

**Serial Number 1950/97**

*Reprint under section 7 of the Regulations Act, 1936, of Serial number 1946/102 as amended by Serial numbers 1947/13, 1947/164, 1948/188, 1949/24, 1949/136, and 1950/94.*

**THE WATERFRONT INDUSTRY EMERGENCY REGULATIONS  
1946 (REPRINT)**

B. C. FREYBERG, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 26th day of  
June, 1946

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. (1) These regulations may be cited as the Waterfront Industry Emergency Regulations 1946.

(2) These regulations shall come into force on the 1st day of July, 1946.

(3) The following regulations are hereby revoked, namely :—

(a) The Waterfront Control Commission Emergency Regulations 1940\* :

(b) The Waterfront Control Commission Emergency Regulations 1940, Amendment No. 1† :

(c) The Waterfront Control Commission Emergency Regulations 1940, Amendment No. 2‡.

(4) All acts of authority that originated under any of the provisions of the regulations hereby revoked and are subsisting or in force at the commencement of these regulations shall enure for the purposes of these regulations as fully and effectually as if they had originated under the corresponding provisions of these regulations, and accordingly shall, where necessary, be deemed to have so originated.

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

† Statutory Regulations 1940, Serial number 1940/109, page 362.

‡ Statutory Regulations 1944, Serial number 1944/110, page 323.

(5) All matters and proceedings commenced under the regulations hereby revoked, and pending or in progress at the commencement of these regulations, may be continued and completed under these regulations.

2. In these regulations, unless the context otherwise requires,—

[ “ Authority ” means the Waterfront Industry Authority constituted under these regulations : ]

“ Branch Manager ” means a Branch Manager appointed under these regulations :

“ Commission ” means the Waterfront Industry Commission constituted under these regulations :

“ General Manager ” means the General Manager of the Commission appointed under these regulations :

“ Minister ” means the Minister of Labour :

“ Port Committee ” means a Port Committee appointed under these regulations :

“ Waterside work ” means the loading and unloading of ships ; and includes the handling and storage of cargo and other goods at any wharf or wharves, and the loading or unloading of any barges, lighters, or other vessels :

“ 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.

The definition of “ Authority ” was inserted in this regulation by Regulation 3 of the Waterfront Industry Emergency Regulations 1946, Amendment No. 5 (Serial number 1948/188).

3. (1) For the purposes of these regulations there shall be a Commission, to be called the Waterfront Industry Commission.

[ (2) The Commission shall consist of three members to be appointed by the Governor-General on the recommendation of the Minister, of whom—

(a) One member shall be appointed as Chairman of the Commission :

(b) One member shall be appointed on the nomination of the New Zealand Waterside Employers’ Association Industrial Association of Employers :

(c) One member shall be appointed on the nomination of the New Zealand Waterside Workers’ Industrial Union of Workers.

(3) The Commission shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property, and of suing and being sued, and of doing and suffering all such acts and things as bodies corporate may lawfully do and suffer.

(4) The powers of the Commission shall not be affected by any vacancy in the membership thereof. ]

The original subclauses (2) to (5) of this regulation were revoked and replaced by Regulation 2 of the Waterfront Industry Emergency Regulations 1946, Amendment No. 2 (Serial number 1947/13). The present subclauses (2) to (4), in square brackets, were inserted by Regulation 4 of the Waterfront Industry Emergency Regulations 1946, Amendment No. 5 (Serial number 1948/188). Regulation 4 (3) of Serial number 1948/188 provides as follows :—

(3) Nothing in these regulations shall be deemed to affect the identity of the Commission, and the Commission as reconstituted by the foregoing provisions of this regulation shall be deemed for all purposes to be the same corporation as the body corporate constituted by the principal regulations and by the Waterfront Industry Emergency Regulations 1946, Amendment No. 3, and as the corporation sole constituted by the Waterfront Industry Emergency Regulations 1946, Amendment No. 2.

[4. (1) For the purposes of these regulations there shall be an Authority, to be called the Waterfront Industry Authority.

(2) The Authority shall consist of five members to be appointed by the Governor-General on the recommendation of the Minister, of whom—

(a) One member shall be appointed as Chairman of the Authority :

(b) Two shall be appointed on the nomination of the New Zealand Waterside Employers' Association Industrial Association of Employers :

(c) Two shall be appointed on the nomination of the New Zealand Waterside Workers' Industrial Union of Workers.

(3) The powers of the Authority shall not be affected by any vacancy in the membership thereof.

(4) The Authority shall, within the scope of its jurisdiction, be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act, 1908, and, subject to the provisions of these regulations, the provisions of that Act shall apply accordingly.

5. (1) Except as otherwise provided in these regulations, every member of the Commission and every member of the Authority shall be appointed for a term of two years, but may from time to time be reappointed.

(2) Notwithstanding anything to the contrary in these regulations, every member of the Commission or of the Authority, unless he sooner vacates his office otherwise than by effluxion of time, shall continue to hold office until his successor comes into office.

(3) Any member of the Commission or of the Authority may at any time be removed from office by the Governor-General for inefficiency, disability, insolvency, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by writing addressed to the Minister.

(4) If any member of the Commission or of the Authority dies, or resigns, or is removed from office, his office shall become vacant, and the vacancy shall be deemed to be an extraordinary vacancy.

(5) In the case of an extraordinary vacancy, the Governor-General may appoint some qualified person to be a member of the Commission or of the Authority, as the case may be, for the residue of the term

for which the vacating member was appointed. Every such appointment shall be made in the same manner as the appointment of the vacating member.

6. (1) In any case in which the Governor-General is satisfied that any member of the Commission or of the Authority is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Governor-General may, in the manner in which that member was appointed, appoint a deputy to act for that member during his incapacity, and any such deputy shall, while he acts as such, be deemed to be a member of the Commission or of the Authority, as the case may be, and (if he is the deputy of the Chairman) to be the Chairman of the Commission or of the Authority, as the case may be.

(2) No such appointment of a deputy and no acts done by a deputy as such, or by the Commission or the Authority while a deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion for the appointment of the deputy had not arisen or had ceased.

7. (1) Meetings of the Commission shall be held at such times and places as the Commission thinks fit. The Chairman may call a meeting at any time.

(2) At all meetings of the Commission the Chairman and one other member shall form a quorum.

(3) The Chairman shall preside at all meetings of the Commission.

(4) All questions arising at any meeting of the Commission shall be decided by a majority of the valid votes recorded thereon.

(5) At all meetings of the Commission the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

(6) Every order or decision of the Commission shall be signed by the Chairman.

(7) Subject to the provisions of these regulations, the Commission may regulate its procedure in such manner as it thinks fit.

8. (1) Meetings of the Authority shall be held at such times and places as the Authority thinks fit. The Chairman may call a meeting at any time.

(2) At all meetings of the Authority the Chairman and one employers' representative and one workers' representative shall form a quorum.

(3) The Chairman shall preside at all meetings of the Authority.

(4) All questions arising at any meeting of the Authority shall be decided by a majority of the valid votes recorded thereon.

(5) At all meetings of the Authority the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

(6) The decision of the Authority on any matter shall be pronounced by the Chairman, and no separate pronouncement shall be made by any other member of the Authority with respect to any decision of the Authority. If any decision is not unanimous the Chairman shall if requested so to do by any member who has dissented indicate, when announcing the decision, that that member has so dissented.

(7) Every order or decision of the Authority shall be signed by the Chairman.

(8) Subject to the provisions of these regulations, the Authority may regulate its procedure in such manner as it thinks fit. ]

The original Regulations 4 to 8 of these regulations were revoked by Regulation 3 of the Waterfront Industry Emergency Regulations 1946, Amendment No. 2 (Serial number 1947/13). The present Regulations 4, 5, 6, 7, and 8 were enacted by Regulation 5 of the Waterfront Industry Emergency Regulations 1946, Amendment No. 5 (Serial number 1948/188).

Regulation 2 of the Waterfront Industry Emergency Regulations 1946 Amendment No. 7 (Serial number 1949/136), provides as follows :—

2. (1) Notwithstanding anything to the contrary in the principal regulations, it shall be lawful for the Chairman of the Waterfront Industry Authority acting alone to adjudicate upon and give a final decision in respect of the application by the New Zealand Waterside Workers' Industrial Union of Workers for an increase in the basic rate of pay of waterside workers, which application appears as Dispute No. 10 on Agenda No. A—1 of the Waterfront Industry Authority.

(2) Any such decision made by the Chairman acting alone shall be as valid and effectual as if it had been made at a duly constituted meeting of the Authority.

9. The functions of the Commission shall be to ensure the utmost expedition in waterside work ; to ensure the provision of sufficient labour for waterside work, and to ensure that waterside labour is used to the best advantage ; and generally to provide for the regulation, control, and performance of waterside work.

10. (1) The Commission may from time to time do all such things as it deems necessary for the purpose of effectively performing its functions.

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

- (a) Direct the performance of any waterside work in such manner and in such order of priority as it thinks fit :
- (b) Take such action as it thinks fit to ensure the efficient performance or continuation of any waterside work in accordance with its directions ; and take such action as it thinks fit to deal with cases of misconduct or with cases of failure or refusal to comply with any reasonable directions of the Commission :
- (c) Direct the continuation of any existing methods of engagement, employment, and supervision of waterside labour, or introduce new methods ; and investigate and implement schemes for the decasualization of the industry :
- (d) Employ all such waterside workers and other persons as it thinks necessary :
- (e) Prescribe the conditions upon or subject to which any persons may be employed (whether by the Commission or otherwise) for waterside work, 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 holidays and provision for a guaranteed minimum payment ; and fix rates for waterside work on a tonnage or unit or other basis (whether under a co-operative contracting system or under any other system for payment by results, or otherwise) :

- (f) Classify and register waterside workers in such manner and under such systems as it thinks fit :
- (g) Co-ordinate the activities of any persons or bodies concerned in waterside work or in the use, control, or administration of any wharf or wharves :
- (h) Control, use, or administer any wharf or wharves, including any gear or equipment thereon, and also any barges, lighters, or other vessels :
- (i) Purchase, hire, or by order in writing requisition any gear or equipment used or suitable for use for waterside work, whether the gear or equipment is on any wharf or not :
- (j) Enter into such contracts as it thinks fit for the purpose of exercising its powers and performing its functions :
- (k) Recover from the owner, agent, or master of any ship moneys expended on wages or for any other purpose in connection with waterside work :
- (l) Impose levies on the owners, agents, or masters of ships, and on any other employers of waterside labour for carrying out the functions of the Commission, and, in particular, for any of the following purposes :—
  - (i) Providing and operating labour engagement bureaux and central pay offices ;
  - (ii) Providing for guaranteed minimum payments to waterside workers ;
  - (iii) Providing for pay for holidays allowed to waterside workers (whether under the Annual Holidays Act, 1944, or otherwise) ;
  - (iv) Providing and operating amenities for waterside workers, including waiting-rooms, restaurants, and canteens ;
  - (v) Supervising waterside labour :
- (m) Decide any disputes that arise in relation to waterside work, and take such action as it thinks fit to prevent or settle disputes :
- (n) By order in writing require any person to furnish at any time or from time to time such returns, statements, statistics, or other information relating to matters coming within the jurisdiction of the Commission as it deems necessary ; and require that any such information be verified by statutory declaration ; and examine any records from which any such information is obtained :
- (o) 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 :
- [(oo) Sell, exchange, transfer, lease, hire, or otherwise dispose of any real or personal property belonging to the Commission : ]**

- (p) Invest any moneys belonging to the Commission in such securities (being securities for the time being authorized by statute for the investment of trust-moneys) in such manner and for such periods as the Commission thinks fit :
- (q) 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 [or other persons employed in connection with work on the waterfront (including employees of the Commission) : ]
- (r) Make any order in respect of any matter coming within its jurisdiction.

Paragraph (oo) was inserted by the Waterfront Industry Emergency Regulations 1946, Amendment No. 6 (Serial number 1949/24). The words in square brackets at the end of paragraph (q) were added by Regulation 5 of the Waterfront Industry Emergency Regulations 1946, Amendment No. 3 (Serial number 1947/164).

**[10A.** (1) The functions of the Authority shall be—

- (a) To decide from time to time the conditions upon or subject to which any persons may be employed (whether by the Commission or otherwise) for waterside work, and for any other work connected therewith :
- (b) To decide from time to time the terms of any such employment (whether as to remuneration or otherwise), including, if the Authority thinks fit, provision for holidays and provision for a guaranteed minimum payment :
- (c) To determine appeals from any decisions or orders of the Commission in relation to the conditions and terms of employment for waterside work or any other work connected therewith :
- (d) To determine appeals from any decisions or orders of the Commission fixing rates for waterside work on a tonnage or unit or other basis or imposing levies on the owners, agents, or masters of ships, or on any other employers of waterside labour ; and, in any case where the matter is referred by the Commission to the Authority pursuant to subclause (3) of this regulation, to fix such rates or to determine the amount of such levies :
- (e) To decide any disputes that arise in relation to waterside work, and to determine appeals from any decisions or orders of the Commission in respect of any such disputes :
- (f) To determine appeals from any decisions, orders, or actions of the Commission in relation to any other matters in respect of which the Authority is of opinion that it is equitable that there should be a right of appeal.

(2) Notwithstanding anything in subclause (1) of this regulation, it shall be lawful for the Commission to prescribe conditions and terms of employment for waterside work or any other work in connection therewith pursuant to paragraph (e) of subclause (2) of Regulation 10 hereof, and to decide disputes pursuant to paragraph (m) of the said subclause, subject, however, to a right of appeal to the Authority :

Provided that the Commission shall not issue or amend any order prescribing any such conditions or terms of employment which are of general application except pursuant to a decision or direction of the Authority or pursuant to a unanimous resolution of the Commission.

(3) The Commission may at any time, whether before or after it has heard any interested parties in relation thereto, refer to the Authority for decision by it any appeal duly made to the Commission from a decision of a Port Committee or any application made to the Commission concerning any dispute in relation to waterside work or concerning the conditions and terms of employment for waterside work or any other work connected therewith, or any question before the Commission in relation to rates to be fixed for waterside work on a tonnage or unit or other basis or in relation to the amount of any levy to be imposed on the owners, agents, or masters of ships or on other employers of waterside labour.

**10B.** (1) Any employer or any organization of employers or of workers affected by any decision, order, determination, or action of the Commission from which there is a right of appeal may, within fourteen days after the date of the decision, order, determination, or action, by written notice to the Commission, appeal to the Authority against the decision, order, determination, or action.

(2) On the hearing of the appeal the Authority may confirm, modify, or reverse the decision, order, determination, or action appealed against, or make such other decision or issue such direction in connection therewith as it thinks fit.

**10C.** (1) The decisions of the Authority shall be final and binding on all persons affected thereby, and shall not be affected by reason of any omission to notify or hear any person claiming to be concerned or interested therein or by reason of any matter of form or procedure.

(2) The Authority may, for the purposes of any of its decisions, give all such directions as are reasonably proper for carrying the decision into effect.

(3) Every person who fails to comply in any respect with any decision or direction given by the Authority commits an offence against these regulations.

**10D.** Any order, direction, or decision of the Commission or of the Authority may, with the approval of the Authority and if the Authority in its discretion thinks fit, direct that any provision thereof relating to remuneration, guaranteed minimum payments, or rates for waterside work shall have effect as from such date before the date of the order, direction, or decision as the Authority thinks fit.】

Regulations 10A, 10B, 10C, and 10D were inserted by Regulation 6 of the Waterfront Industry Emergency Regulations 1946, Amendment No. 5 (Serial number 1948/188).

**11.** (1) The Minister may from time to time appoint as officers of the Commission a General Manager and such Branch Managers and other officers and servants as he thinks necessary.

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

(3) Nothing in the Public Service Act, 1912,\* shall apply with respect to any officer or servant of the Commission.

\* See Reprint of Statutes, Vol. VII, page 522.



(4) 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 any 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 Commission] ; and
- (b) In any other case, with the consent of the Minister to whose control he is subject.

(5) Every person who is an officer or servant of the Waterfront Control Commission at the commencement of these regulations shall be deemed to have been duly appointed as an officer or servant of the Waterfront Industry Commission under this regulation.

The reference to the Public Service Commission in paragraph (a) of the proviso to subclause (4) was substituted for a reference to the Public Service Commissioner by section 6 (2) of the Public Service Amendment Act, 1946.

**12.** The General Manager shall be the chief administrative officer of the Commission and shall have such duties and powers as may from time to time be allocated to him by the Commission or delegated to him under these regulations.

**13.** (1) The Minister may from time to time appoint for any port or ports a Port Committee, consisting of an equal number of employers' representatives and workers' representatives (appointed on the nomination of industrial unions or associations of employers and workers respectively) with an independent Chairman.

(2) The members of every Port Committee shall be appointed for a term not exceeding one year.

(3) Subject to the control and direction of the Commission, every Port Committee, in relation to every port for which it is appointed, shall—

- (a) Ensure the supply of sufficient labour for the efficient working of the port ; classify waterside workers ; supervise and control the working of the port in such manner and in such order of priority as it thinks fit ; and make and enforce rules for these purposes :
- (b) Take measures to prevent local disputes :
- (c) Allocate holidays to waterside workers in accordance with conditions prescribed by the Minister :
- (d) Perform and exercise such other duties and powers as may from time to time be allocated to it by the Commission or delegated to it under these regulations.

(4) On any matter coming before a Port Committee the decision of a majority of the members of the Committee other than the Chairman shall be the decision of the Committee :

Provided that where the members of the Committee are unable to reach a decision the decision of the Chairman shall be the decision of the Committee :

Provided also that, except as provided in any order of the Commission, and subject to any such order, every such decision of the Chairman shall be subject to a right of appeal to the Commission by any other member of the Port Committee.

(5) The decision of a Port Committee on any matter shall be pronounced by the Chairman, and no separate pronouncement shall be made by any other member of the Committee with respect to any decision of the Committee.

(6) Every order or decision of a Port Committee shall be signed by the Chairman.

(7) Subject to the provisions of these regulations and to the control and direction of the Commission, every Port Committee may regulate its procedure in such manner as it thinks fit.

14. (1) The Commission, or the Minister, or any other person with the authority of the Commission, may from time to time, either generally or particularly, delegate any of the powers conferred on it or him by these regulations, including the power of delegation conferred by this regulation.

(2) Subject to any general or special directions given or conditions imposed by the Commission, Minister, or other person by whom any powers are delegated as aforesaid, the person to whom any powers are so delegated may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by these regulations and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this regulation shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(4) Any delegation under this regulation may be made to a specified person or to persons of a specified class, or may be made to the holder for the time being of a specified office.

(5) The delegation by the Commission or by the Minister or by any other person of any powers conferred on it or him by or by virtue of these regulations shall not prevent the exercise of those powers by the Commission or by the Minister or by that other person, as the case may be.

15. (1) The Commission may establish at any branch of the Bank of New Zealand, under such name as it thinks fit, such accounts as it deems necessary or convenient for the exercise of its powers under these regulations, and may authorize those accounts to be operated on respectively by such person or persons as the Commission from time to time appoints for that purpose.

(2) The Commission may arrange with the Bank of New Zealand for one of those accounts established in Wellington to be overdrawn as the Commission and the Bank may agree.

(3) There shall be paid into one or other of the accounts aforesaid, as the Commission may from time to time direct, all moneys received by the Commission pursuant to these regulations, and all other moneys received by the Commission from any source.

(4) The person or persons for the time being appointed by the Commission to operate upon any bank account opened as aforesaid shall, unless the Commission otherwise directs, have power to endorse for collection to the credit of that account any negotiable or transferable instrument payable to the order of the Commission.

(5) The Commission shall keep proper accounts of its moneys and property, and its accounts and stores shall be audited either by the Audit Office or by an Auditor to be appointed for the purpose by the

Audit Office, in the same manner in all respects as if the moneys and stores of the Commission were public moneys and public stores within the meaning of the Public Revenues Act, 1926.\*

[(6) Section 3 of the Unclaimed Moneys Act, 1908, and section 28 of the Finance Act, 1932, shall not apply with respect to the Commission. Section 30 of the Finance Act, 1932, in its application to the Commission, shall be read as if the unclaimed moneys required by that section to be paid into the Public Account to the credit of the Consolidated Fund were required to be paid as aforesaid not later than the 31st day of October in the financial year of the Commission following that in which the moneys first became unclaimed moneys within the meaning of the Unclaimed Moneys Act, 1908.]

Subclause (6) was added by Regulation 7 of the Waterfront Industry Emergency Regulations 1946, Amendment No. 5 (Serial number 1948/188).

16. (1) There shall be paid to the members, officers, and servants of the Commission [and to the members of the Authority] such remuneration by way of fees, salary, wages, or allowances and such travelling allowances and expenses as may from time to time be fixed, either generally or in respect of any particular person or persons, by the Minister, or, where the payments are made from a grant from the Consolidated Fund under subclause (3) of this regulation, by the Minister of Finance.

(2) All such moneys and the administrative expenses of the Commission shall be paid out of the funds of the Commission.

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

The words in square brackets in subclause (1) of Regulation 16 were inserted by Regulation 8 of the Waterfront Industry Emergency Regulations 1946, Amendment No. 5 (Serial number 1948/188).

17. (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 Accident 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 these regulations), 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

\* See Reprint of Statutes, Vol. VII, page 10.

† See Reprint of Statutes, Vol. V, page 597.

‡ See Reprint of Statutes, Vol. VI, page 427.

- (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.

**18.** In connection with any waterside work 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 17 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.

**19.** (1) Any contract which if made between private persons must be by deed shall, if made by the Commission, be in writing under the seal of the Commission.

(2) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith shall, if made by the Commission, be either under the seal of the Commission or signed by [the Chairman or] the General Manager of the Commission on behalf of and by direction of the Commission.

(3) Any contract which if made between private persons may be made orally may be similarly made by or on behalf of the Commission by [the Chairman or] the General Manager of the Commission acting on behalf of and by direction of the Commission, but no oral contract shall be made involving the payment by the Commission of a sum exceeding £50.

(4) Notwithstanding anything in the foregoing provisions of this regulation, no contract made by or on behalf of the Commission shall be invalid by reason only that it is not made in the manner prescribed by this regulation if it is made pursuant to a resolution of the Commission or to give effect to a resolution of the Commission.

The words "the Chairman or", in square brackets in subclauses (2) and (3) of Regulation 19, were omitted by Regulation 3 of the Waterfront Industry Emergency Regulations 1946, Amendment No. 2 (Serial number 1947/13), and were reinserted by Regulation 6 of the Waterfront Industry Emergency Regulations 1946, Amendment No. 3 (Serial number 1947/164).

**20.** (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 all or any of the ports

\* See Reprint of Statutes, Vol. III, page 939.

† See Reprint of Statutes, Vol. III, page 1017.

in New Zealand in so far as any such Acts, awards, or agreements apply to workers employed on any waterside work, 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.

**21.** (1) Where the Commission decides to exercise its power to requisition any gear or equipment, notice in writing signed by the General Manager or any Branch Manager of the exercise of that power shall be given to the owner thereof or to the person in whose possession the gear or equipment is for the time being, and the owner or other person shall forthwith make the 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.

**22.** Every person commits an offence against these regulations who—

- (a) Acts in contravention of or fails to comply in any respect with any provision of these regulations or any order, direction, decision, or condition made, given, or imposed by the Commission or any other person under these regulations:
- (b) In any way attempts to prevent, delay, or otherwise interfere with the expeditious performance of any waterside work or despatch of any ship.

W. O. HARVEY,  
Clerk of the Executive Council.

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*Certified for the purposes of section 7 of the Regulations Act, 1936,  
this 9th day of June, 1950.*

T. CLIFTON WEBB,  
*Attorney-General.*

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Issued under the authority of the Regulations Act, 1936.  
Date of notification of the principal regulations in *Gazette*: 27th day of June, 1946.  
These regulations are administered in the Department of Labour and Employment.