

GOVERNMENT RAILWAYS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Government Railways Act 1949. At present the regrading of positions in the Salaried Division of the New Zealand Railways is carried out at intervals of not more than 5 years. The purpose of this Bill is to bring the system into line with those Government Departments directly controlled by the State Services Commission by making the regrading of positions subject to continuous review.

Clause 1 relates to the Short Title.

Clause 2: Subclause (1) repeals section 87 of the principal Act and substitutes 4 new sections.

Section 87 provides that the General Manager shall be responsible for conducting a continuous review of all positions in the Salaried Division, the review to be carried out in accordance with the State Services Conditions of Employment Act 1977.

Section 87A provides that every member of the Salaried Division has the right to apply at any time to the General Manager for a review of the position which he occupies.

If the member is not satisfied with the decision of the General Manager he may, if no other application in respect of that position has been referred to the General Manager for review within 5 years of the date of his application, request that his application be referred for consideration by the Grading Committee.

If the decision of the General Manager does not accord with the recommendation of the Grading Committee, the applicant may appeal to the Appeal Board under section 95 (1) (g), except where the salary of the grading recommended by the Grading Committee exceeds the maximum salary that the General Manager may prescribe under the State Services Conditions of Employment Act 1977.

Section 87B provides for the establishment of the Grading Committee.

Section 87C provides that where the General Manager agrees to change the grading of a position or the Appeal Board upholds the application of the appellant, the General Manager shall declare the position vacant and fill it in any manner authorised by the Act.

Subclause (2) amends section 95 of the principal Act to enable appeals to be made to the Appeal Board under section 87A.

Subclauses (3) and (4) deal with consequential repeals.

Hon. Mr McLachlan

GOVERNMENT RAILWAYS AMENDMENT

ANALYSIS

Title	
1. Short Title	87A. Review of grading
2. Review of grading	87B. Grading Committee
87. Continuous review of classification and grading	87C. Successful application for a review of grading

A BILL INTITULED

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 1978, and shall be read together with and deemed part of the Government Railways Act 1949* (hereinafter referred to as the principal Act).

10 2. **Review of grading**—(1) The principal Act is hereby further amended by repealing section 87, and substituting the following sections:

“87. **Continuous review of classification and grading**—
(1) The General Manager shall be responsible for conducting

*Reprinted 1973, Vol. 2, p. 1403
Amendments: 1974, No. 38; 1976, No. 34

a continuous review of the grading of all positions in the Salaried Division, and in discharging this responsibility shall—

“(a) Ascertain whether or not there is need to adjust the scope and content of occupational classes, or the salary scale or grading pattern, or conditions of employment of any occupational class: 5

“Provided that any review of the salary scale or grading pattern of any occupational class and any adjustment necessary in that salary scale or grading pattern shall be carried out by the General Manager in accordance with the State Services Conditions of Employment Act 1977: 10

“(b) Ensure that all positions are placed in the occupational class most closely related to the nature of the duties involved: 15

“(c) Ensure that every position in each occupational class is placed in a grade appropriate to the level of responsibility and skill required in the discharge of its functions. 20

“(2) If the grading of a position is altered in accordance with subsection (1) (c) of this section and the new grading does not coincide with the grading of the member of the Department for the time being holding the position, the General Manager shall declare the position vacant and fill it in any manner authorised by this Act. 25

“(3) Any regrading pursuant to subsection (1) (c) of this section shall take effect from and including such date as the General Manager may specify.

“87A. **Review of grading**—(1) Every member of the Salaried Division shall have the right to apply at any time to the General Manager in writing for a review of the grading of the position which the member occupies. 30

“(2) On receipt of any application under subsection (1) of this section, the General Manager shall review the case, and shall notify the member in writing of the result of the review. 35

“(3) If—

“(a) The member is not satisfied with any decision of the General Manager given under subsection (2) of this section in respect of the application; and 40

“(b) An application in respect of that position has not been referred to the Grading Committee constituted under section 87B of this Act within the period of 5 years immediately preceding the date of his application,—

5 the member may, within 14 days after the date on which the decision was notified to him, request that the application be referred for consideration by the Grading Committee.

“(4) The General Manager shall notify the applicant of
10 any recommendation made by the Committee in respect of his application, together with the decision of the General Manager thereon.

“(5) If the decision of the General Manager is contrary to the Committee’s recommendation, the applicant may, within
15 14 days of the date of the notification to him of the decision of the General Manager, appeal therefrom in accordance with section 95 (1) (g) of this Act; and the decision of the Appeal Board shall be final:

“Provided that the provisions of this subsection shall not
20 apply to an application by any member where the grading recommended by the Committee provides for a salary exceeding the maximum salary that the General Manager may by determination prescribe in accordance with section 20 (1) of the State Services Conditions of Employment Act
25 1977.

“87B. **Grading Committee**—(1) Subject to this section, the General Manager may from time to time appoint a Grading Committee as provided in this section.

“(2) The Committee shall consist of 3 persons, being
30 members or retired members of the Salaried Division of the Department, of whom 1 shall be appointed as Chairman, and 1 shall be appointed on the nomination of the New Zealand Railway Officers’ Institute (Incorporated):

“Provided that the person nominated by the Institute may
35 be a serving or retired officer of the Institute instead of a member or retired member of the Salaried Division of the Department.

“(3) The Committee shall have power to investigate in such manner as it thinks fit and make a recommendation to
40 the General Manager regarding—

“(a) Any application lodged under section 87A (1) of this Act; and

“(b) Any other matter relating to grading referred to it by the General Manager.

“(4) Except as provided in this Act and in any regulations made under this Act, the Committee shall determine its own procedure.

“(5) The Committee may receive in evidence any statement, document, information, or matter that may in its opinion assist it to deal effectively with the matter before it, whether or not the evidence is otherwise admissible in a Court of law. 5

“(6) The member making the application for a review shall be entitled to be present, and may be represented by another member of the Salaried Division, or by an employee of the New Zealand Railway Officers' Institute (Incorporated) or of any other service organisation. 10

“(7) Proceedings before the Committee shall not be held bad for want of form. No appeal shall lie against any recommendation of the Committee, nor, except on the ground of lack of jurisdiction, shall any decision of the Committee be liable to be challenged, reviewed, quashed, or called in question by any Court. 15

“87c. **Successful application for a review of grading—** 20
Where the General Manager agrees to change the grading of a position as a result of a decision made under subsection (2) or subsection (4) of section 87A of this Act, or where the Appeal Board upholds the application of the appellant under section 87A (5) of the Act, the General Manager shall declare the position vacant and fill it in any manner authorised by this Act.” 25

(2) Section 95 of the principal Act is hereby consequentially amended by repealing paragraph (g) of subsection (1) (as substituted by section 8 (1) of the Government Railways Amendment Act 1956), and substituting the following paragraph: 30

“(g) A decision by the General Manager contrary to the recommendation of the Grading Committee on an application by the member of the Salaried Division under section 87A (5) of this Act:” 35

(3) The said section 95 is hereby further amended by repealing subsection (5).

(4) The Government Railways Amendment Act 1956 is hereby consequentially amended by repealing section 8. 40