

## Serial Number 1947/164



**THE WATERFRONT INDUSTRY EMERGENCY REGULATIONS  
1946, AMENDMENT NO. 3**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 29th day of  
October, 1947

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. These regulations may be cited as the Waterfront Industry Emergency Regulations 1946, Amendment No. 3, 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 10th day of November, 1947.

3. (1) Regulation 3 of the principal regulations, as amended by Regulation 2 of the Waterfront Industry Emergency Regulations 1946, Amendment No. 2, is hereby amended by revoking subclauses (2) and (3) thereof, and substituting the following subclauses:—

“(2) The Commission, the members of which shall be appointed by the Governor-General on the recommendation of the Minister, shall consist of—

“(a) One member, who shall be appointed as Chairman of the Commission ;

“(b) Two members, who shall be appointed on the nomination of the New Zealand Waterside Employers’ Association Industrial Association of Employers ;

“(c) Two members, who shall be appointed on the nomination of the New Zealand Waterside Workers’ Industrial Union of Workers ; and

“(d) One other member (hereinafter referred to as the Government member).

\* Statutory Regulations 1946, Serial number 1946/102, page 232.

Amendment No. 1 : Statutory Regulations 1946, Serial number 1946/211, page 594.

Amendment No. 2 : Statutory Regulations 1947, Serial number 1947/13, page 25.

“(3) In the temporary absence of the Chairman on account of illness or for any other reason, the Government member shall act as Chairman of the Commission and, while so acting, shall have all the functions and powers of the Chairman, including his power of voting at meetings.

“(4) 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.

“(5) The powers of the Commission shall not be affected by any vacancy in the membership thereof.”

(2) Nothing in this regulation 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 under the principal regulations and the corporation sole constituted by the Waterfront Industry Emergency Regulations 1946, Amendment No. 2.

4. The principal regulations, as amended by the Waterfront Industry Emergency Regulations 1946, Amendment No. 2, are hereby further amended by inserting the following regulations after Regulation 3 thereof :—

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

“(2) Notwithstanding anything to the contrary in these regulations, every member of the Commission, 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 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 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 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.

“5. (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, and shall do so forthwith whenever he is requested to do so by any two members of the Commission.

“(2) At all meetings of the Commission the Chairman, or the Government member, and one employers' nominee and one workers' nominee shall form a quorum.

“(3) The Chairman shall preside at all meetings of the Commission at which he is present.

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

“(5) The Chairman shall have a deliberative vote, but shall not have a casting vote. The Government member shall not have a vote on any question arising at any meeting of the Commission except where he is acting as Chairman of the meeting.

“(6) Each other member of the Commission shall be entitled to exercise one vote in respect of each question arising at any meeting of the Commission. In any case where a member of the Commission is absent from any meeting and any question arises on which the members present are not unanimous, the Chairman, if he thinks fit, may endeavour to ascertain the opinion of the member so absent on the question which has arisen as aforesaid, and if the Chairman is able to ascertain that opinion within a reasonable time he shall cause the vote of the absent member to be recorded in relation to that question in accordance with the opinion so ascertained.

“(7) The decision of the Commission on any matter shall be pronounced by the Chairman. No separate pronouncement shall be made and no dissent shall be expressed by any other member of the Commission with respect to any decision of the Commission.

“(8) Every order or decision of the Commission shall be signed by the Chairman, and, if the Chairman thinks fit, shall also be signed by each other member of the Commission.

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

5. Regulation 10 of the principal regulations is hereby amended by adding to paragraph (g) of subclause (2) the words “or other persons employed in connection with work on the waterfront (including employees of the Commission).”

6. Regulation 19 of the principal regulations, as amended by Regulation 3 of the Waterfront Industry Emergency Regulations 1946, Amendment No. 2, is hereby further amended by inserting in subclause (2) and also in subclause (3), before the words “the General Manager” in each case, the words “the Chairman or.”

7. The Waterfront Industry Emergency Regulations 1946, Amendment No. 2, is hereby revoked.

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

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Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 30th day of October, 1947.

These regulations are administered in the Department of Labour and Employment.