



THE WAGE FREEZE REGULATIONS 1982, AMENDMENT NO. 34

RONALD DAVISON
Administrator of the Government

ORDER IN COUNCIL

At the Government House at Wellington this 5th day of November
1984

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to the Economic Stabilisation Act 1948, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ul style="list-style-type: none"> 1. Title and commencement 2. Effective date of new rate of remuneration 3. Reimbursing payments 4. Suspension of increases in reimbursing payments 5. New regulations inserted <ul style="list-style-type: none"> 5BA. Power to create disputes of interest, etc., on and after 9 November 1984 | <ul style="list-style-type: none"> 5BB. Temporary modifications of procedural provisions 6. Disputes of interest, etc., not to be dealt with 7. Voluntary agreements 8. Currency of instruments made in period beginning on 1 December 1984 and ending with close of 30 November 1985 9. Prohibition of registration, etc. 10. Fourth Schedule amended 11. Sixth Schedule amended 12. Revocations |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Wage Freeze Regulations 1982, Amendment No. 34, and shall be read together with and deemed part of the Wage Freeze Regulations 1982* (hereinafter referred to as the principal regulations).

*S.R. 1982/141 (Reprinted with Amendments Nos. 1 to 28: S.R. 1984/156)
Amendment No. 29: S.R. 1984/172
Amendment No. 30: S.R. 1984/211
Amendment No. 31: S.R. 1984/238
Amendment No. 32: S.R. 1984/252
Amendment No. 33: S.R. 1984/261

(2) Except as provided in regulations 2 (3), 8 (2), 10 (2), and 11 (2) of these regulations, these regulations shall come into force on the 9th day of November 1984.

2. Effective date of new rate of remuneration—(1) The principal regulations are hereby amended by revoking regulation 5 (as amended by regulation 3 of the Wage Freeze Regulations 1982, Amendment No. 22), and substituting the following regulation:

“5. (1) This regulation applies to every instrument which is made after the 30th day of November 1984 and which—

“(a) Fixes, or provides for a rate of remuneration that supersedes in whole or in part, or is in addition to, any rate of remuneration fixed by an instrument that was in force on the 30th day of November 1984; or

“(b) Makes, in relation to any type of reimbursing payment that was payable to a worker or State employee under an instrument in force on the 30th day of November 1984, provision that is different from the provision made in respect of that type of reimbursing payment by the instrument in force on the 30th day of November 1984; or

“(c) Makes provision for the payment to a worker or State employee of a type of reimbursing payment that is additional to the reimbursing payments payable to that worker or State employee under an instrument in force on the 30th day of November 1984.

“(2) No superseding or additional rate of remuneration and no different or additional type of reimbursing payment fixed or provided for by an instrument to which this regulation applies shall come into force before the 1st day of December 1984.

“(3) No superseding rate of remuneration fixed or provided for by an instrument to which this regulation applies shall, except as provided in subclause (5) or subclause (6) of this regulation, come into force at any time in the period of 38 months beginning on—

“(a) The date of the coming into force of the rate of remuneration so superseded in whole or in part; or

“(b) If more than one rate of remuneration is so superseded in whole or in part, the date of the coming into force of the earlier or the earliest, as the case may require, of those rates.

“(4) No additional rate of remuneration and no different or additional type of reimbursing payment fixed or provided for by an instrument to which this regulation applies shall, except as provided in subclause (5) or subclause (6) of this regulation, come into force at any time in the period of 38 months beginning on the date of the coming into force of the instrument in force on the 30th day of November 1984.

“(5) Where an instrument to which this regulation applies is—

“(a) An award of the Arbitration Court under the Industrial Relations Act 1973; or

“(b) A collective agreement; or

“(c) A determination or order made under the State Services Conditions of Employment Act 1977; or

“(d) Any determination made by the Higher Salaries Commission; or

“(e) An award of the Aircrew Industrial Tribunal; or

“(f) An award made under section 32 (3) of the Agricultural Workers Act 1977; or

“(g) An agreement deemed to be an award by section 34 (2) of the Agricultural Workers Act 1977; or

“(h) Any decision which is made pursuant to section 54 of the Waterfront Industry Act 1976 and which fixes the remuneration of officers or employees of the Waterfront Industry Commission; or

“(i) Any order or determination fixing rates of remuneration made by any tribunal or employing authority constituted under any enactment; or

“(j) Any agreement entered into under section 118 of the Coal Mines Act 1979; or

“(k) Any regulations fixing rates of remuneration made under section 165C of the Education Act 1964,—

the date on which the superseding or additional rate of remuneration or the different or additional type of reimbursing payment comes into force shall be, in each case, the earlier of—

“(l) The first date possible having regard to the restrictions imposed by subclauses (2) to (4) of this regulation; or

“(m) The 1st day of March 1985.

“(6) Where any instrument to which this regulation applies is not an instrument described in paragraphs (a) to (k) of subclause (5) of this regulation, the superseding or additional rate of remuneration or the different or additional type of reimbursing payment shall, in each case, not come into force before the earlier of—

“(a) The first date possible having regard to the restrictions imposed by subclauses (2) to (4) of this regulation; or

“(b) The 1st day of March 1985.

“(7) Nothing in subclauses (3) to (6) of this regulation limits the provisions of subclause (2) of this regulation.”

(2) Regulation 3 of the Wage Freeze Regulations 1982, Amendment No. 22 is hereby consequentially revoked.

(3) This regulation shall come into force on the 1st day of December 1984.

3. Reimbursing payments—The principal regulations are hereby amended by revoking regulation 5A (as inserted by regulation 4 of the Wage Freeze Regulations 1982, Amendment No. 12), and substituting the following regulation:

“5A. (1) Notwithstanding anything in regulation 5 of these regulations, but subject to subclause (2) of this regulation, any instrument that supersedes an instrument or is an amendment of another instrument may increase the amount of any reimbursing payment provided for by or under the superseded or amended instrument.

“(2) No increase of the kind described in subclause (1) of this regulation shall come into force before the 9th day of November 1984.”

4. Suspension of increases in reimbursing payments—(1) Regulation 5B (2) of the principal regulations (as inserted by regulation 4 of the Wage Freeze Regulations 1982, Amendment No. 12 and amended by regulation 4 of the Wage Freeze Regulations 1982, Amendment No. 22) is hereby amended by omitting the words “date of the expiry of these regulations”, and substituting the expression “9th day of November 1984”.

(2) Regulation 4 of the Wage Freeze Regulations 1984, Amendment No. 12 is hereby consequentially revoked.

5. New regulations inserted—The principal regulations are hereby amended by inserting, after regulation 5B (as inserted by regulation 4 of the Wage Freeze Regulations 1982, Amendment No. 12), the following regulations:

“5BA. Power to create disputes of interest, etc., on and after 9 November 1984—Nothing in these regulations prevents—

- “(a) The creation, on or after the 9th day of November 1984, of a dispute of interest under the Industrial Relations Act 1973:
- “(b) An application under section 68 of the Industrial Relations Act 1973 being made, on or after the 9th day of November 1984, for the hearing of a dispute of interest by a conciliation council:
- “(c) The taking, on or after the 9th day of November 1984, of any of the steps provided for in sections 68 to 75 of the Industrial Relations Act 1973, including the appointment of a conciliation council:
- “(d) An application under section 23 of the State Services Conditions of Employment Act 1977 being made, on or after the 9th day of November 1984, by any service organisation:
- “(e) An application under section 219B of the Post Office Act 1959 being made, on or after the 9th day of November 1984, by any service organisation:
- “(f) An application under section 66C of the Police Act 1958 being made, on or after the 9th day of November 1984, by any service organisation:
- “(g) The creation, on or after the 9th day of November 1984, of an industrial dispute (which is in the nature of a dispute of interest as defined in section 2 of the Industrial Relations Act 1973) between the owner of a coal mine and the workers or any class of the workers employed in or about coal mines:
- “(h) The reference to the Coal Mines Council, on or after the 9th day of November 1984, of any industrial dispute of the kind described in paragraph (g) of this regulation:
- “(i) An application under section 18 of the Waterfront Industry Act 1976 being made, on or after the 9th day of November 1984, for a principal order:
- “(j) An application under section 23 of the Aircrew Industrial Tribunal Act 1971 being made, on or after the 9th day of November 1984, in relation to an industrial question (which is in the nature of a dispute of interest as defined in section 2 of the Industrial Relations Act 1973):
- “(k) A request under section 25 of the Aircrew Industrial Tribunal Act 1971 being made, on or after the 9th day of November 1984, for the appointment of a conciliation council to discuss and negotiate an industrial question of the kind described in paragraph (j) of this regulation:
- “(l) The appointment, on or after the 9th day of November 1984, of a conciliation council to discuss and negotiate an industrial question of the kind described in paragraph (j) of this regulation:
- “(m) The creation, on or after the 9th day of November 1984, of a dispute to which section 30 (1) of the Agricultural Workers Act 1977 applies:
- “(n) The appointment, on or after the 9th day of November 1984, of a conciliation council under section 30 (2) of the Agricultural Workers Act 1977.

“5BB. Temporary modifications of procedural provisions—(1) Section 68 (8) of the Industrial Relations Act 1973 shall have effect, in relation to any application made under section 68 (1) of that Act in the period beginning on the 9th day of November 1984 and ending with the close of the 1st day of March 1985 as if for the expression ‘6 weeks’, there were substituted the expression ‘3 weeks’.

“(2) Throughout the period beginning on the 9th day of November 1984 and ending with the close of the 1st day of March 1985,—

“(a) Section 69 (1) of the Industrial Relations Act 1973 shall have effect as if the words ‘, in consultation with the representatives of the parties,’ were omitted; and

“(b) Section 70 of the Industrial Relations Act 1973 shall have effect as if for the expression ‘2 weeks’, there were substituted the expression ‘1 week’; and

“(c) Section 30 (6) of the Agricultural Workers Act 1977 shall have effect as if the words ‘, after consultation with the parties to the dispute concerned,’ were omitted; and

“(d) Section 30 (7) of the Agricultural Workers Act 1977 shall have effect as if for the expression ‘6 weeks’, there were substituted the expression ‘3 weeks’.”

6. Disputes of interest, etc., not to be dealt with—(1) Regulation 5c (1) of the principal regulations (as inserted by regulation 4 of the Wage Freeze Regulations 1982, Amendment No. 2 and amended by regulation 5 of the Wage Freeze Regulations 1982, Amendment No. 22) is hereby amended by omitting the words “date of the expiry of these regulations”, and substituting the words “30th day of November 1984”.

(2) Regulation 5 of the Wage Freeze Regulations 1982, Amendment No. 22 is hereby consequentially revoked.

7. Voluntary agreements—(1) Regulation 5D of the principal regulations (as inserted by regulation 8 of the Wage Freeze Regulations 1982, Amendment No. 13 and amended by regulation 6 of the Wage Freeze Regulations 1982, Amendment No. 22) is hereby amended by omitting the words “close of the date of the expiry of these regulations” wherever they appear, and substituting in each case the words “commencement of the day on which it is superseded or with the close of the 1st day of March 1985, whichever is the earlier”.

(2) Regulation 6 of the Wage Freeze Regulations 1982, Amendment No. 22 is hereby consequentially revoked.

8. Currency of instruments made in period beginning on 1 December 1984 and ending with close of 30 November 1985—(1) The principal regulations are hereby amended by inserting, after regulation 5D (as inserted by regulation 8 of the Wage Freeze Regulations 1982, Amendment No. 13), the following regulation:

“5DA. (1) Subsections (1) and (2) of section 92 of the Industrial Relations Act 1973 shall have effect, in relation to every award and collective agreement which is made in the period beginning on the 1st day of December 1984 and ending with the close of the 30th day of November 1985 and which supersedes an award or collective agreement in force on the 30th day of November 1984, as if for the words ‘one year’ wherever they appear, there were substituted in each case the words ‘9 months’.

“(2) Section 6 of the State Services Conditions of Employment Act 1977 shall have effect, in relation to every determination which is made in the period beginning on the 1st day of December 1984 and ending with the close of the 30th day of November 1985 and which supersedes a determination in force on the 30th day of November 1984, as if—

“(a) For the expression ‘12 months’ in subsection (6), there were substituted the expression ‘9 months’; and

“(b) For the expression ‘12 month’ in subsection (10), there were substituted the expression ‘9 month’.

“(3) Section 23 (1) of the State Services Conditions of Employment Act 1977 shall have effect, in relation to every application for a review of any matter prescribed or deemed to be prescribed in a determination in respect of which the application of section 6 of that Act is modified by subclause (2) of this regulation, as if for the expression ‘6 months’, there were substituted the expression ‘3 months’.

“(4) Section 6 of the Wage Adjustment Regulations 1974 shall have effect, in relation to every instrument which is made in the period beginning on the 1st day of December 1984 and ending with the close of the 30th day of November 1985 and which supersedes an instrument in force on the 30th day of November 1984, as if for the expression ‘12 months’ wherever it appears in subclauses (1) and (3), there were substituted in each case the expression ‘9 months’.

“(5) Section 15 (5) of the Waterfront Industry Act 1976 shall have effect, in relation to every principal order which is made in the period beginning on the 1st day of December 1984 and ending with the close of the 30th day of November 1985 and which replaces a principal order in force on the 30th day of November 1984, as if for the expression ‘1 year’, there were substituted the expression ‘9 months’.

“(6) Sections 19 and 20 (3) of the Higher Salaries Commission Act 1977 shall, in relation to every determination made in the period beginning on the 1st day of December 1984 and ending with the close of the 1st day of March 1985, as if for the expressions ‘1 year’ and ‘12 months’ wherever they appear, there were substituted in each case the expression ‘9 months’.”

(2) This regulation shall come into force on the 1st day of December 1984.

9. Prohibition of registration, etc.—(1) The principal regulations are hereby consequentially amended by revoking regulation 7 (as amended by regulation 7 (1) of the Wage Freeze Regulations 1982, Amendment No. 19), and substituting the following regulation:

“7. No instrument that contravenes regulation 5 of these regulations or fixes a rate of remuneration in contravention of that regulation 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.”

(2) Regulation 7 of the Wage Freeze Regulations 1982, Amendment No. 19 is hereby consequentially revoked.

10. Fourth Schedule amended—(1) The Fourth Schedule to the principal regulations (as added by regulation 9 of the Wage Freeze Regulations 1982, Amendment No. 2) is hereby amended by adding, after clause 148 (as added by regulation 3 (2) of the Wage Freeze Regulations 1982, Amendment No. 33), the following clauses:

“149. An instrument entered into with Milton Bradley (N.Z.) Limited to prescribe relocation payments for staff transferred from Mokoia Road, Birkenhead, to the Main North Highway, Albany.

“150. An instrument entered into with APV Bell Bryant (NZ) Limited to prescribe relocation payments for staff transferred from, and for staff transferring from, Industry Road, Penrose, to Fanshawe Street, Auckland City, and to Byron Avenue, Takapuna.”

(2) This regulation shall come into force on the 6th day of November 1984.

11. Sixth Schedule amended—(1) The Sixth Schedule to the principal regulations (as added by regulation 9 of the Wage Freeze Regulations 1982, Amendment No. 19) is hereby amended by adding, after item 19 (as added by regulation 4 of the Wage Freeze Regulations 1982, Amendment No. 33), the following item:

“20. Adelaide Childcare Centre (Incorporated).”

(2) This regulation shall come into force on the 6th day of November 1984.

12. Revocations—The following regulations are hereby consequentially revoked:

- (a) Subclauses (2) and (3) of regulation 5E of the principal regulations (as inserted by regulation 3 of the Wage Freeze Regulations 1982, Amendment No. 16):
- (b) Subclauses (3) and (4) of regulation 6 of the principal regulations:
- (c) Subclauses (2) and (3) of regulation 6A of the principal regulations (as inserted by regulation 5 of the Wage Freeze Regulations 1982, Amendment No. 2):
- (d) Subclauses (3) and (4) of regulation 6AA of the principal regulations (as inserted by regulation 7 of the Wage Freeze Regulations 1982, Amendment No. 12):
- (e) Subclauses (2) and (3) of regulation 6AB of the principal regulations (as inserted by regulation 3 (1) of the Wage Freeze Regulations 1982, Amendment No. 19):
- (f) Subclause (3) of regulation 3 of the Wage Freeze Regulations 1982, Amendment No. 1:
- (g) Regulations 7 to 10 of the Wage Freeze Regulations 1982, Amendment No. 22.

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 vary the wage freeze.

Regulations 2 to 9 effect the first steps in the phasing out of the wage freeze.

Most of the provisions of *regulations 2 to 9* come into force on 9 November 1984.

On and after that date—

- (a) Disputes of interest under the Industrial Relations Act 1973 may be created; and
- (b) Other equivalent preliminary steps under other wage fixing systems may be taken. See regulation 5BA of the principal regulations (as inserted by *regulation 5* of these regulations).

It is envisaged that these preliminary steps will begin before 1 December 1984.

No formal negotiations or equivalent proceedings of the kind mentioned in regulation 5C of the principal regulations (as amended by regulation 6 of these regulations) can begin before 1 December 1984.

Except for increases in the amounts of existing reimbursing payments, no new instrument may, before 1 December 1984, provide for increased or additional remuneration. The existing regulation 5 of the principal regulations continues in force until that date.

On 1 December 1984 the new regulation 5 of the principal regulations (as substituted by regulation 2 (1) of these regulations) comes into force. The new regulation restricts the dates on which any new or additional rate of remuneration or any new or additional type of reimbursing payment may come into force.

No rate of remuneration that supersedes an existing rate or is additional to an existing rate and no different or additional type of reimbursing payment shall come into force before 1 December 1984.

An additional restriction, which is subject to subclauses (5) and (6) of the new regulation 5, is that no rate of remuneration that supersedes an existing rate or is additional to an existing rate and no additional or different type of reimbursing payment shall come into force at any time in the appropriate period of 38 months set out in subclause (3) or subclause (4) of the new regulation 5 (as inserted by regulation 2 (1) of these regulations).

Subclause (5) of the new regulation 5 provides that every superseding or additional rate of remuneration and every different or additional type of reimbursing payment that is fixed by an award or collective agreement or other formal instrument of a kind described in that subclause is to be backdated to the earlier of—

- (a) The first date possible having regard to the restrictions imposed by subclauses (2) to (4) of the new regulation 5; or
- (b) The 1st day of March 1985.

Subclause (6) of the new regulation provides that every superseding or additional rate of remuneration and every different or additional type of reimbursing payment that is fixed by any other class of instrument may not come into force before the earlier of those two dates.

The "wage round" is to have a minimum duration of 9 months so as to lead, by late in 1985, into an annual cycle. This is provided for in the new regulation 5DA of the principal regulations (as inserted by regulation 8 (1) of these regulations).

To facilitate the commencement of conciliation proceedings, certain procedural provisions are temporarily modified. See the new regulation 5BB (as inserted by regulation 5 of these regulations).

In relation to reimbursing payments, the principles are—

- (a) That the level of reimbursement may be raised on or after 9 November 1984; but
- (b) That changes to the type of reimbursing payment, and any new reimbursing payments, may be negotiated on and after 1 December 1984 to have effect from the time when remuneration for the relevant workers or State employees is to be increased.

Regulation 10, which comes into force on 6 November 1984, provides for further exemptions under regulation 6A of the principal regulations. To be exempt under that regulation an instrument must implement a complete settlement and be an instrument which—

- (a) Is made after the commencement of the principal regulations on 23 June 1982; and
- (b) Is specified in the Fourth Schedule to the principal regulations (as amended by these regulations); and
- (c) Contains terms relating to remuneration, or to both remuneration and reimbursing payments, 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.

Regulation 11, which comes into force on 6 November 1984, adds to the Sixth Schedule to the principal regulations (which names the employers who may enter into collective agreements with the New Zealand Early Childhood Workers' Industrial Union of Workers) the name of the Adelaide Childcare Centre (Incorporated). Such collective agreements are exempt from the wage freeze if they comply with regulation 6AB (1) of the principal regulations.

Regulation 12 effects revocations that are consequential on the provisions of regulations 2 to 9.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 6 November 1984.

These regulations are administered in the Department of Labour.