



ANALYSIS

Title	2. Functions of Tribunal
1. Short Title and commencement	3. Ruling rates surveys

1962, No. 138

An Act to amend the Government Railways Act 1949

[14 December 1962]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Government Railways Amendment Act (No. 2) 1962, and shall be read together with and deemed part of the Government Railways Act 1949 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the first day of January, nineteen hundred and sixty-three.

2. Functions of Tribunal—Section 103 of the principal Act is hereby amended by repealing subsections (2) and (3), and substituting the following subsection:

“(2) In exercising its powers and functions under this Act, the Tribunal shall have regard to—

“(a) The levels of remuneration received by, and other matters affecting the remuneration of, persons doing comparable work in employment outside the Department:

“Provided that the rates may be adjusted where deemed proper, having regard to wage and salary rates paid in respect of employees in different occupations in the Department:

- “(b) The need to maintain adequate margins for skill and responsibility:
- “(c) The necessity for promoting the efficiency of the Department:
- “(d) The wage and salary rates paid in respect of other employees in different occupations in the Department in cases where comparison with the level of remuneration received by persons in employment outside the Department is not possible, or where conditions other than remuneration are such as to prevent a fair comparison:
- “(e) Such other matters as may be agreed upon between the General Manager and the service organisations concerned.”

3. Ruling rates surveys—(1) The principal Act is hereby further amended by inserting, after section 103, the following section:

“103A. (1) A survey of ruling rates of remuneration, and (as far as is practicable) conditions of employment, in occupations outside State Departments, shall be made during February in each year, or, after consultation with service organisations whose members are likely to be affected thereby, at such other time as may be deemed more appropriate, to enable the Tribunal to make such adjustments in rates of remuneration and adjustments in conditions of employment as may be considered necessary to maintain fair relativity between remuneration and the conditions of employment for any class or classes or group or groups of employees in the service of the Department, and the remuneration and conditions of employment for the same or an equivalent class or classes or group or groups of workers outside State Departments.

“(2) Any general order of the Court of Arbitration made under any regulations under the Economic Stabilisation Act 1948 shall, for the purposes specified in subsection (1) of this

section, be applied as from the date on which it took effect, to the extent that such order has been applied generally outside State Departments as shown by a ruling rates survey, which shall be taken three months after the date on which that order took effect, or at such other date as may be agreed upon between the General Manager and the service organisations consulted under subsection (3) of this section, and the Tribunal shall amend any existing principal order affected thereby accordingly.

“(3) The number of occupations to be surveyed and the scope and mode of making each survey shall be determined after consultation with the service organisations whose members are likely to be affected thereby:

“Provided that this subsection shall not operate to prevent the Government Statistician from conducting surveys of ruling rates of remuneration and conditions of employment at such intervals and of such scope as he thinks fit in accordance with the provisions of section 3 of the Statistics Act 1955.

“(4) The results of each such survey shall be made known to the General Manager and to the service organisations which were consulted in respect of that survey in accordance with subsection (3) of this section.

“(5) The General Manager shall consider the results of each survey, and shall consult with the service organisations affected thereby.

“(6) The General Manager or any service organisation may, subject to the foregoing provisions of this section and notwithstanding anything to the contrary in this Act, apply to the Tribunal in writing for an order making adjustments in the rates of remuneration and adjustments in conditions of employment as prescribed in subsection (1) of this section, and the Tribunal shall hear and determine the application, notwithstanding the provisions of subsection (3) of section 104 of this Act.”

(2) The principal Act is hereby further amended—

(a) By omitting from subsection (3) of section 104 the words “section one hundred and six”, and substituting the words “sections 103A and 106”:

(b) By omitting from subsection (3) of section 107 the words “the last preceding section” and substituting the words “sections 103A and 106 of this Act”.

(3) Section 116 of the principal Act is hereby amended by adding to subsection (2) the following proviso:

“Provided that—

- “(a) Where an order is made as the result of a survey made pursuant to subsection (1) of section 103A of this Act the Tribunal may provide in the order for adjustments to be applied retrospectively to a date which will ensure that employees in the service of the Department are not at a disadvantage, compared with persons outside the Department, by reason of changes in ruling rates that have taken place since the date of the last survey:
- “(b) Where the order is made as the result of a survey made in accordance with subsection (2) of section 103A of this Act, the adjustments shall be applied retrospectively to the date on which the general order of the Court of Arbitration took effect.”

This Act is administered in the New Zealand Government Railways Department.
