

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 26 October 1955

Words struck out by the Committee are shown in italics within bold brackets; words inserted are shown in black or in roman with rule down side.

Hon. Mr Marshall

GOVERNMENT SERVICE TRIBUNAL AMENDMENT

ANALYSIS

Title.	3. New sections inserted.
1. Short Title.	10a. Commission may make determinations.
2. Interpretation.	10b. Review of determinations by Tribunal.
	10c. Time limits removed.
	10d. Excluding appeals in certain cases.
	4. Repeals.

A BILL INTITULED

AN ACT 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 1955, 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) Section two of the principal Act is hereby amended by inserting *before the definition of the term "controlling authority" the following definition* in their appropriate alphabetical order the following definitions: Interpretation.
1950, No. 78,
s. 2 (1)

"'Commission' means the Public Service Commission:".

“‘Official Circular’ means the *Public Service Official Circular*.”

(2) Section two of the principal Act is hereby further amended by adding to the definition of the term “employee” the words “being either a specified amount or the amount for the time being payable to a specified class or subdivision of a class of employees in the Public Service”.

New sections inserted.

Commission may make determinations. 1950, No. 78, ss. 2 (2), 3

3. The principal Act is hereby amended by inserting, after section ten, the following sections:

“10A. (1) Subject to the provisions of section ten B of this Act and notwithstanding any other provision of this Act or of any other Act, the **[Commission] controlling authority** may from time to time make determinations in respect of employees in the Public Service for all or any of the purposes for which the Tribunal may make an order under this Act.

“(2) Every such determination shall be published in the **[Public Service] Official Circular** or any Supplement thereto, and a copy of the determination shall be forwarded to the Tribunal and to each service organization of which any member is affected by the determination.

“(3) Every such determination shall come into force on a date to be specified therein in that behalf (whether before or after the date on which it is made), and if no such date is specified shall come into force on the day after the date of the determination.

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

“(4) If in the regrading of officers pursuant to section seventeen of the Public Service Act 1912 the Commission does not alter any scale of salaries or wages affecting employees that fact shall be deemed to be a determination under this section.

Review of determinations by Tribunal. 1950, No. 78, s. 4

“10B. (1) At any time within two months after the date of the publication of any such determination of the **[Commission] controlling authority**, or within such extended time as the **[Commission] controlling authority** may in any case notify in the **[Public Service] Official Circular** or any Supplement thereto, any service organization of which any member is affected by the determination may apply in writing to the Tribunal for an order varying or cancelling the determination.

“(2) On any such application the Tribunal may make an order varying, cancelling, or confirming the determination.

“(3) If in respect of any such determination of the **[Commission] controlling authority** no application is made to the Tribunal, the determination shall as from the date on which it takes effect be deemed to be an order of the Tribunal.

“(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:

“Provided that the **[Commission] controlling authority** 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 this Act, as if they had been commenced after the variation or, in the case of the rescission of the determination, as if the application had been made under section eleven of this Act.

“10c. Nothing in subsection three of section eight, or in subsection three of section eleven, of this Act shall apply to any such determination of the **[Commission] controlling authority** or to any application made under section ten B of this Act; and no such determination and no order made in respect of any such determination shall be deemed to be a principal order for the purposes of either of the said subsections or of subsection two of section twenty of this Act.

Time limits removed.
1950, No. 78,
s. 4 (5)

“10d. Notwithstanding anything in section seventeen of the Public Service Amendment Act 1927 or any other enactment—

Excluding appeals in certain cases.
1950, No. 78,
s. 5

“(a) No person 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 ten B of this Act:

See Reprint of Statutes, Vol. VII, p. 557

“(b) The Board of Appeal constituted under that Act shall not have any jurisdiction to alter any scale of salaries prescribed or determined under this Act.”

4 *Government Service Tribunal Amendment*

Repeals.
1950, No. 78

4. Sections two, three, four, and five of the Government Service Tribunal Amendment Act 1950 are hereby repealed.

Application of
principal Act to
other branches
of Government
service.

5. (1) Section twenty-six of the principal Act is hereby amended by adding to subsection two the following paragraph:

“(d) References to the *Official Circular* shall be deemed to be references to such publication as may be prescribed in that behalf.”

(2) Section twenty-six of the principal Act is hereby amended by adding the following subsection:

“(3) Where the provisions of this Act are applied to any branch of the Government service by regulations under this Act, no determination under section ten A of this Act, as set out in section three of the Government Service Tribunal Amendment Act 1955, shall be made by the controlling authority of that branch without the approval of the Minister to whom he is responsible.”