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1949, No. 45

Title. AN ACT to Amend the Government Service Tribunal Act, 1948. [21st October, 1949]

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

Short Title. 1. This Act may be cited as the Government Service Tribunal Amendment Act, 1949, and shall be read together with and deemed part of the Government Service Tribunal Act, 1948 (hereinafter referred to as the principal Act).

1948, No. 80

Interpretation. 2. (1) Section two of the principal Act is hereby amended by omitting from the definition of the term "employee" the words "eight hundred and twenty-five pounds", and substituting the words "one thousand and sixty pounds".

(2) Section eight of the principal Act is hereby amended by repealing the second proviso to paragraph (a) of subsection one.

(3) Section two of the principal Act is hereby further amended, as from the passing of that Act, by adding to the definition of the term "Government service" the words "and includes service that is Education service within the meaning of the Super-annuation Act, 1947." 1947, No. 57

3. Section three of the principal Act is hereby amended by inserting, after subsection two, the following subsection:— Joint nominations by service organizations.

"(2A) For the purposes of paragraph (c) of the last preceding subsection, a nomination made by the service organizations under such system of voting as may be agreed to by the service organizations or, in default of any such agreement, as may be prescribed shall be deemed to be the joint nomination of the service organizations."

4. (1) Section nine of the principal Act is hereby amended by adding the following paragraphs:— Extending power to amend principal orders.

"(d) To amend the principal order by adding or amending any provisions relating to an occupational class or a subdivision of an occupational class:

" Provided that where any respondent to the application opposes it on the ground that the employees to be affected do not constitute an occupational class or a subdivision of an occupational class, or that the claim is one that should be dealt with by application for a principal order, the Tribunal shall not hear the application unless the Tribunal determines that the application is properly made under this paragraph, after hearing the applicant and the respondent or respondents or giving them an opportunity to be heard on that question:

“(e) To amend the principal order for the purpose of conforming with any pronouncement of the Court of Arbitration specifying standard rates of wages, or with any general order increasing or reducing rates of remuneration that is made by the Court of Arbitration.”

(2) Section seven of the principal Act is hereby consequentially amended by repealing subsection three.

Removing limitations of time for applying for principal orders to replace existing orders.

5. All limitations of time applicable under the principal Act to the making of any order or to any matter ancillary thereto shall apply in all respects as if all principal orders made before the passing of this Act had not been made.

Conciliation proceedings.

6. (1) The principal Act is hereby amended by inserting, after section fourteen, the following section:—

“14A. (1) At the request of any party to an application made in the prescribed manner at any time before the hearing of the application the Prime Minister shall appoint a Conciliator, whose duty it shall be to assist the parties to reach agreement on the subject-matter of the application.

“(2) The Conciliator shall appoint a day and place for the conciliation proceedings, and shall in the prescribed manner cite the parties to the application to attend.

“(3) Subject to the provisions of this Act and of any regulations made under this Act, the conciliation proceedings shall be conducted in such manner as the Conciliator thinks fit.

“(4) At the conclusion of the proceedings or when the Conciliator is satisfied that further progress is unlikely he shall report in writing to the Tribunal the result of the proceedings and shall forward with his report a statement signed by the parties and himself of the matters upon which agreement has been reached.”

(2) Section twenty-three of the principal Act is hereby amended by inserting, after the word “assessors”, the words “and Conciliators”.

7. Section fifteen of the principal Act is hereby amended by adding the following subsection:—

Hearings to
be in public.

“(4) All applications shall be heard in public, unless the Tribunal in any particular case, due regard being had to the interests of all persons concerned and to the public interest, considers that the hearing or any part thereof should take place in private.”

8. Section sixteen of the principal Act is hereby amended by repealing subsection three, and substituting the following subsection:—

Assessors to
be entitled
to vote.

“(3) The assessors appointed in respect of any application shall be deemed to be members of the Tribunal for the purposes of the hearing and determination of that application.”
