of interest (as defined in section 2 (1) of the Industrial Relations Act 1973) shall be discussed or negotiated by a conciliation council appointed under section 25 of the Aircrew Industrial Tribunal Act 1971 and no discussions or negotiations of such a question which have been commenced but not completed before the commencement of this regulation shall be continued:
- “(q) No industrial question that is in the nature of a dispute of interest (as defined in section 2 (1) of the Industrial Relations Act 1973) shall be determined by the Aircrew Industrial Tribunal

and no proceedings in relation to any such industrial question which have been commenced but not completed before the commencement of this regulation shall be continued:

“(r) No dispute to which section 30 (1) of the Agricultural Workers Act 1977 applies shall be considered by a conciliation council established under section 30 (2) of that Act and no consideration of such a dispute, if that consideration has been commenced but not completed before the commencement of this regulation, shall be continued:

“(s) No dispute to which section 30 (1) of the Agricultural Workers Act 1977 applies shall be heard by the Agricultural Tribunal and no hearing of such a dispute, if that hearing has been commenced but not completed before the commencement of this regulation, shall be continued.

“(2) Nothing in this regulation applies in respect of any hearing or proceedings or discussions or negotiations or agreement or order or registration or filing—

“(a) Which relates to an instrument to which regulation 6 (1) or regulation 6 (2) or paragraphs (a) and (b) of regulation 6A (1) of these regulations apply; or

“(b) Which is necessary for the purposes of resolving a dispute or question to which regulation 10 of these regulations applies.

5. New regulations inserted—The principal regulations are hereby amended by inserting, after regulation 6, the following regulations:

“6A. **Exemptions**—(1) Nothing in regulation 5 of these regulations applies in respect of any instrument that implements a complete settlement, being an instrument which—

“(a) Is made after the commencement of these regulations; and

“(b) Is specified in the Fourth Schedule to these regulations; and

“(c) Contains terms relating to remuneration, all of which, after having been referred to the Wage Freeze Authority on the application of the parties, or, if there are not two or more parties, on the application of the employer, have been approved by it.

“(2) Notwithstanding anything in any enactment or in any instrument, no instrument which supersedes an instrument to which subclause (1) of this regulation applies or is an amendment of an instrument to which subclause (4) of this regulation applies shall fix a rate of remuneration that exceeds the rate of remuneration lawfully payable under the superseded or amended instrument.

“(3) 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 subclause (1) of this regulation applies and which purports to increase any rate of remuneration payable under any instrument to which subclause (1) 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 subclause (1) 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.

“(4) 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.

“6B. **Wage Freeze Authority**—(1) There is hereby established an authority to be known as the Wage Freeze Authority.

“(2) The Wage Freeze Authority shall consist of one person, who shall be appointed by the Governor-General by Order in Council.

“6C. **Term of office**—Subject to regulation 6D of these regulations, the person constituting the Wage Freeze Authority shall hold office until the close of the 22nd day of June 1983.

“6D. **Extraordinary vacancies**—(1) The person constituting the Wage Freeze Authority may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by written notice given to the Minister.

“(2) If the person constituting the Wage Freeze Authority 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.

“6E. **Member and officers to maintain secrecy**—The person constituting the Wage Freeze Authority and every person engaged or employed in connection with the work of the Authority 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.

“6F. **Remuneration and travelling allowances**—(1) The Wage Freeze Authority 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 person constituting the Wage Freeze Authority 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.

“6G. **Functions of Authority**—The function of the Wage Freeze Authority shall be to receive and determine applications under regulation 6A (1) (c) of these regulations for its approval of terms relating to remuneration.

“6H. Criteria for Authority—The Authority shall give its approval under regulation 6A (1) (c) of these regulations only if it is satisfied—

“(a) That the rates of remuneration fixed by the instrument are directly comparable with, and in any event not in excess of the rates for the time being fixed for, positions carrying corresponding duties—

“(i) In the employer’s undertaking; or

“(ii) Where there is no such position in the employer’s undertaking but there is such a position or there are such positions in another undertaking in the same locality, in that other undertaking in the same locality; or

“(iii) Where there is no such position either in the employer’s undertaking or in another undertaking in the same locality, in the same industry; or

“(b) Where the instrument relates to any work or process that is intermittent or occasional in nature, and there are no rates of remuneration for the time being fixed in relation to any directly comparable work or process in the employer’s undertaking or in another undertaking in the same locality or in the same industry, that the rates of remuneration fixed by the instrument bear the same relationship to those payable in the employer’s undertaking or the same industry or a similar undertaking or a similar industry, as the case may be, as the rates of remuneration have customarily borne to the rates of remuneration payable in the employer’s undertaking or the same industry or a similar undertaking or a similar industry, as the case may be.

“6I. Powers of Authority—For the purpose of carrying out its functions under this Act, the Wage Freeze Authority 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.

“6J. Procedure—(1) The applicants or applicant shall, in making an application for the purposes of regulation 6A (1) (c) of these regulations, state in the application the details of the grounds on which the Wage Freeze Authority’s consent is sought.

(2) The Wage Freeze Authority may, if it thinks fit, consider and determine any application without a formal hearing, but, in that case,—

“(a) Shall give the applicants or applicant a reasonable opportunity to make submissions to it in writing in relation to the application; and

“(b) Shall have regard to all relevant submissions made to it in writing in relation to the application.

“6K. Services for Authority, etc.—The Registrar of the Arbitration Court shall provide such secretarial, recording, and clerical services as may be necessary to enable the Wage Freeze Authority to discharge its functions.

“6L. Authority to have seal—The Wage Freeze Authority shall have a seal, which shall be judicially noticed by all Courts for all purposes.”

6. Prohibition of registration, etc.—Regulation 7 of the principal regulations is hereby amended by inserting, after the words “regulation 6 (3)”, the words “or regulation 6A (2)”.

7. First Schedule amended—(1) The First Schedule to the principal regulations is hereby amended by omitting the item “602 Farm Meats (Wairarapa Ltd.) Employees Award” (as added by regulation 4 of the Wage Freeze Regulations 1982, Amendment No. 1), and substituting the following item:

“662 Farm Meats (Wairarapa Ltd.) Employees Award.”

(2) The First Schedule to the principal regulations (as amended by regulations 4 to 6 of the Wage Freeze Regulations 1982, Amendment No. 1) is hereby amended by adding the following items:

“— Instrument recording Wanganui Abattoir Company Ltd Management Staff Salaries

“— Instrument recording the wages of Central Districts Totalisator Staff and known as the Central Districts Tote Staff Wage Schedule

“— New Zealand Refining Company Limited Domestic Contractors Site Agreement

“960 Turners and Growers Shift Engineers Voluntary Agreement

“486 Vessel ‘Geco Kappa’ Cooks’ and Stewards’ Collective Agreement (Voluntary)

“679 New Zealand Harbour Boards’ Harbourmasters and Pilots Award

“148 Wairarapa By-Products Ltd., Employees Collective Agreement (Voluntary)”.

8. First Schedule amended on 31 August 1982—(1) The First Schedule to the principal regulations is hereby amended by adding, after the items added by regulation 7 (2) of these regulations, the following item:

“130 Wilson & Horton Ltd., Senior Engineer and Shift Engineers Voluntary Agreement”.

(2) This regulation shall come into force on the 31st day of August 1982.

9. New Fourth Schedule added—The principal regulations are hereby amended by adding the Fourth Schedule set out in the Schedule to these regulations.

SCHEDULE

Reg. 9

NEW FOURTH SCHEDULE TO THE PRINCIPAL REGULATIONS

"FOURTH SCHEDULE

Reg. 6A (1) (b)

INSTRUMENTS THAT MAY BE EXEMPTED

1. Instruments entered into with Hawke's Bay Farmers' Meat Co. Ltd., covering work that is currently being carried out under interim agreements known as—

- (a) Whakatu New Fellmongery Interim Agreement:
- (b) Whakatu Wool Pullers Interim Agreement:
- (c) Takapau Interim Plant Productivity Scheme.

2. Instruments entered into with Pacific Freezing (N.Z.) Ltd., in respect of Oringi covering work that is currently being carried out under interim agreements known as—

- (a) Interim incentive payments for slaughtermen:
- (b) Casings calibrating department interim incentive bonus:
- (c) Lamb cut room interim incentive bonus:
- (d) Rendering interim incentive bonus:
- (e) Offal interim incentive bonus:
- (f) Stockyards interim incentive bonus:
- (g) Freezer interim incentive bonus:
- (h) Gardeners and stores interim incentive bonus:
- (i) Special bonus rates skids and gambals interim incentive bonus.

3. The New Zealand Refining Company Limited Marsden Point Whangarei Turnaround Agreement."

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—

- (a) Make it clear that a decision fixing the classification or grading of any position in the State services is an instrument prescribing a rate of remuneration:
- (b) Provide that disputes of interest are not to be dealt with during the wage freeze:
- (c) Exempt from the wage freeze any instrument that implements a complete settlement if that instrument—
 - (i) Is made after the commencement of these regulations; and
 - (ii) Is specified in the Fourth Schedule to the principal regulations; and
 - (iii) Contains terms relating to remuneration, all of which, after having been referred to the Wage Freeze Authority on the application of the parties, or, if there are not two or more parties, on the application of the employer, have been approved by it:
- (d) Establish the Wage Freeze Authority:
- (e) Make further provision for the making of instruments superseding expired instruments not renewed in the 1981-82 wage round.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 20 August 1982.

These regulations are administered in the Department of Labour.