



# SUPPLEMENT

TO THE

# NEW ZEALAND GAZETTE

OF

THURSDAY, APRIL 4, 1940.

Published by Authority.

WELLINGTON, TUESDAY, APRIL 9, 1940.

*The Waterfront Control Commission Emergency Regulations  
1940.*

GALWAY, Governor-General.  
ORDER IN COUNCIL.

At the Government House at Wellington, this 9th day of  
April, 1940.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His  
Excellency the Governor-General, acting by and with the  
advice and consent of the Executive Council, doth hereby make  
the following regulations.

### REGULATIONS.

1. These regulations may be cited as the Waterfront  
Control Commission Emergency Regulations 1940.

2. In these regulations, unless inconsistent with the  
context,—

“Assistant Controller” means an Assistant Waterfront  
Controller appointed under these regulations:

“Commission” means the Waterfront Control Commission  
appointed under these regulations:

“Commissioner” means a member of the Commission  
appointed under these regulations, and includes any  
person for the time being authorized to exercise or  
perform any of the powers or functions of any  
Commissioner:

“Controller” means a Waterfront Controller appointed under these regulations:

“Minister” means the Minister of Labour:

“Wharf” includes any wharf, quay, pier, jetty, or other place used or capable of being used for the loading or unloading of ships or for the storage of cargo immediately prior to loading on a ship or subsequent to unloading and prior to delivery from the wharf; and also includes any place belonging to or in the possession of or under the control of a Harbour Board; and also includes any railway or public highway so far as it intersects or is contiguous to or runs on any such wharf, quay, pier, jetty, or other place as aforesaid.

3. The Minister may appoint a Waterfront Control Commission (hereinafter referred to as the Commission) comprising three persons.

4. The Commission shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

5. The Commission shall from time to time notify in the *Gazette* an address at which documents may be served, and any document may be served on the Commission by leaving it at the notified office or by sending it through the post in a registered letter addressed to the Commission at that office.

6. The Commissioners shall hold office during the pleasure of the Minister.

7. The decision of a majority of the Commissioners shall be the decision of the Commission.

8. In the absence or illness of any Commissioner the Minister may appoint some other person to act in his stead, who, while so acting, shall have and may exercise all the powers of the Commissioner for whom he is acting.

9. (1) Meetings of the Commission may be held at such times and places as the Commission may think fit.

(2) Two shall form a quorum at any meeting of the Commission.

(3) Subject to the provisions of these regulations, the Commission shall regulate its own procedure.

10. (1) The Minister may from time to time appoint for any port or ports in New Zealand a Waterfront Controller, and may also appoint such Assistant Waterfront Controllers as he thinks necessary.

(2) Every Controller and Assistant Controller shall hold his position during the pleasure of the Minister.

11. There may from time to time be appointed a Secretary to the Commission and such other officers and servants as may be deemed necessary for the purpose of carrying out the functions of the Commission.

12. (1) Notwithstanding anything to the contrary in any Act, the Commission may from time to time do all such things as it deems necessary for the purpose of ensuring the utmost expedition in the loading, unloading, and storage of cargo at any port.

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

- (a) Control, use, or administer any wharf or wharves, including any gear or equipment thereon, and also any barges, lighters, and other vessels:
- (b) Direct in such manner as it may think fit the loading, unloading, or storage of cargo at any wharf or wharves, or the loading or unloading of any barges, lighters, or other vessels:
- (c) Take such action as it may think fit to ensure the loading, unloading, or storage of cargo in or from any ship, or the continuation of any such work by the workers employed for the purpose:

- (d) Direct the continuation of any existing methods of engaging labour and paying workers, order variations thereof, or take over the control of any offices and staff connected therewith:
- (e) Introduce any new method of employing labour or new system of handling cargo:
- (f) Employ all such waterside workers and other persons as it may think necessary for the loading, unloading, and storage of cargo:
- (g) Prescribe the conditions upon or subject to which any persons may be employed (whether by the Commission or otherwise) for the loading, unloading, or storage of cargo at any wharf or wharves, or for the loading or unloading of any barges, lighters, or other vessels; and prescribe the terms of such employment (whether as to remuneration or otherwise) including, if the Commission thinks fit, provision for a guaranteed weekly minimum payment:
- (h) Classify in such manner as it may think fit the workers available for employment on the waterfront:
- (i) Receive, and in its discretion refuse or grant (either conditionally or unconditionally), applications from persons desiring to obtain employment on the waterfront, or by order in writing signed by any Commissioner authorize any other person or persons so to do:
- (j) Enter into such contracts as it may think fit for the purpose of exercising its powers and carrying out its functions under these regulations:
- (k) Recover from the owner, agent, or master of any ship moneys expended on wages or for any other purpose in connection with the loading, unloading, or storage of cargo in or from such ship:
- (l) For the purpose of providing a guaranteed weekly minimum payment to workers, impose on the owners, agents, or masters of ships such levies in respect of overseas cargo unloaded as the Commission may think fit, computed in such manner as the Commission from time to time determines, whether by reference to the value, quantity, weight, or bulk of the cargo or to the wages paid for its unloading or otherwise:
- (m) Impose levies on the owners, agents, or masters of ships based on the total wages or earnings paid in respect of the loading and unloading thereof, to be applied towards the cost of carrying out the functions of the Commission:
- (n) Enter any premises in which there is reason to believe that any gear or equipment is stored and take an inventory thereof, or by order in writing signed by any Commissioner authorize any other person or persons so to do:
- (o) Hire or by order in writing signed by any Commissioner requisition any gear or equipment used or suitable for use in the loading, unloading, or storage of cargo, whether such gear or equipment is at or on any wharf or not:
- (p) Co-ordinate the activities of any persons or bodies concerned in the use, control, or administration of any wharf or wharves:
- (q) Exclude from any wharf or wharves any person whose presence on such wharf or wharves is, in the opinion of the Commission, prejudicial to the expeditious loading or unloading of cargo or despatch of shipping:
- (r) Suspend for any period it may think fit or exclude from waterside work any person for misconduct, refusal, or failure to comply with any reasonable demands, or for any other good reason:

- (s) By order in writing signed by any Commissioner authorize any other person to suspend any person as provided in the last preceding paragraph, and to exclude any person so suspended from any wharf or wharves pending the decision of the Commission:
- (t) By order in writing signed by any Commissioner require any person to furnish from time to time such returns, statements, statistics, or other information relating to matters coming within the jurisdiction of the Commission as it may deem necessary; and require that any such information be verified by statutory declaration; and examine any records from which such information is obtained and enter any premises for that purpose, or by order in writing signed by any Commissioner authorize any other person or persons so to do:
- (u) Make any order in respect of any matter coming within its jurisdiction.

13. Every Controller shall, subject to the control and direction of the Commission, have the same powers, authorities, and functions as the Commission, and every reference in these regulations to the Commission or to a Commissioner shall be read as including a reference to any Controller accordingly.

14. An Assistant Controller shall assist the Controller in carrying out the duties required of him under these regulations, and in the absence of the Controller shall have the same powers, authorities, and functions as the Controller.

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

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

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

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

16. (1) For the purpose of carrying out its functions under these regulations, the Commission may establish a fund, to be called "the Waterfront Wages Fund," which shall consist of—

- (a) All moneys payable pursuant to paragraphs (k), (l), and (m) of subclause (2) of regulation 12 hereof:
- (b) All moneys received by the Commission from the sale or other disposal of any property of the Commission:
- (c) All accumulations of moneys belonging to the fund:
- (d) All other moneys received by or becoming payable to the Commission from any other source whatsoever, or otherwise lawfully payable into the fund.

(2) All moneys belonging to the fund shall be paid into an account at the Reserve Bank of New Zealand, to be called "the Waterfront Wages Fund Account."

(3) The Waterfront Wages Fund Account shall be operated on by cheque signed by any two of the Commissioners.

17. (1) The Minister may from time to time, by order in writing, suspend in whole or in part, or modify to such extent as he may consider necessary, all or any of the provisions of the Industrial Conciliation and Arbitration Act, 1925, or the Labour Disputes Investigation Act, 1913, or any awards or industrial agreements thereunder, in respect of their application to all or any of the ports in New Zealand in so far as any such Acts, awards, or agreements apply to workers

employed on work connected with the loading or unloading of ships or with the storage on any wharf or wharves of cargo for loading on any ship or of cargo unloaded from any ship, and may at any time or from time to time revoke or vary any such order.

(2) Any order made by the Minister under this regulation shall be published in the *Gazette*; but every such order shall, unless otherwise provided therein, take effect on the day of the making thereof.

18. (1) Every order excluding any person from any wharf or wharves shall take effect immediately the order has been brought to the knowledge of the person so excluded, and shall remain in force until revoked by the Commission.

(2) Any person who has been excluded from any wharf or wharves and who, while such order of exclusion remains in force, enters or remains on that wharf or those wharves or loiters in the vicinity thereof commits an offence against these regulations.

19. Any person who in any way attempts to prevent, delay, or otherwise interfere with the expeditious loading, unloading, or despatch of any ship commits an offence against these regulations.

20. Any person who commits a breach of any order of the Commission or who fails to comply with any direction or decision of the Commission commits an offence against these regulations.

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

(2) The owner of any gear or equipment requisitioned in pursuance of these regulations shall be entitled to obtain from the user reasonable payment for the use thereof and compensation for loss thereof or damage thereto.

22. The Waterfront Control Emergency Regulations 1940 are hereby revoked.

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

---

*The Waterfront Control Commission Emergency Regulations 1940.—Waterfront Control Commission appointed.*

In pursuance of the powers in that behalf conferred upon me by the Waterfront Control Commission Emergency Regulations 1940, I, Patrick Charles Webb, Minister of Labour, do hereby appoint a Waterfront Control Commission comprising the following persons, viz. :—

Robert Everett Price, Esquire, of Auckland,  
Hugh Andrew McLeod, Esquire, of Wellington, and  
James Roberts, Esquire, of Wellington.

Dated at Wellington, this 9th day of April, 1940.

P. C. WEBB, Minister of Labour.

The first of these is the fact that the  
 government has been unable to raise  
 sufficient funds to meet its obligations.  
 This has led to a series of defaults  
 on the part of the government, which  
 has caused a loss of confidence in  
 the government among the people.  
 The second is the fact that the  
 government has been unable to reform  
 its financial system, which has led  
 to a continued state of financial  
 crisis. The third is the fact that  
 the government has been unable to  
 reform its political system, which  
 has led to a continued state of  
 political crisis. The fourth is the  
 fact that the government has been  
 unable to reform its judicial system,  
 which has led to a continued state  
 of judicial crisis. The fifth is the  
 fact that the government has been  
 unable to reform its military system,  
 which has led to a continued state  
 of military crisis. The sixth is the  
 fact that the government has been  
 unable to reform its educational system,  
 which has led to a continued state  
 of educational crisis. The seventh  
 is the fact that the government has  
 been unable to reform its health care  
 system, which has led to a continued  
 state of health care crisis. The  
 eighth is the fact that the government  
 has been unable to reform its social  
 services system, which has led to a  
 continued state of social services  
 crisis. The ninth is the fact that  
 the government has been unable to  
 reform its housing system, which has  
 led to a continued state of housing  
 crisis. The tenth is the fact that  
 the government has been unable to  
 reform its transportation system, which  
 has led to a continued state of  
 transportation crisis. The eleventh  
 is the fact that the government has  
 been unable to reform its energy  
 system, which has led to a continued  
 state of energy crisis. The twelfth  
 is the fact that the government has  
 been unable to reform its environment  
 system, which has led to a continued  
 state of environment crisis. The  
 thirteenth is the fact that the  
 government has been unable to reform  
 its foreign relations system, which  
 has led to a continued state of  
 foreign relations crisis. The  
 fourteenth is the fact that the  
 government has been unable to reform  
 its international trade system, which  
 has led to a continued state of  
 international trade crisis. The  
 fifteenth is the fact that the  
 government has been unable to reform  
 its international law system, which  
 has led to a continued state of  
 international law crisis. The  
 sixteenth is the fact that the  
 government has been unable to reform  
 its international relations system,  
 which has led to a continued state  
 of international relations crisis.

The seventeenth is the fact that  
 the government has been unable to  
 reform its international law system,  
 which has led to a continued state  
 of international law crisis. The  
 eighteenth is the fact that the  
 government has been unable to reform  
 its international relations system,  
 which has led to a continued state  
 of international relations crisis. The  
 nineteenth is the fact that the  
 government has been unable to reform  
 its international trade system,  
 which has led to a continued state  
 of international trade crisis. The  
 twentieth is the fact that the  
 government has been unable to reform  
 its international law system, which  
 has led to a continued state of  
 international law crisis. The  
 twenty-first is the fact that the  
 government has been unable to reform  
 its international relations system,  
 which has led to a continued state  
 of international relations crisis. The  
 twenty-second is the fact that the  
 government has been unable to reform  
 its international trade system,  
 which has led to a continued state  
 of international trade crisis. The  
 twenty-third is the fact that the  
 government has been unable to reform  
 its international law system, which  
 has led to a continued state of  
 international law crisis. The  
 twenty-fourth is the fact that the  
 government has been unable to reform  
 its international relations system,  
 which has led to a continued state  
 of international relations crisis.

The twenty-fifth is the fact that  
 the government has been unable to  
 reform its international trade system,  
 which has led to a continued state  
 of international trade crisis. The  
 twenty-sixth is the fact that the  
 government has been unable to reform  
 its international law system, which  
 has led to a continued state of  
 international law crisis. The  
 twenty-seventh is the fact that the  
 government has been unable to reform  
 its international relations system,  
 which has led to a continued state  
 of international relations crisis. The  
 twenty-eighth is the fact that the  
 government has been unable to reform  
 its international trade system,  
 which has led to a continued state  
 of international trade crisis. The  
 twenty-ninth is the fact that the  
 government has been unable to reform  
 its international law system, which  
 has led to a continued state of  
 international law crisis. The  
 thirtieth is the fact that the  
 government has been unable to reform  
 its international relations system,  
 which has led to a continued state  
 of international relations crisis.