

Serial Number 1951/288

**THE WATERFRONT INDUSTRY EMERGENCY REGULATIONS
1946, AMENDMENT NO. 10**

FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 12th day of
December 1951

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Emergency Regulations Continuance Act 1947, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Waterfront Industry Emergency Regulations 1946, Amendment No. 10, and shall be read together with and deemed part of the Waterfront Industry Emergency Regulations 1946* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. The principal regulations are hereby amended by revoking regulations 2 to 22, and substituting the following regulations :—

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

“ ‘ Association ’ means an industrial association of waterside workers registered under the Industrial Conciliation and Arbitration Act 1925 :

“ ‘ Branch Manager ’ means a Branch Manager appointed under these regulations :

“ ‘ Commission ’ means the Waterfront Industry Commission constituted under these regulations :

“ ‘ Discontinuance of employment ’ includes the refusal of any workers to accept engagement for any waterside work in which they are usually employed, and any method, act, or omission in the course of employment that has or is likely to have the effect of interrupting or impeding waterside work :

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

* Statutory Regulations 1946, Serial number 1946/102, page 232.
Amendment No. 1 : (*Revoked by Serial number 1950/94.*)
Amendment No. 2 : (*Revoked by Serial number 1947/164.*)
Amendment No. 3 : Statutory Regulations 1947, Serial number 1947/164, page 572.
Amendment No. 4 : (*Revoked by Serial number 1948/188.*)
Amendment No. 5 : Statutory Regulations 1948, Serial number 1948/188, page 555.
Amendment No. 6 : Statutory Regulations 1949, Serial number 1949/24, page 109.
Amendment No. 7 : Statutory Regulations 1949, Serial number 1949/136, page 561.
Amendment No. 8 : Statutory Regulations 1950, Serial number 1950/94, page 279.
Reprinted with Amendments Nos. 1 to 8 : Statutory Regulations 1950, Serial number 1950/97, page 284.
Amendment No. 9 : Statutory Regulations 1951, Serial number 1951/20, page 54.

- “ ‘Lockout’ has the same meaning as in the Industrial Conciliation and Arbitration Act 1925 :
- “ ‘Minister’ means the Minister of Labour :
- “ ‘Port Conciliation Committee’ means a Port Conciliation Committee appointed under these regulations :
- “ ‘Principal order’ means an order made by the Tribunal under regulation 11 hereof :
- “ ‘Strike’ has the same meaning as in the Industrial Conciliation and Arbitration Act 1925 :
- “ ‘Tribunal’ means the Waterfront Industry Tribunal constituted under these regulations :
- “ ‘Union’ means an industrial union of waterside workers registered under the Industrial Conciliation and Arbitration Act 1925 :
- “ ‘Waterside work’ means the loading and unloading of ships, barges, lighters, and other vessels ; and, in relation to any port where the Harbour Board acts as wharfinger, includes the work of receiving and delivering cargo customarily performed by waterside workers at that port :
- “ ‘Wharf’ includes all wharves, quays, piers, jetties, and premises in, on, or from which passengers or goods may be taken on board of or landed from vessels.
- “ (2) Every union and association shall be deemed to be a body corporate for the purposes of these regulations.

“ WATERFRONT INDUSTRY COMMISSION

“ 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 one Commissioner, to be appointed by the Governor-General on the recommendation of the Minister.

“ (3) The Commission shall be a corporation sole with perpetual succession and a seal of office, and shall be capable of holding real and personal property, and of suing and being sued, and of doing and suffering all such other acts and things as corporations may lawfully do and suffer.

“ WATERFRONT INDUSTRY TRIBUNAL

“ 4. (1) For the purposes of these regulations there shall be a Tribunal, to be called the Waterfront Industry Tribunal.

“ (2) The Tribunal shall consist of not more than three members to be appointed by the Governor-General on the recommendation of the Minister. Whenever there are two or three members one of them shall be appointed as Chairman of the Tribunal.

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

“ (4) For the purpose of carrying out its functions under these regulations the Tribunal shall be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act, 1908, and, subject to these regulations and to any rules made under these regulations, the provisions of that Act shall apply accordingly.

“(5) The Chairman or sole member of the Tribunal, or any other member purporting to act by direction or with the authority of the Chairman, or the Secretary of the Tribunal purporting to act by direction or with the authority of the Chairman or sole member, may issue summonses requiring the attendance of witnesses before the Tribunal, or the production of documents, or may do any other act preliminary or incidental to the hearing of any application or other matter by the Tribunal.

“TERM OF OFFICE

“5. (1) Except as otherwise provided in this regulation, every Commissioner and every member of the Tribunal shall be appointed for a term of one year, but may from time to time be reappointed.

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

“(3) The Commissioner or any member of the Tribunal may be at any time 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.

“EXTRAORDINARY VACANCIES

“6. (1) If the Commissioner or any member of the Tribunal dies, or resigns, or is removed from office, his office shall become vacant, and the vacancy shall be deemed to be an extraordinary vacancy.

“(2) In the case of an extraordinary vacancy, the Governor-General may appoint some other person to be the Commissioner or a member of the Tribunal, as the case may be, for the residue of the term for which the vacating Commissioner or member was appointed. Every such appointment shall be made in the same manner as the appointment of the vacating Commissioner or member.

“DEPUTIES

“7. (1) In any case in which the Governor-General is satisfied that the Commissioner or any member of the Tribunal 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 the Commissioner or member was appointed, appoint a deputy to act for the Commissioner or member during his incapacity.

“(2) Every such deputy shall, while he acts as such, be deemed to be the Commissioner or a member of the Tribunal, as the case may be, and (if he is the deputy of the Chairman) to be the Chairman of the Tribunal.

“(3) No such appointment of a deputy and no acts done by a deputy as such, or by the Commissioner or the Tribunal 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.

“FUNCTIONS AND POWERS OF COMMISSION

“8. The functions of the Commission shall be—

“(a) To carry out all administrative work in connection with the engagement and employment of, and the payment of wages to, waterside workers, other than those engaged by the Wellington Harbour Board through its labour engagement bureau :

“(b) To carry out all administrative work in connection with the payment of guaranteed minimum payments to waterside workers, the payment for holidays, the administration of any co-operative contracting system or any other system for payment by results, and the provision and operation of amenities for waterside workers (including waiting rooms, restaurants, canteens, and first aid rooms and equipment) :

“(c) To administer the bureau rules from time to time prescribed by Port Conciliation Committees (including rules providing for the imposition of penalties) :

“(d) To obtain, record, classify, and compile such information and particulars as the Commission thinks fit in relation to waterside work and the waterfront industry.

“9. (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) Impose levies on the owners, agents, or masters of ships, and on any other employers of waterside labour (other than the Wellington Harbour Board in respect of workers engaged through its labour engagement bureau), 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, canteens, and first aid rooms and equipment) :

“(v) Providing for fees for members of Port Conciliation Committees other than the Chairman :

“(b) Enter into such contracts as it thinks fit for the purpose of exercising its powers and performing its functions :

“(c) Recover from the owner, agent, or master of any ship moneys expended on wages or for any other purpose in connection with waterside work :

- “ (d) 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 :
- “ (e) 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 :
- “ (f) Sell, exchange, transfer, lease, hire, or otherwise dispose of any real or personal property belonging to the Commission :
- “ (g) 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 :
- “ (h) 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) :
- “ (i) Make any order in respect of any matter coming within its jurisdiction.

“ FUNCTIONS AND POWERS OF TRIBUNAL

- “ 10. (1) The functions of the Tribunal shall be—
- “ (a) To make principal orders and other orders as hereinafter provided :
- “ (b) To decide any disputes that arise in relation to waterside work, and to take such action as it thinks fit to prevent or settle disputes :
- “ (c) To determine appeals from any decisions of Port Conciliation Committees that are subject to appeal :
- “ (d) To control and direct the activities of Port Conciliation Committees :
- “ (e) To determine appeals from any decisions or orders of the Commission imposing levies under paragraph (a) of subclause (2) of regulation 9 hereof.
- “ (2) In exercising its powers and functions under these regulations the Tribunal shall have regard to—
- “ (a) The necessity for promoting the efficiency of waterside work :
- “ (b) The general purpose of the Economic Stabilization Act 1948 :
- “ (c) The latest pronouncement made by the Court of Arbitration specifying standard rates of wages for skilled, semi-skilled, and unskilled workers :
- “ (d) The rates of remuneration, direct and indirect, and the working conditions generally prevailing in industry :
- “ (e) Any rise or fall in retail prices as indicated by any index published by the Government Statistician :

“(f) Such other considerations as the Court of Arbitration is for the time being required to take into account in making or amending an award under the Industrial Conciliation and Arbitration Act 1925.

“PRINCIPAL ORDERS AS TO PAY AND CONDITIONS OF WORK

“11. (1) Subject to the provisions of these regulations, the Tribunal may from time to time make principal orders, not inconsistent with these regulations or with any Act or other enactment, for all or any of the following purposes:—

“(a) Prescribing the conditions upon or subject to which any persons may be employed for waterside work:

“(b) Prescribing the terms of any such employment (whether as to remuneration or otherwise), including, if the Tribunal thinks fit, provision for holidays, and provision for a guaranteed minimum payment, and provision for fixing remuneration on a tonnage or unit or other basis, whether under a co-operative contracting system or under any other system of payment by results, or otherwise.

“(2) Every principal order shall continue in force until it is revoked by a subsequent principal order.

“(3) Except as provided in regulation 13 hereof, no principal order shall be revoked until it has been in force for at least twelve months. For the purposes of this subclause, and of subclause (3) of regulation 14 and subclause (1) of regulation 25 hereof, a principal order shall be deemed to come into force on the earliest date on which any provision of the order comes into force.

“(4) No principal order shall be deemed to be invalid on the ground that it delegates to, or confers on, the Commission or any other person any discretionary authority.

“12. Subject to the provisions of these regulations, the Tribunal may from time to time during the currency of any principal order, either of its own motion or on application as hereinafter provided, make orders for all or any of the following purposes:—

“(a) To amend the provisions of the principal order for the purpose of remedying any defect therein or giving fuller effect thereto:

“(b) To amend the provisions of the principal order for such purpose and in such manner as the Tribunal is satisfied that all the parties to the application have agreed upon:

“(c) To interpret the provisions of the principal order or of any order amending the principal order:

“(d) To amend the provisions of the principal order for the purpose of applying, subject to such variations as may be determined by the Tribunal, any pronouncement of the Court of Arbitration specifying standard rates of wages, or any general order increasing or reducing rates of remuneration that is made by the Court of Arbitration.

“13. Notwithstanding anything to the contrary in these regulations, the Tribunal may make principal orders for consolidating any existing orders, and may include therein any matters in respect of which principal orders may be made under regulation 11 hereof:

“ Provided that where a consolidating order is so made all limitations of time applicable under these regulations to the making of any order or to any matter ancillary thereto shall apply to every provision of any such consolidating order in all respects as if the consolidating order had not been made.

“ PROCEDURE OF TRIBUNAL

“ 14. (1) Any union or association or the New Zealand Port Employers' Association, Incorporated, may at any time apply in writing to the Tribunal for a principal order or other order.

“ (2) Every application under this regulation shall be lodged with the Chairman of the Port Conciliation Committee for the port or one of the ports affected by the application, and shall be deemed to be made on the day on which it is so lodged.

“ (3) Except as provided in regulation 13 hereof, no application for a principal order to replace an existing principal order shall be made until the existing order has been in force for at least ten months.

“ (4) An application under this regulation may be made jointly by any two or more bodies each of which is a union or association.

“ (5) In the case of any application made by any union or association or in the case of a joint application as aforesaid, the New Zealand Port Employers' Association, Incorporated, shall be the respondent.

“ (6) In the case of any application made by the New Zealand Port Employers' Association, Incorporated, every union or association in respect of whose members or any of them an order is applied for shall be a respondent.

“ (7) Every application under this regulation shall name the applicant or applicants and the respondent or respondents, and shall contain a detailed statement of the claims made by the applicant or applicants.

“ (8) A copy of every application shall, as soon as it is made, be sent by the applicant or applicants to the respondent or to each respondent if there are two or more.

“ 15. (1) At any time within one month after a copy of any application is sent to any respondent under regulation 14 hereof or within such further time as the Tribunal may in any case allow, the respondent may lodge with the Chairman of the Port Conciliation Committee a statement in detail admitting such of the claims in the application as it desires to admit, or making a counter proposal with respect to all or any of the claims in the application.

“ (2) A copy of every such statement shall at the same time be sent by the respondent to the applicant or to each applicant if there are two or more.

“ 16. Subject to the provisions of any rules made under these regulations, the person making any application or statement under these regulations may amend it at any time before the final determination of the application by the Tribunal.

“ 17. Where all the parties to any application for a principal order or other order agree in writing upon all or any of the terms to be incorporated in the order, the Tribunal may, if it thinks fit, in making its order, incorporate in the order all or any of the terms so agreed

upon without making inquiry into the matters to which those terms relate, except so far as may be necessary to ensure that the order is in accordance with these regulations.

“ 18. (1) When an application is lodged with the Chairman of a Port Conciliation Committee it shall be the duty of the Committee to assist the parties to reach agreement on the subject matter of the application.

“ (2) The Chairman shall appoint a day and place for the conciliation proceedings, and shall cite the parties to the application to attend.

“ (3) Subject to the provisions of these regulations, the conciliation proceedings shall be conducted in such manner as the Committee thinks fit.

“ (4) At the conclusion of the proceedings or when the Committee is satisfied that further progress is unlikely, the Committee shall report in writing to the Tribunal the result of the proceedings and shall forward with the report a statement signed by the parties and by the Chairman of the matters upon which agreement has been reached.

“ 19. (1) At any time after the respondent's statement in reply to any application has been lodged with the Chairman of the Port Conciliation Committee or after the expiration of the time allowed for lodging the respondent's statement, the Tribunal shall appoint a day and place for the hearing of the application, and shall notify the applicant and the respondent of the day and place so appointed.

“ (2) Except with the consent of the respondent, the day so appointed shall not be earlier than one month after the date of the making of the application.

“ (3) The Tribunal may adjourn the hearing of any application from time to time and from place to place.

“ (4) All applications shall be heard in public, unless the Tribunal in any particular case, due regard being had to the interests of all persons concerned and to the public interest, considers that the hearing or any part thereof should take place in private.

“ 20. (1) At the hearing by the Tribunal of any application every applicant and every respondent and, with the consent of the Tribunal, any union or association, or employer of waterside workers, that is neither an applicant nor a respondent may be represented by an advocate or advocates.

“ (2) No person shall be an advocate unless he is an officer or servant of a union or association or of the New Zealand Port Employers' Association, Incorporated, or of an employer of waterside workers :

“ Provided that, on an application for an order to interpret the provisions of a principal order, or with the consent of all the parties in any other case, any party to the proceedings may be represented by a barrister or solicitor.

“ 21. (1) Subject to the provisions of these regulations, the Tribunal may from time to time make rules for regulating its procedure.

“ (2) Subject to the provisions of these regulations and of any rules made under these regulations, the Tribunal may regulate its procedure in such manner as it thinks fit.

“ 22. (1) The presence of the Chairman and of at least one other member shall be necessary to constitute a sitting of the Tribunal.

“ (2) The decision of a majority of the members present at a sitting of the Tribunal shall be the decision of the Tribunal. If the members present are equally divided in opinion, the decision of the Chairman shall be the decision of the Tribunal.

“ (3) Every order made by the Tribunal shall be signed by the Chairman and at least one other member of the Tribunal.

“ (4) Whenever there is only one member of the Tribunal in office the foregoing provisions of this regulation shall not apply, and every order made by the Tribunal shall be signed by the sole member.

“ APPEALS TO TRIBUNAL

“ 23. (1) Any employer or any organization of employers or of workers affected by any decision, order, determination, or action of a Port Conciliation Committee 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 Tribunal, appeal to the Tribunal against the decision, order, determination, or action.

“ (2) On the hearing of the appeal the Tribunal 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.

“ (3) The provisions of subclause (4) of regulation 19 and regulation 20 hereof shall, with the necessary modifications, apply to the hearing of appeals by the Tribunal.

“ EFFECT OF ORDERS AND DECISIONS OF TRIBUNAL

“ 24. (1) Every order and decision made by the Tribunal in accordance with these regulations shall be binding on all persons whom the order purports to affect, whether or not any such person, in the case of an employer, is a member of the New Zealand Port Employers' Association, Incorporated, or, in the case of a worker, is a member of any union.

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

“ 25. (1) Any order or provision of an order and any direction or decision may be made or given by the Tribunal so as to come into force on a day to be specified therein in that behalf, being either before or after the date thereof, but, in the case of a principal order, not earlier than the date of the making of the application for the order, and, in the case of a principal order replacing an existing principal order (except as provided in regulation 13 hereof), not earlier than twelve months after the date of the coming into force of the existing order :

“ Provided that in the case of the first principal order relating to the members of any union the Tribunal may make any provision relating to members of that union come into force on any day not earlier than the date of the registration of the union.

“ (2) Every order or provision of an order and every direction or decision in respect of which no date is specified as aforesaid shall come into force on the day after its date.

“ 26. Proceedings before the Tribunal shall not be held bad for want of form. No appeal shall lie from any order, direction, or decision of the Tribunal, and, except upon the ground of lack of jurisdiction, no proceeding, order, direction, or decision as aforesaid shall be liable to be challenged, reviewed, quashed, or called in question in any Court.

“ BUREAU REGISTERS

“ 27. (1) No person whose name is not on the bureau register for any port shall be employed to do any waterside work at that port unless there is no person whose name is on the register available to do that work and ready and willing to undertake it.

“ (2) No person who is not in permanent employment as a waterside worker at any port shall be employed to do any waterside work at that port unless there is no person in such permanent employment available to do that work and ready and willing to undertake it.

“ (3) The Commission shall cause to be kept for every port a bureau register, on which shall be entered the names of such waterside workers as may from time to time be directed by the New Zealand Port Employers' Association, Incorporated.

“ (4) The name of any worker shall be removed from the bureau register if—

“ (a) He fails to join a union before the expiration of seven days after the date on which his name is placed on the register :

“ (b) He ceases to be a member of a union at any time after the said period of seven days :

“ (c) The removal of his name from the register is directed by the New Zealand Port Employers' Association, Incorporated.

“ (5) Every person whose name is on the bureau register for any port shall be entitled to become a member of a union for that port on application made in accordance with its rules, and in so far as the rules of any union are inconsistent with the provisions of this subclause they shall be null and void.

“ PORT CONCILIATION COMMITTEES

“ 28. (1) The Minister may from time to time appoint for any port or ports a Port Conciliation Committee, consisting of an equal number of employers' representatives and workers' representatives with an independent Chairman :

“ Provided that where there are two or more unions for any port two or more Port Conciliation Committees may be appointed for that port.

“ (2) The employers' representatives shall be appointed on the nomination of the New Zealand Port Employers' Association, Incorporated :

“ Provided that—

“ (a) At any railway port the General Manager of Railways shall be entitled to nominate an employers' representative :

“ (b) At any port where a Harbour Board acts as wharfinger the Harbour Board shall be entitled to nominate an employers' representative.

“ (3) The workers' representatives shall be appointed on the nomination of the union or unions for the port or ports concerned.

“(4) The members of every Port Conciliation Committee shall be appointed for a term not exceeding two years.

“(5) Subject to the control and direction of the Tribunal, and subject to and without affecting the powers of any Harbour Board, every Port Conciliation 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; determine the priority of the allocation of labour; and make and enforce rules for these purposes:

“(b) Take steps to prevent local disputes:

“(c) Have power to make rules for the removal of a worker's name from the bureau register, and to determine appeals against any such removal, whether under those rules or under paragraph (c) of subclause (4) of regulation 27 hereof:

“(d) Co-ordinate the activities of any persons or bodies concerned in waterside work:

“(e) Perform and exercise such other duties and powers as may from time to time be allocated to it by the Tribunal.

“(6) Any Port Conciliation Committee may at any time, whether before or after it has heard any interested parties in relation thereto, refer to the Tribunal for decision by it any application made to the Committee concerning any dispute, or any question before the Committee.

“29. (1) On any matter coming before a Port Conciliation 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 a majority of the members of the Committee are unable to agree the decision of the Chairman shall be the decision of the Committee:

“Provided also that every such decision of the Chairman shall be subject to a right of appeal to the Tribunal by any other member of the Committee, except—

“(a) Decisions on disputes in respect of appeals against the removal of workers' names from the bureau register:

“(b) Decisions on disputes in respect of dirt money or head room:

“(c) Decisions on disputes on questions of fact:

“(d) Decisions on any other dispute which the members of the Committee unanimously agree is of local significance only.

“(2) The decision of a Port Conciliation 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.

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

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

“30. (1) The Minister may from time to time appoint any person to be the deputy of the Chairman of any Port Conciliation Committee and to hold office during the pleasure of the Minister. The Deputy Chairman may act as Chairman in the absence from any meeting of the Chairman, and while so acting shall have all the powers of the Chairman.

“(2) If any other member of a Port Conciliation Committee is unable to be present at any meeting of the Committee, he may, by writing addressed to the Chairman or Secretary, appoint a deputy to attend that meeting in his place.

“(3) Every such deputy shall, while he acts as such, be deemed to be the Chairman or a member of the Committee, as the case may be.

“(4) No such appointment of a deputy and no acts done by a deputy as such, or by the Committee 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.

“ MISCELLANEOUS

“ 31. (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.

“(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.

“ 32. (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.

“33. (1) There shall be paid to the Commissioner, and to the members of the Tribunal, and to the Chairmen of the Port Conciliation Committees, and to the officers and servants of the Commission 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.

“34. (1) The Minister, or any other person with the authority of the Minister, may from time to time, either generally or particularly, delegate any of the powers conferred on 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 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 Minister or by any other person of any powers conferred on him by or by virtue of these regulations shall not prevent the exercise of those powers by the Minister or by that other person as the case may be.

“35. (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 31 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

“ (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.

“ 36. In connection with any waterside work it shall be the duty of the Commission to take all reasonable and proper precautions in order to prevent accidents and to obviate the risk of personal injury to workers and others, but no person shall have any right of action against the Commission by reason of this regulation.

“ 37. (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 Commissioner, or by 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 Commissioner, or by 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 decision of the Commission or to give effect to a decision of the Commission.

“ 38. (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 (other than the provisions referred to in regulation 39 hereof), 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 in New Zealand in so far as any such Acts, awards, or agreements apply to workers employed in 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.

“ 39. The provisions of the Industrial Conciliation and Arbitration Act 1925 and its amendments relating to the taking of a secret ballot on any question of a strike or lockout shall apply to every union or association of workers or employers in the waterfront industry :

“ Provided that this regulation shall not be deemed to render lawful any strike or lockout which would otherwise be unlawful either under these regulations or any order made thereunder or under any other enactment, nor to derogate from the provisions of regulations 40 and 41 hereof.

“ 40. (1) If in respect of any discontinuance of employment in the waterfront industry the Minister is satisfied that it has caused or is likely to cause serious loss or inconvenience and that it has been brought about wholly or partly by any union or association or by any member or members thereof, the Minister may, by notice in the *Gazette*, suspend in whole or in part all or any of the provisions of these regulations or of any order, direction, or decision made by the Tribunal or by the Commission or by any Port Conciliation Committee under these regulations in respect of their application to all or any of the ports in New Zealand.

“ (2) Any notice under this regulation may be at any time in like manner amended or revoked.

“ (3) Every notice under this regulation shall have effect according to its tenor, and shall come into force on the date of its publication or notification in the *Gazette*, or on such later date as may be specified in that behalf in the notice.

“ 41. (1) 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 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 :

“ (c) Is a party to any strike or lockout or discontinuance of employment, or instigates any strike or lockout or discontinuance of employment or the continuance of any strike or lockout or discontinuance of employment.

“ (2) When a strike or lockout or discontinuance of employment takes place, and a majority of the members of any union or association of workers or employers in the waterfront industry are parties to the strike or lockout or discontinuance of employment, the union or association shall be deemed to have instigated the strike or lockout or discontinuance of employment.”

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

(a) The Waterfront Industry Emergency Regulations 1946, Amendment No. 3 :

(b) The Waterfront Industry Emergency Regulations 1946, Amendment No. 5 :

(c) The Waterfront Industry Emergency Regulations 1946, Amendment No. 6 :

(d) The Waterfront Industry Emergency Regulations 1946, Amendment No. 7 :

- (e) The Waterfront Industry Emergency Regulations 1946, Amendment No. 8 :
- (f) The Waterfront Industry Emergency Regulations 1946, Amendment No. 9 :
- (g) The Waterfront Industry Regulations Suspension Order 1951.*

(2) 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 the principal 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.

(3) All appointments of members of Port Conciliation Committees made before the commencement of these regulations shall be deemed to have been duly made under the principal regulations.

(4) Nothing in these regulations shall be deemed to affect the identity of the Commission, and the Commission as reconstituted by these regulations shall be deemed for all purposes to be the same corporation as the Waterfront Industry Commission heretofore constituted under the principal regulations.

(5) The members of the Waterfront Industry Authority and of the Commission in office immediately before the commencement of these regulations shall be deemed to vacate office at the commencement of these regulations.

T. J. SHERRARD,
Clerk of the Executive Council.

* Statutory Regulations 1951, Serial number 1951/21, page 55.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 13th day of December 1951.
These regulations are administered in the Department of Labour and Employment.