

1955/221



**THE GOVERNMENT RAILWAYS (STAFF) REGULATIONS 1953,
AMENDMENT NO. 5**

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 21st day of December 1955

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Government Railways Act 1949, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Government Railways (Staff) Regulations 1953, Amendment No. 5, and shall be read together with and deemed part of the Government Railways (Staff) Regulations 1953* (hereinafter referred to as the principal regulations).

2. Regulation 2 of the principal regulations is hereby amended by omitting from subclause (2) the expression “£1,080”, and substituting the expression “£1,220”.

3. (1) Regulation 8 of the principal regulations, as amended by Regulation 2 of the Government Railways (Staff) Regulations 1953, Amendment No. 2, is hereby further amended by omitting from subclause (1) the items of the table relating to the occupations of junior cleaner and cleaner, and substituting the following item:

“Cleaner 17 26”.

(2) Regulation 2 of the Government Railways (Staff) Regulations 1953, Amendment No. 2 is hereby revoked.

4. The principal regulations are hereby amended by revoking regulations 122 and 123, and substituting the following regulations:

“122. (1) Every complaint made by an employee against another employee which, in the opinion of the complainant’s controlling officer or of his district officer or head of branch, is of a serious nature shall be—

“(a) Made in writing; and

“(b) Signed by the complainant; and

*S.R. 1953/34.

Amendment No. 1: (*Revoked by S.R. 1954/197*).

Amendment No. 2: S.R. 1954/197.

Amendment No. 3: S.R. 1955/20.

Amendment No. 4: S.R. 1955/85.

“(c) Made to the complainant’s controlling officer or his district officer or head of branch within three days after the subject matter of the complaint came to the complainant’s knowledge.

“(2) If the complainant fails to comply with the requirements of paragraphs (a), (b), and (c) of subclause (1) of this regulation, it shall be presumed that the complaint was frivolous or trivial or that the complainant was actuated by malice, unless the General Manager decides to the contrary.

“(3) Every complaint made against an employee by a person not employed in the Department shall, where possible, be obtained in writing and signed by the complainant.

“123. (1) Notwithstanding the provisions of regulation 122 hereof, the controlling officer of any employee, or any member whose duty it is so to do, may, if there is any reason to believe that an employee has been guilty of misconduct or that there are grounds for complaint against him, require the employee or any other employee to furnish an oral or written explanation.

“(2) Except in the case of an employee who is convicted by a Court of competent jurisdiction of any crime or offence, no penalty (other than suspension for consuming alcoholic liquor while on duty or for showing the effects while on duty of having consumed alcoholic liquor) shall be imposed on an employee under section 90 of the Act until he has been supplied with a written statement of the charge or complaint and has been given an opportunity of furnishing an explanation.”

5. The principal regulations are hereby amended by revoking regulation 175, and substituting the following regulation:

“175. (1) In this regulation the term ‘employee’ means any person employed in the Department as a member, probationer, or apprentice, but does not include any person temporarily employed in the Department.

“(2) The Commission may, upon such conditions as it thinks fit, grant special leave of absence to any employee to enable him to attend a course of study and training at a University college or other educational institution, whether in New Zealand or elsewhere, in furtherance of the employee’s training in the Department.

“(3) Where leave of absence has been granted under the provisions of subclause (2) of this regulation, the following provisions shall apply:

“(a) The employee shall undertake such course or courses of study and training and shall sit for such examinations as shall be approved or required by the General Manager:

“(b) The General Manager may authorize the payment on behalf of the employee of his college and tuition fees and may arrange for the supply or loan to the employee of the textbooks necessary for the course of study; and all such textbooks shall be returnable on demand:

“(c) The General Manager may refund to the employee the whole or such part as he thinks fit of the amount expended by him in the purchase of approved textbooks:

“(d) The employee shall not during the period of his special leave, without the prior approval of the General Manager, enter into any employment outside the Department:

“(e) The employee shall continue any contributions for which he may be liable to the Government Superannuation Fund as if the special leave had not been granted:

- “(f) The employee shall duly procure term reports on his attendance and progress to be obtained from the Dean of the Faculty at the University college or the head of any other educational institution he is attending, and to be produced to the General Manager; and if at any time any such reports show, in the General Manager’s opinion, that the employee is abusing the concession granted to him under this regulation or that he is not utilizing it to the best of his ability, or if the exigencies of the Department at any time so require, the General Manager may terminate the special leave forthwith:
- “(g) The employee shall, if so required, enter into a bond as security for compliance by him with the conditions upon which leave is granted.”

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

These regulations vary the class of employees who come within the jurisdiction of the Government Railways Tribunal by providing that an administrative officer in the Railways Department shall be a person holding a position to which is attached a salary in excess of £1,220 per annum. They also vary the Government Railways (Staff) Regulations 1953 so far as they relate to the age at which a cleaner may be appointed in the locomotive running branch; the manner in which charges and complaints are to be made against employees; and the conditions on which study leave may be granted.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 December 1955.

These regulations are administered in the Government Railways Department.