

GOVERNMENT RAILWAYS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill makes a number of minor amendments to the Government Railways Act 1949 and its amendments.

Clause 2 repeals the definition of the term "1949 classification" which will disappear from the legislation, and substitutes a definition of the term "1953 classification" for the purposes of the amendments set out in *clauses 9 and 10* of the Bill.

Clause 3 provides that section 8 of the principal Act which requires railways to be inspected before they are opened for traffic is not to apply to any railway which has been constructed by the Railways Department under the direction of a qualified civil engineer employed by the Department.

Clause 4 widens the power of the Department to run steam locomotives by extending the classes of fuel which they may use so as to include all classes of coal and briquettes.

Clause 5 authorizes the Commission to enter into contracts which provide that transport services authorized to be carried on by the Minister or the Commission shall be carried on by some other person.

Clause 6 provides that the offences prescribed by section 24 of the principal Act shall be punishable *on summary conviction* in the manner prescribed in that section.

Clause 7 rewrites section 32 (1) of the principal Act which confers authority on the Governor-General to make regulations in respect of railways. It extends the existing provisions so as to make it clear that regulations may be made not only in respect of railways but also in respect of other services lawfully carried on by the Commission.

Clause 8 gives express power to the Railways Commission to fix scales of charges for the Johnsonville road passenger services. Section 134 of the Transport Act 1949 provides that the charges in question are not to be fixed by the Commissioner of Transport or the Charges Appeal Authority under that Act. The clause removes doubt as to who can fix the charges.

Section 77 of the principal Act provides that appointments to positions in the specified higher grades of the Department are to be made by the Minister after he has considered the recommendation of the Commission, and that appointments to other positions in the Department are to be made by the Commission. *Clause 9* redefines by reference to the 1953 classification of the Department the positions to which appointments are to be made by the Minister after he has considered the recommendation of the Commission. The effect of this amendment is that the right of appeal against appointments will be extended up to and including Grade Special 6 except in the case of certain positions in Grade Special 5 and Grade Special 6 to be specified by regulation. At the present time there is no right of appeal in respect of any position above Grade Special 4.

Clause 10 amends section 84 (8) of the principal Act which relates to special promotions so as to redefine by reference to the 1953 classification the positions to which the provision applies.

Clause 11 gives statutory recognition to the fact that the name of the former Maintenance Branch of the Department has been changed to the Way and Works Branch, and that the name of the former Locomotive Branch of the Department has been changed to the Mechanical Branch.

Section 2 (2) of the Government Railways Amendment Act 1952 provides that the Railways Commission shall consist of three Directors appointed from members of the Department or full time employees of any service organization and two Directors appointed from persons outside the Government service. *Clause 12* makes it clear that, for purposes of re-appointment, a Director or deputy of a Director appointed from the members of the Department shall be deemed to remain a member of the Department, and a Director or deputy of a Director appointed from the full time employees of any service organization shall be deemed to remain a full time employee of the service organization.

Hon. Mr Goosman

GOVERNMENT RAILWAYS AMENDMENT

ANALYSIS

Title.	7. Regulations.
1. Short Title.	8. Scales of charges.
2. Interpretation.	9. Method of appointment to Government Railways Department.
3. Inspection of railways before opening for traffic.	10. Special promotion.
4. Power to run locomotives.	11. Names of branches of Department.
5. Transport services may be carried on by a contractor.	12. New Zealand Railways Commission.
6. Conveyance of dangerous goods.	

A BILL INTITULED

AN ACT to Amend the Government Railways Act 1949. **Title.**

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Government Railways Amendment Act 1953, and shall be read together with and deemed part of the Government Railways Act 1949 (hereinafter referred to as the principal Act). **Short Title.**
1949, No. 40

2. Section two of the principal Act is hereby amended by repealing the definition of the term "1949 classification", and substituting the following definition: **Interpretation.**

" '1953 classification' means the classification prescribed by the Government Railways (Staff) Regulations 1953: ". **Serial number**
1953/34

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Inspection of
railways before
opening for
traffic.

3. Section eight of the principal Act is hereby amended by inserting in subsection one, after the word "shall", the words "unless it has been constructed under the direction of a qualified civil engineer employed by the Department".

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Power to run
locomotives.

4. Section twelve of the principal Act is hereby amended by omitting the words "brown coal", and substituting the words "sub-bituminous coal, lignite coal, any other class of coal, briquettes".

Transport
services may be
carried on by
a contractor.

5. The principal Act is hereby amended by inserting, after section 13, the following section:

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"13A. (1) Subject to the provisions of this Act, the Commission may contract for the carrying on by any person of any transport service authorized by or under this or any other Act to be carried on by the Minister or the Commission in such manner, and upon and subject to such terms and conditions, as the Commission thinks fit.

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1949, No. 7

"(2) Where any such transport service is carried on by any person pursuant to a contract entered into under this section, the service shall for the purposes of section one hundred and seven of the Transport Act 1949 be deemed to be carried on by the Minister or the Commission, as the case may be, in any case where the Minister or the Commission is the licensee in respect of the service.

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Conveyance
of dangerous
goods.

6. Section twenty-four of the principal Act is hereby amended by inserting in subsection two, after the word "liable", the words "on summary conviction".

Regulations.

7. Section thirty-two of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:

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"(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

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"(a) Regulating, restricting, or prohibiting the smoking of tobacco or any other substance on the railways and other services lawfully carried on by the Commission, and prohibiting the committing of nuisances on the railways and other services lawfully carried on by the Commission:

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- 5 “(b) Regulating, restricting, or prohibiting traffic on or over any road or bridge used for both ordinary and railway traffic, or on or over any road, bridge, or other place, that is on or over or under any railway:
- 10 “(c) Regulating the admission of vessels to any wharf, jetty, berth, or mooring owned or controlled by the Department, and their use of and removal from the same:
- 15 “(d) Regulating, restricting, or prohibiting the entry or remaining on any part of any railway by persons or animals, and prescribing the conditions upon which they may be permitted to enter or remain thereon:
- 20 “(e) Regulating, restricting, or prohibiting persons from entering into or upon or from travelling in any carriage, omnibus, service car, or other vehicle or any part of any carriage, omnibus, service car, or other vehicle:
- 25 “(f) Regulating the manner in which, the times and places at which, and the conditions subject to which, tickets of any kind shall be purchased, used, presented, and delivered up:
- 30 “(g) Providing for the licensing and regulating of vehicles and of drivers plying or otherwise available for hire within the precincts of any railway, and in connection therewith prescribing licence fees:
- 35 “(h) Providing for the licensing of persons, subject to such conditions as the General Manager may deem fit, to ply for hire of their services, or to keep refreshment rooms or bookstalls, or to sell articles, within the precincts of any railway:
- 40 “(i) Declaring certain goods to be dangerous goods and regulating or prohibiting the conveyance, carrying, placing, or depositing of any such goods or of any deleterious thing on any railway or other service lawfully carried on by the Commission:

- “(j) Regulating generally the traffic on the railways and other services lawfully carried on by the Commission and the conduct of all persons employed on or about the railways and other services lawfully carried on by the Commission or travelling thereon or using the same.” 5
- Scales of charges.**
8. Section thirty-three of the principal Act is hereby amended by inserting in subsection one, after the word “thereof”, the words “or in respect of any road passenger service to which section seventy-three of this Act applies.” 10
- Method of appointment to Government Railways Department.**
9. Section seventy-seven of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection: 15
- “(1) Every appointment to a position in the Department that is made after the commencement of this subsection shall be made by the Minister after he has considered the recommendation of the Commission if—
- “(a) The position is classified in a higher grade than Grade Special 6 of Class 3 of the 1953 classification (or such other grade as the Minister may from time to time declare to be equivalent to that grade); or 20
- “(b) The position is for the time being specified by regulations made under this Act as a position to which this paragraph applies and is classified in Grade Special 6 or Grade Special 5 of Class 3 of the 1953 classification (or such other grades as the Minister may from time to time declare to be equivalent to those grades).” 25 30
- Special promotion.**
10. Section eighty-four of the principal Act is hereby amended by omitting from subsection eight the words “Special C of Class 4 to Grade Special F of Class 5 inclusive of the 1949 classification”, and substituting the words “Special 4 of Class 4 to Grade Special 1 of Class 5 inclusive of the 1953 classification”. 35
- Names of branches of Department.**
11. (1) Section ninety-one of the principal Act is hereby amended— 40
- (a) By omitting the words “Maintenance Branch” wherever those words occur in the section, and substituting in each case the words “Way and Works Branch”:

- 5 (b) By omitting the words "Locomotive Branch" where they appear in the definitions of the terms "Workshops Branch" and "Locomotive Running Branch" in subsection one of the section, and substituting in each case the words "Mechanical Branch".
- (2) In every other enactment and document—
- 10 (a) Every reference to the Maintenance Branch of the Department shall be read as a reference to the Way and Works Branch of the Department:
- (b) Every reference to the Locomotive Branch of the Department shall be read as a reference to the Mechanical Branch of the Department.
- 15 **12.** Section two of the Government Railways Amendment Act 1952 is hereby amended by adding to subsection two the words "For the purposes of this subsection every Director and every deputy of a Director who is appointed from the members of the Department shall
- 20 be deemed to remain a member of the Department, and every Director and every deputy of a Director who is appointed from the full time employees of any service organization shall be deemed to remain a full time employee of the service organization".

New Zealand
Railways
Commission.
1952, No. 82