

873/2

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FILE NO. 873/2.

ESSENTIAL UNDERTAKING - DECLARATION OF A.H.B.

GENERAL.

(PERMITS for Employees to Leave Essential Undertaking,  
See Separate Group). <sup>STB</sup><sub>RA.</sub>

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GENERAL.

(PERMITS for Employees to Leave Essential Undertaking,  
See Separate Group). <sup>873</sup><sub>AA.</sub>

Auckland Harbour Board

MEMORANDUM

FROM

THE ENGINEER

25TH February, 19 46.

TO

The Foreman of Works,  
Mr. S. Edwards, Mr. B. Wylie,  
Mr. M. W. Hall, Mr. J. R. Sutton,  
The Foreman Shipwright.

Instruction No. 15381A.

DECLARATION OF ESSENTIAL INDUSTRY.

Please note that the Declaration of Essential Industry in connection with operations of Harbour Boards in respect of permanent and weekly employees and shipwrights has been revoked by notice in the New Zealand Gazette under date 31st January, 1946.

ANT: ERE

DA  
SUPERINTENDENT & ENGINEER.  
DA

Auckland Harbour Board

—  
Memorandum

*Auckland, N. Z.*  
4th February, 1946.

Heads of Departments,  
A.H.B.  
—

Further to my memo of 21st ultimo please note that the Declaration of Essential Industry in connection with operations of Harbour Boards in respect of permanent and weekly employees has been revoked by notice in the New Zealand Gazette under date of 31st January 1946.

*W.B. Smith*  
SECRETARY.

*Robert  
2/2*  
WBS.MIJ

# Auckland Harbour Board

## Memorandum

Auckland, N. Z.  
21st December, 1945.

Heads of Departments,  
A. H. B.

Please note that advice has been received from the Secretary of the Harbours Association that the Declaration of Essentiality in connection with permanent and weekly employees of Harbour Boards ~~are~~ scheduled for revocation on 31st January next, and that the notice of such revocation might be expected to appear in the "N.Z. Gazette" to be issued on 31st January 1946.

*Mr Taylor*  
*Please bring it to*  
*my notice when*  
*Declaration of Essentiality*  
*in regard to Harbour Boards*  
*is revoked*

*W.B. Smith*  
SECRETARY.

WBS.MIJ

*M*  
*27. 12. 45*

*See attached memo dated 11/2/46*  
*initiated by Mr. Holderness.*  
*Cliff*

27th September, 1945.

The Chairman,  
A.H.B.

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DECLARATION OF ESSENTIALITY.

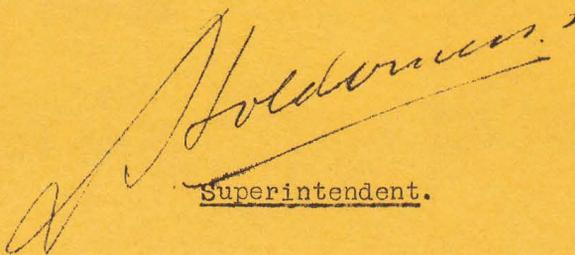
The National Service Department has indicated that, in view of the changed circumstances brought about by the capitulation of Japan, Harbour Boards throughout New Zealand may desire to have the blanket cover declaring Harbour Boards an Essential Industry revoked.

It has been stated to be the policy of the Department to revoke declarations of essentiality wherever possible and, in this morning's press, it is reported that a large number of declarations will be revoked by notices gazetted this week.

The Secretary of the Harbours Association asks for this Board's views so that the matter can be taken up on behalf of all Harbour Boards with the Controller of Man-power.

Throughout, the declaration of essentiality has been of little service to Harbour Boards, the nominal protection of men being unable to leave the service having been found an illusion. It has commonly been found that workmen denied the right to transfer to other employment have resorted to absenteeism and slackness to a degree which has necessitated subsequent application for their dismissal.

I therefore recommend that this Board should express its desire to have the declaration of essentiality revoked.

  
Superintendent.

BOARD'S RESOLUTION OF TUESDAY, 2nd. OCTOBER, 1945.

That the Harbours Association be advised that it is the Board's desire to have the Declaration of Essentiality revoked.

---

DH.MIJ

## MISUNDERSTOOD

### MANPOWER LAWS

### 18-45 Star RECENT RELAXATIONS

The fact that some workers are still not clear as to the scope of the recent relaxation of manpower control was brought to light during the hearing of a case before the Auckland Industrial Manpower Committee this morning. Counsel stated that appellant was 54 years old. After seeing the announcement regarding the relaxations he left his work in an essential undertaking and obtained employment elsewhere. He subsequently discovered that his action was not permissible, and the present appeal was the result.

After the sitting, Mr. I. Kronfeld, representing the district manpower officer, said that there was still confusion as to the extent of the relaxation of manpower control. The position was that men between 18 and 45 years who had seen overseas service, and those over 45 years, were no longer subject to direction, but those in these categories who were engaged in essential industry could not leave their employment without the manpower officer's prior permission. If that permission was granted the men could then accept any other work and could be employed without the manpower officer's prior permission. It was, however, still obligatory for an employer to notify the manpower office within seven days of engaging additional labour.

Questioned concerning the position of a man who was granted permission to terminate his employment, and then took up other essential work, Mr. Kronfeld said that if he wished to leave his second job he would again have to obtain prior permission. Men between 18 and 45 years who had not had overseas service, and particularly category A men who had been held on appeal, were still subject to direction.

Unmarried women between the ages of 18 and 30 were still liable to direction, and other women were subject to restrictions similar to those applicable for men, he added.

RECEIVED  
SECRETARY'S OFFICE  
10 JUL 1945  
ACK J  
ANGD

*Copies sent to Treasurer  
Elect. Dept.  
O.H.  
2/7/45*

AUCKLAND PROVINCIAL EMPLOYERS' ASSOCIATION

(Incorporated)

THE MINIMUM WEEKLY WAGE (ESSENTIAL UNDERTAKINGS) ORDER 1945

The Minimum Weekly Wage Order introduced in 1942 and forwarded to you in a circular letter dated the 17th November 1942 has been repealed and replaced by a new order a copy of which is attached.

W.E. ANDERSON,

Secretary.

National Insurance Building, O'Connell Street,  
Auckland, C.1.  
6th July, 1945.

P.O. Box 1040.

Phone: 32-266.

VP.

PURSUANT to Regulation 13 of the Industrial Man-power Emergency Regulations 1944, the Minister of Labour doth hereby order as follows:-

1. (1) This Order may be cited as the Minimum Weekly Wage (Essential Undertakings) Order 1945.

(2) The Minimum Weekly Wage (Essential Undertakings) Order 1942 (No. 2) is hereby revoked.

2. This Order shall apply with respect to every undertaking that is for the time being an essential undertaking within the meaning of Part III of the Industrial Man-power Emergency Regulations 1944: Provided, however, that nothing contained herein shall apply to any worker in respect to his employment pursuant to the Essential Building Works Labour Legislation Modification Order 1943.

3. (1) In its application to any undertaking that was an essential undertaking on the 1st day of May 1945, this Order shall be deemed to have come into force on the 1st day of May 1945.

(2) In its application to any other undertaking, this Order shall come into force on the date on which the undertaking was or is declared to be an essential undertaking.

4. (1) Subject to the provisions of this Order, every worker who is employed in an undertaking to which this Order applies shall, in respect of every week during the period of his or her employment, be entitled to a minimum weekly payment of an amount equivalent to his or her ordinary weekly wage:

Provided that -

(a) Where the ordinary weekly wage of an adult male worker exceeds £6, the minimum weekly payment to which he is entitled under this Order shall be £6:

(b) Where the ordinary weekly wage of an adult female worker, other than one to whom paragraph (d) hereof applies, exceeds £3:2:6d., the minimum weekly payment to which she is entitled under this Order shall be £3:2:6d.:

- (c) Where the ordinary weekly wage of a junior worker, other than one to whom paragraph (d) hereof applies, exceeds £2, the minimum weekly payment to which the worker is entitled under this Order shall be £2:
- (d) Where any award, agreement, order, or regulation requires that a junior worker or an adult female worker shall be paid wages at the rate prescribed for an adult male worker and the ordinary weekly wage for such worker exceeds £6, the minimum weekly payment to which he or she is entitled under this Order shall be £6.

(2) The foregoing proviso of this clause shall not apply to any worker in respect of any week if he or she is entitled otherwise than under this Order to receive a higher minimum weekly payment that week.

5. For the purposes of this Order -

- (a) "Ordinary weekly wage" means the wage that would be payable to the worker at ordinary time rates for working during the week the hours prescribed as ordinary working-hours under the relevant award or industrial agreement, or where the employment is not subject to any award or industrial agreement the hours prescribed as ordinary working-hours by the worker's contract of service:
- (b) Where no ordinary time rate is fixed under the terms of the worker's employment, the ordinary time rate of the worker shall be deemed to be the ordinary time rate for the same class of work fixed by the award or agreement in force in the district nearest to the locality where the worker is employed or, where there is no such award or agreement in force in New Zealand, such ordinary time rate as may be determined in any case by the Minister of Labour.
- (c) "Overtime, bonus, or other special payment" means any amount actually earned by any worker in respect of any day in excess of the appropriate daily proportion:
- (d) "Appropriate daily proportion" means, in respect of each day, the amount that would be payable to the worker if he were paid at ordinary time rates for the number of hours actually worked by him in that day up to the number prescribed as the maximum to be worked in that day without payment of overtime.

6. In computing the minimum weekly payment no account shall be taken of any overtime, bonus, or other special payment, and the worker shall be entitled to receive in addition to the minimum weekly payment any overtime, bonus, or other special payment earned by him: Provided that where payment is made for a day allowed as a holiday the worker shall be deemed to have actually worked on that day the number of hours for which payment is made on account of that holiday, and such number of hours shall for the purposes of paragraph (d) of clause 5 be deemed to be the number prescribed as the maximum to be worked in that day without payment of overtime.

3. (The Minimum Weekly Wage Order 1945)

7. (1) The right of any worker to receive in respect of any week the minimum weekly payment hereinbefore fixed shall, in addition to the conditions prescribed by Regulation 13 of the Industrial Man-power Emergency Regulations 1944, be subject to the following further conditions:-

- (a) That the worker on each working-day in that week reported for work at his or her usual place of employment, or at such other place as the employer may have directed, at the time at which the worker usually reported for work, or took such other steps to ascertain whether his or her services were required on that day as may have been agreed to by the employer; and
- (b) That the worker during that week performed his or her work with due diligence and with proper skill and care, and complied with all the terms and conditions of his or her employment, whether prescribed by an award or agreement, or otherwise; and
- (c) That the worker during the immediately preceding six weeks was not absent from available work for any reason other than -
  - (i) Sickness or accident or other cause outside his or her control, or
  - (ii) Leave of absence to which the worker was entitled under the terms of his or her employment, or leave of absence granted by or on behalf of the employer, -  
on more than one working-day, or (if the total number of hours worked by him or her during that period of six weeks exceeded his or her weekly hours for that period by not less than 20 per cent.) for more than three working-days.

(2) In respect of any undertaking in which it is customary to close down for a particular period at Easter or at Christmas or at New Year, no day within any such period shall be regarded as a working-day for the purposes of paragraph (c) of subclause (1) of this clause, unless the undertaking is duly required to open and to operate on that day by direction of a Controller for the time being in office as a Controller, whether under the Supply Control Emergency Regulations 1939 or under any other emergency regulations.

8. (1) For the purposes of this Order, every worker who is not a junior worker shall be deemed to be an adult worker, and, except as may be otherwise provided in any award or industrial agreement under the Industrial Conciliation and Arbitration Act 1925, or in any agreement under the Labour Disputes Investigation Act 1913, or in any other agreement, every worker who has not attained the age of twenty-one years shall be deemed to be a junior worker.

(2) Where a female worker is employed in substitution for and is performing the work and receiving the remuneration of an adult male worker she shall for the purposes of this Order be deemed to be an adult male worker.

Dated at Wellington, this 18th day of June, 1945.

JAS. O'BRIEN,

For the Minister of Labour.



## Auckland Harbour Board

—  
Memorandum

*Auckland, N.Z.*

20th February, 1945.

Heads of Departments,

A.H.B.

Please note that under date of 26th January, 1945, (Gazette No. 11 of 1945 - page 159) the Minister of Industrial Man-power had declared the operations of all Harbour Boards, in respect of permanent and weekly employees and employees coming within the scope of the Northern, Wellington and Otago and Southland Industrial Districts Boatbuilders' and Shipwrights' Awards, to be an essential industry for the purposes of the Industrial Man-power Emergency Regulations.

Declaration of Essential undertakings No. 59 - 14th May, 1942 - is consequentially revoked.

*Noted Oct. 20.2.45.*

*W.B. L. Miller*

SECRETARY.

WBS/NEC

Serial Number 1945/41



**THE INDUSTRIAL MAN-POWER EMERGENCY REGULATIONS  
1944, AMENDMENT NO. 2**

C. L. N. NEWALL, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 18th day of  
April, 1945

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 Industrial Man-power Emergency Regulations 1944, Amendment No. 2, and shall be read together with and deemed part of the Industrial Man-power Emergency Regulations 1944\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day following notification in the *Gazette* of the making thereof.

2. Regulation 28 of the principal regulations is hereby amended by adding to subclause (13) the following proviso :—

“ Provided that no appeal shall be made by any person in respect of any application under subclause (12) of this regulation for his release from any direction if at the time of making the application he was failing to comply in any respect with the direction.”

3. Regulation 28 of the principal regulations is hereby further amended by revoking subclause (14), and substituting the following subclause :—

“(14) If, while any person is subject to any obligation imposed on him by virtue of any direction given by the Minister pursuant to this regulation or the corresponding provisions of any former regulations, any other person employs or continues to employ that person in any employment to which the direction does not relate, the employer and the person employed shall each be deemed to have committed an offence against these regulations :

\* Statutory Regulations 1944, Serial number 1944/8, page 14.  
Amendment No. 1 : Statutory Regulations 1944, Serial number 1944/141, page 397.

Elect. 1  
Bell 1  
Eng. 1  
Treasurer 1  
Traffic 1  
Sent out 30/10/45  
J.P.

"Provided that it shall be a good defence in any proceedings against an employer for an offence against this subclause if the defendant proves that he did not know and had no reasonable grounds to suspect that the worker in respect of whose employment the proceedings were taken was subject at any time during the period of his employment to any unfulfilled obligations under this regulation."

4. Regulation 30 of the principal regulations (as amended by Regulation 4 of the Industrial Man-power Emergency Regulations 1944, Amendment No. 1) is hereby further amended, as from the commencement of the said Amendment No. 1, by omitting from subclause (1) the word "consent", and substituting the words "prior consent in writing".

5. Regulation 33 of the principal regulations is hereby amended by adding to subclause (4) the following proviso:—

"Provided that no appeal shall be made by any person in respect of any application under subclause (2) of this regulation for his release from any direction if at the time of making the application he was failing to comply in any respect with the direction."

6. Regulation 33 of the principal regulations is hereby further amended by revoking subclause (5), and substituting the following subclause:—

"(5) If, while any person is subject to any obligation imposed on him by virtue of any direction given by the District Man-power Officer pursuant to this regulation or the corresponding provisions of any former regulations, any other person employs or continues to employ that person in any employment to which the direction does not relate, the employer and the person employed shall each be deemed to have committed an offence against these regulations:

"Provided that it shall be a good defence in any proceedings against an employer for an offence against this subclause if the defendant proves that he did not know and had no reasonable grounds to suspect that the worker in respect of whose employment the proceedings were taken was subject at any time during his employment to any unfulfilled obligations under this regulation."

7. (1) Regulation 46 of the principal regulations is hereby amended by revoking subclause (2), and substituting the following subclauses:—

"(2) Every person who commits an offence against these regulations shall be liable on summary conviction,—

"(a) In the case of a male individual, to imprisonment for a term not exceeding three months, or to a fine not exceeding £50, or to both such imprisonment and such fine:

"(b) In the case of a female individual, to a fine not exceeding £50:

"(c) In the case of a company or other corporation, to a fine not exceeding £200.

"(2A) Where any person commits an offence by acting in contravention of or failing to comply in any respect with any provision of these regulations or of any order, direction, restriction, requirement, or condition given or imposed under these regulations, he shall be deemed to commit a further offence against these regulations on every day after the first during which the contravention or non-compliance continues, whether or not (in the case of a non-compliance) a specified date has been fixed for compliance."

(2) The new subclause (2) substituted by this regulation shall apply with respect to every conviction after the commencement of these regulations, whether the offence was committed before or after the commencement of these regulations.

(3) The new subclause (2A) substituted by this regulation shall apply in every case, whether the contravention or non-compliance commenced before or after the commencement of these regulations:

Provided that no further offence shall be deemed to have been committed under the said subclause (2A) on any day before the commencement of these regulations.

C. A. JEFFERY,  
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette*: 19th day of April, 1945.  
These regulations are administered in the National Service Department.

*Print out  
7/11/44  
C.L.N.*

*Chief 1 ✓  
Secy 1 ✓  
Treasurer 1 ✓  
Traffic 1 ✓*

Serial Number 1944/141



**THE INDUSTRIAL MAN-POWER EMERGENCY REGULATIONS  
1944, AMENDMENT NO. 1**

C. L. N. NEWALL, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 27th day of  
September, 1944

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 Industrial Man-power  
Emergency Regulations 1944, Amendment No. 1, and shall be read  
together with and deemed part of the Industrial Man-power Emergency  
Regulations 1944\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 28th day of  
September, 1944.

2. Regulation 13 of the principal regulations is hereby amended  
by inserting, after paragraph (c) of subclause (1) thereof, the following  
new paragraph :—

“(c) If any employer purports to terminate the employment of  
any worker contrary to the provisions of paragraph (a)  
of this subclause, or contrary to the terms of the  
permission to terminate such employment given by the  
District Man-power Officer in accordance with paragraph (c)  
of this subclause, the following provisions shall apply:—

“(i) Where the permission of the District Man-power  
Officer to the termination of the employment has not been  
given the employment shall be deemed not to have been  
terminated, and it shall continue until it is duly terminated  
in accordance with these regulations :

\* Statutory Regulations 1944, Serial number 1944/8, page 14.

"(ii) Where the permission of the District Man-power Officer to the termination of the employment has been given but the employer has purported to terminate the employment before the date specified in that behalf by the District Man-power Officer or without giving the prescribed period of notice, the employment shall be deemed not to have been terminated until the date specified by the District Man-power Officer or until the expiration of the prescribed period of notice (whichever is the later):

"(iii) The rights and privileges of the worker in respect of wages or of any other matter shall not be deemed to have been affected by the action of the employer in purporting to terminate the employment of the worker."

3. (1) Subclause (1) of Regulation 13 of the principal regulations is hereby further amended as follows:—

- (a) By omitting from paragraph (j) the word "wage" wherever it occurs, and substituting the word "payment";
- (b) By omitting from paragraph (k) the words "a minimum weekly wage", and substituting the words "a minimum weekly payment from their employers";
- (c) By inserting, after paragraph (k), the following new paragraph:—

"(kk) Any order made by the Minister of Labour under the last preceding paragraph may be made in respect of the ordinary weekly working-hours of the workers concerned or of their actual working-hours, or in such other manner as in the circumstances of any case the Minister deems desirable, and may make different provisions in respect of workers of different classes. Any such order may include provisions prescribing the method or alternative methods of computing the minimum weekly payments fixed in the order, and may contain any other incidental provisions that the Minister deems necessary to secure the proper administration and operation of the order":

- (d) By omitting from paragraph (l) the words "the last preceding paragraph", and substituting the words "paragraph (k) hereof"; and by omitting from the same paragraph the word "wage", and substituting the word "payment".

(2) Nothing in the last preceding subclause shall affect the validity or operation of the Minimum Weekly Wage (Essential Undertakings) Order 1942 (No. 2).\*

4. Regulation 30 of the principal regulations is hereby amended by revoking subclause (1) thereof, and substituting the following subclause:—

"(1) The Minister may from time to time, by an order of general application or by an order given to any specified person or persons, or to persons of any specified class (with or without exception), direct that no person to whom the order is for the time being applicable shall, except with the consent of a District Man-power Officer, engage or attempt to engage any worker whomsoever, or engage or attempt to engage any worker in any specified industry, trade, or occupation, or engage or attempt to engage any worker who is normally or usually engaged in any specified industry, trade, or occupation."

\* Statutory Regulations 1942, Serial number 1942/320, page 785.

See  
Amendment  
No. 2  
(Clause 4)

5. (1) The principal regulations are hereby further amended by adding the following new regulation:—

"47. All moneys payable by an employer to a worker pursuant to these regulations or pursuant to any order or direction made or given thereunder shall be deemed to be wages due and payable by the employer to the worker, and may be recovered in the same manner in all respects as wages payable in accordance with an award or industrial agreement are recoverable."

(2) The principal regulations are hereby consequentially amended as follows:—

- (a) By omitting from paragraph (g) of subclause (1) of Regulation 13 the words "Any moneys payable to a worker pursuant to this paragraph shall be deemed to be wages due and payable by the employer to the worker, and may be recovered in the same manner as wages payable in accordance with an award or industrial agreement."
- (b) By revoking subclause (3) of Regulation 37.

C. A. JEFFERY,  
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette*: 28th day of September, 1944.  
These regulations are administered in the National Service Department.

Serial Number 1944/8



**THE INDUSTRIAL MAN-POWER EMERGENCY  
REGULATIONS 1944**

C. L. N. NEWALL, Governor-General

**ORDER IN COUNCIL**

At the Government Buildings at Wellington, this 2nd day of  
February, 1944

Present :

THE RIGHT HON. P. FRASER PRESIDING 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**

**PART I.—PRELIMINARY**

1. (1) These regulations may be cited as the Industrial Man-power  
Emergency Regulations 1944, and shall come into force on the 14th  
day of February, 1944.

(2) The regulations specified in the Schedule hereto are hereby  
revoked.

(3) All offices, appointments, Committees, Councils, registers,  
registrations, enrolments, applications, certificates, forms, orders,  
directions, declarations, requirements, rules, notices, exemptions,  
appeals, decisions, and generally 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 if they had originated  
under the corresponding provisions of these regulations, and accordingly  
shall, where necessary, be deemed to have so originated.

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

(5) The revocation of the said regulations shall not affect the  
liability of any person for any offence against any of the provisions  
thereof, and proceedings in respect of any such offence may be taken  
as if it were an offence against the corresponding provisions of these  
regulations.

2. (1) In these regulations, unless the context otherwise requires,—  
“Armed force” means any of His Majesty’s Naval, Military, or  
Air Forces, and includes the Home Guard :

“Controller” means the Controller of Man-power appointed  
under these regulations, and includes any person for the  
time being duly authorized to exercise or perform any of  
the powers or functions of the Controller :

"District Man-power Officer" means a District Man-power Officer appointed under these regulations, and includes any person for the time being authorized by the Minister or the Controller to exercise any of the powers or functions of a District Man-power Officer:

"Man-power Appeal Committee" means a Man-power Appeal Committee appointed under these regulations:

"Minister" means the Minister of Industrial Man-power.

(2) References in these regulations to any regulations cited by their title include references to all subsequent regulations made in amendment thereof or in substitution therefor and for the time being in force.

3. Where by or by virtue of these regulations any obligation is imposed on any person being a member of any armed force his obligations as a member of such force shall, in case of conflicting obligations, prevail over any obligation imposed on him by or by virtue of these regulations.

#### PART II.—ADMINISTRATION MINISTER OF INDUSTRIAL MAN-POWER

4. These regulations shall be administered by such Minister of the Crown as may from time to time be charged with the administration thereof, and the Minister so charged shall, in relation to his functions under these regulations, be known as the Minister of Industrial Man-power.

#### CONTROLLER OF MAN-POWER

5. (1) For the purposes of these regulations there shall be an officer of the Public Service to be known as the Controller of Man-power.

(2) In the exercise of his functions under these regulations the Controller of Man-power shall be subject to the control of the Minister.

#### DISTRICT MAN-POWER OFFICERS

6. There shall from time to time be appointed for the purposes of these regulations, as officers of the Public Service, such number of District Man-power Officers as may be required. Every District Man-power Officer shall for the purposes of these regulations be subject to the control of the Minister and the Controller.

#### MAN-POWER APPEAL COMMITTEES

7. (1) For the purposes of these regulations there shall be established such number of Man-power Appeal Committees as the Minister from time to time thinks necessary. Every such Committee shall within the scope of its jurisdiction be deemed to be a Commission under the Commissions of Inquiry Act, 1908, and all the provisions of that Act shall apply accordingly.

(2) Each Committee shall be distinguished by such distinctive name as the Minister thinks fit.

(3) Every Committee shall consist of three persons, to be appointed by the Minister and to hold office during his pleasure.

(4) One member of each Committee shall be appointed by the Minister as the Chairman thereof.

(5) Each Committee shall sit at such times and places as may be determined by the Chairman.

(6) No sitting of a Committee shall take place unless all the members of the Committee are present, but the decision of a majority of the members shall be the decision of the Committee.

(7) The Chairman of a Man-power Appeal Committee, or any other member or the Secretary of any such Committee, purporting to act by direction or with the authority of the Chairman, may issue summonses requiring the attendance of witnesses before the Committee, or the production of documents, or may do any other act preliminary or incidental to the hearing of any appeal or other matter by the Committee.

(8) Except where the procedure to be adopted in proceedings before a Man-power Appeal Committee is expressly provided for by these regulations, every such Committee shall determine its own procedure.

8. (1) The Minister may from time to time appoint such deputy members of any Man-power Appeal Committee as he thinks fit, to hold office during his pleasure.

(2) Any member of a Committee or any deputy member appointed under this regulation may be appointed by the Minister to be the Deputy Chairman of the Committee.

(3) On the occurrence from any cause of a vacancy in the office of Chairman or in the absence of the Chairman the powers and functions of the Chairman may be exercised and performed by the Deputy Chairman. The powers and functions of any other member may, whenever the occasion arises, be exercised and performed by any deputy member.

(4) No act done by a Man-power Appeal Committee sitting with a Deputy Chairman or a deputy member, or done by any such Deputy Chairman or deputy member, shall be questioned on the ground that the occasion for which the deputy was qualified to act had not arisen or had ceased.

#### ADVISORY COUNCILS AND ADVISORY COMMITTEES

9. (1) For the purpose of assisting in the administration of these regulations, the Minister may from time to time appoint such number of Advisory Councils or Advisory Committees as he thinks fit.

(2) The members of any Advisory Council or Advisory Committee shall hold office as such during the pleasure of the Minister.

(3) Every Advisory Council or Advisory Committee appointed under this regulation shall have such functions in relation to these regulations as the Minister may from time to time determine.

#### PART III.—MAINTENANCE OF ESSENTIAL INDUSTRIES AND ESSENTIAL UNDERTAKINGS

10. For the purposes of this Part of these regulations the term "industry" includes any trade, occupation, business, manufacture, work, or service of any kind whatsoever, and the term "undertaking" means a unit or any specified part of a unit of any industry as herein defined.

11. (1) The Minister may at any time declare any industry to be an essential industry or any undertaking to be an essential undertaking for the purposes of this Part of these regulations. The declaration of any industry as an essential industry may be absolute, or may

exempt any specified undertaking or any specified class of undertakings within that industry. Any such exemption may be included in the declaration or may be given at any time by public notice or by personal notice to the owners or persons in charge of the undertakings concerned. All undertakings within an essential industry that are not for the time being exempted as aforesaid shall be deemed to be essential undertakings within the meaning of this Part of these regulations.

(2) Every declaration made under the last preceding subclause shall be in writing under the hand of the Minister or of a person for the time being duly authorized to act for the Minister in that behalf.

(3) Where any declaration as aforesaid is made in respect of any specified undertaking, notice in writing shall be given to the owner, or manager, or person in charge or appearing to be in charge of the undertaking and in such other manner, if any, as the Minister thinks fit. Except in the case of specified undertakings as aforesaid, notice of all declarations made under this regulation shall be published in the *Gazette* and may also be published in such other manner, if any, as the Minister thinks fit.

(4) Any declaration or exemption made or given under the foregoing provisions of this regulation may be at any time in like manner amended or revoked.

12. (1) The Minister may issue or cause to be issued, in respect of any essential undertaking, a certificate to the effect that it has been declared an essential undertaking within the meaning of this Part of these regulations. The said certificate shall be served on the owner or manager or person in charge of the undertaking, and it shall be the duty of the person on whom it is served to display the certificate or a copy or notice thereof in a conspicuous part of the premises wherein the undertaking is carried on or, as the case may require, in every separate branch or department where workers are employed, and to keep it so displayed while the certificate remains in force. If in any case the certificate or a copy or notice thereof cannot be displayed as aforesaid, it shall be displayed in some place where it is likely to be observed by the workers employed in the undertaking.

(2) Every person commits an offence against these regulations who, by the display of notices or otherwise howsoever, represents, contrary to the fact, that any undertaking is an essential undertaking within the meaning of this Part of these regulations.

13. (1) With respect to employment in any essential undertaking the following special provisions shall apply, namely:—

- (a) Except with the prior permission in writing of the District Man-power Officer, the employer shall not terminate the employment in the undertaking of any person for the time being employed therein; nor shall he cause or permit any such person to give his services in any other undertaking (whether an essential undertaking or not) except in case of emergency, and then only for a period not exceeding fourteen days at any one time and not exceeding twenty-one days within any period of three months;
- (b) Except with the prior permission in writing of the District Man-power Officer, no person for the time being employed in the undertaking shall leave his employment;
- (c) In granting permission to an employer or worker to terminate any employment in accordance with paragraph (a) or paragraph (b) hereof, the District Man-power Officer shall specify the earliest date on which the employment may be

terminated. Except as hereinafter provided in this paragraph, such permission shall be subject to the condition that not less than seven days' notice of intention to terminate the employment has been given by or on behalf of the employer to the worker, or has been given by the worker to the employer or his representative, as the case may be. Any such notice of intention may be given before or after permission to terminate the employment has been given by the District Man-power Officer. In exceptional circumstances, having due regard to the public interest, the District Man-power Officer may grant permission to terminate any employment as aforesaid without notice, or after such shorter period of notice than seven days as he thinks fit:

(d) Subject to the provisions of this paragraph, any employer may, on the ground of serious misconduct, suspend any worker employed by him in an essential undertaking. Within twenty-four hours after any such suspension has been given effect to, notice in writing of the suspension, with particulars of the alleged misconduct, shall be given to the District Man-power Officer by the employer or person in charge of the undertaking. As soon as possible after receiving the notice of suspension the District Man-power Officer, after making such inquiry as in the circumstances he considers necessary, shall do such one of the following things as he thinks proper, namely:—

(i) Give directions to the employer or his representative that the worker be reinstated in the undertaking; or

(ii) Decide that the employment of the worker shall be deemed to have been duly terminated when he was suspended (unless both the employer and the worker have agreed to the continuance of the employment or to its termination on a date subsequent to the date of suspension); or

(iii) Decide (in cases where he is not satisfied that summary dismissal is justified but is of opinion that, by reason of the mutual relationships that have become established between the worker and his employer or his fellow-workers, it is not in the public interest that the worker's employment in the undertaking should be compulsorily continued) that the employment of the worker shall be deemed to have terminated on a specified date subsequent to the date of his suspension; and in any such case the worker shall be entitled to wages in lieu of notice for the period elapsing between the date of suspension and the date of termination, or for so much of that period as the District Man-power Officer may determine:

(e) Any direction given by the District Man-power Officer in accordance with subparagraph (i) of the last preceding paragraph shall, unless otherwise expressly provided therein, be to the effect that the worker shall be reinstated in his former position at the same rate of wages:

Provided that the District Man-power Officer may, if he thinks fit, direct that the worker shall be re-engaged by the employer in a different position or in work of a different kind, either at his former rate of wages or at a lower rate appropriate to the work on which he is employed after being re-engaged:

See Amendment No. 1 (Clause 2.)

(d)

13. (1)

(f) Every decision or direction given by a District Man-power Officer for the purposes of paragraph (d) or paragraph (e) hereof shall be communicated in writing to the worker and also to the employer or his representative and shall, in accordance with the provisions of Part VI hereof, be subject to appeal to a Man-power Appeal Committee :

(g) Where any person is reinstated by the District Man-power Officer in accordance with paragraph (d) hereof, or by the Man-power Appeal Committee in accordance with paragraph (f) hereof, that Officer or Committee, as the case may be, may, if he or it deems it equitable so to do, direct the employer to pay to the worker (in respect of the period between his suspension and his reinstatement) either the amount that he would have earned during that period if he had not been suspended or so much thereof as may be determined by the District Man-power Officer or the Man-power Appeal Committee, as the case may be. ~~Any moneys payable to a worker pursuant to this paragraph shall be deemed to be wages due and payable by the employer to the worker, and may be recovered in the same manner as wages payable in accordance with an award or industrial agreement :~~

*See Amendment No. 1, clause 5 (g)*

(h) Subject to appeal to a Man-power Appeal Committee in accordance with the provisions of Part VI hereof, the employer, with the prior permission in writing of the District Man-power Officer but not otherwise, may transfer any worker from his usual work to other work in the same undertaking for which a lower rate of remuneration is payable, and thereafter the work to which he has been transferred shall, for the purposes of this regulation, be deemed to be the usual work or occupation of the worker :

(i) Except where a worker is transferred pursuant to any of the foregoing provisions of this regulation, no worker employed in an essential undertaking shall be transferred from one position to another position in the same undertaking, if the transfer involves a change in the nature of his work, except in accordance with the following provisions of this paragraph, namely :—

(i) The worker may be at any time transferred, either permanently or temporarily, to a position in respect of which a higher time-rate of wages is payable :

Provided that any worker who is transferred in accordance with this paragraph may, within seven days after the date of his transfer, appeal therefrom to a District Man-power Officer, who may give such decision in the matter as he thinks fit and whose decision shall be subject to appeal to a Man-power Appeal Committee in accordance with Part VI of these regulations ;

(ii) In any case to which the last preceding subparagraph does not apply, the worker may be transferred only if the position in which he is usually employed is abolished, or if his usual work is temporarily unavailable, or if his services are temporarily required for work of greater urgency, or if his transfer has been authorized in writing by the District Man-power Officer and the worker has been informed in writing of his right of appeal under Part VI of these regulations ;

(iii) Except where the transfer is to work in respect of which a higher time-rate of wages is payable, no worker shall, without the permission in writing of the District Man-power Officer, be transferred from his usual work to any other work, for a longer period than one month, or for more than one month in the aggregate in any period of two months ;

(iv) Any worker to whom the foregoing provisions of this paragraph apply shall, in respect of any period of transfer, be entitled to wages computed at the time-rate as for his usual work, or to the wages appropriate to the position to which he has been transferred (whichever amount is the greater) :

(j) Every worker for the time being employed in an essential undertaking shall, subject to the provisions of the next succeeding paragraph, be entitled to receive not less than such minimum weekly ~~wage~~ <sup>earnings</sup> as may be fixed in that behalf by the Minister of Labour pursuant to the next succeeding paragraph. If at any time the said Minister has failed to fix a minimum weekly <sup>earnings</sup> wage that is applicable in the case of any worker employed in an essential undertaking as aforesaid, any order that may thereafter be made by the said Minister in respect of that undertaking may, in its application to that worker, be made retrospective to the date on which the undertaking was declared an essential undertaking, but not in any case to an earlier date than the 18th day of May, 1942 :

*See Amendment No. 1 Clause 3(d)*

*See Amendment No. 1 Clause 3(d)(k)*

The Minister of Labour may from time to time by order fix in respect of the workers or of workers of any class for the time being employed in any essential undertaking <sup>a minimum weekly earnings</sup> ~~a minimum weekly wage~~ to which such workers shall be entitled while so employed :

Provided that the right of any worker to receive payment in accordance with this paragraph shall be subject to his compliance with such conditions (if any), not inconsistent with these regulations, as the Minister of Labour may fix, and shall also be subject to the condition that the worker, during any period when he was not working at his usual work, was capable of performing and was available for his work, and that, when not actually required to perform such work, he was willing to perform any other services connected with the undertaking that he might in the circumstances be reasonably required to perform :

*See new Clause 3(d)(k) in Amendment No. 1 Clause 3(d)(k)*

(i) For the purposes of ~~the last preceding paragraph~~ <sup>the next preceding paragraph</sup> a worker shall be deemed not to have been available for work during any period when he was absent from work on account of personal sickness or accident, or on account of any circumstances within his own control, or during any period when the employer was unable to provide work for the worker by reason of a strike of workers employed in the same or any other undertaking, but shall be deemed to have been available for work at all other times during ordinary working-hours :

*See Amendment No. 1 Clause 3(d)(k)*

Provided that where application for leave to terminate his employment is made by a worker to the District Man-power Officer, in accordance with paragraph (b) of this subclause, on the ground that, in consequence of any strike

*See Amendment No. 1*  
 as aforesaid, he has not received in any specified week the weekly minimum ~~wage~~ fixed by the Minister of Labour in accordance with paragraph (k) hereof, the District Man-power Officer shall grant to the worker leave to terminate his employment in accordance with the application if he is satisfied that it is genuinely made on the ground stated, unless in any such case the employer agrees to make good the amount of the deficiency:

- (m) Except where a worker is duly transferred in accordance with the foregoing provisions of this regulation to a position for which a lower rate of wages is payable, every worker for the time being employed in an essential undertaking shall, notwithstanding anything to the contrary in any order issued by the Minister of Labour under paragraph (k) hereof, be entitled to receive not less than the rate of wages which he was receiving in respect of his usual work in the undertaking when it was declared an essential undertaking, or, if he was not then employed in the undertaking, he shall be entitled to receive not less than the rate of wages that he received in respect of his first regular work in the undertaking:
- (n) It shall be the duty of every person who is for the time being employed in any essential undertaking, if at any time during his prescribed working-hours (as defined in Regulation 18 hereof) sufficient work is not available for him in his usual work, to undertake any other work in or in connection with the same undertaking that he may reasonably be required to undertake:
- (o) Every person commits an offence against these regulations who, without the prior permission in writing of a District Man-power Officer, employs or engages or enters into any contract in respect of the services of any person whose last continuous employment for a period of more than seven days was in an essential undertaking and whose employment as aforesaid was terminated by him contrary to the provisions of this regulation:

Provided that it shall be a good defence in any proceedings for an offence under this paragraph if the defendant proves that before employing or engaging the worker he made all reasonable inquiries as to his former employment, and that he did not know and had no reasonable grounds to suspect that the worker had left his employment in an essential undertaking contrary to the provisions of this regulation.

(2) For the purposes of this regulation the expression "usual work," in relation to any worker, includes any task that in normal circumstances the worker could properly be required to perform under his contract of employment or could properly be required to perform in or in connection with the particular operation or operations in which he is usually or normally engaged. Where, before the declaration of any undertaking as an essential undertaking, any worker engaged therein was entitled to receive different rates of wages in respect of different tasks forming part of his "usual work" as hereinbefore defined, the rate of wages in respect of his usual work shall, for the purposes of paragraph (i) and paragraph (m) of the last preceding subclause, be deemed to be the rate appropriate to each such task:

Provided that when any such worker is not engaged for any period during his prescribed working-hours on any task forming part of his usual work as aforesaid, his pay for that period shall be determined by reference to the work (if any) on which he is actually engaged during that period or by reference to the highest rate payable for the several tasks that constitute his usual work (whichever amount is the greater).

(3) Where any worker engaged in an essential undertaking is entitled, by virtue of his contract of employment or by any award or agreement or otherwise, to a rate of wages in excess of the minimum rates to which he is entitled in accordance with the foregoing provisions of this regulation, his wages shall not, except as may be otherwise provided in these regulations, be reduced below the rate to which he is entitled under his contract of employment, or under any award or agreement or otherwise, as aforesaid.

(4) Nothing in the foregoing provisions of this regulation shall apply with respect to the employment in any essential undertaking—

- (a) Of any person whose employment in the undertaking lasts for less than a continuous period of eight days, including Sundays and holidays, provided that, in the case of a person whose employment in an essential undertaking lasts for a continuous period of eight days or more (including Sundays and holidays), not being a person to whom paragraph (c) of this subclause applies, the provisions of this regulation shall be deemed to have applied throughout the whole period of such employment; or
- (b) Of any person in respect of whom the following provisions of this paragraph apply, namely,—
- (i) His engagement in the undertaking is as a part-time worker; and
- (ii) He is regularly available for work in the undertaking for part only of the ordinary working-hours prescribed in respect of that undertaking (whether by award, industrial agreement, or otherwise); and
- (iii) His regular weekly working-hours, throughout the currency of his employment in the undertaking, are less than thirty; or
- (c) Of any other person who, being engaged in the undertaking only for the purposes of a specific job of short duration but extending over eight days or more (including Sundays and holidays), is excluded from the operation of this regulation by the District Man-power Officer on application to extend the aforesaid period, made either by the worker or by the employer before the expiration of the said period. Every decision given by the District Man-power Officer for the purposes of this paragraph shall be by way of a refusal to extend the said period, or by an extension of the said period by such number of working-days or to such specified date as, in the circumstances of the case, the District Man-power Officer thinks proper. Every such decision shall be communicated in writing by the District Man-power Officer to the employer and to the worker or to the several workers affected thereby.
- (5) Except where the employment of a worker by an employer engaged in an essential undertaking is with the consent in writing or by the direction of the District Man-power Officer, it shall be the duty of every such employer to give to the District Man-power Officer

in respect of every person who at any time hereafter completes a continuous period of full-time employment in the undertaking extending over eight days (including Sundays and holidays) a notice in writing specifying the full name and residential address of the worker, the age of the worker (in the case of a worker under twenty-one years of age), the date on which he commenced work, and the work or class of work on which he is usually employed in the undertaking. The notice hereby required to be given in respect of any worker shall be given within fourteen days after the commencement of his employment in the undertaking.

14. All applications made to a District Man-power Officer for the purposes of this Part of these regulations shall be in writing, and shall contain all such particulars as may be reasonably necessary to enable that Officer to arrive at a proper decision. The decision of the District Man-power Officer shall be communicated in writing to the employer and to the worker affected by the decision.

15. All decisions of a District Man-power Officer made for the purposes of this Part of these regulations shall be subject to an appeal to a Man-power Appeal Committee in accordance with the provisions in that behalf of Part VI of these regulations.

16. If any direction given by the Minister in accordance with Regulation 28 hereof or given by a District Man-power Officer in accordance with Regulation 33 hereof is given to or in respect of a worker employed in an essential undertaking in accordance with the foregoing provisions of this Part of these regulations, the obligations imposed on the worker by the said Regulation 28 or Regulation 33, as the case may be, shall, subject to appeal in accordance with Part VI of these regulations, prevail over any rights or obligations conferred or imposed on the worker by this Part.

#### APPLICATION OF THIS PART OF THESE REGULATIONS TO GOVERNMENT UNDERTAKINGS

17. (1) Any undertaking for the time being carried on by any Department of State may be declared to be an essential undertaking within the meaning of this Part of these regulations, and all the provisions of these regulations as to essential undertakings shall bind the Crown in respect of that undertaking.

(2) Any declaration made for the purposes of this regulation may be made in respect of a specified Department or of specified Departments, or may be made in respect of all Departments (with or without exception) under the same control. Any such declaration may exempt from the operation thereof the holders for the time being of any specified offices or the holders of offices of any specified class. Any two or more Departments to which any declaration made for the purposes of this regulation relates may, in accordance with the terms of that declaration, constitute a single undertaking.

#### PART IV.—INDUSTRIAL ABSENTEEISM

18. In this Part of these regulations, unless the context otherwise requires,—

“Controller” means a Controller for the time being in office as a Controller, whether under the Supply Control Emergency Regulations 1939\* or under any other emergency regulations :

\* Statutory Regulations 1939, Serial number 1939/131, page 599.

“Ordinary working-hours”, in respect of any worker engaged in any undertaking to which this Part applies, includes all working-hours for which the worker is not entitled to claim any overtime rates of payment :

“Prescribed working-hours”, in respect of any worker engaged in any undertaking to which this Part applies, includes all ordinary working-hours, and, in any case where the worker is obliged to work additional hours by virtue of a notice given by the Minister of Labour or by any Controller or by a District Man-power Officer, acting pursuant to the powers in that behalf conferred by Regulation 20 hereof, includes all such additional hours :

“Week” means a period of seven days ending at midnight on any Saturday.

#### APPLICATION OF THIS PART

19. (1) Except as provided in the next succeeding subclause this Part of these regulations shall apply with respect to all employers and workers for the time being engaged in—

(a) Any undertaking that is for the time being an essential undertaking within the meaning of Part III of these regulations :

(b) Any other undertaking to which this Part is for the time being applicable by virtue of a declaration made by the Minister pursuant to subclause (3) hereof.

(2) Nothing in this Part of these regulations shall apply with respect to any workers to whom the provisions of subclause (4) of Regulation 13 hereof are for the time being applicable.

(3) The Minister may from time to time, by notice published in the *Gazette* and in such other manner, if any, as he thinks fit,—

(a) Declare any undertaking specified in the notice to be an undertaking to which this Part of these regulations applies :

(b) Declare undertakings of a class specified in the notice (with or without exception) to be undertakings to which this Part of these regulations applies.

(4) Any notice given by the Minister pursuant to this regulation may be at any time in like manner amended or revoked.

(5) Any notice under this regulation may be given in respect of any undertaking for the time being carried on by any Department of State.

#### WORKING-HOURS IN UNDERTAKINGS TO WHICH THIS PART APPLIES

20. (1) The Minister of Labour may from time to time, by notice given in such manner as in the circumstances he deems adequate, direct in respect of any undertaking to which this Part applies and in respect of the workers or of any of the workers for the time being employed therein, that the undertaking shall be operated and that the workers shall be bound to work for times to be specified in the notice or to be determined in accordance with the notice.

(2) Any notice under this regulation may be given in respect of a specified undertaking, or may be given in respect of undertakings of a specified class (with or without exception). Any such notice may be at any time amended or revoked by the Minister of Labour.

(3) Any notice given under this regulation with reference to the operation of any undertaking may require that the undertaking shall be operated—

- (a) During specified hours or for a specified number of hours in any specified day or specified days; or
- (b) During specified hours or for a specified number of hours in any specified week, or in each and every week during any specified period or until further notice.

(4) Any notice given under this regulation with reference to the workers for the time being employed in any undertaking may require any specified worker or specified workers, or workers of any specified class, if and whenever work is available for them in the undertaking, to work in the undertaking—

- (a) During specified hours or for a specified number of hours in any specified day or specified days; or
- (b) During specified hours or for a specified number of hours in any specified week, or in each and every week during any specified period or until further notice.

(5) In respect of any undertaking within an industry for which a Controller has been appointed, and in respect of the workers employed in any such undertaking, the powers conferred by this regulation upon the Minister of Labour may be exercised by that Controller to the like effect as if they had been exercised by the said Minister.

(6) If, in the opinion of a District Man-power Officer, any work should be carried out urgently or without interruption and time does not in his opinion permit of the exercise by the Minister of Labour or by a Controller of the powers conferred by this regulation, the District Man-power Officer, for the purpose of ensuring that the work is done as and when required, may exercise any of the powers conferred on the said Minister by this regulation, to the like effect as if they had been exercised by that Minister:

Provided that no direction shall be given by any District Man-power Officer pursuant to this subclause except with respect to work required to be done on the day on which the direction is given or within three days thereafter.

(7) Any notice given for the purposes of this regulation may, notwithstanding anything to the contrary in any Act or regulations, or in any award or agreement, be given in respect of any Sunday or holiday.

(8) Nothing in this regulation shall be construed to affect any powers conferred on any person otherwise than by this Part of these regulations to require the production of any goods or services, or to require any employer to provide work, or to require any worker to work at any time in any undertaking.

#### OFFENCES BY OWNERS OR MANAGERS OF UNDERTAKINGS SUBJECT TO THIS PART

21. If any undertaking to which this Part of these regulations is for the time being applicable is not operated to the full extent during all ordinary working-hours, or is not operated during any other hours to the extent required to give effect to a direction given by the Minister of Labour or any Controller or District Man-power Officer, acting in accordance with the last preceding regulation, the owner or

owners of the undertaking, or if the undertaking is owned by a company, the company, its directors, and the manager or other person having charge of the operations of the undertaking, shall be severally guilty of an offence against these regulations unless in any such case the defendant in any proceedings proves that failure to operate the undertaking to its full extent, or, as the case may be, to the extent required to give effect to any direction as aforesaid, was due to causes beyond his control.

#### OFFENCES BY WORKERS EMPLOYED IN UNDERTAKINGS SUBJECT TO THIS PART

22. (1) If at any time while work is available for any worker employed in any undertaking to which this Part applies, the worker absents himself from work without leave or without reasonable excuse at any time during his prescribed working-hours, he shall be deemed to have committed an offence against these regulations and, subject to the provisions of Regulation 46 (3) hereof, shall be liable accordingly.

(2) Without limiting the foregoing provisions of this regulation it is hereby declared that if any worker at any time during his prescribed working-hours attends a "stop-work" meeting he shall be deemed to have committed an offence against these regulations unless he proves that the holding of the meeting and his attendance thereat were authorized by the provisions of an award or industrial agreement or other agreement for the time being in force in respect of the undertaking in which the worker is employed, or that his attendance at the meeting was previously authorized by or on behalf of his employer.

23. (1) If any person employed in any undertaking to which this Part applies fails to perform his work with due diligence, or wilfully or negligently fails to exercise proper skill and care in the performance of his work, or wilfully or negligently fails to comply with any reasonable rules, instructions, or directions made or given for ensuring the safe or efficient operation of the undertaking, he shall be deemed to have committed an offence against these regulations.

(2) Any offence alleged to have been committed against this regulation may be reported in writing by or on behalf of the employer to the District Man-power Officer, who shall forthwith investigate the allegation. If, after investigation, the District Man-power Officer is of opinion that an offence against this regulation has been committed and that the circumstances warrant further action being taken against the worker, he shall report the matter to the Man-power Appeal Committee.

(3) On receipt of the report of the District Man-power Officer, the Man-power Appeal Committee shall proceed to consider the matter and shall give to all interested parties an opportunity of appearing before it and being heard. If, after consideration, the Committee is satisfied that an offence has been committed, it shall either direct that a deduction be made from the wages of the worker in accordance with Regulation 24 (2) hereof or authorize the taking of judicial proceedings against the worker.

(4) No judicial proceedings shall be taken in respect of any offence against this regulation except with the authority of the Committee communicated in writing to the District Man-power Officer.

## DEDUCTIONS FROM PAY FOR UNAUTHORIZED ABSENCES FROM WORK OR OTHER OFFENCES

24. (1) Where any worker employed in an undertaking to which this Part applies has been habitually or persistently absent from work during any part of his prescribed working-hours, or has absented himself from work without leave for the whole or the greater part of any shift or for all or the greater part of the prescribed working-hours in the forenoon or the afternoon of any day, the employer (unless he is satisfied that the worker had a reasonable excuse for his absence or unless during the period of such absence there was no work or there was not sufficient work available for the worker) shall forthwith report the matter to the appropriate District Man-power Officer and, if directed by the District Man-power Officer so to do, shall deduct from the wages of the worker in respect of any week during which the worker has been absent from work as aforesaid an amount not exceeding the equivalent of two days' pay (exclusive of social security charge and national security tax).

(2) Where any worker is alleged to have committed an offence against Regulation 23 hereof and the matter has been reported to the District Man-power Officer, in accordance with that regulation, the employer, if directed by the Man-power Appeal Committee so to do, shall deduct from the wages of the worker in respect of the alleged offence an amount not exceeding the equivalent of two days' pay (exclusive of social security charge and national security tax).

(3) All deductions directed or authorized to be made from the wages of any worker pursuant to this regulation shall be computed at the appropriate time-rate as for his ordinary working-hours.

(4) No deduction made pursuant to this regulation from the wages of any worker shall affect the amount of the social security charge or the national security tax for the payment of which the worker is liable, and the amount of the said charge or tax shall be computed as if no deduction had been made under these regulations.

(5) Whenever any deduction from the wages of any worker is made under subclause (1) of this regulation the District Man-power Officer shall give to the worker a statement in writing specifying the amount of the deduction and the grounds upon which the deduction has been made, and notifying the worker of his right of appeal under the next succeeding regulation.

25. (1) Any worker from whose wages any deduction has been made in accordance with subclause (1) of the last preceding regulation may, within seven days after the receipt by him of the statement referred to in subclause (5) thereof, appeal from the deduction by giving to the District Man-power Officer a notice in writing requiring the matter to be referred to a Man-power Appeal Committee in accordance with Part VI hereof.

(2) If, after hearing the appeal, the Committee is satisfied that the absence in respect of which the deduction was made was with leave or with reasonable excuse, or that on the occasion of the absence no work or not sufficient work was available for the worker, or that the amount of the deduction is in excess of an amount deemed by the Committee to be appropriate in the circumstances, it shall authorize a refund to the worker of the amount deducted or of the amount of the excess, as the case may be.

(3) If the Committee is not so satisfied, it shall dismiss the appeal.

26. (1) Notwithstanding anything to the contrary in Regulation 24 hereof, any deduction required to be made from the wages of any worker pursuant to this Part of these regulations shall, if the District Man-power Officer so directs, be made in whole or in part by an employer other than the employer by whom the worker was employed when the occasion for the deduction arose.

(2) Any direction given by the District Man-power Officer for the purposes of this regulation may be given to the employer by whom the worker is for the time being employed or to any former employer in respect of any wages that, being payable to the worker by that employer, have not been paid.

(3) All deductions made pursuant to this Part of these regulations shall be paid by the employer to the credit of a deposit account to be held by the District Man-power Officer.

(4) All refunds made pursuant to the last preceding regulation shall be paid out of the appropriate deposit account.

(5) The District Man-power Officer shall from time to time, as required by official instructions, pay into the War Expenses Account all moneys received by him as deductions from wages pursuant to this Part, less any amounts refunded by him as aforesaid.

27. (1) Any deduction required to be made from the wages of any worker pursuant to this Part of these regulations shall, if practicable, be made at the time of the payment of the residue of the worker's wages for the week in which the employer receives instructions to make the deduction:

Provided that if for any reason any required deduction is not so made it shall be made as soon as practicable from wages thereafter becoming payable by the employer to the worker.

(2) Every employer who fails to make any deduction required to be made pursuant to this Part from the wages of any worker shall be deemed to have committed an offence against these regulations and shall be liable accordingly.

(3) Every employer or other person who, having made any deduction pursuant to this Part from the wages of any worker, disposes of such deduction or of any part thereof otherwise than in accordance with the terms of this Part shall be deemed to have committed an offence against these regulations and shall be liable accordingly.

(4) All amounts deducted as aforesaid and not duly accounted for may be recovered as a debt due by the employer to the Crown.

## PART V.—OTHER OBLIGATIONS IN RESPECT OF INDUSTRIAL SERVICE

## MINISTER MAY DIRECT PERFORMANCE OF NON-MILITARY SERVICES

28. (1) In this regulation, unless the context otherwise requires, the term "person" includes a company or other corporation and also includes a firm or other unincorporated association of persons.

(2) Except as provided in the next succeeding subclause, this regulation shall apply with respect to—

- (a) All persons for the time being resident in New Zealand; and
- (b) Every company or other corporation and every firm or other association of persons for the time being carrying on business in New Zealand or engaged in any other activity in New Zealand.

(3) For the purposes of this regulation a person shall be deemed to be resident in New Zealand if his home is in New Zealand, or if he has arrived in New Zealand (whether before or after the commencement

of these regulations) with the intention of establishing his home in New Zealand or with the intention of remaining in New Zealand for an indefinite period, or if he has remained or remains in New Zealand for a period of not less than three months, or if he is a person for the time being engaged under New Zealand articles on any ship, or if his last employment was under New Zealand articles on any ship.

(4) Nothing in this regulation shall apply with respect to members of any of the armed forces (except the Home Guard), other than members who are for the time being on leave of absence without pay.

(5) If at any time it appears to the Minister to be necessary or expedient in the public interest so to do, he may by notice given in accordance with Regulation 45 hereof direct any person to whom this regulation applies to perform such services as may be specified in the direction or to perform services of a kind or class specified in the direction (not being in any case services outside New Zealand or services as part of any armed force). Any direction given for the purposes of this regulation may be to the effect that the person to whom the notice is given shall continue to perform services of the kind in which he is engaged or employed at the time when the direction is given.

(6) Every general direction given under this regulation shall have effect according to its tenor, notwithstanding that services of the kind specified in the direction may in ordinary circumstances be performed only by persons who are licensed or otherwise specially authorized to undertake or perform such services.

(7) Any direction under this regulation may be given to a specified person, or may be given to persons belonging to a specified class (with or without exception). Any specific or general direction given under this regulation with respect to any person or persons for the time being on leave of absence without pay from the armed forces may be given so as to apply from time to time whenever the person or persons to whom it is given or any person being a member of the class with respect to which it is given is on leave of absence as aforesaid (whether or not any such person to whom the direction applies was on leave of absence without pay when the direction was given).

(8) Any services performed pursuant to a direction given under this regulation shall be performed upon terms as to remuneration that are not less favourable to the worker than are the corresponding terms prescribed by any Act, or by any regulations or orders made under any Act, or by any award or industrial agreement or by any other agreement whatsoever that may be applicable to those services or to similar services.

(9) If no terms prescribed as aforesaid are applicable in respect of any services to be performed under this regulation, the services shall be performed upon such terms as to remuneration as may be prescribed for the purpose by the Minister of Labour.

(10) The Minister of Industrial Man-power may from time to time direct any person to undergo any training prescribed or approved by him for the purpose of fitting that person to perform any services under this regulation.

(11) For the purpose of enabling effect to be given to any direction given to any person under the foregoing provisions of this regulation the Minister may give such orders and directions as he thinks fit to any other person or to persons of any specified class.

(12) Any person who is for the time being subject to any direction given by the Minister for the purposes of this regulation or the corresponding provisions of any former regulations, or the employer of any such person, may at any time apply in writing to the District Man-power Officer for his release from such direction, and in any such case the District Man-power Officer, acting with the authority of the Minister, may, if he thinks fit, release the person concerned either wholly or in part from his obligation to comply with the direction.

(13) All directions given by the Minister or decisions made by the District Man-power Officer for the purposes of the foregoing provisions of this regulation shall be subject to an appeal to a Man-power Appeal Committee in accordance with the provisions of Part VI of these regulations. (*See addition to Amendment No. 2 (Clause 2)*)

(14) Every person commits an offence against these regulations who employs or continues to employ any person so as to prevent or in any way to interfere with the fulfilment by that person of any obligation imposed on him by virtue of any direction given by the Minister pursuant to this regulation, or who employs or continues to employ any person subject to any obligation as aforesaid if the employment of that person is in any way incompatible with his fulfilment of such obligation:

Provided that it shall be a good defence in any proceedings for an offence against this subclause if the defendant proves that he did not know and had no reasonable grounds to suspect that the worker in respect of whose employment the proceedings were taken was subject at any time during the period of his employment to any unfulfilled obligations under this regulation, or that the employment of the worker was incompatible with the fulfilment by the worker of any such obligation.

(15) The provisions of the Occupational Re-establishment Emergency Regulations 1940,\* and of the Suspension of Apprenticeship Emergency Regulations 1939†, shall apply with respect to persons who are at any time transferred in accordance with this regulation from their normal employment in all respects as if those persons had then been called up for service with the armed forces.

(16) The time allowed by the regulations referred to in the last preceding subclause for the exercise by any apprentice or employee of the right to have his contract of apprenticeship revived or of the right to be reinstated in his employment, as the case may be, shall be deemed not to run during any period when the apprentice or employee was employed or engaged subject to any direction given by the Minister under this regulation.

29. (1) This regulation applies with respect to all British subjects who, at any time since the 28th day of April, 1941, and whether before or after the commencement of these regulations, have served as seamen on any ship.

(2) If at any time it appears to the Minister to be necessary or expedient in the public interest so to do, he may, by notice in writing given in accordance with Regulation 45 hereof, direct any person to whom this regulation applies to serve as a seaman on any home-trade or foreign-going British ship:

\* Statutory Regulations 1940, Serial number 1940/291, page 1006.  
† Statutory Regulations 1939, Serial number 1939/154, page 693.

*Revised.  
(See new  
Clause  
in  
Amendment  
No. 2  
(Clause 3)*

Provided that no direction shall be given under this regulation to any person who, in the opinion of the Minister, is more closely connected with any other Dominion or with India than he is with the Dominion of New Zealand or with the United Kingdom.

(3) All directions given by the Minister acting under this regulation shall be subject to an appeal to a Man-power Appeal Committee in accordance with the provisions of Part VI of these regulations.

(4) For the purposes of this regulation the terms "seaman", "ship", "foreign-going ship", and "home-trade ship" have the same meanings respectively as in the Shipping and Seamen Act, 1908.

MINISTER MAY GIVE DIRECTIONS AS TO THE EMPLOYMENT OR THE TERMINATION OF THE EMPLOYMENT OF WORKERS

*See Amendment to Ch. 4 (Clause 4)*  
 30. (1) The Minister may from time to time, by direction given to employers generally or to any specified employer or employers, or to employers of any specified class (with or without exception) direct that no employer to whom such direction is given shall, except with the consent of a District Man-power Officer, engage or attempt to engage any worker whomsoever, or engage or attempt to engage any worker in any specified industry, trade, or occupation, or engage or attempt to engage any worker who is normally or usually engaged in any specified industry, trade, or occupation.

(2) The Minister may from time to time, by direction given to employers generally or to any specified employer or employers, or to employers of any specified class (with or without exception), direct any such employer to terminate the employment of any specified worker or of all or any workers of a specified class, or to cease employing any such worker or workers on any specified work or on work of a specified kind. No action shall lie against the employer for any breach of a contract of service or otherwise if he proves that the breach complained of was due to his compliance with any direction given by the Minister under this subclause.

(3) Within twenty-four hours after the termination by the employer or the worker of the employment of any worker who has been employed by an employer to whom any direction under subclause (1) or subclause (2) of this regulation or under the corresponding provisions of the Industrial Man-power Emergency Regulations 1942 has been given or to whom any such direction is applicable (whether or not the employment of the worker by the employer required the consent of a District Man-power Officer or was with such consent), the employer shall give to a District Man-power Officer a notice in writing containing the following particulars:—

- (a) The full name and residential address of the worker and, in the case of a worker under twenty-one years of age, the age of the worker;
- (b) The class of work on which he was ordinarily engaged by the employer;
- (c) The reason for the termination of the employment; and
- (d) The date on which the worker ceased to be employed by the employer.

(4) All directions of the Minister and all decisions of a District Man-power Officer given for the purposes of the foregoing provisions of this regulation shall be subject to an appeal to a Man-power Appeal Committee in accordance with the provisions of Part VI of these regulations.

MINISTER MAY REQUIRE REGISTRATION OF EMPLOYERS IN SPECIFIED INDUSTRIES

31. The Minister may from time to time, by notice given in such manner as he thinks fit, direct all persons engaged otherwise than as employees in any specified industry, trade, or occupation, or all such persons of any specified class or of specified classes, to register in such manner and to furnish, in a form approved by or acceptable to the Minister, such information and particulars in relation to any work of a kind usually undertaken by them or in relation to any work actually undertaken by them as the Minister may from time to time require.

REGISTRATION OF PERSONS AVAILABLE FOR EMPLOYMENT

32. (1) The Minister may from time to time, by notice given in such manner as he thinks fit, direct all persons of any specified class or of specified classes, whether normally engaged in any occupation or not, to register for employment with the nearest District Man-power Officer or with any other specified official. Every person who, having been called up for service with the armed forces, is for the time being on leave of absence without pay because he has been classified as being medically unfit for service or because his obligation to serve has been duly postponed shall be deemed to have registered under this regulation, and if any such person is included in a class to which a notice under this regulation relates it shall not be necessary for him to fill in any form of application for registration pursuant to this regulation, or to take any other steps towards his registration unless he is expressly required so to do by further notice given by the Minister or by notice given by a District Man-power Officer.

(2) Any person, not being a person to whom a notice under the last preceding subclause applies, may, by leave of the District Man-power Officer, voluntarily register in accordance with this regulation as if he were required to register by the terms of a notice under this regulation.

(3) If any direction given by the Minister under subclause (1) hereof is given by public notice, it shall be the duty of every employer to ascertain with respect to every person employed or thereafter becoming employed by him—

- (a) Whether or not the direction applies to such person; or
- (b) If the direction applies to such person, whether or not it has been complied with.

(4) If default is made by any employee in complying with any direction given by the Minister as aforesaid, it shall be the duty of his employer forthwith to report the default to the District Man-power Officer.

(5) In the event of a change of name, by marriage or otherwise, or of the residential or other postal address or of the occupation or employment of any person for the time being registered under this regulation, the person concerned shall forthwith give notice in writing to the District Man-power Officer of his or her new name, address, occupation, or employment, as the case may be. Any such notice may be delivered at the office of the District Man-power Officer, and if not so delivered shall be sent by registered letter addressed to that Officer at his office.

(6) It shall not be lawful for any employer to terminate the employment of any person employed by him on the ground that such person has been registered or is required to be registered in accordance with this regulation.

(7) Forms of application for registration under this regulation shall be made available at such places as the Minister may from time to time determine, and the Minister shall from time to time as occasion requires give all necessary directions as to the particulars to be furnished and as to the procedure to be followed in effecting registration.

#### COMPULSORY EMPLOYMENT OF REGISTERED PERSONS

33. (1) Every person registered under the last preceding regulation shall, as required by the District Man-power Officer, continue in or undertake such employment or training for employment as that Officer may direct, and shall continue in such employment or training for such period as the said Officer may require. For the purpose of enabling effect to be given to any direction under the foregoing provisions of this subclause, the District Man-power Officer may require any employer or other person to continue or to undertake the employment or training of any person to whom such direction relates, or as the case may require, to continue or to undertake both the employment and training of any such person.

(2) Any person who is for the time being subject to any direction given by the District Man-power Officer for the purposes of this regulation or the corresponding provisions of any former regulations, or the employer of any such person, may at any time apply in writing to the District Man-power Officer for his release from such direction, and in any such case the District Man-power Officer, if he thinks fit, may release the person concerned either wholly or in part from his obligation to comply with the direction.

(3) The provisions of subclauses (8) and (9) of Regulation 28 hereof (as to the rates of remuneration of persons employed under that regulation) shall, so far as applicable, apply with respect to persons for the time being employed or being trained for employment in accordance with this regulation.

(4) All directions and decisions given or made by a District Man-power Officer for the purposes of this regulation shall be subject to an appeal to a Man-power Appeal Committee in accordance with the provisions of Part VI of these regulations.

(5) ~~Every person commits an offence against these regulations who employs or continues to employ any person so as to prevent or in any way to interfere with the fulfilment by that person of any obligation imposed on him by virtue of any direction given by the District Man-power Officer pursuant to this regulation, or who employs or continues to employ any person subject to any obligation as aforesaid if the employment of that person is in any way incompatible with his fulfilment of such obligation:~~

Provided that it shall be a good defence in any proceedings for an offence against this subclause if the defendant proves that he did not know and had no reasonable grounds to suspect that the worker in respect of whose employment the proceedings were taken was subject at any time during the period of his employment to any unfulfilled obligations under this regulation, or that the employment of the worker was incompatible with the fulfilment by the worker of any such obligation.

*See Amendment  
No. 2  
(Clause 5)*

*Revised  
See Amendment  
No. 2  
(Clause 6)*

(6) The provisions of the Occupational Re-establishment Emergency Regulations 1940\* and of the Suspension of Apprenticeship Emergency Regulations 1939† shall apply with respect to persons for the time being employed or being trained for employment in accordance with this regulation in the same manner in all respects as if those persons had been called up for service with the armed forces.

(7) The time allowed by the regulations referred to in the last preceding subclause for the exercise by any apprentice or employee of the right to have his contract of apprenticeship revived or of the right to be reinstated in his employment, as the case may be, shall be deemed not to run during any period when the apprentice or employee was employed or engaged subject to any direction given by the District Man-power Officer under this regulation.

#### COMPLIANCE WITH LAW AS TO COMPULSORY UNIONISM

34. (1) Every person who is for the time being employed in accordance with the provisions of Part III of these regulations or in accordance with Regulation 28, Regulation 29, or Regulation 33 hereof shall, while so employed, be deemed to be a member of the appropriate industrial union of workers (if any), as if he had duly applied for and been admitted to membership of the union:

Provided that this subclause shall not apply with respect to any person who, by virtue of any award or industrial agreement for the time being in force under the Industrial Conciliation and Arbitration Act, 1925, or by virtue of section 18 of the Industrial Conciliation and Arbitration Amendment Act, 1936, may be lawfully employed by any employer in the position or employment in which he is in fact employed notwithstanding that he is not a member of an industrial union of workers.

(2) If any person to whom the last preceding subclause applies refuses or fails to pay any entrance fee or subscription or other moneys due by him to the union, the secretary of the union or of the appropriate branch of the union or any person authorized in that behalf by the executive committee of the union or branch may request the District Man-power Officer to require the employer to deduct the amount from the wages of the person concerned, and in any such case the District Man-power Officer, if he is satisfied that the amount is due or owing in respect of a period during which the worker was subject to the regulations referred to in the last preceding subclause or to the corresponding provisions of any former regulations, and that the secretary or other authorized person has made at least two demands in writing for the payment of the amount due before having recourse to the special provisions of this subclause, shall, by writing under his hand, direct the employer to deduct the amount from the wages of the worker concerned and to pay it to the secretary or other authorized person.

(3) It shall be the duty of every employer to whom any such direction is given to comply with the direction, and, unless otherwise specified in the direction, the necessary deduction shall be made from the first wages thereafter becoming payable to the worker.

(4) Any direction given for the purposes of this regulation may be given to the employer by whom the worker is for the time being employed, or may be given to any former employer in respect of any wages that, being payable to the worker by that employer, have not been paid.

\* Statutory Regulations 1940, Serial number 1940/291, page 1066.  
† Statutory Regulations 1939, Serial number 1939/154, page 683.

## PART VI.—APPEALS TO MAN-POWER APPEAL COMMITTEE

35. (1) Where any direction or decision given or made for the purposes of these regulations is subject to an appeal to a Man-power Appeal Committee, any person who is directly concerned therewith may, within seven days after it has been delivered or communicated to him, appeal therefrom by giving notice in writing to the nearest District Man-power Officer requiring the matter to be referred to a Man-power Appeal Committee for rehearing.

(2) Forthwith upon receipt of any such notice the District Man-power Officer shall refer the matter to a Man-power Appeal Committee for rehearing, and the Committee, on the completion of the rehearing, shall give in writing such directions on the matter as it thinks fit, and such directions shall be final:

Provided that if the Controller has reason to believe that the determination of the Committee has been obtained by fraud or that any new and material evidence is available he may refer the matter back to the Committee for further rehearing in whole or in part, and in any such case the Committee may cancel, confirm, or vary its former decision in respect of the matter so referred to it.

(3) A copy of the directions of the Committee, under the hand of the Chairman of the Committee, shall be forthwith furnished by the Committee to every person directly concerned with the appeal (including in every case the worker or workers to whom the appeal relates).

(4) If the notice of any appeal is not given within the time limited in that behalf by subclause (1) hereof the Man-power Appeal Committee shall not hear the appeal unless it is satisfied that the failure to give the notice within the time so limited was occasioned by mistake or by some other reasonable cause.

36. (1) All appeals to a Man-power Appeal Committee under these regulations shall be heard in public unless the Committee is of opinion in any case that, in the public interest, the appeal should, in whole or in part, be heard in private.

(2) Adequate notice of the hearing of an appeal shall be given by or on behalf of the Committee to the parties to the appeal and also to the District Man-power Officer.

(3) At the hearing of any appeal the District Man-power Officer shall have the right to examine witnesses and to address the Committee.

(4) Any employer or worker, being a party to any appeal, and being a member of an industrial union or other association of employers or an industrial union or other association of workers, may be represented thereat by an officer of the union or association appointed by the employer or worker for the purpose.

(5) Whether or not the provisions of the last preceding subclause are applicable in any case, any party to an appeal under these regulations may appear in person at the hearing of the appeal or may be represented thereat by a barrister or solicitor.

(6) Except as expressly provided in these regulations, every Man-power Appeal Committee shall determine its own procedure at the hearing of appeals.

37. (1) Where any worker employed in an essential undertaking, within the meaning of Part III of these regulations, loses time in consequence of an appeal under these regulations, and the decision of the Man-power Appeal Committee is in favour of the worker, the employer shall, if the Committee so directs, pay to the worker, in

respect of the time so lost, either the amount that the worker would have earned during that time or so much thereof as the Committee may determine.

(2) Where any appeal by a worker as aforesaid is against the termination of his employment with the permission of the District Man-power Officer, any time during which the worker was unemployed or was employed at a reduced rate of wages between the termination of his employment and the re-engagement of the worker (if he is in fact re-engaged) or (where the worker is not re-engaged by the employer) between the termination of his employment and the determination of the appeal, shall be deemed to be time lost by the worker in consequence of the appeal.

(3) ~~Any moneys payable to a worker pursuant to this regulation shall be deemed to be wages due and payable by the employer to the worker, and may be recovered in the same manner as wages payable in accordance with an award or industrial agreement.~~

*Revised  
See  
Amendment  
No. 1  
Clause 5 (1)*

38. The pendency of any appeal shall in no way suspend the obligations imposed on the appellant by or by virtue of the direction or decision appealed from, except so far as any such suspension may be expressly allowed to the appellant by writing under the hand of a District Man-power Officer.

## PART VII.—MISCELLANEOUS

39. (1) There may be paid out of moneys appropriated by Parliament for the purpose to the members of any Man-power Appeal Committee, Advisory Council, or Advisory Committee appointed under these regulations, not being officers of the Public Service, such remuneration by way of salary, fees, or allowances and such travelling allowances and expenses as may from time to time be directed or approved by the Minister of Finance, either generally or in respect of any particular person or class of persons.

(2) All such travelling allowances and expenses shall be payable in accordance with the Travelling-allowance Regulations 1941,\* and those regulations shall for the purposes of this regulation be deemed to be incorporated in these regulations.

40. The Minister or the Controller, or any District Man-power Officer acting with the authority of the Minister or the Controller, may from time to time require any person to furnish in writing any information or particulars that may be required for the purposes of these regulations.

41. (1) If any person submits or claims, on medical grounds, that he should be allowed to terminate his employment, or to change the nature thereof, or that he should be exempted, in whole or in part, from any obligations imposed on him by or by virtue of these regulations, the Minister or the Controller, or the Man-power Appeal Committee, or the District Man-power Officer acting with the authority of the Minister or the Controller, may require him to submit himself for medical examination by a medical practitioner or by any two or more medical practitioners, to be nominated for the purpose by the Minister or the Controller.

(2) If any person refuses or fails to submit himself for medical examination as aforesaid he shall be deemed to have committed an offence against these regulations, and, on any appeal to a Man-power Appeal Committee under Part VI of these regulations, he shall not be allowed, except with the consent of the Committee, to give or to call any evidence relating to his state of health.

\* Statutory Regulations 1941, Serial number 1941/149, page 480.

42. (1) Any District Man-power Officer or any person authorized in writing in that behalf by a District Man-power Officer may, for the purposes of these regulations, enter upon and inspect any premises during ordinary or extended working-hours or business hours or at any other reasonable time, may interview any persons for the time being thereon or therein, and may demand the production of any books or other documents relating to any matters with which these regulations are concerned, and may make copies of or extracts from any such books or documents.

(2) For the purpose of ensuring compliance with these regulations or with any orders or directions given thereunder, any constable, or any District Man-power Officer, or any person acting with the written authority of the Controller or of a District Man-power Officer, may, on production of sufficient evidence of his office or authority, question any person whom he finds in any public place, as defined by section 40 of the Police Offences Act, 1927, as to his name, or place of residence, or occupation, or age, or as to his obligations or exemption from obligation under these regulations or under any such order or direction as aforesaid. Any constable may, pending further inquiry, arrest without warrant or detain any person whom he suspects to have given any false or misleading information in answer to any question put to him for the purposes of this subclause, or who refuses or fails to answer any such question.

(3) Any District Man-power Officer or any person authorized in writing in that behalf by a District Man-power Officer may, for any purpose in connection with these regulations, require any person to appear before the District Man-power Officer or before any authorized person as aforesaid, to produce any books or other documents for inspection, and to answer any questions or to furnish any information that may be required by the District Man-power Officer or by such authorized person.

43. (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 attached 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 directly conferred on him by these regulations and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this regulation shall be presumed to be acting in accordance with the terms of the delegation unless and until the contrary is proved.

(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 personal exercise of those powers by the Minister or by that other person.

44. (1) Any written notice, order, direction, restriction, requirement, or other instrument given, granted, or made by the Minister or any person authorized in that behalf under these regulations shall

be sufficiently authenticated if it is signed by the Minister or authorized person or by any person on behalf of and by direction of the Minister or authorized person, as the case may be.

(2) Every instrument purporting to be signed by or on behalf of the Minister or any person authorized in that behalf shall, in the absence of proof to the contrary, be deemed to have been duly signed by or on behalf of and by direction of the Minister or authorized person, as the case may be.

45. (1) The Minister or any person authorized in that behalf may give public notice of the exercise of any of his powers under these regulations or of any order, direction, restriction, requirement, or condition given or imposed by him under these regulations, and all persons shall be bound thereby.

(2) For the purposes of these regulations, except where otherwise specially provided, the term "public notice" means a notice published in the *Gazette* or in a newspaper circulating in the locality in which the matter of the notice arises or to which it relates.

(3) The Minister or any person authorized in that behalf may, without public notice, give notice to any person of any such order, direction, restriction, requirement, or condition, and every person to whom notice is so given shall be bound thereby.

(4) Except where otherwise specially provided, any notice required to be given to any person for the purposes of these regulations may be given by causing it to be delivered to that person, or to be left at his usual or last known place of abode or business or at the address specified by him in any application, notice, or other document received from him by the Minister or authorized person, or to be posted in a letter addressed to him at that place of abode or business or at that address.

(5) If any such notice is sent to any person by registered letter it shall be deemed to have been delivered to him when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

(6) Every notice under these regulations shall take effect on the date when it is published or given, or on such later date as may be specified in that behalf in the notice.

(7) Any notice given under these regulations may be at any time varied or revoked by a subsequent notice.

46. (1) In addition to the offences specifically created by the foregoing provisions of these regulations, every person commits an offence against these regulations who—

- (a) Without lawful justification or excuse acts in contravention of or fails to comply in any respect with any provision of these regulations or of any order, direction, restriction, requirement, or condition given or imposed under these regulations;
- (b) Wilfully deceives or attempts to deceive any District Man-power Officer or any Man-power Appeal Committee in the exercise of any powers or functions under these regulations;
- (c) With intent to deceive, makes any false or misleading statement in or any material omission from any communication with or application to the Minister or any other person (whether in writing or otherwise) for the purposes of these regulations:

- (d) Resists, obstructs, or deceives any person who is exercising or attempting to exercise any power or function under these regulations :
- (e) Offers any bribe or other unlawful or improper inducement to any person with intent to influence him in the exercise of any powers, duties, or functions under or for the purposes of these regulations :
- (f) Being an employer or the servant or agent of an employer, or a fellow-worker, victimizes or attempts to victimize any worker with intent to deter the worker from exercising any right of appeal under these regulations, or to deprive the worker of the benefit of the result of any such appeal, or of any other right or privilege conferred by or by virtue of these regulations, or with intent to induce the worker to take steps to procure the termination of his employment :
- (g) Being a worker, behaves towards his employer or a fellow-worker, or being an employer, behaves towards any worker, in a threatening, insulting, embarrassing, or offensive manner with intent to induce the employer to take steps for the termination of the employment of the same or any other worker, or to induce any worker to take steps for the termination of his own employment.

(2) Every person who commits an offence against these regulations shall be liable on summary conviction,—

- (a) In the case of an individual, to imprisonment for a term not exceeding three months or to a fine not exceeding £50 and (if the offence is a continuing one) to a further fine not exceeding £5 for every day during which the offence continues :
- (b) In the case of a company or other corporation, to a fine not exceeding £200 and (if the offence is a continuing one) to a further fine not exceeding £20 for every day during which the offence continues.

(3) No proceedings shall be taken under this regulation against any worker for an offence against Regulation 22 hereof (other than an offence arising out of attendance at a "stop-work" meeting or an offence arising out of failure to comply with a direction given in accordance with Regulation 20 hereof) unless on at least two occasions deductions from the wages of the worker have been directed to be made pursuant to Regulation 24 hereof or the corresponding provisions of any former regulations, and, where there has been an appeal from any such deduction, the appeal has been dismissed.

(4) Where in any proceedings against a worker for an offence against Regulation 22 hereof, the worker pleads that the absence from work in respect of which the proceedings have been taken was by leave of his employer or with reasonable excuse, the burden of proving that he had obtained leave or the existence of such reasonable excuse, as the case may be, shall be on the defendant.

(5) Section 50 of the Justices of the Peace Act, 1927, shall not apply with respect to any prosecution for an offence against these regulations.

*Revised  
See  
Amendment No. 2  
Clause (2)*

47.

*See new additions  
Clause in Amendment  
No. 1.  
Clause 5(i)*

## SCHEDULE

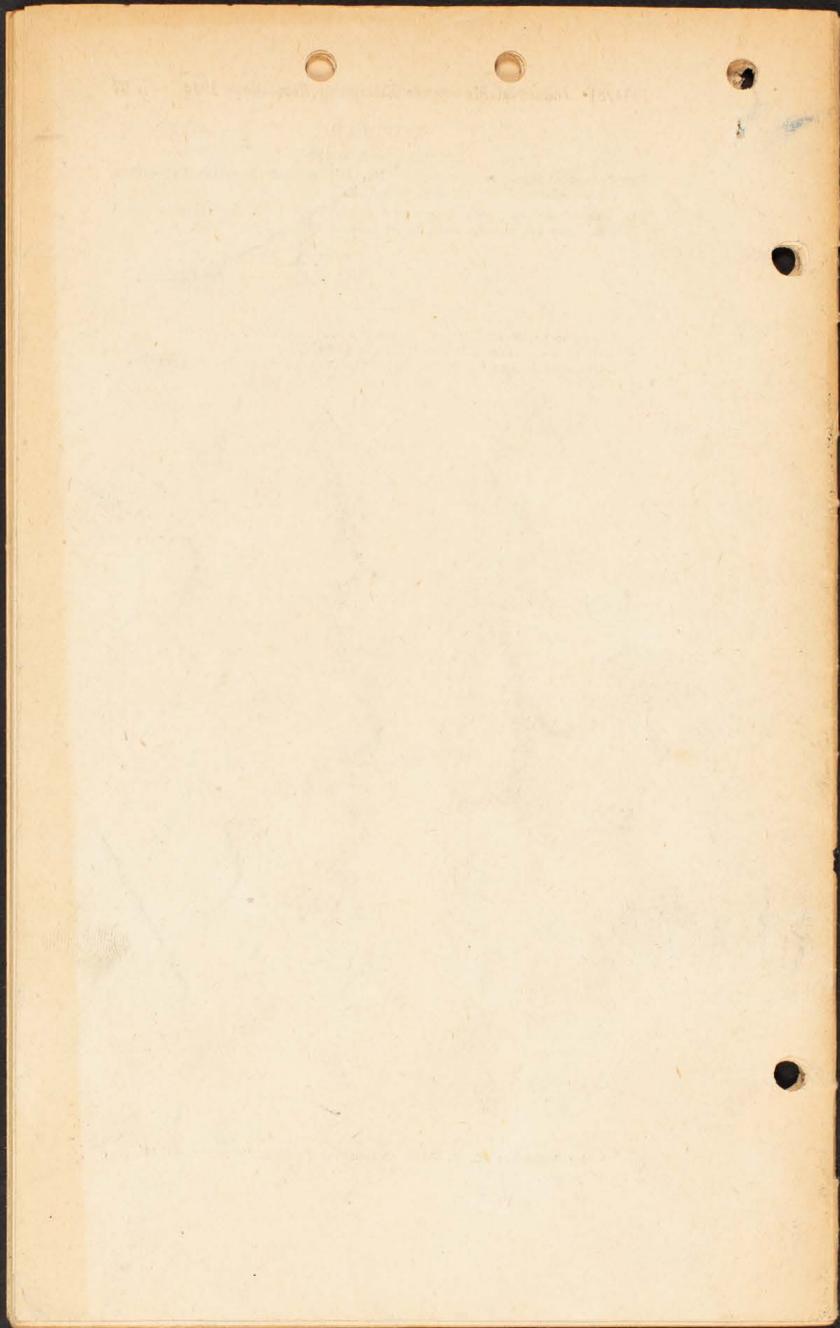
## REGULATIONS REVOKED

THE Industrial Man-power Emergency Regulations 1942 (Statutory Regulations 1942, Serial number 1942/296, page 714).

The Industrial Man-power Emergency Regulations 1942, Amendment No. 1 (Statutory Regulations 1943, Serial number 1943/61, page 127).

C. A. JEFFERY,  
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette* : 3rd day of February, 1944.  
These regulations are administered in the Department of National Service.



AK/M.115362

NATIONAL SERVICE DEPARTMENT (MANPOWER DIVISION),  
P.O.Box 1484, AUCKLAND.

3rd August, 1944.

MEMORANDUM for:

The Inspector,  
Dredger "Hapai",  
Auckland Harbour Board,  
AUCKLAND C.1.

Re: Basil WIGGINS.

Further to correspondence already exchanged, it is desired to make the situation about the various types of your employees quite clear. The following amplification of my memorandum of the 25th of July is accordingly offered:-

While the consent in writing of this Department is only necessary for the termination of the employment of your essential workers, i.e. those on the permanent staff or on a weekly basis, it is also necessary to notify this office in the case of the termination of the employment of non-essential workers, i.e. labour paid by the hour. Regulation 30 (3) of the Industrial Manpower Emergency Regulations, 1944, sets out the procedure quite clearly.

*Received by Mr. M. D. G. & handed in by him for filing  
Dist. 4/8/44*

*C. M. G.*  
DISTRICT MANPOWER OFFICER.



AK/M. 115362

NATIONAL SERVICE DEPARTMENT (MANPOWER DIVISION),  
P.O. Box 1484, AUCKLAND.

25th July, 1944.

26-7-44.

MEMORANDUM for:

The Inspector,  
Dredger "Hapai",  
Auckland Harbour Board,  
AUCKLAND C.1.

*copy of reply*  
We have been instructed to inform manpower  
of all cases of men leaving the A.H.B. employ.  
Wiggins was engaged as a casual but had  
been with us over four months. He was an  
ordinary labourer and paid by the hour.  
John McIntyre.

Re: Basil WIGGINS.

Further to correspondence already exchanged about the  
above-named, his employment with your Board was essential only if he  
was on the permanent staff or was a weekly employee. If he was an  
ordinary labourer paid by the hour the permission of this Department  
was not necessary in connection with the termination of his services.

Will you please advise me of the capacity in which Wiggins  
was employed in your Board.

*Cessius*  
DISTRICT MANPOWER OFFICER.

Particulars : \_\_\_\_\_ Amount : \_\_\_\_\_

Full name of wife : \_\_\_\_\_ Age : \_\_\_\_\_

Verified at Pensions Department : \_\_\_\_\_

10. Length to date of present period of residence in New Zealand : 1 1/2 years \_\_\_\_\_ months.

11. Has applicant or wife any money invested in business or otherwise ? \_\_\_\_\_

Particulars : \_\_\_\_\_ Income : \_\_\_\_\_

(State whether proprietor or shareholder, investor in bonds, &c.)

12. Has applicant or wife any moneys deposited in P.O. Savings-bank or any other bank or institution ? \_\_\_\_\_

Particulars : \_\_\_\_\_ Amount : \_\_\_\_\_ Interest earned each year : \_\_\_\_\_

13. Has applicant or wife any investments in property or leases of any description ? \_\_\_\_\_

Particulars : \_\_\_\_\_

(State whether real estate, motor-car, radio, &c.)

Government valuation : \_\_\_\_\_ Equity : \_\_\_\_\_ Cost of instalments : \_\_\_\_\_

Rates : \_\_\_\_\_ Insurance : \_\_\_\_\_ Total outgoings : \_\_\_\_\_

Rents received : \_\_\_\_\_ Total outgoings actually being paid : \_\_\_\_\_

14. If renting a house, what is rental ? \_\_\_\_\_ What rent is actually being paid ? \_\_\_\_\_

Is rent paid to date ? \_\_\_\_\_ If not, amount of arrears : \_\_\_\_\_

15. What rental is being received from subletting portion of house ? \_\_\_\_\_

16. Are boarders kept ? \_\_\_\_\_ (a) Number : \_\_\_\_\_ (b) Weekly amount paid by each : \_\_\_\_\_

17. Is applicant a waterside worker or casual goods-shed hand ? \_\_\_\_\_

18. If applicant in receipt of rations or relief supplementary to ordinary relief work, what is value ? \_\_\_\_\_

Source : \_\_\_\_\_ *Initials*

19. Condition of garden : \_\_\_\_\_

20. State from whom particulars were obtained : \_\_\_\_\_

21. Any special remarks regarding circumstances of applicant : \_\_\_\_\_

*camp at Pongāhau - camp closed 8/6/51. no income - no property - bank accepts cash - no room at home at 5/- per week*

Date : 17-6-51

Inquiry Officer.

INSTRUCTIONS TO FOREMEN & INSPECTORS

ENGINEER'S OFFICE,

To The Foreman of Works & Timekeeper

Date..... 4th August, 1944.

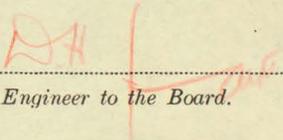
Subject INDUSTRIAL MANPOWER EMERGENCY REGULATIONS, 1944,  
AND SUBSIDIARY ORDERS.

Herewith please find stencilled copy of letter received from the District Manpower Officer by the Employers' Association, setting out the obligations of employers in regard to the Industrial Manpower Emergency Regulations, 1944, and Subsidiary Orders.

Please study this carefully and see that all obligations are rigidly observed.

<u>Also to:</u>	Mr. S. Edwards,	No.14078
	Mr. J.R. Sutton,	No.14080
	Mr. B. Wylie,	No.14079.

Encl: 1.

  
.....  
Engineer to the Board.

To THE HOUSEHOLDER

POSTAGE  
PAID.

## MEASURES OF MAN-POWER CONTROL IN NEW ZEALAND

Will you please keep this pamphlet. It is issued by the Industrial Man-power Division of the National Service Department to set out clearly the ways in which wartime man-power control may affect you. It deals with control measures as they stand in July, 1944.

### EFFECTS OF WAR ON MAN-POWER

Every one will appreciate that when our men in large numbers leave their jobs to fight for our country's freedom, a great hole is left in the ranks of industry. Our industrial front line is left much thinner and weaker than in normal times. That industrial front line, however, is most vitally important. Industries have to supply the fighting men with food, clothing, equipment, comforts, &c., on a tremendous scale. Our industries have also to maintain supplies to the bomb-scarred but undaunted people of Great Britain. Without supplies, the military front line would fail; the unbroken resistance and the gigantic war production of Britain could not go on. With far fewer men than in peacetime, our industries must therefore

do a bigger job. The fighting men depend on that job being done just as much as we depend on their job being done. We must produce record quantities of war supplies and food; we must produce the raw materials and the fuel and power to keep our industries going at peak; and we must still continue to look after the sick and wounded, and also ourselves—provide food, clothes, transport to work, &c., for ourselves while we carry on with the job.

All these things must be done on the industrial front, and with fewer hands to do them. This is obviously impossible without the most careful and far-reaching reorganization.

### THE MAN-POWER DIVISION'S JOB

The Man-power Division has had to carry out this reorganization. Its job is to see that our industrial front line, inevitably thin and sometimes straining almost to breaking-point, holds fast; to see that it receives reinforcements. As the situation changes from day to day and pressure increases on this and that point, reinforcements must be sent to those points. We all know, however, that the mere sending of reinforcements will not save a line from breaking unless they arrive at the right time and place and, once there, can be relied upon to stand fast. Moreover, no number of

reinforcements can save a line if those already manning it desert. To keep this industrial front line from breaking requires measures of control. There must be measures to ensure that those already there stand fast and that movements of personnel into or out of the line are orderly and not panicky or helter-skelter. There must be measures to find sufficient reinforcements and to direct them effectively. ABOVE ALL, THERE MUST BE LOYAL CO-OPERATION BY ALL TO SECURE THESE OBJECTIVES.

### MAN-POWER OFFICES

Man-power Offices, each with a Man-power Officer in charge, have been set up in Whangarei, Auckland, Hamilton, Paeroa, Rotorua, Gisborne, Napier, New Plymouth, Wanganui, Palmerston North, Masterton, Lower Hutt, Wellington, Nelson, Blenheim, Westport, Greymouth, Christchurch, Ashburton, Timaru, Oamaru, Dunedin, Invercargill. The Man-power Officer and his staff are not

there merely to carry out measures of control. They are there to help you to a clear understanding of any points of doubt and to assist you in any difficulties. If you have any man-power doubts or difficulties, seek the help of the Man-power Office, either by interview or by letter. Proper appreciation of your rights and obligations will save many misunderstandings and irritations.

### ESSENTIAL UNDERTAKINGS

Industries or individual undertakings in which it has become particularly necessary to hold or reinforce the industrial front line have been declared essential. Where an industry as a whole is declared, each undertaking in the industry becomes separately an essential undertaking. All declarations are published in the *N.Z. Gazette*, but, apart from this, the employer in any essential undertaking must display an official notice of the declaration. (Copies of this notice can be obtained from the Man-power Officer if they have not already been obtained.) Any false claim to essentiality is an offence subject to severe penalties.

Sometimes declarations apply only to part of a business or to certain classes of work. If there is any doubt regarding the application of a declaration to any particular undertaking or class of work, seek the advice of the Man-power Officer.

*All Workers, irrespective of Age, are affected.*—Every one working in an essential undertaking (man, woman, or child) is subject to the following conditions. Failure to comply with any of them is an offence subject to severe penalties.

*Employment cannot be terminated* by either the worker or the employer without first obtaining the written consent of the Man-power Officer. (A

## ESSENTIAL UNDERTAKINGS—continued

Man-power Officer cannot ante-date his consent.) For the convenience of workers and employers, forms of application for consent to terminate are available at the Man-power Office (form N.S. 122 for workers and form N.S. 122a for employers). The Man-power Officer's decision on any application is subject to appeal by either the worker or the employer. The Man-power Officer's consent is subject to at least seven days' notice being given, unless it contains any special clause authorizing shorter notice. Written notice is desirable.

**No other Employer may employ** a worker who, without consent, leaves an essential undertaking, unless special permission to engage such a worker is first obtained. Employers engaging labour must always check this point.

**A Worker may not be loaned** to any other undertaking, nor be permitted to give his services to that other undertaking, for more than fourteen days (and then only to meet an emergency) except by consent of the Man-power Officer. This applies even where the other undertaking is operated by the same employer.

**In Cases of Serious Misconduct** an employer may suspend (but not dismiss) a worker. The employer must immediately report the suspension to the Man-power Officer (form N.S. 126 is available for this purpose). The Man-power Officer may then either direct the dismissal of the worker as from the date of suspension, or direct that the worker's employment be terminated with due notice, or direct that the worker be reinstated. Any direction that a worker be reinstated means that he must be continued in exactly the same position, unless the direction specifically states otherwise. Where a worker is reinstated, the Man-power Officer may, if he thinks fit, direct that he be paid wages for part or all of the time he was suspended. The Man-power Officer's decision regarding any suspension for serious misconduct is subject to a right of appeal by either the worker or the employer.

**Minimum Weekly Wage.**—Provided a worker continues to be available for work, capable of work, willing to perform any reasonable work if his usual work is not available and complies with the other conditions laid down, he is entitled to a minimum weekly wage (irrespective of whether the employer has given him work to do) for every week of his employment in an essential undertaking until that employment is terminated by the Man-power Officer or Appeal Committee. The amount of the minimum weekly wage and the full conditions governing a worker's claim to it are set out in the Minimum Weekly Wage (Essential Undertakings) Order No. 2. This Order is administered by the Labour Department.

**Transfers of a Worker by the Employer from Usual Work to other Work** in the same undertaking are subject to the following conditions:—

If the transfer is to be permanent and involves any reduction in the rate of wages, the employer must first obtain the written consent of the Man-power Officer. Both the employer and the worker have a right of appeal against the Man-power Officer's decision.

If the transfer is to higher-paid work, temporary or permanent, the employer does not require consent, but the worker has a right of appeal against the transfer.

The duration of a "temporary" transfer is not defined, but the employer at the time

of transfer should give the worker written advice that it is temporary only and should indicate its approximate duration. In general terms, a transfer lasting more than one month is regarded as permanent, unless there is satisfactory evidence to the contrary.

In all other cases the employer may transfer the worker for not more than one month, and may transfer him only if his usual work is not available or if the transfer is to work of greater urgency. During the period of transfer the worker must be paid his usual rate of wages, or the rate for the work to which transferred, whichever is the higher. It is the duty of the worker to do other work if required when his usual work is not available.

The employer does not require consent of a Man-power Officer to reinstate a worker in his usual work at the conclusion of a temporary transfer to other work, nor is there any right of appeal against such reinstatement.

**The Rate of Wages for a Worker's Usual Work may not be reduced** except where, after suspension for serious misconduct, the Man-power Officer or Appeal Committee has directed reinstatement in lower-paid work, or where the Man-power Officer has given written consent to a permanent transfer to lower-paid work.

**The Usual Work** of a worker includes all the tasks which he would be required to perform under the terms of his contract of employment. If that contract of employment (award, &c.) provides for the worker to be paid different rates while performing different tasks forming part of his usual work, then his rate of wages at any particular time is the rate appropriate to the task which he is at that time performing. A worker's rate of wages for any period when he is not performing his usual work is deemed to be the highest rate applicable to his usual work.

**Exempted Persons.**—Persons engaged in an essential undertaking as full-time workers are exempt from the conditions covering essential undertakings until the eighth day of continuous employment. They may leave or be put off at any time during the first seven days of employment without reference to a Man-power Officer—e.g., a worker engaged on a Tuesday comes under man-power control on the following Tuesday, which is the eighth day. **THIS DOES NOT APPLY, HOWEVER, TO PERSONS WHO ARE DIRECTED TO ESSENTIAL EMPLOYMENT.**

Part-time workers who regularly work less than thirty hours a week are also exempt.

A Man-power Officer may also grant special exemption to workers engaged only for a particular job of short duration but lasting more than seven days. The employer should apply to the Man-power Officer where such exemption is required.

**Prescribed Working-hours.**—Unless he is prevented by reason of causes outside his own control, the employer is required to provide work for his workers during the whole of the weekly working-hours prescribed for the undertaking. These prescribed hours are the full hours to which ordinary rates apply, together with any extra hours which the employer is directed to work by the Minister of Labour or any Controller or a Man-power Officer.

## ESSENTIAL UNDERTAKINGS—continued

**Absence from Work without Leave or Reasonable Excuse** during prescribed working-hours (including persistent lateness or early leaving) is an offence for which the Man-power Officer can fine the worker up to two days' wages. The worker has a right of appeal. Upon repetition, the offence becomes liable to prosecution. Employers are required to report all absence without leave or

reasonable excuse (form N.S. 146 is available for the purpose).

**Failure to work with Due Diligence.**—Failure to exercise proper skill and care, and failure to comply with legitimate instructions or rules, are offences which can be dealt with either by the deduction of up to two days' wages or by prosecution.

## REGISTRATION ORDERS

Registrations are the means of mobilizing reinforcements for the industrial front line. Although any one of any age may be directed, the usual practice is to register groups of people, interview them and ascertain their circumstances, and then issue directions to those thus found available and suitable. The following broad groups have been required to register for work of national importance. Failure to register is an offence subject to heavy penalties.

Every registered person must notify the Man-power Officer of any change of address, and women marrying must notify change of name on marriage.

**Men aged 46 to 59 inclusive.** (The military registration of men aged 18 to 45 inclusive is deemed to be sufficient registration for direction to work of national importance.)

**Women aged 18 to 40 inclusive.** Women over 24 years of age are not required to register if they

have children under 16 years who are directly under their care.

**Male Aliens aged 18 to 45 inclusive.** (Male aliens 46 to 59 inclusive are required to register in the men's group noted above.)

**Girls reaching the Age of 18 Years** are required to register then, except full-time students at school or university, who must register on attaining the age of 20 years or as soon as they leave school or university if leaving before that age.

**Occupational Registrations.**—In addition to the above age registrations, persons with experience or qualifications in the following occupations have had to register: Building and construction workers; metal and allied trades' workers; timber-workers; scientists and technicians. Fuller details are available at any Man-power Office.

## DIRECTION OF PERSONS BY MAN-POWER OFFICERS

Man-power Officers have power to direct any person, male or female, of any age. It should be particularly noted that this power of direction is not limited to persons in registered groups, but extends to every one, male or female, irrespective of age. It extends also to British and New Zealand seamen and to companies, corporations, firms, &c. A Man-power Officer can direct any individual or any firm, &c., either to continue to perform the work or services already being performed or to perform such work or services as may be directed. All directions are subject to appeal by the person directed or by the employer who as a result of the direction will lose that person's services.

**Directions must be complied with** (even though an appeal has been lodged), unless the Man-power Officer agrees in writing to suspend the direction order. Failure to comply with any direction is an offence subject to heavy penalties.

**Variations or Cancellations of Directions.**—A person who is working under direction may, where any change in circumstances warrants, apply to the Man-power Officer to have the direction order cancelled or modified. The person so applying and the current employer of that person both have a right of appeal against the Man-power Officer's decision.

**Separation Allowance to Directed Persons.**—A married man directed to work away from his home and having as a result to maintain a home

in one place while finding accommodation for himself in another may apply to the Man-power Officer issuing the direction for payment of a separation allowance of £1 10s. per week or alternatively for assistance in meeting the costs of transporting his family and effects to the new place of work.

**Financial Assistance to Directed Persons.**—Where, through complying with a direction, a person has to sacrifice an assured permanent weekly income for a lower income in the new work, that person may apply to the Man-power Officer for financial assistance. Assistance is not available where employment was terminating or had terminated at the time of direction or to persons such as seasonal workers who regularly change from one employment to another. The amount of assistance in any week is limited, and is computed on actual remuneration immediately prior to direction, excluding overtime and special payments. Full details are available at any Man-power Office.

**The Occupational Re-establishment Emergency Regulations** apply to persons under direction in the same way as if those persons were serving in the Armed Forces during the period of direction. These give the directed person a claim in appropriate circumstances to return to his or her former employment when the period of direction expires.

## RESTRICTIONS ON ENGAGEMENT OF LABOUR

Engagements of labour are governed by Employment Restriction Orders, full details of which can be obtained, if necessary, from any Man-power Office. Broadly speaking, no employer may engage or attempt to engage any labour

without first obtaining written consent from the Man-power Officer, except where the labour is for farm work, market-gardening, war work, coal-mining, professional care of the sick, or work not exceeding three days. The

### RESTRICTIONS ON ENGAGEMENT OF LABOUR—*continued*

applies in all cities and adjoining urban areas, and in twenty-eight other boroughs throughout New Zealand.

Any breach of these restrictions is an offence subject to heavy penalties. A form (N.S. 144) is available for applications for consent to engage

labour. The worker concerned and the employer seeking to engage him may both appeal against the Man-power Officer's decision.

**All Employers subject to Restriction Orders** must notify the Man-power Officer immediately of all terminations of employment.

### APPEALS AGAINST MAN-POWER OFFICERS' DECISIONS

As has been indicated, a right of appeal exists against certain decisions or directions. Any such appeal must be lodged within seven days with the Man-power Officer who issued the decision or direction. If an appeal is not lodged within the seven days, it will not be granted a hearing unless the Appeal Committee is satisfied that there was some special reason for the delay in lodging it. A form (N.S. 124) which may be used for lodging appeals is available at all Man-power Offices.

**Only the Parties directly concerned** with a decision or direction (the worker and the employer) have a right of appeal. An appeal must be lodged over the signature of the actual person appealing, unless lodged by a solicitor on behalf of that person or by a parent or guardian on behalf of a person under 21 years of age.

Appeals are heard by Man-power Appeal Committees, whose decisions are final. At a hearing the parties directly concerned have a right to

appear in person and to be represented by an officer of any industrial union or association to which they belong (employers' or workers') or by a barrister or solicitor.

**Decisions or Directions of the Man-power Officer must be complied with**, even though an appeal has been lodged, unless the Man-power Officer consents to a suspension of the decision or direction until after the appeal has been heard.

Where a worker succeeds in an appeal, the Committee may direct that he be paid for all or part of any time lost pending or during the hearing of the appeal.

**If New and Material Evidence becomes available** after an appeal has been heard, or if there is reason to believe that the decision of the Committee was obtained by fraud, the matter may be represented directly to the Controller of Man-power, Wellington, who, if he is satisfied, may direct a rehearing of the appeal.

### OTHER POINTS OF NOTE

**Compliance with the Law regarding Compulsory Unionism.**—In normal times the obligation is placed on an employer to see that persons employed by him belong to an appropriate industrial union of workers in all cases where compulsory union membership applies, and he is able to meet this obligation through his freedom of choice in engaging workers or by his ability to dismiss those who fail to comply. Where measures of wartime control limit the employer's action in these respects, it has been necessary to take some alternative step to ensure fulfilment of the law. This has been done by deeming every person employed in an essential undertaking or working under direction to have complied with his obligations under the compulsory-unionism law in so far as it may require him to join a union and remain a member of it. If the trade-union makes two unsuccessful written demands for payment of union fees from such a member and there is no valid ground for the worker to dispute his obligation under the compulsory-unionism law, the Man-power Officer may direct the employer to deduct the fees due from wages and pay them to the trade-union.

**Powers to interview Persons and enter Premises.**—Man-power Officers and police constables have authority to enter public or private premises and to question persons as to their fulfilment of man-power obligations. Persons refusing to answer

questions or giving false information may be detained by the police. Man-power Officers also have power to direct persons to report for interview. Failure to comply with such a direction is an offence subject to heavy penalties.

**Dentists Employment Order.**—This Order prohibits any registered dentist from changing or extending his employment or practice without first securing written consent from a Man-power Officer. Man-power Officers act in consultation with the National Dental Committee. Full details are available from any Man-power Office. Failure to comply with the Order is an offence subject to heavy penalties.

**Medical Examinations.**—Where a person seeks release from man-power obligations for health reasons, a medical certificate should be submitted, preferably from that person's own doctor. The doctor must furnish the certificate on a special form which has been provided for the purpose, and no other form of certificate will be accepted. If, despite such a certificate, the Man-power Officer or Appeal Committee is not satisfied or feels that further medical evidence is desirable, the person can be directed to report to a special Medical Board or to an independent doctor for examination. Where a medical examination is so directed (but not in other cases), the expense is borne by the Department.

### CONCLUSION

You appreciate fully the need for a reasonable control over industrial man-power in wartime. On its part, the Man-power Division appreciates its need for your co-operation. It has been necessary to institute wartime controls which may affect you in various ways. In drawing up and administering these controls every effort has been made to guard reasonable rights, to avoid undue hardship, and to give every person the democratic

right to appeal to an independent tribunal if necessary. This will have become apparent to you as you studied this pamphlet. We are one great industrial war team. As such we have our rules and our umpires. It is never the rules that win, but the way in which you and all the other members of this team understand those rules, abide by them, and co-operate with good will and steadfastness in accomplishing our present great task.

1st August, 1944.

H. L. BOCKETT, Controller of Man-power.

*W. Trust*  
*Copies sent to: Please file*  
*D. of works & Timekeeper (S)*  
*Electrician*  
*J.R. Sutton*  
*B. Wright*  
*Auth.*  
*11/8/44.*

AUCKLAND PROVINCIAL EMPLOYERS' ASSOCIATION  
(Incorporated)

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RE INDUSTRIAL MAN-POWER EMERGENCY REGULATIONS 1944  
AND SUBSIDIARY ORDERS

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The following letter received from the District Man-power Officer is circulated for the information of members.

W.E. ANDERSON,  
Secretary.

National Insurance Building, O'Connell Street,  
Auckland, C.I.

P.O. Box 1040.

15th May 1944.

Phone: 32-266.

NW.

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GUIDE TO OBLIGATIONS OF EMPLOYERS

1. The Regulations are administered by the District Man-power Officer who has control over all man-power and woman-power, irrespective of age, apart from serving members of the Armed Forces, so that any employer wishing to engage or dismiss workers must conform with the requirements of the Regulations, even though the persons concerned are outside the age groups of those required to register.

GENERAL OBLIGATIONS PLACED ON ALL EMPLOYERS WHETHER OR NOT  
THE PARTICULAR UNDERTAKING HAS BEEN DECLARED ESSENTIAL

2. Before engaging any worker, male or female, for casual, part-time or full-time employment, an obligation is placed on all employers to:-

(a) Check on registration for employment. Ascertain whether all employees liable to do so have registered for work of national importance by viewing the receipt for such registration. In general the groups required to register are:-

Females who have attained the age of eighteen years but not reached forty-one years.

Males who have attained the age of eighteen years but not reached sixty years.

Males of military age (18 - 46) should be able to show a Certificate of Enrolment, Form N.S.3, or documentary evidence of discharge or other disposal by the Armed Forces.

Any worker who has failed to register must be reported forthwith to the District Man-power Officer.

(b) Enquire regarding previous employment. Make all reasonable enquiries whether the candidate for employment has been previously engaged in an essential undertaking and, if so, that he (or she) has obtained the necessary clearance from a District Man-power Officer (Form N.S. 123) and whether or not he (or she) is subject to any unfulfilled direction from a Man-power Officer.

(c) Obtain written permission to employ the worker. All employers operating in the cities and principal boroughs are covered by the Employment Restriction Order No. 4, which requires that before engaging or employing any person, irrespective of age or sex, and whether for full-time or part-time work, the employer must obtain the prior permission in writing of the District Man-power Officer.

This requirement applies to both essential and non-essential undertakings.

(over)

2.  
(Industrial Man-power Emergency  
Regulations 1944)

The procedure is for the employer to make written application, which should wherever possible, be delivered to the Man-power Office by the prospective employee. After the candidate for employment has been interviewed at the Man-power Office, a written decision will be given which the employer must keep as his evidence of authority to engage.

Casual workers. Casual workers are those whose total period of service at a time does not exceed three days, but where an arrangement exists for periodic employment the worker cannot be classed as a casual worker even though the individual periods of employment are less than three days. Casual workers may be engaged without obtaining prior permission from the District Man-power Officer.

(d) Record particulars concerning workers. For their own information and in case the particulars are called for at any time, employers are recommended to record the following particulars in respect of every worker employed:

- (a) Full name.
- (b) Date of birth.
- (c) Private address. (this should be kept up to date).
- (d) Previous employment and reason given for termination thereof.
- (e) Social Security Contribution Book Number and Certificate of Enrolment number where applicable.
- (f) Date of Man-power Officer's authorisation to engage.
- (g) Date of commencing work.

SPECIAL OBLIGATIONS - UNDERTAKINGS NOT DECLARED ESSENTIAL

3. (a) A worker in a non-essential undertaking may leave or be dismissed without prior reference to the District Man-power Officer; EXCEPT where the worker has been directed by the District Man-power Officer to work for the employer, in which case permission must be obtained in writing before the worker can leave or be dismissed.

(b) Within twenty-four hours of the termination of the employment of any worker whether the employee leaves of his own free will or is dismissed, the following details must be notified in writing by the employer to the District Man-power Officer.

- (i) Full name, residential address, and age of worker.
- (ii) Class of work he was ordinarily engaged upon.
- (iii) Reason for termination.
- (iv) Date he ceases work.

This notice must be forwarded, irrespective of whether or not permission was granted to employ the worker. A form N.S. 203 is available for notifications.

(c) It is an offence for any person to represent that an undertaking has been declared essential when it is not covered by a declaration of essentiality.

SPECIAL OBLIGATIONS - ESSENTIAL UNDERTAKINGS

4. (a) Essential undertakings are those that have actually been declared essential by the Minister of Industrial Man-power and either:-

(i) Have a certificate to that effect from the Controller of Man-power, or

(ii) Come within the scope of a general declaration covering the whole or part of an industry, in which case a copy of poster N.S.129 issued by a Man-power Office, should be displayed.

3. (Industrial Man-power Emergency Regulations 1944)

A declaration of essentiality may cover part only of an undertaking. The employer must display the certificate or a copy, or a notice thereof in a conspicuous part of the premises so that it can be seen by workers employed therein who are covered.

(b) Engaging workers. Prior permission in writing must be obtained from the District Man-power Officer before engaging any workers for employment in the areas covered by the Employment Restriction Order, i.e. cities and principal boroughs (see Paragraph 2 (c)). (Where a worker is engaged outside the area covered by the Employment Restriction Order, and is to work outside that area in an essential undertaking, the employee may be engaged without the prior permission in writing of the District Man-power Officer provided the worker is not in default in his obligations. In this case as soon as the worker has completed a period of service extending over a continuous period of eight days (including Sundays and holidays) the employer must notify the District Man-power Officer in writing within fourteen days of the date of engagement, the full name, residential address, age, and occupation of the worker and the date he commenced work).

(c) Directed workers. Workers may be directed by the District Man-power Officer to undertake either full-time or part-time employment in the undertaking and the worker is IMMEDIATELY covered by the Regulations i.e. he cannot leave or be dismissed without written permission and the worker and the employer commit an offence if they fail to comply with the direction or with any other obligation under the Regulations.

(d) Part-time workers are those who are:-

- (i) Engaged as part-time workers, and
- (ii) Are regularly available for part only of the ordinary working hours prescribed in the undertaking, and
- (iii) Whose regular weekly working hours are less than thirty.

The absenteeism clauses do not apply to part-time workers.

(e) Termination of employment.

(i) Part-time workers other than "directed" workers (see Paragraph 4 (c)) may leave or be dismissed, subject to award conditions, without prior reference to the District Man-power Officer but within twenty-four hours of the termination of employment written advice of the following details must be forwarded to the District Man-power Officer.

- (a) Full name, residential address and age of worker.
- (b) Class of work he was ordinarily engaged upon.
- (c) Reason for termination of employment.
- (d) Date he ceases work.

(ii) Short service workers: Where permission has been granted to employ a worker and the worker's total period of service (including any notice in terms of the industrial award applying) does not extend over a continuous period of eight days (including Sundays and holidays), he may leave or be dismissed, subject to award conditions, without prior reference to the District Man-power Officer, but within twenty-four hours written advice must be given as in (i) above.

(iii) Full-time workers. At least seven days notice of intention to terminate is required on both sides, but termination does not become effective until written permission has been given by the District Man-power Officer, who may reduce or extend the requisite period of notice.

*See also Amendment No. 1  
Serial No. 1944/141  
Important*

(over)

4.  
(Industrial Man-power Emergency  
Regulations 1944)

It is an offence for the worker to cease work or for the employer to pay off the worker until permission is received, even though the period of notice may have expired. Workers who terminate their employment without permission must be reported promptly to the District Man-power Officer.

Form N.S. 122 is provided for applications by workers, and Form N.S. 122A for employers' applications.

On grounds of serious misconduct the employer may suspend a worker, in which case a full written notice of the circumstances must reach the District Man-power Officer within twenty-four hours from the time the suspension becomes effective. The case will be adjudicated promptly and the Man-power Officer's decision given in writing.

SERIOUS MISCONDUCT. There is no definition of this term, but in the majority of cases it would be serious misconduct if a worker were detected in the commission of a crime specified in the Crimes Act 1908 or a serious offence under the Police Offences Act 1927, drunkenness during working hours, sabotage, any conduct designed to cause serious injury to fellow workers, premises or equipment, or any conduct endangering his fellow workers or members of the public. What is serious misconduct must depend on the particular circumstances which may vary from one undertaking to another.

Absenteeism or misbehaviour (see (g) and (h) below) will not in general be accepted as serious misconduct justifying suspension.

(f) Appeals. Any person who is directly concerned therewith may appeal against decisions or directions of a District Man-power Officer, but it must be noted that the lodging of an appeal does not suspend the obligations which are the subject of appeal unless the suspension is allowed IN WRITING by the District Man-power Officer.

Appeals must be lodged within seven days with the District Man-power Officer, who will forward them to the Man-power Appeal Committee for hearing.

(g) Absenteeism. Workers who are habitually or persistently late or absent without leave or without reasonable excuse, for the whole or greater part of a morning or afternoon, or a shift, should be reported promptly to the District Man-power Officer, who has authority to fine defaulters up to two days' pay.

The employer commits an offence if he fails to report those cases where no reasonable excuse for absence is offered. The absenteeism clauses do not apply to part-time workers.

(h) Misbehaviour. Any person employed in an essential undertaking who fails to work with due diligence or wilfully or negligently fails to exercise proper skill or fails to comply with any reasonable rules for ensuring the safe or efficient operation of the undertaking, may be reported to the District Man-power Officer who, if he is satisfied that an offence has been committed, will refer the matter to the Man-power Appeal Committee. The Committee may either fine the worker up to two days' pay or may authorise a prosecution of the worker.

(i) Lending of workers. It is an offence for an employer unless with the prior permission in writing of the District Man-power Officer to lend employees to another undertaking (whether essential or not) except in case of emergency and then only for a period not exceeding fourteen days at any one time and not exceeding twenty-one days within any period of three months.

5.

(Industrial Man-power Emergency  
Regulations 1944)

(j) Transfer of workers. Generally, except with the prior permission in writing of the District Man-power Officer, workers may not be transferred from one position to another within the undertaking involving a change in the nature of the employee's work, unless the transfer is to work carrying a higher time rate of wages.

(k) Compulsory Unionism. Persons employed in essential undertakings are required to be members of the appropriate industrial union of workers. If the worker defaults in the payment of Union dues the District Man-power Officer may order the employer to deduct any outstanding amounts from the worker's wages for payment to the Union.

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No. ARMED FORCES APPEAL BOARD

NATIONAL SERVICE DEPARTMENT

MANPOWER DIVISION.

P.O.Box 1484,  
AUCKLAND C.1.

13th April, 1944.

Mr.Noel C.Kidd,  
Crane Driver,  
c/- Auckland Harbour Board,  
Auckland C.1.

Dear Sir,

It has been brought to my notice that on 28th March you refused to work a crane from 11.45a.m. to 1p.m. when instructed to do so by the Crane Foreman, and you also refused to work from 1p.m. to 2p.m. on the same date.

Your action in refusing duty caused a delay to a steamer and brought you within the scope of the Penal Clauses provided for in the Industrial Manpower Emergency Regulations, 1944.

However, it has since been ascertained that you had important family business to attend to during your lunch hour - 12 noon to 1p.m. - and in view of these circumstances, no further action will be taken in this instance, but you will be well advised to place the National interests above your private affairs in future.

*(Dear Sir to be returned by him 17.4.44)*

Yours faithfully,

District Manpower Officer

The Superintendent & Engineer,  
Harbour Board,  
AUCKLAND C.1.

Dear Sir,

Your memoranda of 30th March and 4th inst.

Above for your information.

Yours faithfully,  
*[Signature]*  
District Manpower Officer.

most desirable that actions of this sort should not pass unchallenged, and I shall be glad if your Department will take steps to bring home to the man in question the seriousness of his action. I may state that, in more normal times and but for the Manpower Regulations, action of the nature taken by Kidd would be met by termination of his employment.

Yours faithfully,

SUPERINTENDENT & ENGINEER.

The District Manpower Officer,  
AUCKLAND, C.1.

4th April, 1944.

Dear Sir:

Re: NOEL CAMERON KIDD,  
APPEAL NO. 6005 A,  
DATE OF GAZETTE 20/1/42,  
REGISTRATION NO. 560007.

Since writing to you re the above man under date 30th March, it has been brought to my notice that Kidd had important family business which he had arranged to attend to in the ordinary lunch hour 12 - 1 p.m. on 28th March.

Had he disclosed this fact to the Crane Foreman instead of peremptorily refusing to work, every effort would have been made to release him. I have interviewed Kidd, who now realizes that his attitude was wrong, and while a letter from you to Kidd would assist in bringing home to him the necessity for greater co-operation, I would not ask you to take more drastic steps under the circumstances.

Yours faithfully,

DH:AML.

SUPERINTENDENT & ENGINEER.

The Board extends this privilege (whenever possible) in an earnest endeavour to give adequate rest and time for recuperation to the individual drivers prior to the change over from day to night shift, but a few of the drivers abuse this privilege and, in spite of the mutual understanding that in emergency their services shall be available, refuse to render such service.

In the case in question, on 28th March, 1944, Kidd was instructed by the Crane Foreman at 11.45 a.m. that he would be required to work until 1 p.m. He refused to do so, and the Crane Foreman thereupon instructed him to return to duty at 1 p.m. to work until 2 p.m., which would have enabled the Crane Foreman to have fulfilled the Board's obligation to staff the cranes then working on ships. Kidd again refused to comply with this order with the result that, no spare driver being available, the ship (S.S. "BALTRAFFIC") was delayed in her cargo-handling operations.

In addition to the delay thus caused, there is the serious aspect of the effect of this class of action on other crane drivers, some of whom are all too ready to follow the leadership of those who will not co-operate in the prosecution of essential work. It is most desirable that actions of this sort should not pass unchallenged, and I shall be glad if your Department will take steps to bring home to the man in question the seriousness of his action. I may state that, in more normal times and but for the Manpower Regulations, action of the nature taken by Kidd would be met by termination of his employment.

Yours faithfully,

SUPERINTENDENT & ENGINEER.

30th March, 1944.

The District Manpower Officer,  
AUCKLAND, C.1.

Dear Sir:

N. C. KIDD, 3 NGATIWA ST., OWAIRAKA, AUCKLAND, S.2.

The above man has been employed as an electric crane driver by the Auckland Harbour Board for the past 3½ years, and has been released from military service as the result of appeals made by the Board because of the urgency of cargo-handling operations, in which the Harbour Board crane drivers play an important part.

There is very considerable difficulty in organising the crane driving employees so as to meet shipping requirements, as cargo-handling operations proceed throughout the day and night. The number of crane drivers required for the night shift (10.30 p.m. to 7 a.m.) is unpredictable from day to day, and an endeavour is made to release crane drivers who are to commence working on the night shift by noon on the same day, and the Board continues to pay such drivers as if they had worked until 5 p.m. It is frequently impossible, however, to release the men so far in advance as noon, and there is an agreement between the Board and the crane drivers that they shall continue to work after noon and until it is possible to release them.

The Board extends this privilege (whenever possible) in an earnest endeavour to give adequate rest and time for recuperation to the individual drivers prior to the change over from day to night shift, but a few of the drivers abuse this privilege and, in spite of the mutual understanding that in emergency their services shall be available, refuse to render such service.

In the case in question, on 28th March, 1944, Kidd was instructed by the Crane Foreman at 11.45 a.m. that he would be required to work until 1 p.m. He refused to do so, and the Crane Foreman thereupon instructed him to return to duty at 1 p.m. to work until 2 p.m., which would have enabled the Crane Foreman to have fulfilled the Board's obligation to staff the cranes then working on ships. Kidd again refused to comply with this order with the result that, no spare driver being available, the ship (S.S. "BALTRAFFIC") was delayed in her cargo-handling operations.

In addition to the delay thus caused, there is the serious aspect of the effect of this class of action on other crane drivers, some of whom are all too ready to follow the leadership of those who will not co-operate in the prosecution of essential work. It is most desirable that actions of this sort should not pass unchallenged, and I shall be glad if your Department will take steps to bring home to the man in question the seriousness of his action. I may state that, in more normal times and but for the Manpower Regulations, action of the nature taken by Kidd would be met by termination of his employment.

Yours faithfully,

SUPERINTENDENT & ENGINEER.

Auckland Harbour Board.

MEMORANDUM

ELECTRICIAN'S OFFICE

29th MARCH

19 44

To

AUCKLAND HARBOUR BOARD.

THE ENGINEER

CRANEMAN N.C.KIDD: 3 NGATIWA STREET, ONEHUNGA S.2.

*During the evening of 28th March Kidd came to work on the vessel at 10:30 pm. He was instructed that he was to work on the vessel at 10:30 pm. He was instructed that he was to work on the vessel at 10:30 pm.*

On Tuesday, 28th March 1944 at 11-45 a.m. the crane-Foreman instructed the above craneman to work between 12 noon and 1 p.m. This he said he could not do. The Foreman then instructed him to operate Crane No 27 at Queens Wharf at 1 p.m. but he failed to report and did not return to work during the afternoon.

Kidd was due to start night shift last night and would, in ordinary course of events, have been sent home at 12 noon, but the crane Foreman was unable to arrange for his relief at that time.

The failure of this craneman, who has been appealed for, to carry out orders, delayed work on a vessel, as he has done on other occasions. I recommend that the matter be reported to the Officer-in-Charge of man-power who will, I understand, send a letter of protest.

*S. Edwards*

CHIEF ELECTRICIAN.

**INSTRUCTIONS TO FOREMEN & INSPECTORS**

Mr. Tackaberry No.13663.

Mr.M.W. Hall, No.13662.

Electrician, No.13661.

ENGINEER'S OFFICE,

To Foreman of Works & Timekeeper

Date 3rd March, 1944.

Subject THE INDUSTRIAL MANPOWER EMERGENCY REGULATIONS, 1944.

With reference to Instructions 11723B and 12155A dated 22nd July, 1942 and 30th November, 1942, respectively, attached please find copy of the Industrial Manpower Emergency Regulations 1944, serial number 1944/8, which revokes regulations as per schedule on Page 27 thereof.

Please peruse these regulations carefully and see that all conditions are rigidly observed insofar as they concern employees covered by the Board's Certificate of declaration of essential undertaking.

*DH*  
.....  
Engineer to the Board.



Auckland Harbour Board

Memorandum

*Auckland, N.Z.*  
3rd March, 1944.

Heads of Departments,  
A.H.B.

Herewith <sup>6</sup>copy of Industrial Man-power Emergency Regulations  
1944, which replaces the existing regulations issued in 1942.

*W.B. Smith*  
SECRETARY.

WBS.MIJ

Serial Number 1942/296



*All amended regulations 1942/8*

**THE INDUSTRIAL MAN-POWER EMERGENCY REGULATIONS 1942**

C. L. N. NEWALL, Governor-General.

**ORDER IN COUNCIL.**

At the Government House at Wellington, this 14th day of October, 1942.

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.**

**PART I.—PRELIMINARY.**

1. (1) These regulations may be cited as the Industrial Man-power Emergency Regulations 1942.

(2) The regulations specified in the Schedule hereto are hereby revoked.

(3) All offices, appointments, Committees, Councils, registers, registrations, enrolments, applications, certificates, forms, orders, directions, declarations, requirements, rules, notices, exemptions, appeals, decisions, and generally 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 if they had originated under the corresponding provisions of these regulations, and accordingly shall, where necessary, be deemed to have so originated. Every Man-power Committee in existence on the coming into force of these regulations shall continue in existence as a Man-power Appeal Committee under these regulations.

(4) For the purposes of this clause references in the regulations hereby revoked to the Minister of National Service and the Director of National Service respectively shall be deemed to correspond to references made in these regulations to the Minister of Industrial Man-power and the Controller of Man-power.

(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, completed, and enforced under these regulations.

(6) The revocation of the said regulations shall not affect the liability of any person for any offence against any of the provisions thereof, and proceedings in respect of any such offence may be taken as if it were an offence against the corresponding provisions of these regulations.

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

“Armed force” means any of His Majesty’s naval, military, or air forces, and includes the Home Guard:

“Controller” means the Controller of Man-power appointed under these regulations, and includes any person for the time being duly authorized to exercise or perform any of the powers or functions of the Controller:

“District Man-power Officer” means a District Man-power Officer appointed under these regulations, and includes any person for the time being authorized by the Minister or the Controller to exercise any of the powers or functions of a District Man-power Officer:

“Man-power Appeal Committee” means a Man-power Appeal Committee appointed under these regulations:

“Minister” means the Minister of Industrial Man-power; and includes any person for the time being authorized to exercise or perform any of the powers or functions of the Minister.

(2) References in these regulations to any regulations cited by their title include references to all subsequent regulations made in amendment thereof or in substitution thereof and for the time being in force.

3. Where by or by virtue of these regulations any obligation is imposed on any person being a member of any armed force his obligations as a member of such force shall, in case of conflicting obligations, prevail over any civil obligation imposed on him by or by virtue of these regulations.

#### PART II.—ADMINISTRATION.

##### MINISTER OF INDUSTRIAL MAN-POWER.

4. These regulations shall be administered by such Minister of the Crown as may from time to time be charged with the administration thereof, and the Minister so charged shall, in relation to his functions under these regulations, be known as the Minister of Industrial Man-power.

##### CONTROLLER OF MAN-POWER.

5. (1) For the purposes of these regulations there shall be an officer of the Public Service to be known as the Controller of Man-power.

(2) In the exercise of his functions under these regulations the Controller of Man-power shall be subject to the control of the Minister.

##### DISTRICT MAN-POWER OFFICERS.

6. There shall from time to time be appointed for the purposes of these regulations, as officers of the Public Service, such number of District Man-power Officers as may be required. Every District Man-power Officer shall for the purposes of these regulations be subject to the control of the Minister and the Controller.

##### MAN-POWER APPEAL COMMITTEES.

7. (1) For the purposes of these regulations there shall be established such number of Man-power Appeal Committees as the Minister from time to time thinks necessary. Every such Committee shall within the scope of its jurisdiction be deemed to be a Commission under the Commissions of Inquiry Act, 1908, and all the provisions of that Act shall apply accordingly.

(2) Each Committee shall be distinguished by such distinctive name as the Minister thinks fit.

(3) Every Committee shall consist of three persons, to be appointed by the Minister and to hold office during his pleasure.

(4) One member of each Committee shall be appointed by the Minister as the Chairman thereof.

(5) Each Committee shall sit at such times and places as may be determined by the Chairman.

(6) No sitting of a Committee shall take place unless all the members of the Committee are present, but the decision of a majority of the members shall be the decision of the Committee.

(7) Except where the procedure to be adopted in proceedings before a Man-power Appeal Committee is expressly provided for by these regulations, every such Committee shall determine its own procedure.

8. (1) The Minister may from time to time appoint such deputy members of any Man-power Appeal Committee as he thinks fit, to hold office during his pleasure.

(2) Any member of a Committee or any deputy member appointed under this regulation may be appointed by the Minister to be the Deputy Chairman of the Committee.

(3) On the occurrence from any cause of a vacancy in the office of Chairman or in the absence of the Chairman the powers and functions of the Chairman may be exercised and performed by the Deputy Chairman. The powers and functions of any other member may, whenever the occasion arises, be exercised and performed by any deputy member.

(4) No act done by a Man-power Appeal Committee sitting with a Deputy Chairman or a deputy member, or done by any such Deputy Chairman or deputy member, shall be questioned on the ground that the occasion for which the deputy was qualified to act had not arisen or had ceased.

##### ADVISORY COUNCILS AND ADVISORY COMMITTEES.

9. (1) For the purpose of assisting in the administration of these regulations, the Minister may from time to time appoint such number of Advisory Councils or Advisory Committees as he thinks fit.

(2) The members of any Advisory Council or Advisory Committee shall hold office as such during the pleasure of the Minister.

(3) Every Advisory Council or Advisory Committee appointed under this regulation shall have such functions in relation to these regulations as the Minister may from time to time determine.

PART III.—MAINTENANCE OF ESSENTIAL INDUSTRIES AND ESSENTIAL UNDERTAKINGS.

10. For the purposes of this Part of these regulations the term "industry" includes any trade, occupation, business, manufacture, work, or service of any kind whatsoever, and the term "undertaking" means a unit or any specified part of a unit of any industry as herein defined.

11. (1) The Minister may at any time declare any industry to be an essential industry or any undertaking to be an essential undertaking for the purposes of this Part of these regulations. The declaration of any industry as an essential industry may be absolute, or may exempt any specified undertaking or any specified class of undertakings within that industry. Any such exemption may be included in the declaration or may be given at any time by public notice or by personal notice to the owners or persons in charge of the undertakings concerned. All undertakings within an essential industry that are not for the time being exempted as aforesaid shall be deemed to be essential undertakings within the meaning of this Part of these regulations.

(2) Every declaration made under the last preceding subclause shall be in writing under the hand of the Minister or of a person for the time being duly authorized to act for the Minister in that behalf.

(3) Where any declaration as aforesaid is made in respect of any specified undertaking, notice in writing shall be given to the owner, or manager, or person in charge or appearing to be in charge of the undertaking and in such other manner, if any, as the Minister thinks fit. Except in the case of specified undertakings as aforesaid, notice of all declarations made under this regulation shall be published in the *Gazette* and may also be published in such other manner, if any, as the Minister thinks fit.

(4) Any declaration or exemption made or given under the foregoing provisions of this regulation may be at any time in like manner amended or revoked.

12. The Minister may issue or cause to be issued, in respect of any essential undertaking, a certificate to the effect that it has been declared an essential undertaking within the meaning of this Part of these regulations. The said certificate shall be served on the owner or manager or person in charge of the undertaking, and it shall be the duty of the person on whom it is served to display the certificate or a copy or notice thereof in a conspicuous part of the premises wherein the undertaking is carried on or, as the case may require, in every separate branch or department where workers are employed, and to keep it so displayed while the certificate

remains in force. If in any case the certificate or a copy or notice thereof cannot be displayed as aforesaid, it shall be displayed in some place where it is likely to be observed by the workers employed in the undertaking.

13. (1) With respect to employment in any essential undertaking the following special provisions shall apply, namely:—

(a) Except with the prior permission in writing of the District Man-power Officer, the employer shall not terminate the employment in the undertaking of any person for the time being employed therein; nor shall he cause or permit any such person to give his services in any other undertaking (whether an essential undertaking or not) except in case of emergency, and then only for a period not exceeding fourteen days at any one time and not exceeding twenty-one days within any period of three months:

(b) Except with the prior permission in writing of the District Man-power Officer, no person for the time being employed in the undertaking shall leave his employment:

(c) In granting permission to an employer or worker to terminate any employment in accordance with paragraph (a) or paragraph (b) hereof, the District Man-power Officer shall specify the earliest date on which the employment may be terminated. Except as hereinafter provided in this paragraph, such permission shall be subject to the condition that not less than seven days' notice of intention to terminate the employment has been given by or on behalf of the employer to the worker, or has been given by the worker to the employer or his representative, as the case may be. Any such notice of intention may be given before or after permission to terminate the employment has been given by the District Man-power Officer. In exceptional circumstances, having due regard to the public interest, the District Man-power Officer may grant permission to terminate any employment as aforesaid without notice, or after such shorter period of notice than seven days as he thinks fit:

(d) Subject to the provisions of this paragraph, any employer may, on the ground of serious misconduct, suspend any worker employed by him in an essential undertaking. Within twenty-four hours after any such suspension has been given effect to, notice in writing of the suspension, with particulars of the alleged misconduct, shall be given to the District Man-power Officer by the employer or person in charge of the undertaking. As soon as possible after receiving the notice of suspension the District Man-power Officer, after making such inquiry as in the circumstances he considers necessary, shall either—

(i) Give directions that the worker be reinstated in the undertaking (but not necessarily in the same position); or

(ii) Decide that (unless both the employer and the worker otherwise agree) the employment of the worker shall be deemed to have been duly terminated when he was suspended.

Every decision given by a District Man-power Officer for the purposes of this paragraph shall be communicated in writing to the worker and also to the employer or his representative and shall, in accordance with the provisions of Part VI hereof, be subject to appeal to a Man-power Appeal Committee:

- (e) Where any person is reinstated in accordance with the last preceding paragraph, either by the District Man-power Officer or by the Man-power Appeal Committee, that Officer or Committee, as the case may be, may, if he or it deems it equitable so to do, direct the employer to pay to the worker (in respect of the period between his suspension and his reinstatement) either the amount that he would have earned during that period if he had not been suspended or so much thereof as may be determined by the District Man-power Officer or the Man-power Appeal Committee, as the case may be:
- (f) If the position in which any worker is usually employed in any essential undertaking is abolished, whether by reason of the completion of the work attached to the particular position or by reason of any rearrangement of the work of the undertaking or for any other reason, the employer, with the prior permission in writing of the District Man-power Officer but not otherwise, may transfer the worker to another position in the undertaking for which a lower rate of remuneration is payable, and thereafter the work attached to the new position shall, for the purposes of this regulation, be deemed to be the usual work or occupation of the worker:
- (g) Except where a worker is transferred pursuant to paragraph (d) or paragraph (f) hereof, no worker employed in an essential undertaking shall be transferred from one position to another position in the same undertaking, if the transfer involves a change in the nature of his work, except in accordance with the following provisions of this paragraph, namely:—
- (i) The worker may be at any time transferred, either permanently or temporarily, to a position in respect of which a higher time-rate of wages is payable:

Provided that any worker who is transferred in accordance with this paragraph may, within seven days after the date of his transfer, appeal therefrom to a District Man-power Officer, who may give such decision in the matter as he thinks fit and whose decision shall be subject to appeal to a Man-power Appeal Committee in accordance with Part VI of these regulations;

(ii) In any case to which the last preceding subparagraph does not apply, the worker may be transferred only if the position in which he is usually employed is abolished, or if his usual work is temporarily unavailable, or if his services are temporarily required for work of greater urgency, or if his transfer has been authorized in writing by the District Man-power Officer and the worker has been informed in writing of his right of appeal under Part VI of these regulations;

(iii) Except where the transfer is to work in respect of which a higher time-rate of wages is payable, no worker shall, without the permission in writing of the District Man-power Officer, be transferred from the work on which he is usually employed to any other work, for a longer period than one month, or for more than one month in the aggregate in any period of two months;

(iv) Any worker to whom the foregoing provisions of this paragraph apply shall, in respect of any period of transfer, be entitled to receive wages computed at the time-rate as for the work on which he is usually employed, or the wages actually payable in respect of the position to which he has been transferred (whichever amount is the greater):

- (h) Every worker for the time being employed in an essential undertaking shall, subject to the provisions of the next succeeding paragraph, be entitled to receive not less than such minimum weekly wage as may be fixed in that behalf by the Minister of Labour pursuant to the next succeeding paragraph. If at any time the said Minister has failed to fix a minimum weekly wage that is applicable in the case of any worker employed in an essential undertaking as aforesaid, any order that may thereafter be made by the said Minister in respect of that undertaking may, in its application to that worker, be made retrospective to the date on which the undertaking was declared an essential undertaking, but not in any case to an earlier date than the 18th day of May, 1942:
- (i) The Minister of Labour may from time to time by order fix in respect of the workers or of workers of any class for the time being employed in any essential undertaking a minimum weekly wage to which such workers shall be entitled while so employed:

Provided that the right of any worker to receive payment in accordance with this paragraph shall be subject to his compliance with such conditions (if any), not inconsistent with these regulations, as the Minister of Labour may fix, and shall also be subject to the condition that the worker, during any period when he was not

working at his usual employment, was capable of performing and was available for his work, and that, when not actually required to perform such work, he was willing to perform any other services connected with the undertaking that he might in the circumstances be reasonably required to perform:

- (j) For the purposes of the last preceding paragraph a worker shall be deemed not to have been available for work during any period when he was not actually working if he was absent from work on account of sickness or on account of any circumstances within his own control, or during any period when the employer was unable to provide work for the worker by reason of a strike of workers employed in the same or any other undertaking, but shall be deemed to have been available for work at all other times during ordinary working-hours:

Provided that where application for leave to terminate his employment is made by a worker to the District Man-power Officer, in accordance with paragraph (b) of this subclause, on the grounds that, in consequence of any strike as aforesaid, he has not received in any specified week the weekly minimum wage fixed in accordance with paragraph (i) hereof, the District Man-power Officer shall grant to the worker leave to terminate his employment in accordance with the application if he is satisfied that it is genuinely made on the grounds stated, unless in any such case the employer agrees to make good the amount of the deficiency:

- (k) Except where a worker is duly transferred in accordance with the foregoing provisions of this regulation to a position for which a lower rate of wages is payable, every worker for the time being employed in an essential industry shall, notwithstanding anything to the contrary in any order issued by the Minister of Labour under paragraph (i) hereof, be entitled to receive not less than the rate of wages which he was receiving in respect of his usual work in the undertaking when it was declared an essential undertaking, or, if he was not then employed in the undertaking, he shall be entitled to receive not less than the rate of wages that he received in respect of his first regular work in the undertaking:
- (l) It shall be the duty of every person who is for the time being employed in any essential undertaking, if at any time during his ordinary working-hours sufficient work is not available for him in his usual occupation, to undertake any other work in or in connection with the same undertaking that he may reasonably be required to undertake:
- (m) If any person employed in an essential undertaking fails to perform his work with due diligence, or wilfully or negligently fails to exercise proper skill

and care in the performance of his work, he shall be deemed to have committed an offence against these regulations. Every offence that is alleged to have been committed against this paragraph shall be reported in writing by or on behalf of the employer to the District Man-power Officer, who shall forthwith submit the report to the Man-power Appeal Committee for investigation, and no judicial proceedings shall be taken in respect of any such offence except on the recommendation of the Committee communicated in writing to the District Man-power Officer:

- (n) Every person commits an offence against these regulations who, without the prior permission in writing of a District Man-power Officer, employs or engages or enters into any contract in respect of the services of any person whose last continuous employment for a period of more than seven days was in an essential undertaking and whose employment as aforesaid was terminated by him contrary to the provisions of this regulation:

Provided that it shall be a good defence in any proceedings for an offence under this paragraph if the defendant proves that before employing or engaging the worker he made all reasonable inquiries as to his former employment, and that he did not know and had no reasonable grounds to suspect that the worker had left his employment in an essential undertaking contrary to the provisions of this regulation.

(2) Except where express provision is made for the reduction of rates of wages in special cases, nothing in the foregoing provisions of this regulation shall be construed as an authority to reduce any rate of wages or allowances that may have been agreed upon by the parties concerned.

(3) Nothing in the foregoing provisions of this regulation shall apply with respect to the employment in any essential undertaking—

- (a) Of any person who has not been employed full-time in the undertaking for a continuous period of at least seven working-days; or
- (b) Of any other person who, being engaged in the undertaking only for the purposes of a specific job of short duration but extending over more than seven working-days, is excluded from the operation of this regulation by the District Man-power Officer on application to extend the aforesaid period, made either by the worker or by the employer before the expiration of the said period. Every decision given by the District Man-power Officer for the purposes of this paragraph shall be by way of a refusal to extend the said period, or by an extension of the said period by such number of working-days or to such specified date as, in the circumstances of the case, the District Man-

power Officer thinks proper. Every such decision shall be communicated in writing by the District Man-power Officer to the employer and to the worker or to the several workers affected thereby.

(4) It shall be the duty of every employer engaged in an essential undertaking to give to the District Man-power Officer in respect of every person who at any time hereafter completes a continuous period of seven days' full-time employment in the undertaking a notice in writing specifying the name and address of the worker, the date on which he commenced work, and the work or class of work on which he is employed in the undertaking. The notice hereby required to be given in respect of any worker shall be given within fourteen days after the commencement of his employment in the undertaking.

14. All applications made to a District Man-power Officer for the purposes of this Part of these regulations shall be in writing, and shall contain all such particulars as may be reasonably necessary to enable that Officer to arrive at a proper decision. The decision of the District Man-power Officer shall be communicated in writing to the employer and to the worker affected by the decision.

15. All decisions of a District Man-power Officer made for the purposes of this Part of these regulations shall be subject to an appeal to a Man-power Appeal Committee in accordance with the provisions in that behalf of Part VI of these regulations.

16. If any direction given by the Minister in accordance with Regulation 27 hereof or given by a District Man-power Officer in accordance with Regulation 31 hereof is given to or in respect of a worker employed in an essential undertaking in accordance with the foregoing provisions of this Part of these regulations, the obligations imposed on the worker by the said Regulation 27 or Regulation 31, as the case may be, shall, subject to appeal in accordance with Part VI of these regulations, prevail over any rights or obligations conferred or imposed on the worker by this Part.

#### APPLICATION OF THIS PART OF THESE REGULATIONS TO GOVERNMENT UNDERTAKINGS.

17. Any undertaking for the time being carried on by any Department of State may be declared to be an essential undertaking for the purposes of this Part of these regulations, and the foregoing provisions of this Part shall bind the Crown in respect of that undertaking, but shall not bind the Crown in respect of any other undertaking.

#### PART IV.—INDUSTRIAL ABSENTEEISM.

18. In this Part of these regulations, unless the context otherwise requires,—

“Controller” means a Controller for the time being in office as a Controller, whether under the Supply Control Emergency Regulations 1939\* or under any other emergency regulations:

\* Statutory Regulations 1939, Serial number 1939/131, page 599.

“Ordinary working-hours”, in respect of any worker engaged in any undertaking to which this Part applies, includes all working-hours for which the worker is not entitled to claim any overtime rates of payment:

“Prescribed working-hours,” in respect of any worker engaged in any undertaking to which this Part applies, includes all ordinary working-hours, and, in any case where the worker is obliged to work additional hours by virtue of a notice in that behalf given by the Minister of Labour or by any Controller, acting pursuant to the powers in that behalf conferred by Regulation 20 hereof, includes all such additional hours:

“Week” means a period of seven days ending at midnight on any Saturday.

#### APPLICATION OF THIS PART.

19. (1) This Part of these regulations shall apply with respect to all employers and workers for the time being engaged in—

(a) Any undertaking that is for the time being an essential undertaking within the meaning of Part III of these regulations:

(b) Any other undertaking to which this Part is for the time being applicable by virtue of a declaration made by the Minister pursuant to the next succeeding subclause.

(2) The Minister may from time to time, by notice published in the *Gazette* and in such other manner, if any, as he thinks fit,—

(a) Declare any undertaking specified in the notice to be an undertaking to which this Part of these regulations applies:

(b) Declare undertakings of a class specified in the notice (with or without exception) to be undertakings to which this Part of these regulations applies.

(3) Any notice given by the Minister pursuant to this regulation may be at any time in like manner amended or revoked.

(4) Any notice under this regulation may be given in respect of any undertaking for the time being carried on by any Department of State.

#### WORKING-HOURS IN UNDERTAKINGS TO WHICH THIS PART APPLIES.

20. (1) The Minister of Labour may from time to time, by notice given in such manner as in the circumstances he deems adequate, direct in respect of any undertaking to which this Part applies and of the workers or of any of the workers for the time being employed therein, that the undertaking shall be operated and that the workers shall be bound to work for times to be specified in the notice or to be determined in accordance with the notice.

(2) Any notice under this regulation may be given in respect of a specified undertaking, or may be given in respect of undertakings of a specified class (with or without exception). Any such notice may be at any time amended or revoked by the Minister of Labour.

(3) Any notice given under this regulation with reference to the operation of any undertaking may require that the undertaking shall be operated—

- (a) During specified hours or for a specified number of hours in any specified day or specified days; or
- (b) During specified hours or for a specified number of hours in any specified week, or in each and every week during any specified period or until further notice.

(4) Any notice given under this regulation with reference to the workers for the time being employed in any undertaking may require any specified worker or specified workers, or workers of any specified class, if and whenever work is available for them in the undertaking, to work in the undertaking—

- (a) During specified hours or for a specified number of hours in any specified day or specified days; or
- (b) During specified hours or for a specified number of hours in any specified week, or in each and every week during any specified period or until further notice.

(5) In respect of any undertaking within an industry for which a Controller has been appointed, and in respect of the workers employed in any such undertaking, the powers conferred by this regulation upon the Minister of Labour may be exercised by that Controller to the like effect as if they had been exercised by the said Minister.

(6) Any notice given for the purposes of this regulation may, notwithstanding anything to the contrary in any Act or regulations, or in any award or agreement, be given in respect of any Sunday or holiday.

(7) Nothing in this regulation shall be construed to affect any powers conferred on any person otherwise than by this Part of these regulations to require the production of any goods or services, or to require any employer to provide work, or to require any worker to work at any time in any undertaking.

#### OFFENCES BY OWNERS OR MANAGERS OF UNDERTAKINGS SUBJECT TO THIS PART.

21. If any undertaking is not operated to the full extent required by the Minister of Labour or by any Controller acting in accordance with the last preceding regulation, the owner or owners of the undertaking, or if the undertaking is owned by a company, the company, its directors, and the manager or other person having charge of the operations of the undertaking, shall be severally guilty of an offence against these regulations unless in any such case the defendant in any proceedings proves that failure to comply with the requirements of the said Minister or Controller was due to causes beyond his control.

#### OFFENCES BY WORKERS EMPLOYED IN UNDERTAKINGS SUBJECT TO THIS PART.

22. (1) If at any time while work is available for any worker employed in any undertaking to which this Part applies, the worker absents himself from work without leave or without reasonable excuse at any time during his prescribed working-hours, he shall be deemed to have committed an offence against these regulations and, subject to the provisions of Regulation 44 (3) hereof, shall be liable accordingly.

(2) Without limiting the foregoing provisions of this regulation it is hereby declared that if any worker at any time during his prescribed working-hours attends a "stop-work" meeting he shall be deemed to have committed an offence against these regulations unless he proves that the holding of the meeting and his attendance thereat were authorized by the provisions of an award or industrial agreement or other agreement for the time being in force in respect of the undertaking in which the worker is employed, or were previously authorized by or on behalf of his employer.

#### DEDUCTIONS FROM PAY FOR UNAUTHORIZED ABSENCES FROM WORK.

23. (1) Where any worker employed in an undertaking to which this Part applies has been habitually or persistently absent from work during any part of his prescribed working-hours, or has absented himself from work without leave for a continuous period of four hours or more at any time during his prescribed working-hours, the employer (unless he is satisfied that the worker had a reasonable excuse for his absence or unless during the period of such absence there was no work or there was not sufficient work available for the worker) shall forthwith report the matter to the nearest District Man-power Officer and, if directed by the District Man-power Officer so to do, shall deduct from the wages of the worker in respect of any week during which the worker has been absent from work as aforesaid an amount not exceeding the equivalent of two days' pay (exclusive of social security charge and national security tax).

(2) All deductions directed or authorized to be made from the wages of any worker pursuant to this regulation shall be computed at the appropriate time-rate as for his ordinary working-hours.

(3) No deduction made pursuant to this regulation from the wages of any worker shall affect the amount of the social security charge or the national security tax for the payment of which the worker is liable, and the amount of the said charge or tax shall be computed as if no deduction had been made under these regulations.

(4) Whenever any deduction from the wages of any worker is made under this regulation the District Man-power Officer shall give to the worker a statement in writing specifying the amount of the deduction and of the grounds upon which the deduction has been made; and notifying the worker of his right of appeal under the next succeeding regulation.

24. (1) Any worker from whose wages any deduction has been made in accordance with the last preceding regulation may, within seven days after the receipt by him of the state-

ment referred to in subclause (4) thereof, appeal from the deduction by giving to the District Man-power Officer a notice in writing requiring the matter to be referred to a Man-power Appeal Committee in accordance with Part VI hereof.

(2) If, after hearing the appeal, the Committee is satisfied that the absence in respect of which the deduction was made was with leave or with reasonable excuse, or that on the occasion of the absence no work or not sufficient work was available for the worker, or that the amount of the deduction is in excess of an amount deemed by the Committee to be appropriate in the circumstances, it shall authorize a refund to the worker of the amount deducted or of the amount of the excess, as the case may be.

(3) If the Committee is not so satisfied, it shall dismiss the appeal.

25. (1) All deductions made pursuant to this Part of these regulations shall be paid by the employer to the credit of a deposit account to be held by the District Man-power Officer.

(2) All refunds made pursuant to the last preceding regulation shall be paid out of the appropriate deposit account.

(3) The District Man-power Officer shall from time to time, as required by official instructions, pay into the War Expenses Account all moneys received by him as deductions from wages pursuant to this Part, less any amounts refunded by him as aforesaid.

26. (1) Any deduction required to be made in respect of the absence from work of any worker during any week shall, if practicable, be made at the time of the payment of the residue of the worker's wages for that week:

Provided that if for any reason any required deduction is not so made it shall be made as soon as practicable from wages thereafter becoming payable by the employer to the worker.

(2) Every employer who fails to make any deduction required to be made pursuant to this Part from the wages of any worker shall be deemed to have committed an offence against these regulations and shall be liable accordingly.

(3) Every employer or other person who, having made any deduction pursuant to this Part from the wages of any worker, disposes of such deduction or of any part thereof otherwise than in accordance with the terms of this Part shall be deemed to have committed an offence against these regulations and shall be liable accordingly.

(4) All amounts deducted as aforesaid and not duly accounted for may be recovered as a debt due by the employer to the Crown.

PART V.—OTHER OBLIGATIONS IN RESPECT OF INDUSTRIAL SERVICE.

MINISTER MAY DIRECT PERFORMANCE OF NON-MILITARY SERVICES.

27. (1) In this regulation, unless the context otherwise requires, the term "person" includes a company or other corporation and also includes a firm or other unincorporated association of persons.

(2) Except as provided in the next succeeding subclause, this regulation shall apply with respect to—

(a) All persons for the time being resident in New Zealand; and

(b) Every company or other corporation and every firm or other association of persons for the time being carrying on business in New Zealand or engaged in any other activity in New Zealand.

(3) Nothing in this regulation shall apply with respect to members of any of the armed forces (except the Home Guard), other than members who are for the time being on leave of absence without pay.

(4) If at any time it appears to the Minister to be necessary or expedient in the public interest so to do, he may by notice given in accordance with Regulation 43 hereof direct any person to whom this regulation applies to perform such services as may be specified in the direction or to perform services of a kind or class specified in the direction (not being in any case services outside New Zealand or services as part of any armed force).

(5) Every general direction given under this regulation shall have effect according to its tenor, notwithstanding that services of the kind specified in the direction may in ordinary circumstances be performed only by persons who are licensed or otherwise specially authorized to undertake or perform such services.

(6) Any direction under this regulation may be given to a specified person, or may be given to persons belonging to a specified class (with or without exception). Any specific or general direction given under this regulation with respect to any person or persons for the time being on leave of absence without pay from the armed forces may be given so as to apply from time to time whenever the person or persons to whom it is given or any person being a member of the class with respect to which it is given is on leave of absence as aforesaid (whether or not any such person to whom the direction applies was on leave of absence without pay when the direction was given).

(7) Any services performed pursuant to a direction given under this regulation shall be performed upon terms as to remuneration that are not less favourable to the worker than are the corresponding terms prescribed by any Act, or by any regulations or orders made under any Act, or by any award or industrial agreement, or by any other agreement whatsoever that may be applicable to those services or to similar services.

(8) If no terms prescribed as aforesaid are applicable in respect of any services to be performed under this regulation, the services shall be performed upon such terms as to remuneration as may be prescribed for the purpose by the Minister of Labour.

(9) The Minister of Industrial Man-power may from time to time direct any person to undergo any training prescribed or approved by him for the purpose of fitting that person to perform any services under this regulation.

(10) For the purpose of enabling effect to be given to any direction given to any person under the foregoing provisions of this regulation the Minister may give such orders and directions as he thinks fit to any other person or to persons of any specified class.

(11) All directions given by the Minister for the purpose of the foregoing provisions of this regulation shall be subject to an appeal to a Man-power Appeal Committee in accordance with the provisions in that behalf of Part VI of these regulations.

(12) Every person commits an offence against these regulations who employs or continues to employ any person so as to prevent or in any way to interfere with the fulfilment by that person of any obligation imposed on him by virtue of any direction given by the Minister pursuant to this regulation, or who employs or continues to employ any person subject to any obligation as aforesaid if the employment of that person is in any way incompatible with his fulfilment of such obligation:

Provided that it shall be a good defence in any proceedings for an offence against this subclause if the defendant proves that he did not know and had no reasonable grounds to suspect that the worker in respect of whose employment the proceedings were taken was subject at any time during the period of his employment to any unfulfilled obligations under this regulation, or that the employment of the worker was incompatible with the fulfilment by the worker of any such obligation.

(13) The provisions of the Occupational Re-establishment Emergency Regulations 1940,\* and of the Suspension of Apprenticeship Emergency Regulations 1939†, shall apply with respect to persons who are at any time transferred in accordance with this regulation from their normal employment in all respects as if those persons had then been called up for service with the armed forces.

MINISTER MAY REQUIRE EMPLOYERS TO OBTAIN CONSENT OF DISTRICT MAN-POWER OFFICER BEFORE ENGAGING WORKERS.

28. (1) The Minister may from time to time, by direction given to employers generally or to any specified employer or employers, or to employers of any specified class (with or without exception) direct that no employer to whom such direction is given shall, except with the consent of a District Man-power Officer, engage or attempt to engage any worker whomsoever, or engage or attempt to engage any worker in any specified industry, trade, or occupation, or engage or attempt to engage any worker who is normally or usually engaged in any specified industry, trade, or occupation.

(2) All directions given for the purposes of the foregoing provisions of this regulation shall be subject to an appeal to a Man-power Appeal Committee in accordance with the provisions in that behalf of Part VI of these regulations.

\* Statutory Regulations 1940, Serial number 1940/291, page 1006.  
† Statutory Regulations 1939, Serial number 1939/154, page 693.

MINISTER MAY REQUIRE REGISTRATION OF EMPLOYERS IN SPECIFIED INDUSTRIES.

29. The Minister may from time to time, by notice given in such manner as he thinks fit, direct all employers engaged in any specified industry, trade, or occupation, or all employers of any specified class or of specified classes, to register in such manner and to furnish, in a form approved by or acceptable to the Minister, such information and particulars in relation to any work of a kind usually undertaken by them or in relation to any work actually undertaken by them as the Minister may from time to time require.

REGISTRATION OF PERSONS AVAILABLE FOR EMPLOYMENT.

30. (1) The Minister may from time to time, by notice given in such manner as he thinks fit, direct all persons of any specified class or of specified classes, whether normally engaged in any occupation or not, to register for employment with the nearest District Man-power Officer or with any other specified official. Every person who, having been called up for service with the armed forces, is for the time being on leave of absence without pay because he has been classified as being medically unfit for service or because his obligation to serve has been duly postponed shall be deemed to have registered under this regulation, and if any such person is included in a class to which a notice under this regulation relates it shall not be necessary for him to fill in any form of application for registration pursuant to this regulation, or to take any other steps towards his registration unless he is expressly required so to do by further notice given by the Minister or by notice given by a District Man-power Officer.

(2) Any person, not being a person to whom a notice under the last preceding subclause applies, may, by leave of the District Man-power Officer, voluntarily register in accordance with this regulation as if he were required to register by the terms of a notice under this regulation.

(3) If any direction given by the Minister under subclause (1) hereof is given by public notice, it shall be the duty of every employer to ascertain with respect to every person employed or thereafter becoming employed by him—

(a) Whether or not the direction applies to such person; or

(b) If the direction applies to such person, whether or not it has been complied with.

(4) If default is made by any employee in complying with any direction given by the Minister as aforesaid, it shall be the duty of his employer forthwith to report the default to the District Man-power Officer.

(5) In the event of a change of the residential or other postal address or of the occupation or employment of any person for the time being registered under this regulation, he shall forthwith give notice in writing to the District Man-power Officer of his new address, occupation, or employment, as the case may be. Any such notice may be delivered at the

office of the District Man-power Officer, and if not so delivered shall be sent by registered letter addressed to that Officer at his office.

(6) It shall not be lawful for any employer to terminate the employment of any person employed by him on the ground that such person has been registered or is required to be registered in accordance with this regulation.

(7) Forms of application for registration under this regulation shall be made available at such places as the Minister may from time to time determine, and the Minister shall from time to time as occasion requires give all necessary directions as to the particulars to be furnished and as to the procedure to be followed in effecting registration.

#### COMPULSORY EMPLOYMENT OF REGISTERED PERSONS.

31. (1) Every person registered under the last preceding regulation shall, as required by the District Man-power Officer, undertake such employment or training for employment as that Officer may direct, and shall continue in such employment or training for such period as the said Officer may require. For the purpose of enabling effect to be given to any direction under the foregoing provisions of this subclause, the District Man-power Officer may require any employer or other person to undertake the employment or training of any person to whom such direction relates, or as the case may require, to undertake both the employment and training of any such person.

(2) The provisions of subclauses (7) and (8) of Regulation 27 hereof (as to the rates of remuneration of persons employed under that regulation) shall, so far as applicable, apply with respect to persons for the time being employed or being trained for employment in accordance with this regulation.

(3) All directions or decisions of a District Man-power Officer given or made for the purposes of this regulation shall be subject to an appeal to a Man-power Appeal Committee in accordance with the provisions in that behalf of Part VI of these regulations.

(4) Every person commits an offence against these regulations who employs or continues to employ any person so as to prevent or in any way to interfere with the fulfilment by that person of any obligation imposed on him by virtue of any direction given by the District Man-power Officer pursuant to this regulation, or who employs or continues to employ any person subject to any obligation as aforesaid if the employment of that person is in any way incompatible with his fulfilment of such obligation:

Provided that it shall be a good defence in any proceedings for an offence against this subclause if the defendant proves that he did not know and had no reasonable grounds to suspect that the worker in respect of whose employment the proceedings were taken was subject at any time during the period of his employment to any unfulfilled obligations under this regulation, or that the employment of the worker was incompatible with the fulfilment by the worker of any such obligation.

(5) The provisions of the Occupational Re-establishment Emergency Regulations 1940\* and of the Suspension of Apprenticeship Emergency Regulations 1939† shall apply with respect to persons for the time being employed or being trained for employment in accordance with this regulation in the same manner in all respects as if those persons had been called up for service with the armed forces.

#### COMPLIANCE WITH LAW AS TO COMPULSORY UNIONISM.

32. (1) Every person who is for the time being employed in accordance with the provisions of Part III of these regulations or in accordance with Regulation 27 or Regulation 31 hereof shall, while so employed, be deemed to be a member of the appropriate industrial union of workers (if any), as if he had duly applied for and been admitted to membership of the union.

(2) If any such person refuses or fails to pay any entrance fee or subscription or other moneys due by him to the union, the secretary of the union may request the District Man-power Officer to require the employer to deduct the amount from the wages of the person concerned, and in any such case the District Man-power Officer, if he is satisfied that the amount is due or owing in respect of a period during which the worker was subject to the regulations referred to in the last preceding subclause or to the corresponding provisions of any former regulations, and that the secretary of the union has taken all reasonable steps to procure payment before having recourse to the special provisions of this subclause, shall, by writing under his hand, direct the employer to deduct the amount from the wages of the worker concerned and to pay it to the secretary or other authorized officer of the union.

(3) It shall be the duty of every employer to whom any such direction is given to comply with the direction, and, unless otherwise specified in the direction, the necessary deduction shall be made from the first wages thereafter becoming payable to the worker.

#### PART VI.—APPEALS TO MAN-POWER APPEAL COMMITTEE.

33. (1) Where any direction or decision given or made for the purposes of these regulations is subject to an appeal to a Man-power Appeal Committee, any person who is directly concerned therewith may, within seven days after it has been delivered or communicated to him, appeal therefrom by giving notice in writing to the nearest District Man-power Officer requiring the matter to be referred to a Man-power Appeal Committee for rehearing.

(2) Forthwith upon receipt of any such notice the District Man-power Officer shall refer the matter to a Man-power Appeal Committee for rehearing, and the Committee, on the completion of the rehearing, shall give in writing such directions on the matter as it thinks fit, and such directions shall be final:

\* Statutory Regulations 1940, Serial number 1940/291, page 1006.

Provided that if the Controller has reason to believe that the determination of the Committee has been obtained by fraud or that any new and material evidence is available he may refer the matter back to the Committee for further rehearing in whole or in part, and in any such case the Committee may confirm or vary its former decision in respect of the matters so referred to it.

(3) A copy of the directions of the Committee, under the hand of the Chairman of the Committee, shall be forthwith furnished by the Committee to every person directly concerned with the appeal (including in every case the worker or workers to whom the appeal relates).

(4) If the notice of any appeal is not given within the time limited in that behalf by subclause (1) hereof the Man-power Appeal Committee shall not hear the appeal unless it is satisfied that the failure to give the notice within the time so limited was occasioned by mistake or by some other reasonable cause.

34. (1) All appeals to a Man-power Appeal Committee under these regulations shall be heard in public unless the Committee is of opinion in any case that, in the public interest, the appeal should, in whole or in part, be heard in private.

(2) Adequate notice of the hearing of an appeal shall be given by or on behalf of the Committee to the parties to the appeal and also to the District Man-power Officer.

(3) At the hearing of any appeal the District Man-power Officer shall have the right to examine witnesses and to address the Committee.

(4) Any employer or worker, being a party to any appeal, and being a member of an industrial union or other association of employers or an industrial union or other association of workers, may be represented thereat by an officer of the union or association appointed by the employer or worker for the purpose.

(5) Whether or not the provisions of the last preceding subclause are applicable in any case, any party to an appeal under these regulations may appear in person at the hearing of the appeal or may be represented thereat by a barrister or solicitor.

(6) Except as expressly provided in these regulations, every Man-power Appeal Committee shall determine its own procedure at the hearing of appeals.

35. Where any worker employed in an essential undertaking, within the meaning of Part III of these regulations loses time in consequence of an appeal under these regulations, and the decision of the Man-power Appeal Committee is in favour of the worker, the employer shall, if the Committee so directs, pay to the worker, in respect of the time so lost, either the amount that the worker would have earned during that time or so much thereof as the Committee may determine.

36. The pendency of any appeal shall in no way suspend the obligations imposed on the appellant by or by virtue of the direction or decision appealed from, except so far as any such suspension may be expressly allowed to the appellant by a District Man-power Officer.

## PART VII.—MISCELLANEOUS.

37. (1) There may be paid out of moneys appropriated by Parliament for the purpose to the members of any Man-power Appeal Committee, Advisory Council, or Advisory Committee appointed under these regulations, not being officers of the Public Service, such remuneration by way of salary, fees, or allowances and such travelling allowances and expenses as may from time to time be directed or approved by the Minister of Finance, either generally or in respect of any particular person or class of persons.

(2) All such travelling allowances and expenses shall be payable in accordance with the Travelling-allowance Regulations 1941,\* and those regulations shall for the purposes of this regulation be deemed to be incorporated in these regulations.

38. The Minister may from time to time require any person to furnish, in a form to be approved by or acceptable to the Minister, any information or particulars that may be required by him for the purposes of these regulations.

39. (1) If any person submits or claims, on medical grounds, that he should be allowed to terminate his employment, or to change the nature thereof, or that he should be exempted, in whole or in part, from any obligations imposed on him by or by virtue of these regulations, the Minister or the Controller, or the Man-power Appeal Committee, or the District Man-power Officer acting with the authority of the Minister or the Controller, may require him to submit himself for medical examination by a medical practitioner or by any two or more medical practitioners, to be nominated for the purpose by the Minister or the Controller.

(2) If any person refuses or fails to submit himself for medical examination as aforesaid he shall be deemed to have committed an offence against these regulations, and, on any appeal to a Man-power Appeal Committee under Part VI of these regulations, he shall not be allowed, except with the consent of the Committee, to give or to call any evidence relating to his state of health.

40. (1) Any District Man-power Officer or any person authorized in writing in that behalf by a District Man-power Officer may, for the purposes of these regulations, enter upon and inspect any premises during ordinary or extended working-hours or business hours, may interview any workers engaged therein, and may demand the production of any books or other documents relating to any matters with which these regulations are concerned, and may make copies of or extracts from any such books or documents.

(2) Any District Man-power Officer may, for any purpose in connection with these regulations, require any person to appear before him, to produce any books or other documents for inspection, and to answer any questions or to furnish any information that may be required by the District Man-power Officer.

\* Statutory Regulations 1941, Serial number 1941/149, page 486.

41. (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 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 directly conferred on him by these regulations and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this regulation shall be presumed to be acting in accordance with the terms of the delegation unless and until the contrary is proved.

(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 personal exercise of those powers by the Minister or by that other person.

42. (1) Any written notice, order, direction, restriction, requirement, or other instrument given, granted, or made by the Minister or any person authorized in that behalf under these regulations shall be sufficiently authenticated if it is signed by the Minister or authorized person or by any person on behalf of and by direction of the Minister or authorized person, as the case may be.

(2) Every instrument purporting to be signed by or on behalf of the Minister or any person authorized in that behalf shall, in the absence of proof to the contrary, be deemed to have been duly signed by or on behalf of and by direction of the Minister or authorized person, as the case may be.

43. (1) The Minister or any person authorized in that behalf may give public notice of the exercise of any of his powers under these regulations or of any order, direction, restriction, requirement, or condition given or imposed by him under these regulations, and all persons shall be bound thereby.

(2) For the purposes of these regulations, except where otherwise specially provided, the term "public notice" means a notice published in the *Gazette* or in a newspaper circulating in the locality in which the matter of the notice arises or to which it relates.

(3) The Minister or any person authorized in that behalf may, without public notice, give notice to any person of any such order, direction, restriction, requirement, or condition, and every person to whom the notice is given shall be bound thereby.

(4) Except where otherwise specially provided, any notice required to be given to any person for the purposes of these regulations may be given by causing it to be delivered to that person, or to be left at his usual or last known place of abode

or business or at the address specified by him in any application, notice, or other document received from him by the Minister or authorized person, or to be posted in a letter addressed to him at that place of abode or business or at that address.

(5) If any such notice is sent to any person by registered letter it shall be deemed to have been delivered to him when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

(6) Every notice under these regulations shall take effect on the date when it is published or given, or on such later date as may be specified in that behalf in the notice.

(7) Any notice given under these regulations may be at any time varied or revoked by a subsequent notice.

44. (1) In addition to the offences specifically created by the foregoing provisions of these regulations, every person commits an offence against these regulations who—

(a) Without lawful justification or excuse acts in contravention of or fails to comply in any respect with any provision of these regulations or of any order, direction, restriction, requirement, or condition given or imposed under these regulations:

(b) Wilfully deceives or attempts to deceive any District Man-power Officer or any Man-power Appeal Committee in the exercise of any powers or functions under these regulations:

(c) With intent to deceive, makes any false or misleading statement or any material omission in any communication with or application to the Minister or any other person (whether in writing or otherwise) for the purposes of these regulations:

(d) Resists, obstructs, or deceives any person who is exercising or attempting to exercise any power or function under these regulations:

(e) Offers any bribe or other unlawful or improper inducement to any person with intent to influence him in the exercise of any powers, duties, or functions under or for the purposes of these regulations:

(f) Being an employer or the servant or agent of an employer, or a fellow-worker, victimizes or attempts to victimize any worker with intent to deter the worker from exercising any right of appeal under these regulations, or to deprive the worker of the benefit of the result of any such appeal, or of any other right or privilege conferred by or by virtue of these regulations, or with intent to induce the worker to take steps to procure the termination of his employment:

(g) Being a worker, behaves towards his employer or a fellow-worker, or being an employer, behaves towards any worker, in a threatening, insulting, embarrassing, or offensive manner with intent to induce the employer to take steps for the termination of the employment of the same or any other worker, or to induce any worker to take steps for the termination of his own employment.

(2) Every person who commits an offence against these regulations shall be liable on summary conviction,—

(a) In the case of an individual, to imprisonment for a term not exceeding three months or to a fine not exceeding £50 and (if the offence is a continuing one) to a further fine not exceeding £5 for every day during which the offence continues:

(b) In the case of a company or other corporation, to a fine not exceeding £200 and (if the offence is a continuing one) to a further fine not exceeding £20 for every day during which the offence continues.

(3) No proceedings shall be taken under this regulation against any worker for an offence against Regulation 22 hereof (other than an offence arising out of attendance at a "stop-work" meeting) unless, on at least two occasions while the worker was employed by the same employer, deductions from the wages of the worker have been made pursuant to Regulation 23 hereof and, where there has been an appeal from any such deduction, the appeal has been dismissed.

(4) Where in any proceedings against a worker for an offence against Regulation 22 hereof, the worker pleads that the absence from work in respect of which the proceedings have been taken was by leave of his employer or with reasonable excuse, the burden of proving that he had obtained leave or the existence of such reasonable excuse, as the case may be, shall be on the defendant.

#### SCHEDULE.

##### REGULATIONS REVOKED.

SERIAL No. 1940/117—

The National Service Emergency Regulations 1940: Regulations 1A, 3B, 8, 9, 9A, 9B, 9C, 9D, 9E, 9F, 10, 11, 23A, 23B, and 33A.

Serial No. 1940/223—

The National Service Emergency Regulations 1940, Amendment No. 2: Regulations 17 and 26.

Serial No. 1942/5—

The National Service Emergency Regulations 1940, Amendment No. 8.

Serial No. 1942/142—

The National Service Emergency Regulations 1940, Amendment No. 10 (but not including the regulation appearing therein as Regulation 8A of the National Service Emergency Regulations 1940).

Serial No. 1942/143—

The Industrial Absenteeism Emergency Regulations 1942.

Serial No. 1942/219—

The National Service Ministers Emergency Regulations 1942: Regulation 3.

C. A. JEFFERY,  
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 15th day of October, 1942.

These regulations are administered in the National Service Department.

By Authority: E. V. PAUL, Government Printer, Wellington.—1942.

Price 1s.]

Auckland Harbour Board

Nº 12726

INSTRUCTIONS TO FOREMEN & INSPECTORS

ENGINEER'S OFFICE,

To Foreman of Works & Timekeeper.

Date 10th June, 19 43.

Subject DECLARATION OF AUCKLAND HARBOUR BOARD AS AN  
ESSENTIAL UNDERTAKING.

Referring to Instruction No. 11563A dated 2/6/42, please note that the Board's Certificate of Essential Undertaking has now been extended to cover shipwrights coming within the scope of the Northland, Wellington and Otago and Southland Industrial Districts Boat Builders and Shipwrights' Award.

Please see that all shipwrights at present employed are informed of this.

*(Copy sent to W. Clive)*

*D.H.*  
-----  
Engineer to the Board. *W.S.*

COPY

SEE ALSO SECRETARY'S FILE

The Director,  
National Service Dept.,  
P.O. Box 165, Te Aro,  
WELLINGTON, C.2.

25th March, 1943.

Dear Sir,

The certificate of declaration of the Auckland Harbour Board as an essential undertaking dated 29/4/42 covers permanent and weekly employees only.

Up to the present time this coverage has proved to be sufficiently wide in scope to enable the Board to maintain its essential services as the majority of employees, including most categories of tradesmen, have elected to become members of the Harbour Boards Employees' Union and to be paid under the N.Z. Harbour Boards Employees' Award, which Award provides for the payment of a weekly wage, thus bringing them within the scope of the Board's existing certificate of essential undertaking. Shipwrights employed by the Board, however, in spite of the more favourable conditions of employment prescribed in the Harbour

P.T.O.

Board's Employees' Award, decided for reasons of their own and of which I am not aware, to remain members of the Shipwrights' Union. The Shipwrights' Award provides for payment by the hour and consequently all the shipwrights employed by this Board are not covered by our certificate of essential undertaking.

At the present time the Board has works on hand which it is impossible to carry out without the services of skilled shipwrights, which inter alia include the construction of a new caisson for Calliope Dock and the complete reconditioning of Tug "Te Awhina". Shipwrights are also essential for many other important purposes and for the continued operation of both the Calliope Dry Dock and the Board's slipways, which are both in continuous use, the majority of vessels being docked or slipped being U.S. and H.M. Naval vessels.

The works we have on hand at present are being seriously impeded by lack of skilled shipwrights and any diminution in present staff by transfer to other smaller and less important slipways and boat building yards, which have been declared essential, would have disastrous consequences.

In view of the above I would be pleased if this Board's existing certificate of declaration of essential undertaking, which is enclosed herewith, could be amended by the addition of the words "and shipwrights".

Yours faithfully,

DH.OM

SUPERINTENDENT.

# Auckland Harbour Board.

## MEMORANDUM

FROM

THE ENGINEER

30th November, 19 42.

TO Foreman of Works and Timekeeper,  
Electrician, Mr. M.W. Hall,  
Mr. F.H. Tackaberry.

### Instruction No.12155A -

### Declaration of Auckland Harbour Board as an Essential Undertaking in respect only of Permanent and Weekly Employees.

With reference to Instruction No.11723B. dated 22nd July, 1942, regarding the above, attached please find copy of the Industrial Man-power Emergency Regulations 1942, Serial No.1942/296 which revokes regulations as per the schedule on page 24 thereof.

The new regulations specify inter alia, conditions of employment in Essential Undertakings and these are to be carefully perused and rigidly observed.

D. Holderness  
ENGINEER TO THE BOARD.

Per:

*All Amended  
Regulations  
No 1942/9  
2/21/44*



## Auckland Harbour Board

### Memorandum

*Auckland, N. Z.*

25th November, 1942.

Heads of Departments,  
A.H.B.

---

5/ Herewith copy of Industrial Man-Power Emergency  
Regulations 1942.

Special attention is drawn to the Regulations re-  
voked and to Section 13 with respect to employment in  
an essential undertaking.

*W.B. Linn*

SECRETARY.

WBS.IMB.

RECD 23 NOV 1942

ACKGD

ANSD

AUCKLAND PROVINCIAL EMPLOYERS' ASSOCIATION  
(Incorporated)

*Copy to Timekeeper  
30/11/42*

RE INDUSTRIAL MAN-POWER EMERGENCY REGULATIONS 1942

Attached hereto is a summary of:-

The Industrial Man-power Emergency Regulations - 14th October 1942:  
The Minimum Weekly Wage Order (Essential Undertakings) - 11th November  
The Employment Restriction Order - 6th November 1942: 1942:  
The Registration for Employment Orders - Numbers 1 to 7.

The following Index will assist you in referring to the principal clauses:-

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TERMINATION OF EMPLOYMENT ..	13 (1. a to e)	2
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UNION - Membership .. ..	32	7
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AUCKLAND PROVINCIAL EMPLOYERS' ASSOCIATION  
(Incorporated)

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RE INDUSTRIAL MAN-POWER EMERGENCY REGULATIONS 1942

These Regulations, dated the 14th October 1942, consolidate and amend sections of the National Service Emergency Regulations and Industrial Absenteeism Regulations affecting essential industries, and the following summary of the more important clauses is circulated for the information of the members concerned:-

PART I (Comprising Regulations 1 to 3) deals with repeals, definitions, etc.

PART II (Comprising Regulations 4 to 9) deals with administration, providing for the appointment of District Man-power Officers, Man-power Appeal Committees, and Advisory Councils and Committees.

PART III (Comprising Regulations 10 to 17) deals with the maintenance of essential industries and undertakings, and should be carefully noted by employers engaged in industries or undertakings which have been declared essential:

Reg.10. Defines "industry" as any trade, occupation, business, manufacture, work, or service of any kind whatsoever, and "undertaking" as any unit or any specified part of a unit of any industry.

Reg.11. (1) Empowers the Minister to declare any industry or undertaking to be essential.

(2) Provides that every declaration shall be in writing under the hand of the Minister or authorised person.

(3) Provides that in specified undertakings the declaration shall be given to the owner, manager, or person in charge, and that in other cases the declaration shall be published in the Gazette.

(4) Makes provision for the amendment or cancellation of any declaration.

Reg.12. Provides that the Minister may issue a certificate that any undertaking has been declared essential, and if this is done the owner or manager shall display the certificate or a copy in a conspicuous part of each department or separate branch department where it can be seen by the workers.

In cases where an industry as a whole is declared to be essential, individual certificates are not issued. The firms affected by such declarations should obtain from the District Man-power Officer (hereinafter referred to as D.M.O.) copies of Notice NS129, which is a poster setting out the principal clauses of the Regulations.

(over)

2. (Industrial Man-power Emergency  
Regulations 1942)

Reg.13. (1) (a) Provides that except with the permission in writing of the D.M.O., the employer shall not:-

(i) Terminate the employment in an essential undertaking of any person.  
(Note: Re misconduct, refer to paragraphs (d) and (e).)

(ii) Permit a person to give his services to any other undertaking (whether essential or not) except in case of emergency, and then not for a longer period than 14 days and not for more than 21 days in any period of three months.

(b) Provides that no person employed in an essential undertaking shall leave his employment without the written permission of the D.M.O.

(c) Provides:-

(i) That the D.M.O. in granting permission to terminate employment shall specify the earliest date on which the employment may be terminated.

(ii) That a condition of the termination shall be that seven consecutive days' notice has been given by the employer or worker as the case may be.

(iii) That in exceptional circumstances the D.M.O. may permit termination of employment without notice or after less than seven days' notice.

(d) Provides that an employer may on the grounds of serious misconduct suspend any worker. Within 24 hours after any suspension has been given effect to the employer must notify the D.M.O. in writing of the suspension and give particulars of the alleged misconduct. As soon as possible after receiving notice the D.M.O., after making such enquiries as he considers necessary, shall either -

(i) Give directions that the worker be reinstated in the undertaking (but not necessarily in the same position); or

(ii) Decide that (unless both the employer and the worker otherwise agree) the employment of the worker shall be deemed to have been duly terminated when he was suspended. Every decision by a D.M.O. shall be communicated in writing to the worker and to the employer. Either party, if dissatisfied with the decision of the D.M.O., may appeal to the Committee.

(e) Provides that where any person is reinstated in accordance with the last preceding paragraph the D.M.O. or Committee, as the case may be, may direct the employer to pay to the worker full wages in respect of the whole or part of any period between the dates of his suspension and his reinstatement.

3. (Industrial Man-power Emergency  
Regulations 1942)

(Reg, 13 Continued):

(f) Provides that if the position in which any worker is usually employed is abolished, whether by reason of the completion or rearrangement of the work or for any other reason, the employer with the consent of the D.M.O. may transfer the worker to another position in the undertaking for which a lower rate of remuneration is payable.

(g) Provides that except where a worker is transferred pursuant to paragraph (d) or paragraph (f) hereof, no worker shall be transferred from one position to another in the same undertaking, if the transfer involves a change in the nature of his work, except in accordance with the following provisions:-

(i) The worker may be at any time transferred, either permanently or temporarily, to a position in respect of which a higher time-rate of wages is payable:  
Provided that any worker transferred may within seven days appeal to the D.M.O. Either party, if dissatisfied with the decision of the D.M.O., may appeal to the Committee.

(ii) In any case to which the last preceding sub-paragraph does not apply, the worker may be transferred only -

If the position in which he is usually employed is abolished, or

If his usual work is temporarily unavailable, or

If his services are temporarily required for work of greater urgency, or

If his transfer has been authorized in writing by the D.M.O. and the worker has been informed in writing of his right of appeal under Part VI of these Regulations.

(iii) Except where the transfer is to work in respect of which a higher time-rate of wages is payable, no worker shall, without the permission in writing of the D.M.O., be transferred from the work on which he is usually employed to any other work, for a longer period than one month, or for more than one month in the aggregate in any period of two months.

(iv) Any worker to whom the foregoing provisions of this paragraph apply shall, in respect of any period of transfer, be entitled to receive wages computed at the time-rate as for the work on which he is usually employed, or the wages actually payable in respect of the position to which he has been transferred (whichever amount is the greater.)

D.M.O. means District Man-power Officer.  
Committee means Man-power Appeal Committee.

(over)

4. (Industrial Man-power Emergency  
Regulations 1942)

(Reg.13 Continued):

(h) and (i) Provide that so long as a worker complies with this Regulation, is capable of performing, and is available for, his usual work or any other work in the undertaking which he might be reasonably required to perform, he shall be entitled to receive not less than the minimum weekly wage fixed by the Minister for workers of his class.

NOTE: A summary of the Minimum Weekly Wage Order issued by the Minister is attached as Appendix No.1.

(j) Provides that a worker shall not be entitled to the minimum weekly wage provided for in the preceding paragraph when absent from work through sickness or through any circumstance within his own control, or during any period when the employer was unable to provide work by reason of a strike in the same or any other undertaking, but shall be deemed to have been available for work at all other times during ordinary working hours. Provided that if in consequence of a strike a worker is not paid the minimum weekly wage, the D.M.O. may grant the worker leave to terminate his employment unless the employer agrees to pay the minimum wage.

(k) Provides that unless transferred in accordance with paragraphs (d) or (f) to a position for which a lower rate of wages is payable a worker shall be entitled to receive not less than the rate of wages he was receiving for his usual work when the undertaking was declared essential, or if not then employed in the undertaking the rate of wages he received for his first regular work in the undertaking.

(l) Provides that if sufficient of his usual work is not available, a worker shall undertake any other work in the undertaking which he may reasonably be required to do.

(m) Provides that a worker who fails to comply with this Regulation and to perform his work with due diligence, or who wilfully or negligently fails to exercise proper skill and care in the performance of his work, shall be liable to a penalty under the Regulations.

Any alleged breach of this paragraph must be reported in writing by the employer to the D.M.O.

No proceedings can be taken under this paragraph except on the recommendation of the Committee.

(n) Provides that an employer commits an offence who, without the consent of the D.M.O., employs a worker whose last employment for more than seven days was in an essential undertaking and not terminated in accordance with this Regulation.

(2) Provides that except where express provision is made for the reduction of rates of wages in special cases, nothing in the foregoing provisions of this Regulation shall be construed as an authority to reduce any rate of wages or allowances that may have been agreed upon by the parties concerned.

(3) States that this Regulation does not apply to any worker whose employment in an essential undertaking has not been for a period of seven consecutive working days or such longer period as the D.M.O. may have agreed to in writing in respect of any particular worker.

D.M.O. means District Man-power Officer.  
Committee means Man-power Appeal Committee.

5. (Industrial Man-power Emergency Regulations 1942)

(Reg.13 Continued):

(4) Provides that every employer shall give to the D.M.O. in respect of every person who hereafter completes a continuous period of seven days' full-time employment a notice in writing specifying:-

- (a) The name and address of the worker,
- (b) The date on which the worker commenced work,
- (c) The class of work on which the worker is employed in the undertaking.

This notice shall be given within fourteen days after the worker commences employment.

Reg.14. Provides that all applications to the D.M.O. must be in writing and accompanied by sufficient information to enable such Officer to adjudicate on the case. The D.M.O's. decision also shall be in writing.

Reg.15. Provides that any person directly concerned who is dissatisfied with a decision of the D.M.O. made under this Part of these Regulations may appeal to a Man-power Appeal Committee in accordance with Part IV.

Reg.16. Provides that any direction given in respect of a worker under Regulation 27 or Regulation 31 shall prevail over any rights or obligations conferred or imposed on the worker by this Part of these Regulations.

Reg.17. Provides that any Department of State may be declared to be an essential undertaking for the purposes of this Part of these Regulations.

PART IV (Comprising Regulations 18 to 26) deals with Industrial Absenteeism:

Reg.18. Defines terms used in Part IV, namely:-

"Controller" means a controller in office under the Supply Control or other Emergency Regulations.

"Ordinary working-hours" includes all working hours for which the worker is not entitled to claim any over-time rates of payment.

"Prescribed working-hours" includes all ordinary working hours and includes all additional hours ordered by the Minister under Regulation 20.

"Week" means a period of seven days ending at midnight on any Saturday.

Reg.19. (1) Provides that Part IV applies to -

- (a) Any undertaking which has been declared essential, and
- (b) Any other undertaking which may be declared by the Minister to come under this Part.

(2) Empowers the Minister, by notice in the Gazette, to bring undertakings under Part IV.

(3) Empowers the Minister to cancel or amend notices gazetted under clause 2.

(4) Provides that Part IV may be applied to Departments of State.

(over)

D.M.O. means District Man-power Officer.  
Committee means Man-power Appeal Committee.

6. (Industrial Man-power Emergency Regulations 1942)

- Reg.20. Provides that the Minister of Labour or the Controller, where one has been appointed, may from time to time direct in respect of any undertaking that the undertaking shall be operated and that the workers shall be bound to work for times to be specified in the notice or to be determined in accordance with the notice. Any notice may, notwithstanding anything to the contrary in any Act, Regulation, Award, or Agreement, be given in respect of any Sunday or holiday.
- Reg.21. Provides that if any undertaking is not operating to the full extent required the employer shall be guilty of an offence unless he can prove that failure to comply was due to causes beyond his control.
- Reg.22. (1) Provides that if at any time while work is available for any worker employed in any undertaking to which this Part applies, the worker absents himself from work without leave or without reasonable excuse at any time during his prescribed working hours, he shall be deemed to have committed an offence against these Regulations.
- (2) Provides that if any worker, during his working hours, attends a stop-work meeting which is not authorised under an award or agreement, or by the employer, he commits an offence.
- Reg.23. (1) Provides that if during his prescribed working hours any worker has been habitually or persistently absent from work, or has absented himself without leave for a continuous period of four hours or more, the employer (unless satisfied with the worker's excuse) shall forthwith report the matter to the D.M.O., and if directed by the D.M.O., shall deduct from the wages of the worker in respect of any week during which he has been absent an amount not exceeding the equivalent of two days' pay (exclusive of Social and National Security Tax.)
- (2) Provides that all such deductions shall be computed at the appropriate time-rate for the worker's ordinary working hours.
- (3) Provides that no deduction shall affect the amount of Social and National Security Tax payable by the worker, which amount shall be computed as if no deduction had been made under these Regulations.
- (4) Provides that whenever a deduction is made under this Regulation the D.M.O. shall give the worker a statement in writing specifying the amount of the deduction and the reason why it was made, and notifying the worker of his right of appeal to the Committee.
- Reg.24. Provides that any worker from whose wages any deduction has been made may, within seven days after receiving notice of the deduction, appeal to the Committee.
- Reg.25. Provides that all deductions shall be paid by the employer to the credit of a Deposit Account held by the D.M.O., and that as instructed the D.M.O. shall pay monies received by him to the War Expenses Account.

D.M.O. means District Man-power Officer.  
Committee means Man-power Appeal Committee.

7. (Industrial Man-power Emergency  
Regulations 1942)

- Reg.26. (1) Provides that any deduction required to be made in respect of the absence from work of any worker during any week shall, if practicable, be made at the time of the payment of the residue of the worker's wages for that week:  
Provided that if for any reason any required deduction is not so made it shall be made as soon as practicable from wages thereafter becoming payable by the employer to the worker.
- (2) Provides that an employer who fails to make any deduction required commits an offence.
- (3) Provides that an employer who makes a deduction and fails to pay the money to the credit of the D.M.O.'s. Deposit Account commits an offence.

PART V (Comprising Regulations 27 to 32) deals with obligations in respect of Industrial Service:

Reg.27. Empowers the Minister to direct any person, company, corporation, firm, or association to perform non-military service.

Reg.28. Empowers the Minister to require any employer or employers of any specified class to obtain the consent of the D.M.O. before engaging workers.

NOTE: An Order issued by the Minister under this Regulation is summarised in Appendix No.2.

Reg.29. Empowers the Minister to require the registration of employers in specified industries.

Reg.30. Empowers the Minister to direct all persons or any specified class or classes to register for employment.

NOTE: Orders issued under this Regulation are summarised in Appendix No.3.

Reg.31. Provides that every person registered under the preceding Regulation shall as required by the D.M.O. undertake such employment or training for employment as that Officer may direct, and shall continue in such employment or training for such period as the said Officer may require.

The D.M.O. is empowered to require any employer to undertake the employment and/or training of any person to whom such direction relates.

Reg.32. Provides that every person employed in accordance with the provisions of Part III or Regulation 27 or Regulation 31 hereof shall while so employed be deemed to be a member of the appropriate Industrial Union of Workers (if any) as if he had duly applied for and been admitted to membership of the Union.  
If any such person fails to pay any entrance fee, subscription, or other monies due to the Union, the D.M.O., at the request of the Union Secretary, may direct the employer to deduct the amount from the worker's wages, and in such case the employer must comply with the direction.

(over)

D.M.O. means District Man-power Officer.  
Committee means Man-power Appeal Committee.

8. (Industrial Man-power Emergency Regulations 1942)

PART VI (Comprising Regulations 33 to 36) deals with appeals to the Man-power Appeal Committee:

Reg.33. Provides that any person directly concerned with any decision or direction given or made under these Regulations which is subject to appeal may, within seven days, appeal to the Committee. Notice requiring a matter to be referred to the Committee must be given to the D.M.O. in writing.

Reg.34. Deals with the procedure at hearings of the Man-power Appeal Committee.

Reg.35. Provides that if a worker employed in an essential undertaking loses time in consequence of an appeal, and the decision of the Committee is in his favour, the Committee may direct the employer to pay the worker the whole or part of his wages for the time lost.

Reg.36. Provides that the pendency of any appeal shall in no way suspend the obligations imposed on the appellant by or by virtue of the direction or decision appealed from, except so far as any such suspension may be expressly allowed to the appellant by a D.M.O.

PART VII (Comprising Regulations 37 to 44) deals with miscellaneous matters, of which the following should be noted by employers:

Reg.37. Deals with the remuneration, allowances, and travelling expenses of members of the various Committees set up under the Regulations.

Reg.38. Empowers the Minister to require any person to furnish information required from time to time for the purposes of these Regulations.

Reg.39. Provides that any person who claims on medical grounds that he should be allowed to terminate or change his employment or be exempt from employment, may be required to undergo a medical examination.

Reg.40. (1) Empowers the D.M.O. or person authorised in writing by the D.M.O. to enter premises, interview workers, and demand the production of books and documents relating to matters coming under these Regulations.

(2) Provides that the D.M.O. may require any person to appear before him and produce books etc. for inspection.

Regs. 41, 42, and 43. Authorise the delegation of powers by the Minister, and lay down the manner in which notices are to be given.

Reg.44. Describes what are offences under the Regulations and proscribes the penalties:-

D.M.O. means District Man-power Officer.  
Committee means Man-power Appeal Committee.

9. (Industrial Man-power Emergency  
Regulations 1942)

- (1) Every person commits an offence who -
  - (a) Fails to comply with any order or direction given under these Regulations.
  - (b) Wilfully deceives or attempts to deceive the D.M.O. or Committee.
  - (c) Makes any false or misleading statement or material omission in any communication or application.
  - (d) Resists, obstructs, or deceives any person who is exercising or attempting to exercise any power or function under these Regulations.
  - (e) Offers any bribe or other improper inducement to any person with the intent to influence him in the exercise of his duties.
  - (f) Victimises any worker with intent to deter him from exercising any right of appeal or to deprive him of any right or privilege conferred by the Regulations.
  - (g) Behaves in a threatening, insulting, embarrassing, or offensive manner, with intent to induce an employer or worker to take steps to terminate employment.
- (2) Every person who commits an offence against these Regulations shall be liable on summary conviction -
  - (a) In the case of an individual, to imprisonment for a term not exceeding three months or to a fine not exceeding £50 and (if the offence is a continuing one) to a further fine not exceeding £5 for every day during which the offence continues.
  - (b) In the case of a company or other corporation, to a fine not exceeding £200 and (if the offence is a continuing one) to a further fine not exceeding £20 for every day during which the offence continues.
- (3) No proceedings shall be taken against a worker for a breach of Regulation 22 - that is, for absenting himself from work during ordinary working hours without leave or reasonable excuse - unless on at least two occasions deductions from his wages have been made under Regulation 23.
- (4) Provides that if in defending an action for a breach of Regulation 22 a worker pleads that his absence from work was by leave of the employer, or that he had a reasonable excuse, the burden of proving such to be the case is on the worker.

D.M.O. means District Man-power Officer.  
Committee means Man-power Appeal Committee.

National Insurance Building, O'Connell Street,  
Auckland, C.1.

17th November, 1942.

P.O. Box 1040.

Phone: 32-266.

T.

AUCKLAND PROVINCIAL EMPLOYERS' ASSOCIATION  
(Incorporated)

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THE MINIMUM WEEKLY WAGE (ESSENTIAL UNDERTAKINGS) ORDER 1942  
(NO. 2)

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1. This Order issued under Regulation 13 of the Industrial Man-power Emergency Regulations is dated the 11th November 1942, and repeals the Order dated the 1st October 1942.

2. This Order applies to every undertaking for the time being an essential undertaking under Part III of the Industrial Man-power Emergency Regulations, but does not apply to an undertaking to which the Defence Works Labour Legislation Suspension Order applies.

NOTE: A minimum weekly wage is provided for in the Defence Order.

3. This Order applies retrospectively as from the 1st July 1942 to undertakings declared essential on or before that date, and as from the date of the declaration in the case of undertakings declared essential after the 1st July 1942.

4. (1) Subject to the provisions of this Order, every worker who is employed in an undertaking to which this Order applies shall, in respect of every week during the period of his or her employment, be entitled to a minimum weekly wage (exclusive of any overtime or bonus or other special payments) of an amount equivalent to his or her ordinary weekly earnings:

Provided that -

- (a) Where the ordinary weekly earnings of an adult male worker exceed £5:10s., the minimum weekly wage to which he is entitled under this Order shall be £5:10s.:
- (b) Where the ordinary weekly earnings of an adult female worker exceed £2:17:6d., the minimum weekly wage to which she is entitled under this Order shall be £2:17:6d.:
- (c) Where the ordinary weekly earnings of a junior worker exceed £1:15s., the minimum weekly wage to which the worker is entitled under this Order shall be £1:15s.

(2) The foregoing provisions of this clause shall not apply to any worker in respect of any week if he or she is entitled otherwise than under this Order to receive a higher minimum weekly wage for that week.

5. (1) Defines the ordinary weekly earnings of any worker as the amount to which he would be entitled for the weekly hours prescribed under the terms of his employment at the ordinary-time rate.

(2) Any amounts actually earned by any worker on any day in excess of the appropriate daily proportion of his or her ordinary weekly earnings shall be deemed to be overtime or bonus or other special payments.

(over)

2.

(Minimum Weekly Wage Order 1942)  
(No.2)

6. (1) Provides that the right of any worker to receive in respect of any week payment of the minimum weekly wage shall, in addition to the conditions prescribed by Regulation 13 (paragraphs (h) to (j)) of the Industrial Man-power Regulations, be subject to the following further conditions:-

- (a) That the worker on each working day reported for work at the usual time, or took steps agreed to by the employer to ascertain whether his or her services were required:
- (b) That the worker during the week performed his or her work with due diligence and with proper skill and care and complied with all the terms and conditions of his or her employment:
- (c) That the worker during the preceding six weeks was not absent for more than one working day for a reason other than -
  - (i) Sickness or accident, or other reason outside his or her control, or
  - (ii) By leave of the employer:

Provided however that a worker shall not lose his or her right to the minimum weekly wage if during the preceding six weeks he or she was absent for not more than three working days through his or her own default - that is for a reason within his or her own control - and during such period by working overtime exceeded his or her ordinary weekly hours by not less than 20%.

(2) In any undertaking in which it is customary to close down for a particular period at Easter or at Christmas or at New Year, no day within such period shall be regarded as a working day for the purposes of paragraph (c) of subclause (1) of this clause unless the undertaking is required to open and operate on that day by direction of a Controller holding office under the Supply Control or other Emergency Regulations.

7. (1) Provides that unless otherwise provided in any award or agreement a junior is a worker under the age of 21 years.

(2) Provides that where a female is employed in substitution for and is performing the work and receiving the remuneration of an adult male worker, she shall for the purposes of this Order be deemed to be an adult male worker.

It is difficult to condense this Order without destroying its meaning, but generally speaking it does not operate unless a worker in an essential undertaking, who is capable of performing and is available for his or her work, is unable to work for reasons beyond his or her control, such as wet weather, shortage of raw materials, or a breakdown in the machinery. If such a case arises and you are in doubt as to how the Order should be applied please communicate with this office.

3.

(Minimum Weekly Wage Order 1942)  
(No.2)

Attention is directed particularly to clause 6. If for any reason - such as wet weather on an outside job - the worker does not earn the prescribed minimum wage in any week, he is not entitled to have his wages made up to the minimum unless during that week he has performed his work "on each working day" that his services were required. Paragraph (c) however sanctions a limited degree of absenteeism. Before making any payment under this Order for a broken week, the employer must examine the worker's records for the preceding six weeks. Absence for one day during that period for other than the permitted reasons is to be ignored. If the worker has been absent for two or three days, he will not be entitled to a supplementary payment unless the actual time worked exceeded by 20% the ordinary working hours for the period. For example: in a 40-hour week industry the qualification for two or three days' absence is 240 hours plus 48 hours = 288 hours. Two days' absence leaves 224 ordinary hours, so that 64 hours of overtime would be required to offset two days' absence. Similarly, 72 hours' overtime would be required to offset three days' absence. More than three days' absence during the six weeks would be a complete disqualification for any payment under this Order in the seventh week. It should be noted that the worker has no right to supplementary payment for the week in which he is actually absent and is liable to a penalty under Part IV of the Industrial Man-power Regulations attached.

W. E. ANDERSON,

Secretary.

National Insurance Building, O'Connell Street,  
Auckland, C.1.

17th November, 1942.

P.O. Box 1040.

Phone: 32-266.

T.

AUCKLAND PROVINCIAL EMPLOYERS' ASSOCIATION  
(Incorporated)

---

THE EMPLOYMENT RESTRICTION ORDER NO. 2

This Order issued under Regulation 28 of the Industrial Man-power Emergency Regulations is dated the 6th November 1942, and repeals Order No. 1.

- (a) In the Auckland Province the Order applies to all employers engaged in any industry, trade, or occupation within the following areas:-

City of Auckland	Borough of New Lynn
Borough of Birkenhead	Newmarket
Devonport	Northcote
Ellerslie	Onehunga
Gisborne	One Tree Hill
Hamilton	Otahuhu
Mt. Albert	Township of Panmure
Mt. Eden	Borough of Rotorua
Road District of Mt. Roskill	Takapuna
Mt. Wellington	Whangarei.

- (b) Except with the prior consent in writing of a **Man-power Officer**, no employer to whom this Order applies shall engage, or attempt to engage, any worker for employment in any area mentioned above, otherwise than in employment of a kind or class specified in the next paragraph.

- (c) The classes of employment excluded from the restriction imposed by this Order are:-

1. EMPLOYMENT IN ANY UNDERTAKING THAT IS FOR THE TIME BEING AN ESSENTIAL UNDERTAKING WITHIN THE MEANING OF PART III OF THE INDUSTRIAL MAN-POWER EMERGENCY REGULATIONS 1942.

2. Employment on any farm or orchard (including employment on any land used in connection with any of the following operations: Dairying; poultry-farming; the sowing, raising, harvesting, or treating of grain, fodder, fruit, tobacco, or farm produce; the management, rearing, or grazing of horses, cattle, sheep, or other live-stock; the shearing or crutching of sheep or the classing, scouring, sorting, or pressing of wool; or any other farm or station work.)

3. Employment in any market-garden used for the production of vegetables for sale.

4. Employment in any capacity on any ship, hulk, lighter, barge, or other vessel; or employment on any wharf, pier, or jetty, in connection with the loading or unloading of any vessels.

5. Employment as a midwife or maternity nurse, or as a professional nurse for the sick.

6. EMPLOYMENT ON CASUAL WORK FOR A PERIOD NOT EXCEEDING THREE CONSECUTIVE DAYS.

W.E. ANDERSON,  
Secretary.

National Insurance Building, O'Connell Street,  
Auckland, C.1.

P.O. Box 1040.

17th November, 1942.

Phone: 32-266.

AUCKLAND PROVINCIAL EMPLOYERS' ASSOCIATION  
(Incorporated)

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SUMMARY OF REGISTRATION FOR EMPLOYMENT ORDERS  
(UNDER REGULATION 30)

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These Orders require every person of the class mentioned to register for employment by completing a form provided for the purpose and delivering it to the District Manpower Officer either personally or by registered post.

To date seven Orders have been issued; the first six (Numbers 1 to 6 inclusive), consolidated, require the registration of:-

- (a) Every person who, being a male, has attained or hereafter attains the age of 46 years, but has not attained the age of 60 years.
- (b) Every person who, being a female, has attained or hereafter attains the age of 20 years, but has not attained the age of 31 years.

Order Number 7 requires the registration of every male person who is not a British subject either by birth or by naturalization and has attained or hereafter attains the age of 18 years but has not attained the age of 46 years.

There are exemptions from registration, which do not however concern many members of this Association. The classes exempt include - Members of the Armed Forces, Policemen, Firemen, Owners and Managers fully employed on Farms, Railway Servants, Persons employed in the production or supply of Gas or Electricity, Persons serving on Merchant Ships, Medical Practitioners, Dentists and their Employees, Hospital Employees, Pharmacists and Dispensers, Opticians and their Mechanics, Judges, Magistrates, and Members of Parliament.

Subsequent to registration every person is required by notice to attend at the office of the D.M.O. for interview, and it is at this stage that the worker or the present employer should advise the D.M.O. of the reasons, if any, why the worker should not be transferred to other employment. If, notwithstanding the representations of the present employer, the D.M.O. decides to transfer the worker to other employment, the employer and/or worker may if they so desire appeal to the District Manpower Appeal Committee against the decision of the D.M.O.

W.E. ANDERSON,  
Secretary.

National Insurance Building, O'Connell Street,  
Auckland, C.1.

P.O. Box 1040.

17th November, 1942.

Phone: 32-266.

JB.

D.M.O. means District Manpower Officer.  
Committee means Manpower Appeal Committee.

REC'D 10 OCT 1942

ACKGD  
ANSD

AUCKLAND PROVINCIAL EMPLOYERS' ASSOCIATION  
(Incorporated)

*Revoked*  
*See 1945*  
*Order*

*5/10*  
*2*  
*Not applicable*  
*to all*

THE MINIMUM WEEKLY WAGE (ESSENTIAL UNDERTAKINGS) ORDER 1942

A full copy of the above-mentioned Order is incorporated in the attached circular. It commences on Page 2 and ends at the top of Page 4. The following comments may assist members when interpreting the Order:-

1. Clause 2 limits the application of the Order to workers in essential undertakings who are paid on an hourly or daily basis. The clause makes it clear that the Order has no application whatever to workers whose wages are prescribed by an award, agreement, or Act on a weekly basis.
2. Clause 3 applies the Order retrospectively as from the 1st July 1942 to undertakings declared essential on or before that date, and as from the date of the declaration in the case of undertakings declared essential after the 1st July 1942.
3. Clause 4 fixes the minimum weekly wage as an amount equal to a worker's ordinary weekly earnings, including the bonuses which have been granted by the Court of Arbitration under the Rates of Wages Emergency Regulations, but excluding any overtime, special bonus, or other special payments. The minimum weekly wage to which a worker is entitled under this Order shall not exceed -

£5:10s. in the case of an adult male worker,  
£2:17s.6d. in the case of an adult female worker,  
£1:15s. in the case of a junior worker, male or female.

4. Clause 5 defines "ordinary weekly earnings" as the amount to which a worker is entitled for the weekly hours for which he receives payment at ordinary rates of pay. For instance, if an award provides that an ordinary week's work shall not exceed 40 hours without payment of overtime, and the worker is paid an ordinary wage of 2s.5d. per hour plus the Court's cost of living bonuses, ordinary weekly earnings would be computed as follows:-

	£	s.	d.
40 hours at 2s.5d.	4	16	8
Plus 1940 bonus - 5%		4	10
	5	1	6
Plus 1942 bonus		5	0
	£5	6	6

In other words, a worker is entitled to his ordinary weekly wage with a maximum payment as stated in clause 3.

5. The purpose of the Order is to guarantee a minimum weekly wage to workers who are paid on an hourly or daily basis so long as they attend and carry out their duties with due diligence and with proper skill and care, and comply with the general terms and conditions of their employment.

If you require further information regarding this matter please communicate with this office.

W.E. ANDERSON,  
Secretary.

National Insurance Building, O'Connell Street,  
Auckland, C.1.

P.O. Box 1040.

8th October, 1942.

Phone: 32-266.

AUCKLAND PROVINCIAL EMPLOYERS' ASSOCIATION  
(Incorporated)

NATIONAL SERVICE EMERGENCY REGULATIONS  
(ESSENTIAL INDUSTRIES)

The following summary of Regulation 9 of the National Service Emergency Regulations, dealing with the maintenance of essential industries and undertakings, is circulated for the information of those members affected by the Regulation:-

Clause 1 Defines "industry" as any trade, occupation, business, manufacture, work, or service of any kind whatsoever, and "undertaking" as any unit or any specified part of a unit of any industry.

Clause 2 Empowers the Minister to declare any industry or undertaking to be essential.

Clause 3 Provides that every declaration shall be in writing under the hand of the Minister or authorised person.

Clause 4 Provides that in specified undertakings the declaration shall be given to the owner, manager, or person in charge and that in other cases the declaration shall be published in the Gazette.

Clause 5 Makes provision for the amendment or cancellation of any declaration.

Clause 6 Provides that the Minister may issue a certificate that any undertaking has been declared essential, and if this is done the owner or manager shall display the certificate or a copy in a conspicuous part of each department or separate branch department where it can be seen by the workers.

In cases where an industry as a whole is declared to be essential, individual certificates are not issued. The firms affected by such declarations should obtain from the District Manpower Officer copies of Notice NS129, which is a poster setting out the principal clauses of the Regulation.

Clause 7 - Paragraph (a) Provides that except with the permission in writing of the District Manpower Officer, the employer shall not:-

(i) Terminate (except for serious misconduct) the employment in an essential undertaking of any person.

(Note: Re misconduct, refer to paragraphs (d) and (e).)

(ii) Permit a person to give his services to any other undertaking (whether essential or not) except in case of emergency, and then not for a longer period than 14 days and not for more than 21 days in any period of three months.

Paragraph (b) Provides that no person employed in an essential undertaking shall leave his employment without the written permission of the District Manpower Officer.

Paragraph (c) Provides:-

(i) That the District Manpower Officer in granting permission to terminate employment shall specify the earliest date on which the employment may be terminated.

(ii) That a condition of the termination shall be that seven consecutive days' notice has been given by the employer or worker as the case may be.

(over)

- (iii) That in exceptional circumstances the District Manpower Officer may permit termination of employment without notice or after less than seven days' notice.

Paragraph (d) Provides that if an employer dismisses a worker for serious misconduct he - the employer - must immediately notify the District Manpower Officer in writing giving particulars of the alleged misconduct. The District Manpower Officer, if not satisfied as to the sufficiency of the cause, may require the employer to reinstate the worker (but not necessarily in the same position) and require the worker to accept re-employment. Either party, if dissatisfied with the decision of the Manpower Officer may appeal to the Manpower Committee.

Paragraph (e) Provides that the Manpower Officer or Committee, as the case may be, may direct the employer to pay to the worker full wages in respect of the whole or part of any period between the dates of his dismissal and his reinstatement.

Paragraph (f) Provides that if the position in which any worker is usually employed is abolished, whether by reason of the completion or rearrangement of the work or for any other reason, the employer with the consent of the District Manpower Officer may transfer the worker to another position in the undertaking for which a lower rate of remuneration is payable.

Paragraphs (g) and (h) Provide that so long as a worker complies with these Regulations, and is available to perform his usual work or any other work in the undertaking, which he might be reasonably required to perform, he shall be entitled to receive not less than the minimum weekly wage fixed by the Minister for workers of his class.

The Minister, in an Order dated the 1st October 1942, has fixed the minimum weekly wage payable to workers employed in essential undertakings as follows:-

1. This Order may be cited as the Minimum Weekly Wage (Essential Undertakings) Order 1942.

2. This Order shall apply with respect to every undertaking that is for the time being an essential undertaking within the meaning of Regulation 9 of the National Service Emergency Regulations 1940, not being an undertaking in respect of which a minimum weekly wage is for the time being duly prescribed by any award or agreement, or by any Act or Regulations, or by any order other than this Order.

3. (i) In its application to any undertaking that is an essential undertaking at the date of this Order, this Order shall be deemed to have come into force on the date on which the undertaking was declared to be an essential undertaking or on the 1st day of July 1942, whichever date is the later.

(ii) In its application to any other undertaking, this Order shall come into force on the date on which the undertaking is declared to be an essential undertaking.

4. Except as hereinafter provided, every worker who is employed in an undertaking to which this Order applies shall, while so employed, be entitled to a minimum weekly wage (exclusive of any overtime or bonus or other special payments) of an amount equivalent to his or her ordinary weekly earnings:

Provided that such minimum weekly wage shall not exceed £5:10s. in the case of an adult male worker, £2:17s.6d. in the case of an adult female worker, or £1:15s. in the case of a junior worker.

## 5. For the purposes of this Order -

- (a) The ordinary weekly earnings of any worker shall be deemed to be an amount calculated for the worker's weekly hours at the ordinary-time rate;
- (b) Where no ordinary-time rate is fixed under the terms of the worker's employment, the ordinary weekly earnings of the worker shall be deemed to be an amount calculated for the worker's weekly hours at the ordinary-time rate for the same class of work fixed by the award or agreement in force in the district nearest to the locality where the worker is employed or, where there is no such award or agreement in force in New Zealand, at such ordinary-time rate as may be determined in any case by the Minister of Labour;
- (c) The weekly hours of any worker shall be deemed to be the weekly number of hours prescribed under the terms of the worker's employment;
- (d) Any amounts actually earned by any worker on any day in excess of the appropriate daily proportion of his or her ordinary weekly earnings shall be deemed to be overtime or bonus or other special payments.

6. The right of any worker to receive in respect of any week payment of the minimum weekly wage hereinbefore fixed shall, in addition to the conditions prescribed by Regulation 9 of the National Service Emergency Regulations 1940, be subject to the following further conditions:-

- (a) That the worker on each working day in that week reported for work at his or her usual place of employment, or at such other place as the employer may have directed, at the time at which the worker usually reported for work, or took such other steps to ascertain whether his or her services were required on that day as may have been agreed to by the employer; and
- (b) That the worker during that week performed his or her work with due diligence and with proper skill and care, and complied with all the terms and conditions of his or her employment, whether prescribed by an award or agreement, or otherwise; and
- (c) That the worker during the immediately preceding six weeks was not absent from available work on any working day for any reason other than sickness or accident or other cause outside his or her control:

Provided that this condition shall not apply with respect to the absence of any worker from available work for not more than one day during that period of six weeks if the total number of hours worked by him or her during that period exceeded his or her weekly hours for that period by not less than 20 per cent.

7. (i) For the purposes of this Order, every worker who is not a junior worker shall be deemed to be an adult worker and, except as may be otherwise provided in any award or industrial agreement under the Industrial Conciliation and Arbitration Act 1925, or in any agreement under the Labour Disputes Investigation Act 1913, or in any other agreement, every worker who has not attained the age of twenty-one years shall be deemed to be a junior worker.

(over)

(ii) Where a female worker is employed in substitution for and is performing the work and receiving the remuneration of an adult male worker she shall for the purposes of this Order be deemed to be an adult male worker.

(End of Minimum Wage Order)

(Summary of National Service Emergency Regulation 9 continues)

Paragraph (i) Provides that a worker shall not be entitled to the minimum weekly wage provided for in the preceding paragraph when absent from work through sickness or through any circumstance within his own control, but shall be deemed to have been available for work and entitled to the minimum wage at all other times during ordinary working hours.

Paragraph (j) Provides that if sufficient of his usual work is not available, a worker shall undertake any other work in the undertaking which he may reasonably be required to do.

Paragraph (k) Provides that a worker who fails to comply with this Regulation and to perform his work with due diligence, or who wilfully or negligently fails to exercise proper skill and care in the performance of his work, shall be liable to a penalty under the Regulation.

No proceedings shall be taken under this Paragraph except by or with the consent of the District Manpower Officer.

Paragraph (l) Provides that an employer commits an offence who, without the consent of the Manpower Officer, employs a worker whose last employment for more than seven days was in an essential undertaking and not terminated in accordance with this Regulation.

Paragraph (m) Provides that nothing in this clause shall be construed as authority to reduce any rate of wages or allowances that may have been agreed upon by the parties concerned.

Paragraph (n) States that this Regulation does not apply to any worker whose employment in an essential undertaking has not been for a period of seven consecutive working days or such longer period as the District Manpower Officer may have agreed to in writing in respect of any particular worker.

Clause 8 Provides that all applications to the District Manpower Officer must be in writing and accompanied by sufficient information to enable such Officer to adjudicate on the case. The Manpower Officer's decision also shall be in writing.

Clause 9 Provides that the employer or worker may appeal to the Manpower Committee against any decision given by the Manpower Officer.

This Regulation has no application whatever to industries or undertakings which have not been declared essential under clause 2.

Any member requiring further information regarding this subject should communicate with this office or with the District Manpower Officer.

W. E. ANDERSON,

Secretary.

National Insurance Building, O'Connell Street,  
Auckland, C.1.

P.O. Box 1040.

Phone: 32-266.

T. 8th October, 1942.

# Auckland Harbour Board.

## MEMORANDUM

FROM

872  
2  
THE ENGINEER

22nd July, 19 42.

TO Foreman of Works & Timekeeper,  
Electrician, Mr. M.W. Hall,  
Mr. F.H. Tackaberry.

Instruction No.11723B.

Declaration of Auckland Harbour Board as an  
Essential Undertaking in respect only of  
Permanent and Weekly Employees.

With reference to Instruction No.11563A dated 2nd June, 1942, regarding the above, attached please find copy of the National Service Emergency Regulations 1940, Amendment No.10 Serial No.1942/142, which supercedes Amendment No.8 of the same regulations, a copy of which letter was forwarded to you with Instruction No. 11563A.

Please study the amended regulations carefully and see that all conditions are rigidly observed.

Display the attached copy of Notice (N.S. - 129) in place of the notice forwarded to you previously.

D. Holderness  
ENGINEER TO THE BOARD.

Per:

# Auckland Harbour Board.

## MEMORANDUM

FROM

THE ENGINEER

23rd July, 1942.

TO Mr. A.G. Brebner,  
Mr. W. Clare.

Instruction No.11723B.

Declaration of Auckland Harbour Board as an  
Essential Undertaking in respect only of  
Permanent and Weekly Employees.

With reference to Instruction No.11563A dated 2nd June, 1942, regarding the above, attached is an amended copy of notice N.S. - 129, which is to be displayed in a prominent position in place of the notice forwarded to you with the above instruction.

Amended conditions of employment in Essential Undertakings are set out in the National Service Emergency Regulations 1940 Amendment No.10, Serial No.1942/142, copy of which is available for perusal on application to this office.

D, Holderness

ENGINEER TO THE BOARD.

Per:



878  
2

## Auckland Harbour Board

Memorandum

*Auckland, N. Z.*  
22nd July, 1942.

Heads of Departments,  
A.H.B.

DECLARATION OF AUCKLAND HARBOUR BOARD AS AN ESSENTIAL  
UNDERTAKING IN RESPECT ONLY OF PERMANENT AND WEEKLY EMPLOYEES.

With reference to my memo dated 19th May 1942 regarding the above, please note that the National Service Emergency Regulations 1940, Amendment No. 8 (Serial No. 1942/5) is now superceded by the National Service Emergency Regulations 1940, Amendment No. 10. These latter regulations, copy of which is available for perusal on application to the Secretary, prescribe the amended conditions of employment in Essential Undertakings. Please peruse these amended regulations and see that all conditions are rigidly observed.

Copies of the attached amended notice (N.S - 129) are to be displayed in place of the notice forwarded to you with my memo of 19th May 1942. (Further copies of the notice may be obtained if required from the office of the State Placement Service.)

*[Handwritten Signature]*  
Superintendent.

DH.MIJ

Serial Number 1942/142



**THE NATIONAL SERVICE EMERGENCY REGULATIONS 1940,  
AMENDMENT NO. 10**

C. L. N. NEWALL, Governor-General.

**ORDER IN COUNCIL.**

At the Government House at Wellington, this 20th day of  
May, 1942.

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 National Service  
Emergency Regulations 1940, Amendment No. 10, and shall  
be read together with and deemed part of the National Service  
Emergency Regulations 1940\* (hereinafter referred to as the  
principal regulations).

2. (1) The regulations particularly specified in the Schedule  
hereto, being that portion of the principal regulations that  
is set out under the heading "National Service outside the  
Armed Forces" (comprising the regulations originally included  
in the said portion, as heretofore amended from time to time,  
and also any regulations that have been subsequently incorpo-  
rated in the said portion) are hereby revoked, and the  
regulations hereinafter set forth as Regulations 8, 8A, 9, 9A, 9B,  
9C, 9D, 9E, 9F, 10, and 11 are hereby substituted therefor  
and shall be deemed to be incorporated in the principal  
regulations in their appropriate numerical sequence.

(2) All directions, declarations, notices, exemptions, certifi-  
cates, decisions, and other acts of authority given, made, or  
done for the purposes of any of the regulations hereby revoked,  
and subsisting or in force on the coming into operation of  
these regulations, shall enure as if they had been respectively  
given, made, or done under the corresponding provisions of  
the regulations hereinafter set forth.

\* Statutory Regulations 1940, Serial Number 1940/117, page 381.

(3) The revocation by these regulations of regulations heretofore in force shall not affect the liability of any person for any offence heretofore committed against any of the said regulations, and proceedings in respect of any such offence may be commenced or continued as if these regulations had not been passed.

3. The regulations substituted by these regulations for the regulations hereby revoked are the following:—

“REGULATION 8.—MINISTER MAY DIRECT PERFORMANCE OF  
NON-MILITARY SERVICES.

“(1) In this regulation, unless the context otherwise requires, the term ‘person’ includes a company or other corporation and also includes a firm or other unincorporated association of persons.

“(2) Except as provided in the next succeeding subclause, this regulation shall apply with respect to—

“(a) All persons for the time being resident in New Zealand; and

“(b) Every company or other corporation and every firm or other association of persons for the time being carrying on business in New Zealand or engaged in any other activity in New Zealand.

“(3) Nothing in this regulation shall apply with respect to members of any of the armed forces (except the Home Guard), other than such members who are for the time being on leave of absence without pay.

“(4) If at any time it appears to the Minister to be necessary or expedient in the public interest so to do, he may by notice given in accordance with Regulation 52 hereof direct any person to whom this regulation applies to perform such services as may be specified in the direction or to perform services of a kind or class specified in the direction (not being in any case services outside New Zealand or services as part of any armed force).

“(5) Except as may be otherwise provided in any notice under this regulation, every direction given thereunder shall have effect according to its tenor, notwithstanding that services of the kind specified in the direction may in ordinary circumstances be performed only by persons who are licensed or otherwise authorized to undertake or perform such services.

“(6) Any direction under this regulation may be given to a specified person, or may be given to persons belonging to a specified class (with or without exception). Any specific or general direction given under this regulation with respect to any person or persons for the time being on leave of absence without pay from the armed forces may be given so as to apply from time to time whenever the person or persons to whom it is given or any person being a member of the class to which it is given is on leave of absence as aforesaid (whether or not any such person to whom the direction applies was on leave of absence without pay when the direction was given).

“(7) Any services performed pursuant to a direction given under this regulation shall be performed upon terms as to remuneration that are not less favourable to the worker than are the corresponding terms prescribed by any Act, or by any regulations or orders made under any Act, or by any award or industrial agreement, or by any other agreement whatsoever that may be applicable to those services or to similar services.

“(8) If no terms prescribed as aforesaid are applicable in respect of any services to be performed under this regulation, the services shall be performed upon such terms as to remuneration as may be prescribed for the purpose by the Minister of Labour.

“(9) The Minister of National Service may from time to time direct any person to undergo any training prescribed or approved by the Minister for the purpose of fitting that person to perform any services under this regulation.

“(10) For the purpose of enabling effect to be given to any direction given to any person under the foregoing provisions of this regulation the Minister may give such orders and directions as he thinks fit to any other person or to persons of any specified class.

“(11) All directions given for the purpose of the foregoing provisions of this regulation shall be subject to an appeal to a Man-power Committee in accordance with the provisions in that behalf of Regulation 9*d* hereof.

“(12) The provisions of the Occupational Re-establishment Emergency Regulations 1940,\* and of the Suspension of Apprenticeship Emergency Regulations 1939†, shall apply with respect to persons who are at any time transferred in accordance with this regulation from their normal employment in all respects as if those persons had then been called up for service with the armed forces.

“REGULATION 8A.—MINISTER MAY DIRECT MEMBERS OF GENERAL  
RESERVE TO APPLY FOR ENROLMENT AS MEMBERS OF  
EMERGENCY RESERVE CORPS.

“(1) The Minister, by notice given in accordance with Regulation 52 hereof, may at any time direct any member of the General Reserve, or members of any specified class of the General Reserve (with or without exception) to apply for enrolment in the Emergency Reserve Corps or in any specified branch of the Emergency Reserve Corps. Every notice given for the purposes of this regulation shall take effect according to the tenor thereof. In particular any such notice that is directed to members of a class may be given so as to apply to any person if and as soon as he becomes a member of that class, notwithstanding that he may not be a member of that class on the date of the notice.

\* Statutory Regulations 1940, Serial number 1940/291, page 1006.  
† Statutory Regulations 1939, Serial number 1939/154, page 693.

"(2) If any person to or in respect of whom a direction to apply for enrolment as a member of the Emergency Reserve Corps or of any specified branch thereof is given by his Minister pursuant to this regulation fails to comply with the direction of the Minister, or, having applied for enrolment, fails to make and sign the required declaration, he may be posted to any branch of the Corps or to the specified branch, as the case may be, and shall thereupon become a member of the branch to which he has been posted as if he had voluntarily enrolled therein and been attested.

"(3) If any direction as aforesaid is given by public notice, it shall be the duty of every employer to ascertain with respect to every person employed or thereafter becoming employed by him—

"(a) Whether or not the direction applies to such person; and

"(b) If the direction applies to such person, whether or not it has been complied with.

"(4) If default is made by any employee in complying with any direction as aforesaid, it shall be the duty of his employer forthwith to report the default to the Director of National Service.

"(5) The provisions of subclauses (2), (3), and (4) of this regulation shall apply in cases where the direction to apply for enrolment has been given by the Minister before the date of the making of these regulations in the same manner as they apply with respect to directions that may hereafter be given.

"(6) If any person to whom a notice under this regulation applies is aggrieved thereby he may, at any time within fourteen days after the date of the notice or, as the case may be, within fourteen days after the date on which the notice becomes applicable to him, give notice of appeal and of the grounds thereof to the Director of National Service. Every such notice of appeal shall be submitted to such Advisory Council or other appellate authority as the Minister may direct, and the Minister shall accept as final any recommendation in relation to the appeal made by the Advisory Council or other appellate authority as aforesaid:

"Provided that nothing in this clause shall be construed to limit the power of the Minister, subject to the same right of appeal, to issue any subsequent notice or to give to the appellant any further directions under this regulation.

"(7) No proceedings for failure to comply with any direction given under this regulation shall be taken against any person who has duly appealed against such direction before the appeal has been duly disposed of, and no such proceedings shall be taken in respect of the period prior to the disposal of the appeal.

"(8) Nothing in this regulation shall be construed to authorize or require the enrolment in the Emergency Reserve Corps or in any branch thereof of any person who is not for the time being eligible for enrolment in the Emergency Reserve Corps or in that branch, as the case may be.

"(9) For the purposes of this regulation, any person having general control or authority over any employee in relation to his employment shall be deemed to be his employer.

"REGULATION 9.—MAINTENANCE OF ESSENTIAL INDUSTRIES AND ESSENTIAL UNDERTAKINGS.

*Interpretation.*

"(1) For the purposes of this regulation the term 'industry' includes any trade, occupation, business, manufacture, work, or service of any kind whatsoever, and the term 'undertaking' means a unit or any specified part of a unit of any industry as herein defined.

*"Declaration of Essential Industries and Essential Undertakings.*

"(2) The Minister may at any time declare any industry to be an essential industry or any undertaking to be an essential undertaking for the purposes of this regulation. The declaration of any industry as an essential industry may be absolute, or may exempt any specified undertaking or any specified class of undertakings within that industry. Any such exemption may be included in the declaration or may be given at any time by public notice or by notice to the owners or persons in charge of the undertakings concerned. All undertakings within an essential industry that are not for the time being exempted as aforesaid shall be deemed to be essential undertakings within the meaning of this regulation.

"(3) Every declaration made under the last preceding clause shall be in writing under the hand of the Minister or of a person for the time being duly authorized to act for the Minister in that behalf.

"(4) Where any declaration as aforesaid is made in respect of any specified undertaking, notice in writing shall be given to the owner, or manager, or person in charge or appearing to be in charge of the undertaking and in such other manner, if any, as the Minister thinks fit. Except in the case of specified undertakings as aforesaid, notice of all declarations made under this regulation shall be published in the *Gazette* and may also be published in such other manner, if any, as the Minister thinks fit.

"(5) Any declaration or exemption made or given under the foregoing provisions of this regulation may be at any time in like manner amended or revoked.

*"Certificates of Essential Undertakings.*

"(6) The Minister may issue or cause to be issued, in respect of any essential undertaking, a certificate to the effect that it has been declared an essential undertaking within the meaning of this regulation. The said certificate shall be served on the owner or manager or person in charge of the undertaking, and it shall be the duty of the person on whom it is served to display the certificate or a copy or notice

thereof in a conspicuous part of the premises wherein the undertaking is carried on or, as the case may require, in every separate branch or department where workers are employed, and to keep it so displayed while the certificate remains in force. If in any case the certificate or a copy or notice thereof cannot be displayed as aforesaid, it shall be displayed in some place where it is likely to be observed by the workers employed in the undertaking.

*"Conditions of Employment in Essential Undertakings.*

"(7) With respect to employment in any essential undertaking (whether or not a certificate in respect of the undertaking has been issued under the foregoing provisions of this regulation) the following special provisions shall apply, namely:—

"(a) Except with the permission in writing of the District Man-power Officer, the employer shall not terminate (except for serious misconduct) the employment in the undertaking of any person for the time being employed therein or, without terminating such employment, cause or permit him to give his services in any other undertaking (whether an essential undertaking or not) except in case of emergency, and then only for a period not exceeding fourteen days at any one time and not exceeding twenty-one days within any period of three months:

"(b) Except with the permission in writing of the District Man-power Officer, no person for the time being employed in the undertaking shall leave his employment:

"(c) In granting permission to an employer or worker to terminate any employment in accordance with paragraph (a) or paragraph (b) hereof, the District Man-power Officer shall specify the earliest date on which the employment may be terminated. Except as hereinafter provided in this paragraph, such permission shall be subject to the condition that not less than seven days' notice of intention to terminate the employment has been given by or on behalf of the employer to the worker, or has been given by the worker to the employer or his representative, as the case may be. Any such notice of intention may be given before or after permission to terminate the employment has been given by the District Man-power Officer. In exceptional circumstances, having due regard to the public interest, the District Man-power Officer may grant permission to terminate any employment as aforesaid without notice, or after such shorter period of notice than seven days as he thinks fit:

"(d) Where the employment of any person is terminated on the ground of serious misconduct, notice in writing of the termination of the employment, with particulars of the alleged misconduct, shall be forthwith given by the employer or person in charge of the undertaking to the District Man-power Officer, who, if he is not satisfied as to the sufficiency of the cause, may, subject to appeal to a Man-power Committee in accordance with Regulation 9b hereof, require the employer to reinstate the worker in the undertaking (but not necessarily in the same position) and may require the worker to accept employment in the position offered to him:

"(e) Where any person is reinstated in accordance with the last preceding paragraph, either by the District Man-power Officer or by the Man-power Committee, that Officer or Committee, as the case may be, may, if he or it deems it equitable so to do, direct the employer to pay to the worker (in respect of any period between his dismissal and his reinstatement when he was actually unemployed or when he was employed at less than his ordinary wages), an amount to be computed on the basis of the wages that he would have received for his ordinary working-hours during that period if he had not been dismissed, or for such proportion of those ordinary working-hours as may be specified by the District Man-power Officer or the Man-power Committee, as the case may be:

"(f) If the position in which any worker is usually employed in any essential undertaking is abolished, whether by reason of the completion of the work attached to the particular position or by reason of any rearrangement of the work of the undertaking or for any other reason, the employer, with the consent of the District Man-power Officer, but not otherwise, may transfer the worker to another position in the undertaking for which a lower rate of remuneration is payable, and thereafter the work attached to the new position shall, for the purposes of this regulation, be deemed to be the usual work or occupation of the worker:

"(g) Every worker for the time being employed in an essential undertaking shall, subject to the provisions of the next succeeding paragraph, be entitled to receive not less than such minimum weekly wage as may be fixed in that behalf by the Minister of Labour pursuant to the next succeeding paragraph. If at any time the said Minister has failed to fix a minimum weekly wage

that is applicable in the case of any worker employed in an essential undertaking as aforesaid, any order that may thereafter be made by the said Minister in respect of that undertaking may, in its application to that worker, be made retrospective to the date on which the undertaking was declared an essential undertaking, but not in any case to an earlier date than the 18th day of May, 1942:

“(h) The Minister of Labour may from time to time by order fix in respect of the workers or of workers of any class for the time being employed in any essential undertaking a minimum weekly wage to which such workers shall be entitled while so employed:

“Provided that the right of any worker to receive payment in accordance with this paragraph shall be subject to his compliance with such conditions (if any), not inconsistent with these regulations, as the Minister of Labour may fix, and shall also be subject to the condition that the worker, during any period when he was not working at his usual employment, was capable of performing and was available for his work, and that, when not actually required to perform such work, he was willing to perform any other services connected with the undertaking that he might in the circumstances be reasonably required to perform:

“(i) For the purposes of the last preceding paragraph a worker shall be deemed not to have been available for work during any period when he was not actually working if he was absent from work on account of sickness or on account of any circumstances within his own control, but shall be deemed to have been available for work at all other times during ordinary working-hours:

“(j) It shall be the duty of every person who is for the time being employed in any essential undertaking, if at any time during his ordinary working-hours sufficient work is not available for him in his usual occupation, to undertake any other work in or in connection with the same undertaking that he may reasonably be required to undertake:

“(k) If any person employed in an essential undertaking fails to comply with the obligations imposed on him by this regulation, or fails to perform his work with due diligence, or wilfully or negligently fails to exercise proper skill and care in the performance of his work, he shall be deemed to have committed an offence against these regulations and shall be liable accordingly to the penalties prescribed by Regulation 56 hereof:

“Provided that no proceedings shall be taken for any such offence except by or with the consent of the District Man-power Officer:

“(l) Every employer commits an offence against these regulations and shall be liable accordingly who, without the consent in writing of a District Man-power Officer, employs or engages any person whose last continuous employment for a period of more than seven days was in an essential undertaking and whose employment as aforesaid was terminated by him contrary to the provisions of this regulation:

“Provided that it shall be a good defence in any proceedings for an offence under this paragraph if the defendant proves that before employing the worker he made all reasonable inquiries as to his former employment, and that he did not know and had no reasonable grounds to suspect that the worker had left his employment in an essential undertaking contrary to the provisions of this regulation:

“(m) Nothing in the foregoing provisions of this clause shall be construed as an authority to reduce any rate of wages or allowances that may have been agreed upon by the parties concerned:

“(n) Nothing in this clause shall apply with respect to the employment in any essential undertaking—

“(i) Of any person whose employment in the undertaking has not been continuous for a period of at least seven working-days; or

“(ii) Of any other person who, being engaged in the undertaking only for the purposes of a specific job of short duration but extending over more than seven working-days, is excluded from the operation of this clause by the District Man-power Officer on application to extend the aforesaid period, made either by the worker or by the employer before the expiration of the said period. Every decision given by the District Man-power Officer for the purposes of this paragraph shall be by way of a refusal to extend the said period, or by an extension of the said period by such number of working-days or to such specified date as, in the circumstances of the case, the District Man-power Officer thinks proper. Every such decision shall be communicated by the District Man-power Officer to the employer and to the worker or to the several workers affected thereby.

“(8) All applications made to the District Man-power Officer for the purposes of the last preceding clause shall be in writing, and shall contain all such particulars as may be reasonably necessary to enable that Officer to arrive at a

proper decision. The decision of the District Man-power Officer shall be communicated in writing to the person by whom the application was made.

*"Appeals from Decisions of District Man-power Officers.*

"(9) All decisions of a District Man-power Officer given for the purposes of the foregoing provisions of this regulation (not being a decision in relation to an alleged offence under paragraph (k) of clause (7) hereof) shall be subject to an appeal to a Man-power Committee in accordance with the provisions in that behalf of Regulation 9b hereof.

*"Provisions of this Regulation to be subject to Directions given under Regulation 8 or Regulation 9c hereof.*

"(10) If any direction given by the Minister in accordance with Regulation 8 hereof or given by a District Man-power Officer in accordance with Regulation 9c hereof is given to or in respect of a worker employed in an essential undertaking in accordance with this regulation, the obligations imposed on the worker by the said Regulation 8 or Regulation 9c shall, subject to appeal in accordance with Regulation 9b hereof, prevail over any rights or obligations conferred or imposed on the worker by this regulation.

*"Application of this Regulation to Government Undertakings.*

"(11) Any undertaking for the time being carried on by any Department of State may be declared to be an essential undertaking for the purposes of this regulation, and the foregoing provisions of this regulation shall bind the Crown in respect of that undertaking, but shall not bind the Crown in respect of any other undertaking.

**"REGULATION 9A.—MINISTER MAY REQUIRE EMPLOYERS TO OBTAIN CONSENT OF DISTRICT MAN-POWER OFFICER BEFORE ENGAGING WORKERS.**

"The Minister may from time to time, by direction given to employers generally or to any specified employer or employers, or to employers of any specified class, direct that no employer to whom such direction is given shall, except with the consent of a District Man-power Officer, engage or attempt to engage any worker whomsoever, or engage or attempt to engage any worker in any specified industry, trade, or occupation, or engage or attempt to engage any worker who is normally or usually engaged in any specified industry, trade, or occupation.

**"REGULATION 9B.—MINISTER MAY REQUIRE REGISTRATION OF EMPLOYERS IN SPECIFIED INDUSTRIES.**

"The Minister may from time to time direct all employers engaged in any specified industry, trade, or occupation, or all employers of any specified class or of specified classes, to

register in such manner and to furnish, in a form approved by the Minister, such information and particulars in relation to any work of a kind usually undertaken by them or in relation to any work actually undertaken by them as the Minister may from time to time require.

**"REGULATION 9C.—REGISTRATION OF PERSONS AVAILABLE FOR EMPLOYMENT AND COMPULSORY EMPLOYMENT OF REGISTERED PERSONS.**

"(1) The Minister may, by notice given in such manner as he thinks fit, direct all persons of any specified class or of specified classes, whether normally engaged in any occupation or not, to register for employment with the nearest District Man-power Officer or with any other specified official. Every person who, having been called up for service with the armed forces, is for the time being on leave of absence without pay because he has been classified as being medically unfit for service or because his obligation to serve has been postponed by an Appeal Board or by a Man-power Committee, shall be deemed to have registered under this regulation, and if any such person is included in a class to which a notice under this regulation relates it shall not be necessary for him to fill in any form of application for registration pursuant to this regulation, or to take any other steps towards his registration unless he is expressly required so to do by further notice given by the Minister or by notice given by a District Man-power Officer.

"(2) Any person, not being a person to whom a notice under the last preceding clause applies, may, by leave of the District Man-power Officer, voluntarily register in accordance with this regulation as if he were required to register by the terms of a notice under this regulation.

"(3) Every person registered under this regulation shall, as required by the District Man-power Officer, undertake such employment or training for employment as that Officer may direct, and shall continue in such employment or training for such period as the said Officer may require. For the purpose of enabling effect to be given to any direction under the foregoing provisions of this clause, the District Man-power Officer may require any employer or other person to undertake the employment or training of any person to whom such direction relates, or as the case may require, to undertake both the employment and training of any such person.

"(4) The provisions of clauses (7) and (8) of Regulation 8 hereof (as to the rates of remuneration of persons employed under that regulation) shall, so far as applicable, apply with respect to persons for the time being employed or being trained for employment in accordance with this regulation.

"(5) The provisions of the Occupational Re-establishment Emergency Regulations 1940\* and of the Suspension of Apprenticeship Emergency Regulations 1939† shall apply with respect

\* Statutory Regulations 1940, Serial number 1940/291, page 1006.  
† Statutory Regulations 1939, Serial number 1939/154, page 693.

to persons for the time being employed or being trained for employment in accordance with this regulation in the same manner in all respects as if those persons had been called up for service with the armed forces.

"(6) In the event of a change of the residential or other postal address or of the occupation or employment of any person for the time being registered under this regulation, he shall forthwith give notice in writing to the District Man-power Officer of his new address, occupation, or employment, as the case may be. Any such notice may be delivered at the office of the District Man-power Officer, and if not so delivered shall be sent by registered letter addressed to that Officer at his office.

"(7) It shall not be lawful for any employer to terminate the employment of any person employed by him on the ground that such person has been registered or is required to be registered in accordance with this regulation.

"(8) Forms of application for registration under this regulation shall be made available at such places as the Minister may from time to time determine, and the Minister shall from time to time as occasion requires give all necessary directions as to the particulars to be registered and as to the procedure to be followed in effecting registration.

"REGULATION 9D.—APPEALS TO MAN-POWER COMMITTEE FROM DECISIONS OR DIRECTIONS OF MINISTER OR OF DISTRICT MAN-POWER OFFICERS.

"(1) Except as expressly provided in any of the regulations hereinafter specified, if any person who is directly concerned with any decision or direction of the Minister or of a District Man-power Officer given or made for the purposes of Regulation 8, or Regulation 9, or Regulation 9A, or Regulation 9c hereof, is aggrieved by such decision or direction, he may, within seven days after the decision or direction has been delivered or communicated to him, appeal therefrom by giving notice in writing to the nearest Man-power Officer requiring the matter to be referred to a Man-power Committee for consideration.

"(2) Forthwith upon receipt of any such notice the District Man-power Officer shall refer the matter to a Man-power Committee for consideration, and the Committee, on the completion of its consideration, shall give in writing such directions thereon as it thinks fit, and such directions shall be final.

"(3) A copy of the directions of the Committee, under the hand of the Chairman of the Committee, shall be forthwith furnished by the Committee to every person directly concerned with the appeal.

"(4) On the hearing of any appeal under this regulation the Man-power Committee shall have all the powers conferred on it by virtue of Regulation 33A of these regulations.

"(5) Any employer or worker, being a party to an appeal under this regulation and being a member of an industrial union of employers or an industrial union of workers, may

be represented thereat by an officer of such union appointed by such employer or worker for the purpose. Except as otherwise provided in this clause, the Man-power Committee shall determine its own procedure on any appeal under this regulation.

"(6) Where any person employed in an essential undertaking, within the meaning of Regulation 9 hereof, loses time in consequence of an appeal instituted by his employer in accordance with this regulation, and the appeal is dismissed, the employer shall be required to pay to the worker, in respect of the time so lost, either the amount that the worker would have earned during that time or so much thereof as the Man-power Committee may determine.

"REGULATION 9E.—COMPLIANCE WITH LAW AS TO COMPULSORY UNIONISM.

"(1) Every person who is for the time being employed in accordance with the provisions of Regulation 8, or Regulation 9, or Regulation 9c hereof shall, while so employed, be deemed to be a *bona fide* member of the appropriate industrial union of workers, if any.

"(2) If any such person refuses or fails to pay any membership fee or subscription or other moneys due by him to the union, the secretary of the union may request the District Man-power Officer to require the employer to deduct the amount from the wages of the person concerned, and in any such case the District Man-power Officer, if he is satisfied that the amount is due or owing, shall, by writing under his hand, direct the employer to deduct the amount from the wages of the worker concerned and to pay it to the secretary or other authorized officer of the union.

"(3) It shall be the duty of every employer to whom any such direction is given to comply with the direction, and, unless otherwise specified in the direction, the necessary deduction shall be made from the first wages thereafter becoming payable to the worker.

"REGULATION 9F.—INFORMATION TO BE SUPPLIED.

"(1) The Minister may from time to time require any person to furnish, in a form to be approved by or acceptable to the Minister, any information or particulars that may be required by him for the purposes of any of the foregoing regulations.

"(2) Every person commits an offence against the principal regulations who refuses or fails to supply any information as and when required so to do under this regulation or who furnishes for the purposes of this regulation any information that to his knowledge is false or misleading in any material particulars.

"REGULATION 10.—CLASSES OF PERSONS WHO ARE REQUIRED TO NOTIFY CHANGES OF ADDRESS OR OF OCCUPATION TO DIRECTOR OF NATIONAL SERVICE.

"(1) This regulation applies with respect to—

"(a) Every person who, having been called up for service with any armed force (whether before or after the commencement of these regulations) has appealed on the ground that by reason of his occupation his calling up is contrary to the public interest, if and so long as his appeal stands adjourned or if, pending the hearing of his appeal, his obligation of service with the armed forces has been and continues to be suspended:

"(b) Every person who, having voluntarily enlisted with any armed force (whether before or after the commencement of these regulations) has been granted leave of absence on the ground that by reason of his occupation his service with the armed forces would be contrary to the public interest:

"(c) Every person who is for the time being subject to a direction given by the Minister to perform any services in accordance with Regulation 8 hereof:

"(d) Every person who is for the time being subject to a direction given by a Special Tribunal that he be employed on any work in accordance with Regulation 2SA hereof.

"(2) If and whenever any person to whom this regulation is for the time being applicable—

"(a) Leaves any employment; or

"(b) Changes his place of residence,—

it shall be his duty forthwith to send to the Director of National Service, by registered letter, notice of the termination of his employment and of his new employment, if any, or notice of the change in his place of residence, as the case may be.

"(3) It shall be the duty of the employer of any person to whom this regulation is for the time being applicable, forthwith on the termination of the employment of that person, to send notice thereof, by registered letter, to the Director of National Service.

"(4) This regulation shall not apply with respect to changes of casual employment, and neither the worker engaged in any such employment nor his employer shall be under an obligation under this regulation to notify any change of such employment.

"REGULATION 11.—ADVISORY COUNCILS AND ADVISORY COMMITTEES.

"(1) For the purpose of assisting in the administration of these regulations in so far as they relate to national service otherwise than with the armed forces, the Minister may from time to time appoint such number of Advisory Councils or Advisory Committees as he thinks fit.

"(2) The members of any Advisory Council or Advisory Committee shall hold office as such during the pleasure of the Minister.

"(3) Every Advisory Council or Advisory Committee appointed under this regulation shall have such functions in relation to these regulations as the Minister may from time to time determine."

SCHEDULE.  
REGULATIONS REVOKED.

Title of Regulations affected.	Serial Number in Statutory Regulations.	Extent of Revocation.
The National Service Emergency Regulations 1940	1940/117	Regulations 8 to 12 (inclusive), including regulations that have been substituted for the original regulations and new regulations that have been interpolated by amending regulations.
The National Service Emergency Regulations 1940, Amendment No. 2	1940/223	Regulations 6, 7, 9.
The National Service Emergency Regulations 1940, Amendment No. 4	1941/73	Regulations 4, 5, 6, 7, 8.
The National Service Emergency Regulations 1940, Amendment No. 5	1941/148	Regulation 4.
The National Service Emergency Regulations 1940, Amendment No. 6	1941/154	Regulation 3.
The National Service Emergency Regulations 1940, Amendment No. 8	1942/5	Regulations 4, 5, 6, 7.
The National Service Emergency Regulations 1940, Amendment No. 9	1942/69	Regulation 2.

C. A. JEFFERY,  
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette*: 21st day of May, 1942.  
These regulations are administered in the National Service Department.

# Auckland Harbour Board.

## MEMORANDUM

FROM

873  
2  
THE ENGINEER

18th June, 19 42.

TO Foreman of Works, J.R. Sutton,  
Electrician, Mr. W. Clare,  
Mr. A.G. Brebner, Mr. F.H.  
Tackaberry, Mr. M.W. Hall.

### Instruction No.11621A.

When engaging any labour it is essential that the following two points be verified:-

"Whether or not the applicant had last worked in an undertaking declared essential and, if so, whether he had the consent in writing of the district manpower officer to his termination of employment in that undertaking".

If the applicant has left an essential undertaking without consent the application must be referred by you or by this office acting on your information, to the District Man-power Officer and only if that officer consents may the applicant be engaged.

The Board is liable to heavy penalties if the above procedure is not observed.

ENGINEER TO THE BOARD.

## ENGAGING LABOUR

### ESSENTIAL WORKERS

HERALD — 17.6.42  
EMPLOYERS' OBLIGATION

(P.A.) WELLINGTON, Tuesday

No employer may engage any worker who leaves an essential industry or undertaking without the consent in writing of the district manpower officer. This point was stressed by the Minister of National Service, the Hon. R. Semple, to-day.

"It should be clearly understood," stated the Minister, "that this applies to every employer in the country. The obligation is placed on every employer when engaging labour to verify two points: whether or not the applicant had last worked in an undertaking declared essential and, if so, whether he had the consent in writing of the district manpower officer to his termination of employment in that undertaking. If the employer finds the applicant has left the essential undertaking without consent he should refer the application to the nearest district manpower officer and only if that officer consents may the applicant be engaged.

"Any employer engaging such a person without consent commits an offence under the regulations and is liable upon conviction to a penalty of £50, or three months' imprisonment. This applies to all engagements of labour, women as well as men, made since May 21."



873  
2

## Auckland Harbour Board.

Memorandum.

19th May, 1942.

Heads of Departments,  
A. H. B.

Declaration of Auckland Harbour Board as an Essential Undertaking in respect only of Permanent and Weekly Employees.

Please note that the Director of National Service has certified that the Minister of National Service on 27th April 1942, declared the Auckland Harbour Board, in respect only of permanent and weekly employees, to be an Essential Undertaking for the purposes of the National Service Emergency Regulations 1940.

The Certificate of Declaration of Essential Undertaking will be exhibited in the public office on the ground floor of this building.

The National Service Emergency Regulations 1940 - Amendment No. 8 (serial No. 1942/5) copy of which is available for perusal on application to the Secretary, sets out the conditions of employment in Essential Undertakings and this is to be carefully studied and all conditions rigidly observed.

(N.S.-129)  
Copies of the attached notice are to be displayed in prominent positions on the Board's various premises. (Further copies may be obtained if required from the office of the State Placement Service).

*W. Holderness*  
Superintendent.

DH.MIJ

# Auckland Harbour Board.

## MEMORANDUM

FROM

THE ENGINEER

2nd June, 1942.

TO

Foreman of Works & Timekeeper,  
Electrician, Mr. M.W. Hall,  
Mr. F.H. Tackaberry.

Instruction No.11563A.

Declaration of Auckland Harbour Board as an Essential Undertaking in respect only of Permanent and Weekly Employees.

Please note that the Director of National Service has certified that the Minister of National Service on 27th April, 1942, declared the Auckland Harbour Board in respect only of permanent and weekly employees, to be an Essential Undertaking for the purposes of the National Service Emergency Regulations 1940.

The Certificate of Declaration of Essential Undertaking is exhibited in the public office on the ground floor of this building.

The National Service Emergency Regulations 1940 - Amendment No.8 (serial No.1942/5), copy of which is attached, sets out the conditions of employment in Essential Undertakings and this is to be carefully studied and all conditions rigidly observed.

Display the attached notice (N.S. - 129) in a prominent position where it may be seen by all employees.

ENGINEER TO THE BOARD.

# Auckland Harbour Board.

## MEMORANDUM

FROM

THE ENGINEER

2nd June, 1942.

TO Mr. A.G. Ebbner,  
Mr. W. Clare.

Instruction No. 11563A.  
Declaration of Auckland Harbour Board as an Essential Undertaking in respect only of Permanent and Weekly Employees.

Please note that the Director of National Service has certified that the Minister of National Service on 27th April, 1942, declared the Auckland Harbour Board in respect only of permanent and weekly employees, to be an Essential Undertaking for the purposes of the National Service Emergency Regulations 1940.

The Certificate of Declaration of Essential Undertaking is exhibited in the public office on the ground floor of this building.

National Service Emergency Regulations 1940 - Amendment No. 8 (serial No. 1942/5), copy of which is available for perusal on application to this office, sets out the conditions of employment in Essential Undertakings and this is to be carefully studied and all conditions rigidly observed.

Display the attached notice (N.S. - 192) in a prominent position where it may be seen by all employees.

ENGINEER TO THE BOARD.

AUCKLAND PROVINCIAL EMPLOYERS' ASSOCIATION

RECD 10 MAY 1943

(Incorporated)

ASKED

ANSW

INDUSTRIAL MAN-POWER EMERGENCY REGULATIONS 1942

On the 17th November 1942 I forwarded to all members engaged in undertakings which had been declared essential a summary of the above Regulations. An Amendment was gazetted on the 20th April 1943, and a summary of the principal amendments follows, which I suggest you attach to my previous circular for reference.

This circular is of interest only to those employers engaged in undertakings which have been declared essential under the Regulations. As it is impracticable accurately to separate the membership the circular has been issued to all members.

W. E. ANDERSON,  
Secretary.

National Insurance Building, O'Connell Street,  
Auckland, C.1.

P.O. Box 1040.

4th May, 1943.

Phone: 32-266.

T.

Reg.13. (1) (d) - Page 2 of my circular of 17/11/42: Amend to read:-

(d) Provides that an employer may on the grounds of serious misconduct suspend any worker. Within 24 hours after any suspension has been given effect to the employer must notify the D.M.O. in writing of the suspension and give particulars of the alleged misconduct. As soon as possible after receiving notice the D.M.O., after making such enquiries as he considers necessary, shall -

- (i) Give directions that the worker be reinstated in the undertaking; or
- (ii) Decide that (unless both the employer and the worker otherwise agree) the employment of the worker shall be deemed to have been duly terminated when he was suspended. Every decision by a D.M.O. shall be communicated in writing to the worker and to the employer. Either party, if dissatisfied with the decision of the D.M.O., may appeal to the Committee; or
- (iii) Decide (in cases where he is not satisfied that summary dismissal is justified but is of opinion that, by reason of the mutual relationships that have become established between the worker and his employer or his fellow-workers, it is not in the public interest that the worker's employment in the undertaking should be compulsorily continued) that the employment of the worker shall be deemed to have terminated on a specified date subsequent to the date of his suspension; and in any such case the worker shall be entitled to receive wages in lieu of notice for the period elapsing between the date of suspension and the date of termination, or for so much of that period as the D.M.O. may determine.

(over)

D.M.O. means District Man-power Officer.  
Committee means Man-power Appeal Committee.

Reg.13. (1) - Page 2 of my circular of 17/11/42: The following new paragraph is inserted:-

(dd) Any direction given by the D.M.O. in accordance with subparagraph (i) of the last preceding paragraph shall, unless otherwise expressly provided therein, be to the effect that the worker shall be reinstated in his former position at the same rate of wages:  
Provided that the D.M.O. may, if he thinks fit, direct that the worker shall be re-engaged by the employer in a different position or in work of a different kind, either at his former rate of wages or at a lower rate appropriate to the work on which he is re-engaged.

Reg.13. (1) (c): Amend to read:-

(c) Provides that where any person is reinstated in accordance with paragraph (d) hereof, the D.M.O. or Committee, as the case may be, may direct the employer to pay to the worker full wages in respect of the whole or part of any period between the dates of his suspension and his reinstatement.

Reg.13. (1) (f) - Page 3 of my circular of 17/11/42: Amend to read:-

(f) Subject to appeal to the Committee, the employer with the consent of the D.M.O. may transfer the worker to another position in the undertaking for which a lower rate of remuneration is payable.

Reg.13. (3) - Page 4 of my circular of 17/11/42: Amend to read:-

(3) States that this Regulation does not apply to any worker whose employment in an essential undertaking has not been for a period of seven consecutive working days or such longer period as the D.M.O. may have agreed to in writing in respect of any particular worker. The Regulation does not apply to any person whose normal weekly working hours are less than thirty.

Reg.18. - Page 5 of my circular of 17/11/42: The definition of the term "Prescribed Working-hours" has been amended to read:-

"Prescribed working-hours" includes all ordinary working hours and includes all additional hours ordered by the Minister, Controller, or D.M.O., under Regulation 20.

Reg.20. - Page 6 of my circular of 17/11/42: Amend to read:-

Reg.20. Provides that the Minister of Labour or the Controller, where one has been appointed, may from time to time direct in respect of any undertaking that the undertaking shall be operated and that the workers shall be bound to work for times to be specified in the notice or to be determined in accordance with the notice. Any notice may, notwithstanding anything to the contrary in any Act, Regulation, Award, or Agreement, be given in respect of any Sunday or holiday. In a case of urgency the D.M.O. may exercise the powers vested in the Minister by this Regulation, but a direction by the D.M.O. can hold good for three days only.

D.M.O. means District Man-power Officer.  
Committee means Man-power Appeal Committee.

Reg.21. - Page 6 of my circular of 17/11/42: Amend to read:-

Reg.21. Provides that if any undertaking is not operating to the full extent during ordinary working hours or extended hours specified in a direction given under Regulation 20, the employer shall be guilty of an offence unless he can prove that failure to comply was due to causes beyond his control.

Reg.26A. - Page 7 of my circular of 17/11/42: A new Regulation to the following effect is inserted:-

Reg.26A. Provides that any deduction from wages required to be made under Regulations 23 to 26 shall, if the D.M.O. directs, be made by an employer other than the employer by whom the worker was employed when the occasion for the deduction arose.

Reg.32. - Page 7 of my circular of 17/11/42: Amend to read:-

Reg.32. Provides that every person employed in accordance with the provisions of Part III or Regulation 27 or Regulation 31 hereof shall while so employed be deemed to be a member of the appropriate Industrial Union of Workers (if any) as if he had duly applied for and been admitted to membership of the Union.

If any such person fails to pay any entrance fee, subscription, or other monies due to the Union, the D.M.O., at the request of the Union Secretary, may direct the employer to deduct the amount from the worker's wages, and in such case the employer must comply with the direction.

Any direction may be given to a worker's present employer or to a former employer in respect of wages payable but not paid.

Reg.35. - Page 8 of my circular of 17/11/42: Amend to read:-

Reg.35. Provides that if a worker employed in an essential undertaking loses time in consequence of an appeal, and the decision of the Committee is in his favour, the Committee may direct the employer to pay the worker the whole or part of his wages for the time lost.

Any time during which a worker was unemployed between the termination of his employment and his re-engagement, or any time during which he was employed at a reduced rate between the termination of his employment and the determination of his appeal shall be deemed to be lost time.

Serial Number 1942/5



**THE NATIONAL SERVICE EMERGENCY REGULATIONS 1940,  
AMENDMENT NO. 8**

C. L. N. NEWALL, Governor-General.

**ORDER IN COUNCIL.**

At the Government Buildings at Wellington, this 10th day of  
January, 1942.

Present :

THE RIGHT HON. P. FRASER PRESIDING 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 National Service  
Emergency Regulations 1940, Amendment No. 8, and shall be read  
together with and deemed part of the National Service Emergency  
Regulations 1940\* (hereinafter referred to as the principal regulations).

2. The principal regulations are hereby amended by inserting, after  
Regulation 1 thereof, the following regulation :—

“REGULATION 1A.—MILITARY OBLIGATIONS TO PREVAIL OVER CIVIL  
OBLIGATIONS IMPOSED BY THESE REGULATIONS.

“Where by or by virtue of these regulations any obligation is  
imposed on any person being a member of any armed force (including  
the armed force known as the Home Guard) his obligations as a member  
of such force shall, in case of conflicting obligations, prevail over any  
civil obligation imposed on him by or by virtue of these regulations.”

3. The principal regulations are hereby further amended by  
inserting, after Regulation 3A† thereof, the following regulation :—

“3B. DISTRICT MAN-POWER OFFICERS.

“(1) There shall from time to time be appointed for the purposes  
of these regulations, as officers of the Public Service, such number of  
District Man-power Officers as may be required. Every District Man-  
power Officer shall for the purposes of these regulations be subject to  
the control of the Minister and the Director.

\* Statutory Regulations 1940, Serial number 1940/117, page 381.  
Amendment No. 1: Statutory Regulations 1940, Serial number 1940/186, page 599.  
Amendment No. 2: Statutory Regulations 1940, Serial number 1940/223, page 731.  
Amendment No. 3: Statutory Regulations 1941, Serial number 1941/3, page 7.  
Amendment No. 4: Statutory Regulations 1941, Serial number 1941/73, page 277.  
Amendment No. 5: Statutory Regulations 1941, Serial number 1941/148, page 479.  
Amendment No. 6: Statutory Regulations 1941, Serial number 1941/154, page 499.  
Amendment No. 7: Statutory Regulations 1941, Serial number 1941/210, page 631.  
† Statutory Regulations 1941, Serial number 1941/210, Regulation 3, page 631.

"(2) References in these regulations to a District Man-power Officer shall be deemed to include a reference to any person for the time being authorized by the Minister or the Director to exercise any of the powers or functions of a District Man-power Officer.

4. Regulation 8A of the principal regulations\* is hereby amended by adding, as clause (2) thereof, the following provision:—

"(2) Whether or not the Minister has exercised with respect to any person or with respect to persons of any class the powers conferred on him by the foregoing provisions of this regulation, he may at any time direct any such person or all persons of any such class (with or without exception) to apply for enrolment as a member, or, as the case may be, to apply for enrolment as members, of the Emergency Reserve Corps or of any specified branch thereof."

5. (1) Regulation 9 of the principal regulations is hereby revoked, and the following regulation is substituted therefor:—

"REGULATION 9.—MAINTENANCE OF ESSENTIAL INDUSTRIES AND ESSENTIAL UNDERTAKINGS.

"*Interpretation.*

"(1) For the purposes of this regulation the term 'industry' includes any trade, occupation, business, manufacture, works, or service of any kind whatsoever, and the term 'undertaking' means a unit or any specified part of a unit of any industry as herein defined.

"*Declaration of Essential Industries and Essential Undertakings.*

"(2) The Minister may at any time declare any industry to be an essential industry or any undertaking to be an essential undertaking for the purposes of these regulations. The declaration of any industry as an essential industry may be absolute, or may exempt any specified undertaking or any specified class of undertakings within that industry. Any such exemption may be included in the declaration or may be given at any time by public notice or by notice to the owners or persons in charge of the undertakings concerned. All undertakings within an essential industry that are not for the time being exempted as aforesaid shall be deemed to be essential undertakings within the meaning of these regulations.

"(3) Every declaration made under the last preceding clause shall be in writing under the hand of the Minister or of a person for the time being authorized in accordance with the principal regulations to act for the Minister in that behalf.

"(4) Where any declaration as aforesaid is made in respect of any specified undertaking, notice in writing shall be given to the owner, or manager, or person in charge or appearing to be in charge of the undertaking and in such other manner, if any, as the Minister thinks fit. Except in the case of specified undertakings as aforesaid, notice of all declarations made under this regulation shall be published in the *Gazette* and may also be published in such other manner, if any, as the Minister thinks fit.

\* Statutory Regulations 1940, Serial number 1940/223, Regulation 6, page 732.

"(5) Any declaration or exemption made or given under the foregoing provisions of this regulation may be at any time in like manner amended or revoked.

"*Certificates of Essential Undertakings.*

"(6) The Minister may issue or cause to be issued, in respect of any essential undertaking, a certificate to the effect that it has been declared an essential undertaking within the meaning of these regulations. The said certificate shall be served on the owner or manager or person in charge of the undertaking, and it shall be the duty of the person on whom it is served to display the certificate or a copy or notice thereof in a conspicuous part of the premises wherein the undertaking is carried on or, as the case may require, in every separate branch or department where workers are employed, and to keep it so displayed while the certificate remains in force. If in any case the certificate or a copy or notice thereof cannot be displayed as aforesaid, it shall be displayed in some place where it is likely to be observed by the workers employed in the undertaking.

"*Conditions of Employment in Essential Undertakings.*

"(7) With respect to employment in any essential undertaking (whether or not a certificate in respect of the undertaking has been issued under the foregoing provisions of this regulation) the following special provisions shall apply, namely:—

"(a) Except with the permission in writing of the District Man-power Officer, the employer shall not terminate (except for serious misconduct) the employment in the undertaking of any person for the time being employed therein or, without terminating such employment, cause or permit him to give his services in any other undertaking (whether an essential undertaking or not) except in case of emergency, and then only for a period not exceeding fourteen days at any one time and not exceeding twenty-one days within any period of three months:

"(b) Except with the permission in writing of the District Man-power Officer, no person for the time being employed in the undertaking shall leave his employment:

"(c) Not less than seven days' notice of intention to terminate any employment in accordance with paragraph (a) or paragraph (b) hereof shall be given by or on behalf of the employer to the worker or by the worker to the employer or his representative, as the case may be; if any such notice is given before the permission of the District Man-power Officer has been obtained, it shall have no effect on the contract of employment unless and until such permission is duly obtained:

"(d) Where the employment of any person is terminated on the ground of serious misconduct, notice in writing of the termination of the employment, with particulars of the alleged misconduct, shall be forthwith given by the employer or person in charge of the undertaking to the

District Man-power Officer, who, if he is not satisfied as to the sufficiency of the cause, may, subject to appeal under Regulation 9D hereof, require the employer to reinstate the worker in the undertaking (but not necessarily in the same position), and may require the worker to accept reinstatement in the position offered to him. If any person whose reinstatement is directed by the District Man-power Officer is, with the concurrence of that Officer, employed in a position for which a lower rate of wages is payable, his wages may, notwithstanding anything to the contrary in paragraph (e) or paragraph (f) hereof, be reduced, but shall not be reduced below the rate appropriate to his new position:

“(e) Every person who is employed in any essential undertaking when the declaration of its being an essential undertaking comes into force shall, so long as he is available for work, and subject to the provisions of paragraph (g) hereof, be entitled to full-time wages and allowances at the rate fixed by any award or industrial agreement or otherwise in respect of the work in which he was last regularly employed prior to the coming into force of the declaration:

“Provided that if any such person is at any time engaged on any work for which a higher rate of wages and allowances is payable he shall, while so engaged, be entitled to the rate fixed in respect of such work:

“Provided also that for the purposes of this paragraph a worker shall not be deemed to have been available for work during any period when he was not actually working if he would not be entitled to payment for that period if the undertaking in which he is employed had not been declared to be an essential undertaking:

“(f) Every person who becomes employed in any essential undertaking after it has been declared to be an essential undertaking shall, so long as he is available for work and subject to the provisions of paragraph (g) hereof, be entitled to full-time wages and allowances at the rate fixed by any award or industrial agreement or otherwise in respect of the work in which he is first regularly employed in the undertaking:

“Provided that if any such person is at any time engaged on any work for which a higher rate of wages and allowances is payable he shall, while so engaged, be entitled to the rate fixed for such work:

“Provided also that for the purposes of this paragraph a worker shall not be deemed to have been available for work during any period when he was not actually working if he would not be entitled to payment for that period if the undertaking in which he is employed had not been declared to be an essential undertaking:

“(g) It shall be the duty of every person who is for the time being employed in any essential undertaking, if at any time during his normal working hours sufficient work is not

available for him in his usual occupation, to undertake any other work in or in connection with the same undertaking that he may reasonably be required to undertake, and if he refuses or fails to do so he shall not be entitled to claim any special privileges as to wages and allowances conferred by paragraph (e) or paragraph (f) hereof:

“(h) If any person employed in an essential undertaking fails to comply with the obligations imposed on him by the last preceding paragraph, or absents himself from work without leave or without reasonable excuse, or is habitually or persistently late in presenting himself for work, or fails to perform his work with due diligence, or wilfully or negligently fails to exercise proper skill and care in the performance of his work, he shall be deemed to have committed an offence against these regulations and shall be liable accordingly to the penalties prescribed by Regulation 56 hereof:

“Provided that no proceedings shall be taken for any such offence except by or with the consent of the District Man-power Officer:

“(i) Nothing in the foregoing provisions of this clause shall be construed as an authority to reduce any rate of wages or allowances that may have been agreed upon by the parties concerned:

“(j) Nothing in this clause shall apply with respect to any worker whose employment in any essential undertaking has not been continuous for a period of at least seven days.

“(8) All applications made to the District Man-power Officer for the purposes of the last preceding clause shall be in writing, and shall contain all such particulars as may be reasonably necessary to enable that Officer to arrive at a proper decision. The decision of the District Man-power Officer shall be communicated in writing to the person by whom the application was made.

“*Appeals from Decisions of District Man-power Officers.*

“(9) All decisions of a District Man-power Officer given for the purposes of the foregoing provisions of this regulation (not being a decision in relation to an alleged offence under paragraph (h) of clause (7)) shall be subject to an appeal to a Man-power Committee in accordance with the provisions in that behalf of Regulation 9D hereof.

“*Application of this Regulation to Government Undertakings.*

“(10) Any undertaking for the time being carried on by any Department of State may be declared to be an essential undertaking for the purposes of these regulations, and the foregoing provisions of this regulation shall bind the Crown in respect of that undertaking, but shall not bind the Crown in respect of any other undertaking.”

(2) Regulation 12 of the principal regulations is hereby consequentially amended by revoking paragraph (d) of clause (1) thereof.

6. Regulation 9A of the principal regulations\* is hereby revoked and the following regulation substituted therefor:—

“REGULATION 9A.—MINISTER MAY REQUIRE EMPLOYERS TO OBTAIN CONSENT OF DISTRICT MAN-POWER OFFICER BEFORE ENGAGING WORKERS.

“The Minister may from time to time, by direction given to employers generally or to any specified employer or employers, or to employers of any specified class, direct that no employer to whom such direction is given shall, except with the consent of a District Man-power Officer, engage or attempt to engage any worker whomsoever, or engage or attempt to engage any worker in any specified industry, trade, or occupation, or engage or attempt to engage any worker who is normally or usually engaged in any specified industry, trade, or occupation.”

7. The principal regulations are hereby further amended by inserting, after Regulation 9B,\* the following regulations:—

“REGULATION 9C.—REGISTRATION OF PERSONS AVAILABLE FOR EMPLOYMENT AND COMPULSORY EMPLOYMENT OF REGISTERED PERSONS.

“(1) The Minister may, by notice given in such manner as he thinks fit, direct all persons of any specified class or of specified classes, whether normally engaged in any occupation or not, to register for employment with the nearest District Man-power Officer or with any other specified official. Where any such notice is given in respect of any person who, having been called up for service with the armed forces, is for the time being on leave of absence because he has been classified as medically unfit for service or because his obligation to serve has been postponed by an Appeal Board or by a Man-power Committee, he shall be deemed to have registered under this regulation, and it shall not be necessary for him to fill in any form of application for registration or to take any other steps towards his registration unless he is expressly required so to do by further notice given by the Minister or by notice given by a District Man-power Officer.

“(2) Any person, not being a person to whom a notice under the last preceding clause applies, may, by leave of the District Man-power Officer, voluntarily register in accordance with this regulation as if he were required to register by the terms of a notice under this regulation.

“(3) Every person registered under this regulation shall, as required by the District Man-power Officer, undertake such employment or training for employment as that Officer may direct, and shall continue in such employment or training for such period as the said Officer may require.

“(4) The provisions of clauses (2) and (3) of Regulation 8 hereof (as to the rates of remuneration and the conditions of service of persons employed under that regulation) shall, so far as applicable, apply with respect to persons for the time being employed or being trained for employment in accordance with this regulation.

“(5) The provisions of the Occupational Re-establishment Emergency Regulations 1940† and of the Suspension of Apprenticeship Emergency Regulations 1939‡ shall apply with respect to persons for

\* Statutory Regulations 1941, Serial number 1941/73, Regulation 6, page 277.

† Statutory Regulations 1940, Serial number 1940/291, page 1006.

‡ Statutory Regulations 1940, Serial number 1939/154, page 693.

the time being employed or being trained for employment in accordance with this regulation in the same manner in all respects as if those persons had been called up for service with the armed forces.

“(6) In the event of a change of the residential or other postal address or of the occupation or employment of any person for the time being registered under this regulation, he shall forthwith give notice in writing to the District Man-power Officer of his new address, occupation, or employment, as the case may be. Any such notice may be delivered at the office of the District Man-power Officer, and if not so delivered shall be sent by registered letter addressed to that Officer at his office.

“(7) It shall not be lawful for any employer to terminate the employment of any person employed by him on the ground that such person has been registered or is required to be registered in accordance with this regulation.

“(8) Forms of application for registration under this regulation shall be made available at such places as the Minister may from time to time determine, and the Minister shall from time to time as occasion requires give all necessary directions as to the particulars to be registered and as to the procedure to be followed in effecting registration.

“REGULATION 9D.—APPEALS TO MAN-POWER COMMITTEE FROM DECISIONS OR DIRECTIONS OF DISTRICT MAN-POWER OFFICERS.

“(1) If any person who is directly concerned with any decision or direction of a District Man-power Officer given or made for the purpose of Regulation 9, or of Regulation 9A, or of Regulation 9c hereof is aggrieved by such decision or direction, he may, within seven days after the decision or direction has been delivered to him, appeal therefrom by giving notice in writing to the Officer concerned requiring the matter to be referred to a Man-power Committee for consideration.

“(2) Forthwith upon receipt of any such notice the District Man-power Officer shall refer the matter to a Man-power Committee for consideration, and the Committee, on the completion of its consideration, shall give in writing such directions thereon as it thinks fit, and such directions shall be final.

“(3) The Chairman of the Man-power Committee shall cause a copy of the directions of the Committee to be given to the District Man-power Officer whose decision or direction is appealed from, who shall forthwith notify all persons directly concerned, and shall, if required so to do, give to any such person a copy of the directions received by him from the Committee.

“(4) On the hearing of any appeal under this regulation the Man-power Committee shall have all the powers conferred on it by virtue of Regulation 33A of these regulations. Except so far as the Committee otherwise determines the provisions of Regulation 27 shall not apply to appeals under this regulation, and at the hearing of any such appeal the Committee shall determine its own procedure.”

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

Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette*: 13th day of January, 1942.  
These regulations are administered in the National Service Department.

By Authority: E. V. PAUL, Government Printer, Wellington.—1942.

*Copies to Foreman of Works Trustees  
& Elector. 29/5/42.*

RECD 29 MAY 1942  
AUCKLAND PROVINCIAL EMPLOYERS' ASSOCIATION  
(Incorporated)  
ACKGD  
ANSD

THE INDUSTRIAL ABSENTEEISM EMERGENCY REGULATIONS 1942

Attached is a summary of the principal provisions of these Regulations.

I would point out that any deductions from wages which may be authorised under these Regulations will be in addition to deductions which an employer already can make on account of a worker absenting himself from work.

The Regulations came into force on the 20th May 1942.

W. E. ANDERSON,  
Secretary.

National Insurance Building, O'Connell Street,  
Auckland, C.1.

P.O. Box 1040.

27th May, 1942.

Phone: 32-266.

T.

APPLICATION OF REGULATIONS

3. The Regulations apply to - (a) Any undertaking which has been declared essential, and (b) Any other undertaking which may be declared by the Minister to come under the Regulations.

WORKING HOURS

4. The Minister of Labour or the Controller, where one has been appointed, may from time to time direct in respect of any undertaking that the undertaking shall be operated and that the workers shall be bound to work for times to be specified in the notice or to be determined in accordance with the notice.

Any notice may, notwithstanding anything to the contrary in any Act, Regulation, Award, or Agreement, be given in respect of any Sunday or holiday.

OFFENCES BY EMPLOYERS

5. If any undertaking is not operating to the full extent required the owner or owners shall be guilty of an offence unless the defendant can prove that failure to comply was due to causes beyond his control.

OFFENCES BY WORKERS

6. (1) If at any time while work is available for any worker employed in any undertaking to which these Regulations apply, the worker absents himself from work without leave or without reasonable excuse at any time during his prescribed working hours, he shall be deemed to have committed an offence against these Regulations.

(2) If any worker, during his working hours, attends a stop-work meeting which is not authorised under an award or agreement, or by the employer, he commits an offence.

DEDUCTIONS FROM PAY FOR UNAUTHORISED ABSENCES FROM WORK

7. (1) Where any worker employed in an undertaking to which these Regulations apply has been habitually or persistently late for work, or has absented himself from work without leave for a continuous period of four hours or more at any time during his prescribed working hours, the employer (unless he is satisfied that the worker had reasonable excuse for being late or for his absence, or unless during the period of such absence there was no work or there was not sufficient work available for the worker) shall forthwith report the matter to the nearest District Man-power Officer and, if directed by the District Man-power Officer so to do, shall deduct from the wages of the worker in respect of any week during which the worker has been late for work or has been absent from work as aforesaid an amount not exceeding the equivalent of two days' pay (exclusive of social security charge and national security tax).

(The Industrial Absenteeism Emergency  
Regulations 1942)

(2) All deductions directed or authorised to be made from the wages of any worker pursuant to this clause shall be computed at the appropriate time-rate as for his ordinary working hours.

(3) No deduction made pursuant to this clause from the wages of any worker shall affect the amount of social security charge or the national security tax for the payment of which the worker is liable, and the amount of the said charge or tax shall be computed as if no deduction had been made under these Regulations.

(4) Whenever any deduction from the wages of any worker is made under this clause the District Man-power Officer shall give to the worker a statement in writing specifying the amount of the deduction and of the grounds upon which the deduction has been made, and notifying the worker of his right of appeal under the next succeeding clause.

8. Any worker from whose wages a deduction has been made may, within seven days of having received notice of the deduction, appeal to the District Man-power Committee by giving notice in writing of his desire to appeal to the District Man-power Officer.

9. (1) All deductions made pursuant to these Regulations shall be paid by the employer to the credit of a Deposit Account to be held by the District Man-power Officer.

(2) All refunds made pursuant to the last preceding clause shall be paid out of the appropriate Deposit Account.

(3) The District Man-power Officer shall from time to time pay monies received by him as deductions from wages into the War Expenses Account.

10. (1) Any deduction required to be made in respect of the absence from work of any worker during any week shall, if practicable, be made at the time of the payment of the residue of the worker's wages for that week: Provided that if for any reason any required deduction is not so made it shall be made as soon as practicable from wages thereafter becoming payable by the employer to the worker.

(2) Every employer who fails to make any deduction required to be made pursuant to these Regulations from the wages of any worker shall be deemed to have committed an offence against these Regulations and shall be liable accordingly.

(3) Every employer or other person who, having made any deduction pursuant to these Regulations from the wages of any worker, disposes of such deduction or of any part thereof otherwise than in accordance with the terms of these Regulations shall be deemed to have committed an offence against these Regulations and shall be liable accordingly.

(4) All amounts deducted as aforesaid and not duly accounted for may be recovered as a debt due by the employer to the Crown.

PENALTIES FOR OFFENCES

11. (1) Every person who commits an offence against these Regulations shall be liable on summary conviction -

(a) If an individual, to a fine not exceeding £50, and a further fine not exceeding £5 per day if the offence continues, and

(b) If a company, to a fine not exceeding £200, and a further fine not exceeding £20 per day if the offence continues.

1st April, 42.

The Superintendent.

In response to your Memo. dated 28th March, 1942, the following gives the number and classification of employees who might be considered as being employed on a permanent or weekly basis in the Engineer's Department and who have left for other employment, including Military Service during the 3 months ended 31st March, 1942:-

1 Assistant Engineer,  
1 Clerk of Works  
3 Clerical Workers  
1 Engineering Assistant  
1 Boilermaker  
3 Carpenters  
1 Shipwright  
6 Engineering Apprentices  
3 Regular General Hands  
4 Dredge Hands  
5 Cranedrivers  
2 Electrical Apprentices

31

CHIEF CLERK.

Auckland Harbour Board

MEMORANDUM

FROM

*Foreman*

*Shipwrights Shed.*

To

THE ENGINEER.

*8.4* 19*42*

*376.*

*Instruction N° 11094A.*

*The following men left here during the last 3 months*

*2.3.42. Murphy H. painter sick*

*13.3.42 Carter E. shipwright - doing war work at Lidgards*

*29.3.42 Carlson G. clerk - to air force*

*16.2.42. Matthews W. labourer - transferred to gate work*

*Reid J.C. shipwright. liable to be called any time.*

*to Clancy*

*ppg/w*

## Auckland Harbour Board

## MEMORANDUM

FROM

Electrician's Office

To

1st April

42  
19

THE ENGINEER

REFERENCE TO INSTRUCTION 11094 ANUMBER AND CLASSIFICATION OF MEN WHO HAVE LEFT SERVICE DURING THE PAST  
THREE MONTHS

NAME	CLASSIFICATION	DATE LEFT SERVICE	MILITARY SERVICE.
			OTHER CIVIL EMPLOYMENT
R. Barry	Crane & M/Man	6th March 1942	Other Civil Employment
Keefe W.J.	" "	27th March 1942	Territorial Forces
Subritzky F.J.	" "	9th March 1942	Other Civil Employment
Goodall D.G.	Pro Crane & M/Man	27th March 1942	Returned Soldier 2nd N.Z.E.F. Employment Unknown.
Webb R.J.	Pro Crane & M/Man	9th March 1942	Other Civil Employment
Hackett W.	App. Wireman (4th Year)	30th March 1942	Territorial Forces
Burnett J.D.	App. Wireman (2nd Year)	10th March 1942	Territorial Forces

The following two Crane & M/Men left immediately prior to the commencement of the three month period:-

Carter H.J.	Crane & M/Man	19th December 1941	Other Civil Employment
Smith E.R.	" "	23rd December 1941	Other Civil Employment
Priestley R.A.	Wireman	Will leave 6th April 1942. Other Civil Employment	
Adams J.G.	Clerical Worker	Due to be called up for Territorial Service.	

*L. Cumming*  
CHIEF CLERK & J.M.S.  
ELECTRICIAN'S OFFICE

# Auckland Harbour Board.

## MEMORANDUM

FROM

THE ENGINEER

28th March, 1942.

TO Foreman of Works & Timekeeper,  
Mr. J.R. Sutton,  
Mr. A. Clare,  
Mr. S. Edwards.

### Instruction No.11094A.

The Director of the National Service Department, Wellington, is considering the question of declaring Harbour Boards Essential Industries and for consideration of this matter he requires to know the number of employees who have left the Harbour Board's service during the past three months.

Please give me a report stating the number and classification of men who have left and state whether they have gone to military service or into other civil employment.

ENGINEER TO THE BOARD.



## Auckland Harbour Board.

Memorandum.

28th March, 1942.

Heads of Departments,  
A.H.B.

*Inst. to 7.0.10/6 Tomakipua  
Sutton  
Slipway  
Elect.*

The Director of the National Service Department, Wellington, is considering the question of declaring Harbour Boards Essential Industries and for consideration of this matter he requires to know the number of employees who have left the Harbour Board's service during the past three months.

Please give me a report stating the number and classification of men who have left and state whether they have gone to military service or into other civil employment.

*W. J. Holderness*

Superintendent.

DH. MIJ

