

Serial Number **1954/228**

## THE EMPLOYMENT (INFORMATION) REGULATIONS 1954

C. W. M. NORRIE, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington this 15th day of December 1954

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Labour Department Act 1954, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### REGULATIONS

1. (1) These regulations may be cited as the Employment (Information) Regulations 1954.

(2) These regulations shall come into force on the 30th day of December 1954, and shall apply with respect to the half-year and month current on that date, and to every season current on that date, as well as to all subsequent half-years, months, and seasons.

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

“The Act” means the Labour Department Act 1954:

“Department” means the Department of Labour established under the Act:

“Secretary” means the Secretary of Labour appointed for the purposes of the Act; and includes any person for the time being authorized to exercise or perform any of the powers, duties, or functions of the Secretary:

“District Office” means an office of the Department designated as a District Office by the Secretary:

“Employer” means a person employing any worker or workers; and includes any manager or other person acting on behalf of an employer:

“Person” includes a corporation sole; and also includes a body of persons, whether incorporated or not:

“Worker” means any person of any age of either sex employed by any employer to do any work for hire or reward:

“Half-year” means the period of six months ending with the 15th day of April or the 15th day of October in any year:

“Month” means a period commencing on the 16th day of a calendar month and ending with the 15th day of the next succeeding calendar month:

“Industry” includes any trade, occupation, business, manufacture, undertaking, work, or service whatsoever:

“General industry” means any industry except—

(a) The building and construction industry;

(b) A seasonal industry; and

(c) The industries of farming, the loading and unloading of ships, fishing, and trapping:

“Building and construction industry” includes all operations on the site where any building or construction work is proceeding; and also includes—

(a) All land development and improvement work, including drainage, irrigation, land clearing and the preparation of land for the establishment of farms or other industrial activities, soil conservation and river control, and reclamation of land from sea, lakes, or swamps;

(b) The building and construction of communications, including radio, telephone, telegraph, and cable communications; highways, roads, and streets; tramways and railways; aerodromes; harbours and inland waterways;

(c) The construction of water supply, sewerage, and storm water drainage works, including water boring and well sinking;

(d) All hydro-electric building and construction work, including the construction of electric power supply lines and electrical reticulation;

(e) The construction, alteration, repair, and renovation of buildings (masonry, bricklaying, carpentry, plastering, floor laying, paperhanging, painting and decorating, tiling and roof fixing, glazing, plumbing, gasfitting, drainlaying, electrical wiring, the exterior cleaning of buildings, and all other operations carried out on the site of any building work); and

(f) The operations of all architects, civil engineers, and other persons concerned with the designing and planning of building and construction works:

“Seasonal industry” means—

(a) The industry of meat freezing or meat preserving;

(b) The industry of preserving any other food, whether by dehydration or otherwise;

(c) The industry of jam, pickle, or sauce manufacture; or

(d) The industry of a butter factory or cheese factory, or of any premises registered as a manufacturing dairy under the Dairy Produce Regulations 1938\*.

\* Statutory Regulations 1938, Serial No. 1938/91, page 396.

Reprinted with Amendments Nos. 1 to 8: Statutory Regulations 1954, Serial number 1954/33, page 87.

Amendment No. 9: Statutory Regulations 1954, Serial number 1954/72, page 317.

- (2) For the purposes of these regulations,—
- (a) Any person who performs any work or service for himself shall be deemed to be a worker employed by himself and to be his own employer:
  - (b) Where any member of an unincorporated body of persons performs any work or service for that body, he shall be deemed to be a worker employed by the body, and the body shall be deemed to be his employer.

*Half-yearly Returns by Employers in General Industries, and in Building and Construction Industry, and in Seasonal Industries*

3. (1) Every employer who employs any workers in a general industry at any time during any half-year, if he employs not less than two such workers on the last day of the period paid for on the last pay day in that half-year, shall, in a form to be provided by the Secretary, furnish a return in accordance with this regulation giving the information indicated in the form, being the information specified in the First Schedule hereto and such other information as the Secretary thinks fit.

(2) Every employer who employs any workers in the building and construction industry at any time during any half-year, if he employs not less than two such workers on the last day of the period paid for on the last pay day in that half-year, shall, in a form to be provided by the Secretary, furnish a return in accordance with this regulation giving the information indicated in the form, being the information specified in the Second Schedule hereto and such other information as the Secretary thinks fit.

(3) Every employer who employs any workers in a seasonal industry at any time during any half-year, if he employs not less than two such workers on the last day of the period paid for on the last pay day in that half-year, shall, in a form to be provided by the Secretary, furnish a return in accordance with this regulation giving the information indicated in the form, being the information specified in the Third Schedule hereto and such other information as the Secretary thinks fit.

(4) By notice given to an employer who employs any workers in a seasonal industry the Secretary, if he thinks fit, may require the information referred to in subclause (3) of this regulation to be furnished monthly within four days after the 15th day of each month instead of half yearly until further notice given by him or during such period as he may specify.

(5) Every return under this regulation shall be delivered at the District Office nearest to the employer's place of business or principal place of business, or at such other District Office as may in any case be required by the Secretary.

(6) Every such return shall be so delivered within seven days after the end of the period to which it relates.

(7) Except where the Secretary otherwise agrees, every employer who is required to furnish a return under this regulation shall furnish a separate return in respect of every separate business, works, or branch in which he employs any workers in a general industry or in the building and construction industry or in a seasonal industry.

*General Power to Secure Information*

4. (1) The Secretary may from time to time require any employer or class of employers, or all employers (with or without exception), to furnish such information or particulars as the Secretary thinks fit in relation to all or any of the following matters:

- (a) The numbers and classes of workers engaged or likely to be engaged by the employer during any specified period or periods or on any specified date or dates:
- (b) The numbers and classes of workers whose employment has been terminated or is likely to be terminated during any specified period or periods or on any specified date or dates:
- (c) The numbers and classes of workers in the employment of the employer during any specified period or periods or on any specified date or dates:
- (d) The amount of wages (including or showing separately overtime, bonus, and other payments) paid by the employer during any specified period or periods:
- (e) The accommodation or transport of workers:
- (f) The nature and availability of employment.

(2) Any information or particulars required to be furnished under this regulation shall be furnished in such manner or form, to such person, at such place, and on such date or within such period as the Secretary in any case requires.

(3) The Secretary may require any information or particulars to be furnished under this regulation either generally, or in respect of any specified district or districts, or in respect of each separate business, works, or branch carried on by an employer, or in respect of any specified part of any such business, works, or branch.

*Information Relating to Subsidies and Other Payments*

5. For the purpose of obtaining any information in relation to any subsidy or other money paid by the Crown to any employer or other person for the purposes of the Act, any officer of the Department acting with the authority of the Secretary may from time to time—

- (a) Inspect, examine, and audit any books, accounts, vouchers, records, or documents:
- (b) Require any person to produce any books, accounts, vouchers, records, or documents in his possession or under his control, and to allow copies of or extracts from any such books, accounts, vouchers, records, or documents to be made:
- (c) Require any person to furnish, in a form to be approved by or acceptable to the officer, any information or particulars that may be required by him.

*General*

6. (1) The Secretary may give public notice of the exercise of any of his powers under these regulations or of any requirement imposed by him under these regulations, and all persons shall be bound thereby.

(2) For the purposes of these regulations, 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 Secretary may, without public notice, give notice to any person of any such requirement, 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 document received from him by the Department, 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.

7. (1) Any written notice, requirement, or other instrument given or made by the Secretary under these regulations shall be sufficiently authenticated if it is signed by the Secretary or by any person on behalf of and by direction of the Secretary.

(2) Every instrument purporting to be signed by or on behalf of the Secretary 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 Secretary.

8. (1) Every person commits an offence against these regulations who—

(a) Acts in contravention of or fails to comply in any respect with any provision of these regulations or of any requirement imposed under these regulations:

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

(c) Makes any false or misleading statement or any material omission in any return, information, or particulars furnished under these regulations.

(2) Every person who aids, abets, counsels, or procures or is in any way knowingly concerned with the commission of an offence against these regulations shall be deemed to have committed an offence against these regulations.

(3) Any offence against these regulations committed by a servant or agent in the course of his employment shall be deemed to have been also committed by his employer or principal.

(4) Every person who commits or attempts to commit an offence against these regulations shall be liable on summary conviction to a fine not exceeding £25.

9. (1) The *Employment (Information) Regulations 1946\** are hereby revoked.

\* Statutory Regulations 1946, Serial number 1946/23, page 42.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provision so revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the revocation and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

## SCHEDULES

### FIRST SCHEDULE

INFORMATION required in respect of workers engaged in general industries:

- (1) Name of firm:.....
- (2) Particular works, business, or branch covered:.....
- (3) Type of main production or other activity carried on in the works, business, or branch:.....
- (4) Total employees in receipt of wages, salary, or other remuneration on the last day of the period paid for on the last pay day in each of the six months covered, each month ending with the 15th day of a calendar month:
  - (a) Total males:.....
  - (b) Total females:.....
- (5) Total amount paid out in wages, salary, or other remuneration for the week or (as the case may be) the last week paid for on the last pay day in the six-monthly period:.....
- (6) Particulars, males and females separately, of—
  - (a) Number of persons employed full time at the end of the previous six-monthly period (i.e., on the last day of the period paid for on the last pay day in the preceding half-year)—
    - (i) Under twenty-one years of age:.....
    - (ii) Twenty-one years of age and over:.....
  - (b) Number of persons employed full time at the end of the six-monthly period (i.e., on the last day of the period paid for on the last pay day in the half-year)—
    - (i) Under twenty-one years of age:.....
    - (ii) Twenty-one years of age and over:.....
  - (c) Number of persons engaged during the six-monthly period—
    - (i) Under twenty-one years of age:.....
    - (ii) Twenty-one years of age and over:.....
  - (d) Number of vacancies unfilled at the end of the six-monthly period—
    - (i) For persons under twenty-one years of age: .....
    - (ii) For persons twenty-one years of age and over: .....

FIRST SCHEDULE—*continued*

- (e) Number of working proprietors at the end of the six-monthly period:.....
- (f) Number of part time workers employed, males and females separately, at the end of the six-monthly period: .....

## SECOND SCHEDULE

INFORMATION required in respect of workers engaged in the building and construction industry:

- (1) Name of firm:.....
- (2) Particular branch covered:.....
- (3) Total employees in receipt of wages, salary, or other remuneration on the last day of the period paid for on the last pay day in each of the six months covered, each month ending with the 15th day of a calendar month:
  - (a) Total males:.....
  - (b) Total females:.....
- (4) Total amount paid out in wages, salary, or other remuneration for the week or (as the case may be) the last week paid for on the last pay day in the six-monthly period:.....
- (5) By main occupational groups, particulars of—
  - (a) The numbers engaged full time on various main classes of building and construction work at the end of the six-monthly period (i.e., on the last day of the period paid for on the last pay day in the half-year) :.....
  - (b) The number of vacancies unfilled at the end of the six-monthly period:.....
  - (c) The number of persons under twenty-one years of age employed full time at the end of the six-monthly period:.....
  - (d) The number of working proprietors employed at the end of the six-monthly period:.....

## THIRD SCHEDULE

INFORMATION required in respect of workers engaged in seasonal industries:

- (1) Name of firm:.....
- (2) Particular works, business, or branch covered:.....
- (3) Type of main production or other activity carried on in the works, business, or branch:.....
- (4) Total employees in receipt of wages, salary, or other remuneration on the last day of the period paid for on the last pay day in each of the six months covered, each month ending on the 15th day of a calendar month:
  - (a) Total males:.....
  - (b) Total females:.....
- (5) Total amount paid out in wages, salary, or other remuneration for the week or (as the case may be) the last week paid for on the last pay day in the six-monthly period:.....

THIRD SCHEDULE—*continued*

## (6) Particulars, males and females separately, of—

- (a) Number of persons employed full time at the end of the previous six-monthly period (i.e., on the last day of the period paid for on the last pay day in the preceding half-year)—
- (i) Under twenty-one years of age:.....
- (ii) Twenty-one years of age and over:.....
- (b) Number of persons employed full time at the end of the six-monthly period (i.e., on the last day of the period paid for on the last pay day in the half-year)—
- (i) Under twenty-one years of age:.....
- (ii) Twenty-one years of age and over:.....
- (c) Number of working proprietors at the end of the six-monthly period:.....
- (d) Number of part time workers employed, males and females separately, at the end of the six-monthly period:.....

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

## EXPLANATORY NOTE

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

These regulations replace the Employment (Information) Regulations 1946, made under the Employment Act 1945, with new regulations made under the Labour Department Act 1954, as the latter Act has repealed and replaced the former.

Only minor changes are made in the regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 16 December 1954.

These regulations are administered in the Department of Labour.