



ANALYSIS

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1980, No. 15

An Act to amend the Government Railways Act 1949

[18 September 1980]

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 1980, and shall be read together with and deemed part of the Government Railways Act 1949 (hereinafter referred to as the principal Act).

(2) Sections 2 and 6 of this Act shall come into force on a date to be appointed by the Governor-General by Order in Council, and different dates may be so appointed for the purpose of each section.

2. Interpretation—Section 2 of the principal Act is hereby amended by omitting from the definition of the expression “member” the words “an apprentice or”.

3. Conveyance of hazardous substances and dangerous goods—(1) The principal Act is hereby amended by repealing section 24, and substituting the following section:

“24. (1) For the purposes of this Act the expression ‘hazardous substances or dangerous goods’ includes any substances or goods or any class or classes of substances or goods declared to be hazardous substances or dangerous goods by—

“(a) Regulations made under this Act; or

“(b) Codes of practice issued under section 31A of this Act; or

“(c) The Minister by notice in the *Gazette*.

“(2) Subject to section 33 of the Act and any regulations made under this Act, no person shall send by or bring upon or knowingly permit to be sent by or brought upon a railway or other service carried on by the Minister any hazardous substances or dangerous goods without distinctly marking the contents on the outside of the package, and giving notice in writing of the contents to the officer in charge of the station, goods shed, or other place at which the package is left, and any person who fails to comply with this section commits an offence and that person shall be liable on summary conviction to imprisonment for any term not exceeding 3 months or to a fine not exceeding \$2,000.

“(3) The Department may refuse to accept any hazardous substances or dangerous goods or any package or parcel which any employee suspects to contain any hazardous substances or dangerous goods and may require it to be opened to ascertain the fact.

“(4) The provisions of this Act relating to the carriage of hazardous substances and dangerous goods shall be deemed to be in addition to and not in substitution for or in restraint of any other enactment for the like object, except that nothing in the said provisions shall be deemed to authorise any person to be sued or prosecuted twice in the same matter.”

(2) The Government Railways Amendment Act 1953 is hereby amended by repealing section 6.

4. Codes of practice—The principal Act is hereby further amended by inserting, after section 31, the following heading and sections:

Codes of Practice

“31A. **Codes of practice**—(1) In this section and in sections 31B and 31C of this Act, ‘code of practice’ means a recommended practice; and includes a description of any commodity, process, or practice, by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age, or other characteristics; and also includes a glossary of terms, definitions, or symbols.

“(2) The General Manager may, for the purposes of this Act, from time to time issue codes of practice, and may from time to time amend or revoke any such code of practice.

“31B. **Codes of practice to be approved by Minister**—(1) No code of practice, and no amendment or revocation of a code of practice, shall have any force or effect until it has been approved by the Minister.

“(2) The Minister shall not approve any code of practice, or amendment or revocation of a code of practice, unless—

“(a) Not less than 1 month’s notice of the General Manager’s intention to apply for approval has been published in the *Gazette*; and

“(b) Such persons or representatives of persons as the Minister considers will be affected thereby have had an opportunity to consider it and to comment thereon to the Minister.

“(3) Whenever the Minister has approved any code of practice, or any amendment or revocation of a code of practice, notification thereof shall be published in the *Gazette*. Every such code of practice, amendment, or revocation shall in addition be promulgated in such manner as the Minister directs.

“(4) The fact that the Minister has approved any code of practice or amendment or revocation of a code of practice shall be conclusive evidence that the requirements of this section have been complied with.

“31C. **Citation and proof of codes of practice**—(1) In any regulations made under this Act any code of practice or amendment of a code of practice may, without prejudice to any other mode of citation, be cited by the title or reference given to it by the General Manager, and by its date of issue; and such citation shall be deemed to include and refer to the latest code of practice or amendment in existence when the regulations were made.

“(2) Without affecting any other method of proof, the production in any proceedings of a copy of any code of practice or amendment of a code of practice purporting to be issued by the General Manager, shall, in the absence of proof to the contrary, be sufficient evidence that it has been issued under the authority of section 31A of this Act and that it has been approved by the Minister under section 31B of this Act.”

5. Regulations—Section 32 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (i), the following paragraph:

“(ia) Requiring compliance with any code of practice (including any amendment thereof) that has been issued under section 31A of this Act:”.

6. Method of appointment to Government Railways Department—(1) Section 77 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Every person who may hereafter be appointed to a position in the Department specified in the Fourth Schedule to this Act, howsoever that position is for the time being designated, shall be so appointed by the Minister. For the purposes of this subsection, a certificate by the General Manager as to any change in the designation of any position specified in the said Fourth Schedule shall be conclusive evidence of the facts stated in the certificate regarding that change.”

(2) The principal Act is hereby further amended by adding the new Fourth Schedule set out in the Schedule to this Act.

7. Grading Committee—Section 87B of the principal Act (as inserted by section 2 of the Government Railways Amendment Act 1978) is hereby amended by adding the following subsections:

“(8) The Committee is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

“(9) There may be paid to the members of the Committee, out of money appropriated by Parliament, remuneration

by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and that Act shall apply accordingly.”

SCHEDULE

Section 6

NEW FOURTH SCHEDULE TO PRINCIPAL ACT

Section 77 (1)

APPOINTMENTS TO BE MADE BY MINISTER

1. General Manager.
2. Deputy General Manager.
3. Assistant General Manager.
4. Chief Mechanical Engineer.
5. Deputy Chief Mechanical Engineer.
6. Chief Traffic Manager.
7. Chief Civil Engineer.
8. Deputy Chief Civil Engineer.
9. Chief Signals and Communications Engineer.
10. Class 4,—
 - any grade 10 position:
 - any grade 09 position, except Rolling Stock Manager:
 - any grade 08 position, except—
 - Chief Railway Transport Licensing Officer;
 - Assistant Director, Management Services;
 - Assistant Commercial Manager;
 - Assistant Director, Road Services, Stores;
 - District Manager, Road Services;
 - Assistant Manager, Air/Sea Services;
 - Assistant District Traffic Manager, Transportation and Administration;
 - Goods Manager.
11. Class 5—any grade 22 position or above:
 - Resident Engineer Superintendent.
12. Class 10—any grade 13 position or above.
13. Class 14—any grade 07 position or above, except—
 - Providore/Purser Superintendent;
 - Repairs Superintendent;
 - Electrical Superintendent;
 - Assistant Marine Superintendent.
14. Class 17—any grade 27 position or above.
15. Class 23—any grade 09 position or above, except Assistant Director, Mechanical.

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