

GOVERNMENT SERVICE TRIBUNAL AMENDMENT BILL

EXPLANATORY NOTE

THE main purpose of this Bill is to enable the Public Service Commission to carry out in 1951 the five-yearly regrading of the Public Service which is due to be completed in that year, without having to apply beforehand to the Government Service Tribunal for its approval of every alteration in grading. Any service organization may then apply to the Tribunal for the variation or cancellation of any grading. The Bill also makes two minor amendments to the Government Service Tribunal Act, 1948.

Clause 2 specially defines the term "determination". The effect is to limit the application of *clauses 3 to 5* to determinations of the Commission (in the 1951 regrading) prescribing salary and wage scales for grades, divisions, and occupational classes of employees, together with other matters on which the Government Service Tribunal is entitled to make principal orders. *Subclause (2)* makes it clear that if any salary or wage scale is not altered, that is a "determination" to which *clauses 3 to 5* apply.

Clause 3 authorizes the Commission to carry out the 1951 regrading as if the principal Act were not in force, and to make determinations for that purpose. The clause also requires publication of every such determination.

Clause 4 gives to every service organization of which any member is affected by the regrading the right to apply to the Tribunal for the variation or cancellation of the Commission's determination. The Tribunal's order on the application is to be treated as a principal order. If no application is made, the Commission's determination has the same effect as a principal order made by the Tribunal. If an application is made, the Commission may vary or rescind its determination before the hearing, without prejudicing the applicant's right to continue with the application.

Clause 5 provides that where a service organization has the right to apply to the Tribunal under *clause 4*, no individual officer has a right of appeal on the same subject to the Board of Appeal under the Public Service Amendment Act, 1927.

Clause 6: Under section 11 of the principal Act, a copy of every application to the Tribunal is to be sent to every respondent and to every service organization that is not a party to the application. This clause provides for copies of all applications to be sent also to every controlling authority, whether a respondent or not.

Clause 7: The effect of this clause is that orders of the Tribunal are to be either published in the *Gazette*, as is required at present, or notified by sending copies to all controlling authorities and service organizations, whether parties or not.

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

24th November, 1950

Hon Mr. Webb

GOVERNMENT SERVICE TRIBUNAL
AMENDMENT

ANALYSIS

Title.	
1. Short Title.	5. Excluding right of appeal to Board of Appeal in cases to which this Act applies.
2. Interpretation.	6. Copy of every application under principal Act to be sent to every controlling authority.
3. Regrading of officers of Public Service in year 1951.	7. Publication or notification of orders of Tribunal.
4. Right of service organization to apply to Tribunal for variation or cancellation of determination of Commission.	

A BILL INTITULED

AN ACT to Make Special Provision with Respect to the Regrading of Officers of the Public Service in the Year Nineteen Hundred and Fifty-one, and to Amend the Government Service Tribunal Act, 1948. 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 Service Tribunal Amendment Act, 1950, and shall be read together with and deemed part of the Government Service Tribunal Act, 1948 (hereinafter referred to as the principal Act). Short Title.
1948, No. 80

2. (1) In this Act, unless the context otherwise requires,— Interpretation.

“Commission” means the Public Service Commission;

“Determination” means any determination of the Commission, pursuant to this Act, for any purpose for which the Government Service Tribunal is authorized to make a principal order under paragraph (a) of subsection one of section eight of the principal Act. 5

(2) Without limiting the generality of the foregoing definition of the term “determination”, it is hereby declared that if in the regrading of officers of the Public Service referred to in section *three* of this Act the scale of salaries or wages of any grade, division, or occupational class of employees or of any subdivision of any such grade, division, or occupational class is not altered by the Commission, that fact shall be deemed for the purposes of this Act to be a determination of the Commission. 10 15

Regrading of officers of Public Service in year 1951.

See Reprint of Statutes, Vol. VII, p. 528

3. (1) Notwithstanding anything in the principal Act, but subject to the provisions of this Act, the Commission, when regrading officers of the Public Service in the year nineteen hundred and fifty-one, pursuant to section seventeen of the Public Service Act, 1912, may exercise the powers conferred on it by the last mentioned Act or any other enactment in all respects as if the principal Act were not in force. 20

(2) Every determination of the Commission made for the purposes of the regrading shall be published in the *Gazette* or in the *Public Service Official Circular*. 25

Right of service organization to apply to Tribunal for variation or cancellation of determination of Commission.

4. (1) At any time within three months after the date of the publication of any determination under section *three* of this Act, any service organization, being a service organization of which any member is affected by the determination, may apply in writing to the Government Service Tribunal for an order varying or cancelling the determination. 30

(2) On any such application the Tribunal may make an order varying, cancelling, or confirming the determination. Every order so made by the Tribunal shall be deemed for the purposes of the principal Act to be a principal order. 35

(3) If in respect of any determination of the Commission under section *three* of this Act no application is made to the Tribunal under this section, the determination shall, as from the date from which it takes effect, be deemed to be a principal order made by the Tribunal 40

under the principal Act, and the provisions of the principal Act shall, with all necessary modifications, apply to it accordingly.

5 (4) Pending the decision of the Tribunal in respect of any application under this section, every determination to which the application relates shall have full force and effect:

10 Provided that the Commission may, at any time before the hearing of the application, vary or rescind the determination; and in any such case all proceedings in connection with the application may be continued and completed, subject to such amendments as may be made under section thirteen of the principal Act, as if they had been commenced after the variation or rescission.

15 (5) The provisions of the principal Act, except subsection three of section eight and subsection three of section eleven, shall apply with respect to every application under this section in all respects as if the application were an application for a principal order.

20 5. Notwithstanding anything in subsection one of section seventeen of the Public Service Amendment Act, 1927, no officer shall have any right of appeal under that section against any determination of the Commission under this Act in respect of which any service organization is entitled to apply to the Tribunal under section four of this Act.

Excluding right of appeal to Board of Appeal in cases to which this Act applies. See Reprint of Statutes, Vol. VII, p. 557

30 6. Section eleven of the principal Act is hereby amended by inserting in subsection seven, after the words "every service organization", the words "or controlling authority".

Copy of every application under principal Act to be sent to every controlling authority.

7. (1) Section nineteen of the principal Act is hereby amended by omitting from subsection three the words "and shall be published in the *Gazette*".

Publication or notification of orders of Tribunal.

35 (2) The said section nineteen is hereby further amended by adding the following subsection:—

40 "(4) Every order made by the Tribunal shall either be published in the *Gazette* or be notified by the sending of a copy of the order to every controlling authority and every service organization, whether or not they were parties to the application. Every such publication or notification shall include any dissenting opinion given by any member of the Tribunal."