

1973/15



**THE HOSPITAL EMPLOYMENT (GRADING COMMITTEES)  
REGULATIONS 1973**

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DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 5th day of February 1973

Present:

THE HON. N. E. KIRK PRESIDING IN COUNCIL

PURSUANT to the Hospitals Act 1957, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Hospital Employment (Grading Committees) Regulations 1973.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

**2. Interpretation**—In these regulations, unless the context otherwise requires,—

“Graded employee” means any person employed by a Hospital Board whose salary is determined by a grading committee:

“Grading committee” means a committee established under sub-clause (1) of regulation 3 of these regulations.

**3. Establishment of grading committees**—(1) For the purpose of the grading of persons employed by Hospital Boards under determinations which are made pursuant to the State Services Remuneration and Conditions of Employment Act 1969 or, in the case of medical practitioners employed as medical officers by Hospital Boards, pursuant to the Hospitals Act 1957, and which requires the grading of all or some of the persons to whom any such determination relates, there shall be established the following committees, namely:

- (a) The Dietitians' Salaries Grading Committee;
- (b) The Engineers' Salaries Grading Committee;
- (c) The Laboratory Officers' Salaries Grading Committee;
- (d) The Medical Officers' Salaries Grading Committee;
- (e) The Radiographers' Salaries Grading Committee;
- (f) The Secretarial and Clerical Officers' Grading Committee.

(2) The grading of persons required to be graded under any determination referred to in subclause (1) of this regulation shall be carried out by the appropriate grading committee in accordance with these regulations, and if any question arises as to which grading committee is the appropriate grading committee in relation to any person or class of persons, it shall be decided by the Minister whose decision shall be final and conclusive.

(3) Each grading committee shall be constituted as provided in these regulations in respect of that committee, and shall have the functions conferred on it, or on grading committees generally, by these regulations, subject to any conditions, limitations, or qualifications imposed by these regulations.

**4. Members of grading committees**—(1) The members of every grading committee shall be appointed by the Minister and, except as provided in subclauses (3) to (5) of this regulation, shall hold office for a period of 3 years from and including the date on which the appointment is expressed to take effect.

(2) For the purposes of subclause (1) of this regulation, the members of any committee established pursuant to the Hospitals Act 1957 and in existence immediately before the commencement of these regulations under the same name as any grading committee established under subclause (1) of regulation 3 of these regulations shall be deemed to have been appointed by the Minister to that grading committee from and including the date of the commencement of these regulations.

(3) Any member of a grading committee, being a person who is appointed to be a member of the grading committee by virtue of being an officer employed in the Public Service or who is for the time being employed in the Public Service, shall, whether or not he is an officer of the Department of Health, hold office at the pleasure of the Minister.

(4) Any member of a grading committee, being a person to whom subclause (3) of this regulation does not apply, may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

(5) If any member of a grading committee dies, resigns, or is removed from office, the vacancy so created shall be filled in the same manner in which the appointment to the vacant office was originally made, and

every person so appointed, not being a person to whom subclause (3) of this regulation applies, shall hold office for a period of 3 years from and including the date on which the appointment is expressed to take effect.

(6) Unless he sooner vacates his office as provided in subclause (4) of this regulation, every member of a grading committee, not being a person to whom subclause (3) of this regulation applies, shall continue in office until his successor comes into office.

(7) The powers of a grading committee shall not be affected by any vacancy in its membership.

**5. Dietitians' Salaries Grading Committee**—The Dietitians' Salaries Grading Committee shall consist of—

- (a) An independent chairman:
- (b) One person being an officer of the Department of Health:
- (c) One person being a member of a Hospital Board:
- (d) Two other persons to be appointed after consultation with the executive committee of the New Zealand Dietetic Association (Incorporated).

**6. Engineers' Salaries Grading Committee**—The Engineers' Salaries Grading Committee shall consist of—

- (a) One person, being an officer of the Department of Health, who shall be chairman of the committee:
- (b) One person being an officer employed in the Public Service:
- (c) Two persons being members of Hospital Boards:
- (d) Two persons, not being engineers employed by Hospital Boards, to be appointed after consultation with the executive committee of the New Zealand Public Hospitals Engineers' Association (Incorporated).

**7. Laboratory Officers' Salaries Grading Committee**—The Laboratory Officers' Salaries Grading Committee shall consist of—

- (a) Two persons, being officers of the Department of Health, 1 of whom shall be chairman of the committee:
- (b) One person being a member of a Hospital Board:
- (c) Two persons, 1 of whom shall be a registered medical practitioner who is a pathologist, to be appointed after consultation with the executive committee of the New Zealand Institute of Medical Laboratory Technology (Incorporated).

**8. Medical Officers' Salaries Grading Committee**—The Medical Officers' Salaries Grading Committee shall consist of—

- (a) An independent chairman:
- (b) One person being an officer of the Department of Health:
- (c) One person being a member of a Hospital Board:
- (d) Two persons to be appointed after consultation with the Council of the Medical Association of New Zealand.

**9. Radiographers' Salaries Grading Committee**—The Radiographers' Salaries Grading Committee shall consist of—

- (a) One person, being an officer of the Department of Health, who shall be chairman of the committee:

- (b) One person being either an officer of the Department of Health or a registered medical practitioner who is a radiologist or a radiotherapist:
- (c) Two persons being members of Hospital Boards:
- (d) Two persons, not being X-ray workers employed by Hospital Boards, to be appointed after consultation with the executive committee of the New Zealand Society of Radiographers (Incorporated).

**10. Secretarial and Clerical Officers' Salaries Grading Committee—**The Secretarial and Clerical Officers' Salaries Grading Committee shall consist of—

- (a) Two persons, being officers of the Department of Health, 1 of whom shall be chairman of the committee:
- (b) Two persons being members of Hospital Boards:
- (c) Two persons, not being secretarial or clerical officers employed by Hospital Boards, to be appointed after consultation with the executive committee of the New Zealand Hospital Officers' Association (Incorporated).

**11. Functions of grading committees—**Subject to the provisions of these regulations, every grading committee shall have the function of grading persons employed by Hospital Boards who are members of the class or classes subject to its jurisdiction, and of applying the conditions of employment fixed under the State Services Remuneration and Conditions of Employment Act 1969, or, as the case may be, section 52 of the Hospitals Act 1957 to particular persons belonging to any such class or classes, and shall have the incidental functions prescribed by these regulations.

**12. Functions of Medical Officers' Salaries Grading Committee—**(1) Notwithstanding anything in regulation 11 of these regulations, the functions of the Medical Officers' Salaries Grading Committee shall be—

- (a) To review and confirm or revise, on the application of a Hospital Board, or of the appointee through his employing Board, the decision made by the Director-General as to the rate in the appropriate salary scale at which a specialist or tutor specialist is to commence:
  - (b) To review and confirm or revise, on the application of a Hospital Board, or of the appointee through his employing Board, the decision made by the Director-General as to the actual salary scale, at which a medical officer of special scale is to commence:
  - (c) To determine, on its own initiative or on an application made in accordance with subclause (2) of this regulation, whether a medical officer whose salary has reached the maximum of the basic specialist scale, or exceptionally in other circumstances, shall be promoted to a higher salary level:
  - (d) To determine on an application made in accordance with subclause (2) of this regulation special promotion within the basic specialist scale in exceptional circumstances.
- (2) For the purposes of paragraphs (c) and (d) of subclause (1) of this regulation:

- (a) A Hospital Board may apply to the grading committee annually; and
- (b) A medical officer may apply to the grading committee through his employing Board once in every 3 years.

**13. Meetings of grading committees—**(1) Meetings of a grading committee shall be held at such times and places as the chairman from time to time appoints.

(2) Subject to regulation 14 of these regulations, the chairman shall preside at every meeting of a grading committee.

(3) No business shall be transacted at any meeting unless the chairman or his deputy appointed under regulation 14 of these regulations and at least 3 other members are present during the whole time the business is transacted.

(4) Except with respect to a determination made under regulation 17 of these regulations, or on a personal application made under regulation 12 or regulation 18 of these regulations, every determination of a grading committee shall be made on the application of the Board concerned or by the grading committee on its own initiative.

(5) Every question before a grading committee shall be decided by the votes of the majority of members present. The chairman of the meeting shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(6) Subject to the provisions of these regulations, a grading committee may regulate its own procedure as it thinks fit.

**14. Absence of chairman—**(1) In any case where the chairman of a grading committee is required to be a person employed in the Public Service, and the chairman proposes to be absent from a meeting of the committee, the person appointed under subclause (2) of regulation 15 of these regulations to attend the meeting in his stead shall be chairman of the meeting.

(2) In any case where the chairman of a grading committee is not required to be a person employed in the Public Service, and the chairman is absent from a meeting of the committee, the members present shall elect 1 of their number to act as his deputy for the meeting and he shall have and may exercise all the powers and duties of the chairman for the purpose of the meeting.

**15. Deputies—**(1) For every member of a grading committee, who is not for the time being employed in the Public Service, the Minister may appoint as a deputy a person qualified similarly to the member for whom he is a deputy, and every such deputy shall attend any meeting of the committee from which the member for whom he is a deputy is absent.

(2) If any member of a grading committee, who is for the time being employed in the Public Service, proposes to be absent from a meeting of the committee, the Director-General may appoint another person employed in the Public Service to attend the meeting in his stead.

(3) While any person is attending any meeting of a grading committee pursuant to this regulation, he shall be deemed for all purposes to be a member of the committee.

(4) The fact that any such person so attends any meeting shall be sufficient evidence of his authority so to do in the absence of any proof to the contrary.

**16. Determinations of grading committees—**(1) Subject to regulations 12 and 18 of these regulations, a grading committee in making determinations as to the salary and other emoluments of a graded employee shall have regard to the nature and relative importance of the duties and responsibilities of the position, and to the qualifications, experience, status, and ability of the employee; and any such determination shall be effective only so long as the duties and responsibilities of the position remain substantially the same and the employee in respect of whom the determination was made continues to hold the position.

(2) For the purposes of subclause (1) of this regulation, a grading committee shall have regard only to the salary scales applicable in respect of the graded employees with whom it is concerned, except that, where a salary rate higher than the maximum rate in any such scale is payable to a person who, although not a graded employee, is employed by a Hospital Board in the same occupational class as that to which the graded employees belong, regard shall also be had to that rate. A grading committee shall not take into account any rate of remuneration payable to a person not employed by a Hospital Board or employed by a Hospital Board in an occupational class other than the occupational class to which the graded employees with whom it is concerned belong.

(3) Except where any determination referred to in subclause (1) of regulation 3 of these regulations otherwise provides, a grading committee may, in any case where it considers special circumstances exist, fix a commencing salary for a graded employee at any rate above the minimum rate of the scale of salary applicable to the position, and it may, in addition to or instead of fixing such a rate, fix a maximum salary at any rate below the maximum rate of the scale of salary applicable to the position.

(4) In making a determination for the purposes of these regulations, the grading committee shall specify the date from which the determination is to take effect.

**17. Reconsideration of determination—**(1) Where a graded employee (other than a medical officer) is dissatisfied with any determination made in respect of his grading by a grading committee in accordance with the provisions of these regulations, he may, within such time as is specified by the Director-General or within such extended time as the Director-General may in special circumstances allow, apply to the committee through his employing Board to have the determination reconsidered by the committee.

(2) The grading committee shall accordingly reconsider the determination, and shall make a new determination either confirming or amending the original determination. If the new determination amends the original determination, it shall be deemed to be in substitution for the original determination and, unless the committee otherwise determines, to take effect on and from the date on which the original determination became operative.

(3) For the purposes of that reconsideration the graded employee may appear and present his case or submit a written statement, and a member or officer of the employing Board may appear and make representations on behalf of the Board or the Board may submit a written statement.

(4) The grading committee's decision as a result of its reconsideration in accordance with this regulation shall be final.

**18. Special provisions relating to laboratory officers**—Any graded laboratory officer, staff medical laboratory technologist, or graduate technologist who has been on the maximum of his salary scale for not less than 1 year may apply through his employing Board for a review of his salary and maximum if he has not applied pursuant to this regulation or to subclause (1) of regulation 17 of these regulations within the period of 5 years immediately preceding the application.

**19. Revocations**—The regulations specified in the Schedule to these regulations are hereby revoked.

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 SCHEDULE  
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REGULATIONS REVOKED

Title	Serial Number
The Hospital Employment (Dietitians) Regulations 1963: regulations 6, 7, and 8 .....	S.R. 1963/102
The Hospital Employment (Engineers) Regulations 1963: regulations 6, 7, 8, and 9 .....	S.R. 1963/104
The Hospital Employment (Secretarial and Clerical Officers) Regulations 1963: regulations 5, 6, and 7 .....	S.R. 1963/112
The Hospital Employment (X-ray Workers) Regulations 1963: regulations 7, 8, and 9 .....	S.R. 1963/113
The Hospital Employment (Dietitians) Regulations 1963, Amendment No. 1: regulation 5	S.R. 1964/101
The Hospital Employment (Engineers) Regulations 1963, Amendment No. 1: regulation 5	S.R. 1964/102
The Hospital Employment (Laboratory Workers) Regulations 1964: regulations 5, 6, and 7	S.R. 1964/103
The Hospital Employment (Medical Officers) Regulations 1964: regulations 4, 5, 6, and 13	S.R. 1964/105
The Hospital Employment (Nurses) Regulations 1964: the definition of the expression "Grading Committee" in regulation 3 and regulations 6, 7, and 8 .....	S.R. 1964/106
The Hospital Employment (Secretarial and Clerical Officers) Regulations 1963, Amendment No. 1: regulation 5 .....	S.R. 1964/110

SCHEDULE—*continued*REGULATIONS REVOKED—*continued*

Title	Serial Number
The Hospital Employment (X-ray Workers) Regulations 1963: Amendment No. 1: regulation 6	S.R. 1964/111
The Hospital Employment (Dietitians) Regulations 1963, Amendment No. 2: regulation 5	S.R. 1965/98
The Hospital Employment (Engineers) Regulations 1963, Amendment No. 3: regulation 5	S.R. 1967/146
The Hospital Employment (Laboratory Workers) Regulations 1964, Amendment No. 2: regulation 4	S.R. 1967/147
The Hospital Employment (Nurses) Regulations 1964, Amendment No. 2: regulation 4	S.R. 1967/150
The Hospital Employment (Secretarial and Clerical Officers) Regulations 1963, Amendment No. 3: regulation 4	S.R. 1967/152
The Hospital Employment (X-ray Workers) Regulations 1963, Amendment No. 2: regulation 4	S.R. 1967/153

P. J. BROOKS,  
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 provide for the consolidation, revision, and re-enactment of the existing provisions relating to grading committees contained in the various Hospital Employment Regulations.

Issued under the authority of the Regulations Act 1936.  
Date of notification in *Gazette*: 8 February 1973.  
These regulations are administered in the Department of Health.