



ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. Public tender of leases of unused land</p> <p>3. Traffic at level crossings</p> <p>4. New sections and heading inserted relating to apprentices</p>	<p>5. Saving</p>	<p><i>Apprentices</i></p> <p>83A. Engagement of apprentices</p> <p>83B. Indentures of apprenticeship</p> <p>83C. Transfer of apprentices</p> <p>83D. Establishment of an apprenticeship advisory committee</p>
--	------------------	--

1967, No. 158

An Act to amend the Government Railways Act 1949

[24 November 1967]

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—This Act may be cited as the Government Railways Amendment Act 1967, and shall be read together with and deemed part of the Government Railways Act 1949 (hereinafter referred to as the principal Act).

2. Public tender of leases of unused land—Section 49 of the principal Act (as amended by section 7 (1) of the Decimal Currency Act 1964) is hereby further amended by omitting from subsection (2) the words “one hundred and four dollars”, and substituting the words “three hundred and twelve dollars”.

3. Traffic at level crossings—Section 64 of the principal Act (as substituted by section 6 of the Government Railways Amendment Act 1956) is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) The Minister of Transport may from time to time, by notice in the *Gazette*, declare that any specified level crossing and any specified part of the approach thereto shall be subject to a speed limit not exceeding twenty miles an hour; and in each notice he shall prescribe the distance from the crossing at which the appropriate sign (being a sign prescribed by regulations for the time being in force under the Transport Act 1962 for the purpose of indicating the existence of a speed limit) shall be erected.

“(2A) Every person driving a motor vehicle—

“(a) When approaching a level crossing in respect of which the Minister of Transport has, by notice pursuant to subsection (2) of this section, declared a speed limit shall, when within the distance prescribed by the Minister in the notice, reduce speed to a rate not exceeding that speed limit; or

“(b) When approaching any other level crossing shall when within one hundred yards of it reduce speed to a rate not exceeding fifteen miles an hour,—

and in no case shall he increase speed until he has crossed the railway line.

“(2B) It shall be the duty of every person driving a motor vehicle when approaching or crossing a level crossing to keep a vigilant lookout for any approaching locomotive, railcar, carriage, wagon, or other vehicle using the railway line.”

4. New sections and heading inserted relating to apprentices—(1) The principal Act is hereby further amended by inserting, after section 83, the following heading and sections:

“Apprentices

“**83A. Engagement of apprentices**—Subject to the provisions of this Act and any regulations made under this Act, the General Manager may from time to time appoint in accordance with subsection (2) of section 77 of this Act suitable persons to be probationary apprentices for the purpose of training them to become tradesmen.

“83B. Indentures of apprenticeship—(1) On completion of such probationary period as may be prescribed, an indenture of apprenticeship may be entered into between the probationary apprentice and his parent or guardian on the one hand and an employee authorised by the General Manager to act as a master for the purposes of this Act on the other; and, on the execution of the indenture of apprenticeship, the probationary apprentice shall become an apprentice within the meaning of this Act.

“(2) Every indenture of apprenticeship shall be in such form as may be prescribed.

“(3) Every parent or guardian, who is a party to any indenture, shall be bound by its terms until the apprentice reaches the age of twenty-one years; and on his reaching that age the indenture shall cease to apply to the parent or guardian.

“(4) Subject to any agreement between all the parties to any indenture and to the provisions of this Act and any regulations made under this Act, every apprentice shall, whether he has reached the age of twenty-one years or not, be bound by the terms of the indenture during its currency which shall be such period as may be prescribed.

“(5) Nothing in the Apprentices Act 1948 shall apply to any apprentice while he is employed by the Department or to any indenture of apprenticeship entered into and in force under this section.

“(6) If at any time the Minister directs any apprentice to be dismissed pursuant to the proviso to subsection (2) of section 90 of this Act, the apprentice’s indenture shall thereupon be deemed to be discharged.

“(7) The General Manager and any apprentice may at any time agree to vary or discharge the apprentice’s indenture; but if the apprentice is under the age of twenty-one years the consent in writing of the parent or guardian who joined in the execution of the indenture shall be obtained before any such variation or discharge.

“(8) If any parent or guardian who is a party to the indenture of any apprentice dies before the apprentice reaches the age of twenty-one years, any consent required to be given by that parent or guardian for the purposes of this section or section 83c of this Act may be given by his legal personal representatives.

“83c. Transfer of apprentices—(1) If the General Manager considers that the course of the apprentice’s training so requires, the apprentice may be transferred for such period and on such terms as the General Manager may determine or approve—

“(a) To an employer within the meaning of the Apprentices Act 1948, in which case the apprentice shall, during the period of transfer, be subject to the provisions of that Act; or

“(b) To the Post Office, in which case the apprentice shall, during the period of transfer, be subject to the provisions of the Post Office Act 1959; or

“(c) To any part of the Public Service, in which case the apprentice shall, during the period of transfer, be subject to the provisions of the State Services Act 1962.

“(2) Notwithstanding anything in the Apprentices Act 1948 to the contrary, any apprentice within the meaning of that Act may be transferred to the Department for such period and on such terms as the General Manager may determine or approve. Any apprentice so transferred shall, during the period of transfer, be subject to the provisions of this Act and to any regulations made under this Act relating to apprentices.

“(3) Subject to the provisions of the Post Office Act 1959 or, as the case may be, the State Services Act 1962, any apprentice serving under an indenture of apprenticeship with the Post Office or any part of the Public Service may be transferred to the Department as an apprentice for the purposes of this Act for such period and on such terms as the General Manager may determine or approve. Any apprentice so transferred shall, during the period of transfer, be subject to the provisions of this Act and to any regulations made under this Act relating to apprentices.

“(4) No apprentice shall be transferred under this section without his consent if he is over the age of twenty-one years or, if he is under that age, without the consent of the parent or guardian who joined the apprentice in the execution of the apprentice’s indenture.

“(5) During any period of temporary transfer under subsection (1) or subsection (2) or subsection (3) of this section, the contract or indenture of apprenticeship under which the apprentice is serving shall, notwithstanding anything to the contrary in this section or in section 83B of this Act, remain in full force, but if the transfer is permanent a new contract or indenture shall be executed.

“83D. Establishment of an apprenticeship advisory committee—(1) There may, from time to time, be established by agreement in writing between the General Manager, the Amalgamated Society of Railway Servants, and the New Zealand Railway Tradesmen’s Association a committee to be known as the Railway Apprenticeship Advisory Committee.

“(2) Any such committee shall consist of such number of members as may be specified in the agreement, but shall be under the chairmanship of an officer of the Department appointed by the General Manager.

“(3) It shall be the function of any such committee—

“(a) To encourage the proper training of apprentices for the purposes of the Department:

“(b) To make recommendations to the General Manager on matters affecting the recruitment, training, and welfare of the Department’s apprentices:

“(c) To perform such other functions and such duties as may be prescribed in the agreement.

“(4) Any such committee may regulate the procedure at its meetings in such manner as it thinks fit.

“(5) Subject to the provisions of this section, any such agreement may at any time be varied or cancelled with the concurrence of all the parties to it.

“(6) Notwithstanding anything to the contrary in this subsection, the functions, powers, and duties of any such committee shall not extend to cover any matter for which express provision is made in this Act.”

(2) Section 90 of the principal Act (as amended by section 9 (6) of the Government Railways Amendment Act 1956) is hereby further amended by inserting in the proviso to subsection (2), after the word “member”, the words “or apprentice”.

(3) Section 96 of the principal Act is hereby amended—

(a) By inserting in subsection (1), after the words “every male temporary employee”, the words “every apprentice”:

(b) By inserting in subsection (2), after the words “every male temporary employee”, the words “every apprentice”:

(c) By inserting in the proviso to subsection (2), after the words “such employee”, the word “apprentice”.

(4) The said section 96 is hereby further amended by repealing subsection (4).

(5) Section 97 of the principal Act is hereby amended by omitting from subsection (1) the words “member or

temporary employee concerned, as the case may be”, and substituting the word “employee”.

5. Saving—Every indenture of apprenticeship entered into under the Master and Apprentice Act 1908 by an apprentice employed by the Department and in force at the passing of this Act shall continue in force as if it were an indenture of apprenticeship entered into under section 83B of the principal Act.

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