

1959/71



THE ECONOMIC STABILISATION REGULATIONS 1953,  
AMENDMENT NO. 3

COBHAM, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 22nd day  
of April 1959

Present:

THE RIGHT HON. W. NASH PRESIDING IN COUNCIL

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

REGULATIONS

1. (1) These regulations may be cited as the Economic Stabilisation Regulations 1953, Amendment No. 3, and shall be read together with and deemed part of the Economic Stabilisation Regulations 1953\* (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 inserting, after regulation 5, the following heading and regulations:

“PRONOUNCEMENT AS TO APPLICATION OF ORDERS TO AWARDS

“5A. (1) In this and the next succeeding regulation, the expression ‘general or other order’ means any general order or other order for the time being in force under the foregoing provisions of these regulations, whether made before or at any time after the commencement of this regulation.

“(2) Subject to the provisions of these regulations, the Court may, of its own motion or on the application of any industrial union or industrial association of employers or workers made in that behalf, make a pronouncement to the effect that the Court, when making any award to supersede, in whole or in part, any award or industrial agreement to which any general or other order applies, or to which it is specifically

\*S.R. 1953/50  
Amendment No. 1: S.R. 1953/62  
Amendment No. 2: S.R. 1953/118

applied by any provision in that award or industrial agreement, will incorporate in such rates of remuneration as the Court thinks just and equitable, as an integral part of those rates, the effect of the general or other order.

“(3) Before making a pronouncement under this regulation, the Court shall afford such opportunity to be heard as it thinks proper to representatives appointed by the parties bound by awards and industrial agreements or by orders of Tribunals:

“Provided that the failure of any parties to appoint any such representative shall not affect the application by the Court to any award of the provisions of the pronouncement, and no such application shall be questioned on the ground that sufficient or adequate opportunity to be heard by the Court has not been afforded to any person affected.

“(4) Any application for a pronouncement under this regulation may be made in conjunction with any application for a general order.

“(5) The provisions of a pronouncement made under this regulation shall be applied from such date, not being earlier than the date of the making of the pronouncement, as the Court in its discretion determines.

“(6) Where a pronouncement is made under this regulation, the Court may from time to time, in its discretion, declare the principles that it will observe when incorporating in any award the effect of any general or other order.

“5B. In giving effect, in the making of any award, to a pronouncement made under regulation 5A hereof, the Court shall ensure that as a result of the incorporation by the Court of the effect of the general or other order in any rates of remuneration determined by the award no worker bound by the award will in any week—

“(a) Where the order increased rates of remuneration, receive under the award less than he would receive if the award specifically applied the order otherwise than by such incorporation as aforesaid:

“(b) Where the order reduced rates of remuneration, suffer a greater reduction in the amount he receives under the award than he would suffer if the award specifically applied the order otherwise than by such incorporation as aforesaid.”

3. Regulation 9 of the principal regulations is hereby amended by revoking subclause (2), and substituting the following subclauses:

“(2) Without limiting the provisions of the Industrial Conciliation and Arbitration Act 1954, as applied by subclause (1) of this regulation, it is hereby declared that for the purposes of any hearing or other proceedings under these regulations the Judge of the Court may of his own motion—

“(a) Summon before the Court any expert witness to give evidence of a statistical nature, and compel the production before the Court of any books and documents of a statistical nature; and

“(b) With the consent of the parties being heard, or if there is no objection from any such party, summon before the Court any witness and compel the production of any books and documents.

“(3) The Judge or the Registrar of the Court, or any Clerk of Awards purporting to act by direction or with the authority of the Judge, may issue summonses requiring the attendance of witnesses

before the Court or the production of books and documents, and may do any other act preliminary or incidental to the hearing of any matter by the Court under these regulations.”

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

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#### EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

The main purpose of these regulations is to authorise the Court of Arbitration to make a pronouncement that it will incorporate in new awards the effect of general or other orders made under the Economic Stabilisation Regulations 1953.

Regulation 2 inserts two new regulations in the principal regulations. The general effect of the new provisions is as follows:

- (a) The Court may, of its own motion or on application (whether in conjunction with an application for a general order or not), make a pronouncement that, in making new awards, it will incorporate the effect of any general or other order made under the principal regulations in such rates of remuneration as the Court thinks just and equitable:
- (b) If the Court makes such a pronouncement it will apply to the general order and other orders now in force and to any order made in the future:
- (c) The Court may declare the principles that it will observe when incorporating the effect of orders in awards.

Regulation 3 amends regulation 9 of the principal regulations, which relates to the jurisdiction and procedure of the Court at any hearing under the principal regulations. The new subclause (2) empowers the Judge of the Court, of his own motion, to call expert witnesses before the Court to give evidence of a statistical nature and, with the consent of the parties being heard or if there is no objection from any such party, to call any witness. In either case he may require the production before the Court of documents. The new subclause (3) merely re-enacts the former regulation 9 (2), relating to the issue of summonses, etc.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 23 April 1959.

These regulations are administered in the Department of Labour.