

GOVERNMENT RAILWAYS AMENDMENT BILL

EXPLANATORY NOTE

This Bill amends the Government Railways Act 1949.

Clause 1 relates to the Short Title.

Clause 2: Unused railway land not required for railway purposes may be leased by private treaty if the annual rental value of the land does not exceed \$104 and the term of the lease does not exceed two years. This clause amends section 49 of the principal Act by increasing the amount to \$312.

Clause 3 amends section 64 of the principal Act (which section relates to traffic at level crossings) and authorises the Minister of Transport, by notice in the *Gazette*, to declare an appropriate speed limit in respect of any specified level crossing and any specified part of its approach after having regard to the characteristics of the crossing. The maximum speed limit that he may declare in respect of a crossing is to be 20 miles per hour. For any crossing in respect of which the Minister has not declared a speed limit, the present speed limit of 15 miles per hour is to remain in force.

Clause 4: Since the Master and Apprentice Act 1908 (which deals with Government apprentices) is being repealed, it is necessary to make provision in the principal Act for the appointment, indenturing, and transferring of railway apprentices.

This clause inserts four new sections 83A, 83B, 83C, and 83D, and generally implements the recommendations of the Royal Commission of Inquiry on Vocational Training.

Section 83A authorises the General Manager of the Government Railways Department to engage probationary apprentices.

Section 83B provides that, on completion of the probationary period, an indenture of apprenticeship may be entered into between the probationary apprentice and an employee of the Department authorised to act as a master for the purposes of the principal Act. The parent or guardian of the apprentice is to be a party to the indenture. The section also provides for certain other matters of a machinery nature such as the form of indenture, the variation and discharge of an indenture, and the giving of consents by a parent or guardian of an apprentice in certain cases.

Section 83C provides for the transfer of apprentices to and from the Department in certain cases.

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Section 83D makes provision to enable the establishment by agreement between the General Manager of the Railways Department, the Amalgamated Society of Railway Servants, and the New Zealand Railway Tradesmen's Association of a committee to be known as the Railway Apprenticeship Advisory Committee to advise the General Manager on matters relating to railway apprentices.

The clause also provides that no apprentice is to be dismissed except on the direction of the Minister. Section 96 of the principal Act (which relates to rights of appeal by temporary employees and probationers) is being extended to include apprentices.

~~Clause 5 provides that indentures of apprenticeship entered into under the Master and Apprentice Act 1908 by railway apprentices and in force at the passing of the Bill shall continue in force as if they had been entered into under section 83B of the principal Act (which section is being inserted by clause 4 of the Bill).~~

Hon. Mr Gordon

GOVERNMENT RAILWAYS AMENDMENT

ANALYSIS

Title	<i>Apprentices</i>
1. Short Title	83A. Engagement of apprentices
2. Public tender of leases of unused land	83B. Indentures of apprenticeship
3. Traffic at level crossings	83C. Transfer of apprentices
4. New sections and heading inserted relating to apprentices	83D. Establishment of an apprenticeship advisory committee
	5. Saving

A BILL INTITLED

An Act to amend the Government Railways Act 1949

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

1. **Short Title**—This Act may be cited as the Government Railways Amendment Act 1967, and shall be read together with and deemed part of the Government Railways Act 1949* (hereinafter referred to as the principal Act).

10 **2. Public tender of leases of unused land**—Section 49 of the principal Act (as amended by section 7 (1) of the Decimal Currency Act 1964) is hereby further amended by omitting from subsection (2) the words “one hundred and four dollars”, and substituting the words “three hundred and twelve dollars”.

*1957 Reprint, Vol. 5, p. 693

Amendments: 1959, No. 66; 1961, No. 39; 1962, No. 13; 1962, No. 138; 1963, No. 124; 1964, No. 38

3. Traffic at level crossings—Section 64 of the principal Act (as substituted by section 6 of the Government Railways Amendment Act 1956) is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) The Minister of Transport may from time to time, 5
by notice in the *Gazette*, declare that any specified level crossing and any specified part of the approach thereto shall be subject to a speed limit not exceeding twenty miles an hour; and in each notice he shall prescribe the distance from the crossing at which the appropriate sign (being a sign pre- 10
scribed by regulations for the time being in force under the Transport Act 1962 for the purpose of indicating the existence of a speed limit) shall be erected.

“(2A) Every person driving a motor vehicle—

“(a) When approaching a level crossing in respect of which 15
the Minister of Transport has, by notice pursuant to subsection (2) of this section, declared a speed limit shall, when within the distance prescribed by the Minister in the notice, reduce speed to a rate 20
not exceeding that speed limit; or

“(b) When approaching any other level crossing shall when 25
within one hundred yards of it reduce speed to a rate not exceeding fifteen miles an hour,—

and in no case shall he increase speed until he has crossed the railway line.

“(2B) It shall be the duty of every person driving a motor vehicle when approaching or crossing a level crossing to keep a vigilant lookout for any approaching locomotive, railcar, carriage, wagon, or other vehicle using the railway line.”

**4. New sections and heading inserted relating to appren- 30
tices**—(1) The principal Act is hereby further amended by inserting, after section 83, the following heading and sections:

“*Apprentices*

“83A. **Engagement of apprentices**—Subject to the provisions 35
of this Act and any regulations made under this Act, the General Manager may from time to time appoint in accordance with subsection (2) of section 77 of this Act suitable persons to be probationary apprentices for the purpose of training them to become tradesmen.

“83B. **Indentures of apprenticeship**—(1) On completion of 40
such probationary period as may be prescribed, an indenture of apprenticeship may be entered into between the probationary apprentice and his parent or guardian on the one

hand and an employee authorised by the General Manager to act as a master for the purposes of this Act on the other; and, on the execution of the indenture of apprenticeship, the probationary apprentice shall become an apprentice within
5 the meaning of this Act.

“(2) Every indenture of apprenticeship shall be in such form as may be prescribed.

“(3) Every parent or guardian who is a party to any indenture shall be bound by its terms until the apprentice
10 reaches the age of twenty-one years; and on his reaching that age the indenture shall cease to apply to the parent or guardian.

“(4) Subject to any agreement between all the parties to any indenture and to the provisions of this Act and any
15 regulations made under this Act, every apprentice shall, whether he has reached the age of twenty-one years or not, be bound by the terms of the indenture during its currency which shall be such period as may be prescribed.

“(5) Nothing in the Apprentices Act 1948 shall apply to
20 any apprentice while he is employed by the Department or to any indenture of apprenticeship entered into and in force under this section.

“(6) If at any time the Minister directs any apprentice to be dismissed pursuant to the proviso to subsection (2) of
25 section 90 of this Act, the apprentice's indenture shall thereupon be deemed to be discharged.

“(7) The General Manager and any apprentice may at any time agree to vary or discharge the apprentice's indenture, but if the apprentice is under the age of twenty-one years the
30 consent in writing of his parent shall be obtained before any such variation or discharge.

“(8) If any parent or guardian who is a party to the indenture of any apprentice dies before the apprentice reaches the age of twenty-one years, any consent required to be given
35 by that parent or guardian for the purposes of this section or section 83c of this Act may be given by his legal personal representatives.

“83c. **Transfer of apprentices**—(1) If the General Manager considers that the course of the apprentice's training so requires, the apprentice may be transferred for such period and
40 on such terms as the General Manager may determine or approve—

- “(a) To an employer within the meaning of the Apprentices Act 1948, in which case the apprentice shall be subject to the provisions of that Act; or
- “(b) To the Post Office, in which case the apprentice shall be subject to the provisions of the Post Office Act 1959; or 5
- “(c) To any part of the Public Service, in which case the apprentice shall be subject to the provisions of the State Services Act 1962.
- “(2) Notwithstanding anything in the Apprentices Act 1948 10
to the contrary, any apprentice within the meaning of that Act may be transferred to the Department for such period and on such terms as the General Manager may determine or approve. Any apprentice so transferred shall be subject to the provisions of this Act and to any regulations made under this 15
Act relating to apprentices.
- “(3) Subject to the provisions of the Post Office Act 1959 or, as the case may be, the State Services Act 1962, any apprentice serving under an indenture of apprenticeship with the Post Office or any part of the Public Service may be transferred to the Department as an apprentice for the purposes of 20
this Act for such period and on such terms as the General Manager may determine or approve. Any apprentice so transferred shall be subject to the provisions of this Act and to any regulations made under this Act relating to apprentices. 25
- “(4) No apprentice shall be transferred under this section without his consent if he is over the age of twenty-one years or, if he is under that age, without the consent of the parent or guardian who joined the apprentice in the execution of the apprentice’s indenture. 30
- “83D. Establishment of an apprenticeship advisory committee—**(1) There may, from time to time, be established by agreement in writing between the General Manager, the Amalgamated Society of Railway Servants, and the New Zealand Railway Tradesmen’s Association a committee to be 35
known as the Railway Apprenticeship Advisory Committee.
- “(2) Any such committee shall consist of such number of members as may be specified in the agreement, but shall be under the chairmanship of an officer of the Department appointed by the General Manager. 40
- “(3) It shall be the function of any such committee—
- “(a) To encourage the proper training of apprentices for the purposes of the Department:

“(b) To make recommendations to the General Manager on matters affecting the recruitment, training, and welfare of the Department’s apprentices:

5 “(c) To perform such other functions and such duties as may be prescribed in the agreement.

“(4) Any such committee may regulate the procedure at its meetings in such manner as it thinks fit.

10 “(5) Subject to the provisions of this section, any such agreement may at any time be varied or cancelled with the concurrence of all the parties to it.

“(6) Notwithstanding anything to the contrary in this subsection, the functions, powers, and duties of any such committee shall not extend to cover any matter for which express provision is made in this Act.”

15 (2) Section 90 of the principal Act (as amended by section 9 (6) of the Government Railways Amendment Act 1956) is hereby further amended by inserting in the proviso to subsection (2), after the word “member”, the words “or apprentice”.

20 (3) Section 96 of the principal Act is hereby amended—
(a) By inserting in subsection (1), after the words “every male temporary employee”, the words “every apprentice”:

25 (b) By inserting in subsection (2), after the words “every male temporary employee”, the words “every apprentice”:

(c) By inserting in the proviso to subsection (2), after the words “such employee”, the word “apprentice”.

30 (4) The said section 96 is hereby further amended by repealing subsection (4).

(5) Section 97 of the principal Act is hereby amended by omitting from subsection (1) the words “member or temporary employee concerned, as the case may be”, and substituting the word “employee”.

35 **5. Saving**—Every indenture of apprenticeship entered into under the Master and Apprentice Act 1908 by an apprentice employed by the Department and in force at the passing of this Act shall continue in force as if it were an indenture of apprenticeship entered into under section 83B of the principal
40 Act.