



ANALYSIS

Title.

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1950, No. 78

AN ACT to Make Special Provision with Respect to the Regrading of Officers of the Public Service in the Year Nineteen Hundred and Fifty-one, and to Amend the Government Service Tribunal Act, 1948. Title.

[1st December, 1950

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

1. This Act may be cited as the Government Service Tribunal Amendment Act, 1950, and shall be read together with and deemed part of the Government Service Tribunal Act, 1948 (hereinafter referred to as the principal Act). Short Title.
1948, No. 80

2. (1) In this Act, unless the context otherwise requires,— Interpretation.

“ Commission ” means the Public Service Commission:

“Determination” means any determination of the Commission, pursuant to this Act, for any purpose for which the Government Service Tribunal is authorized to make a principal order under paragraph (a) of subsection one of section eight of the principal Act.

(2) Without limiting the generality of the foregoing definition of the term “determination”, it is hereby declared that if in the regrading of officers of the Public Service referred to in section three of this Act the scale of salaries or wages of any grade, division, or occupational class of employees or of any subdivision of any such grade, division, or occupational class is not altered by the Commission, that fact shall be deemed for the purposes of this Act to be a determination of the Commission.

3. (1) Notwithstanding anything in the principal Act, but subject to the provisions of this Act, the Commission, when regrading officers of the Public Service in the year nineteen hundred and fifty-one, pursuant to section seventeen of the Public Service Act, 1912, may exercise the powers conferred on it by the last mentioned Act or any other enactment in all respects as if the principal Act were not in force.

(2) Every determination of the Commission made for the purposes of the regrading shall be published in the *Gazette* or in the *Public Service Official Circular*.

4. (1) At any time within three months after the date of the publication of any determination under section three of this Act, any service organization, being a service organization of which any member is affected by the determination, may apply in writing to the Government Service Tribunal for an order varying or cancelling the determination.

(2) On any such application the Tribunal may make an order varying, cancelling, or confirming the determination. Every order so made by the Tribunal shall be deemed for the purposes of the principal Act to be a principal order.

(3) If in respect of any determination of the Commission under section three of this Act no application is made to the Tribunal under this section, the determination shall, as from the date from which it takes effect, be deemed to be a principal order made by the Tribunal

Regrading of officers of Public Service in year 1951.

See Reprint of Statutes, Vol. VII, p. 528

Right of service organization to apply to Tribunal for variation or cancellation of determination of Commission.

under the principal Act, and the provisions of the principal Act shall, with all necessary modifications, apply to it accordingly.

(4) Pending the decision of the Tribunal in respect of any application under this section, every determination to which the application relates shall have full force and effect:

Provided that the Commission may, at any time before the hearing of the application, vary or rescind the determination; and in any such case all proceedings in connection with the application may be continued and completed, subject to such amendments as may be made under section thirteen of the principal Act, as if they had been commenced after the variation or rescission.

(5) The provisions of the principal Act, except subsection three of section eight and subsection three of section eleven, shall apply with respect to every application under this section in all respects as if the application were an application for a principal order.

5. Notwithstanding anything in subsection one of section seventeen of the Public Service Amendment Act, 1927, no officer shall have any right of appeal under that section against any determination of the Commission under this Act in respect of which any service organization is entitled to apply to the Tribunal under section four of this Act.

Excluding right of appeal to Board of Appeal in cases to which this Act applies. See Reprint of Statutes, Vol. VII, p. 557

6. Section eleven of the principal Act is hereby amended by inserting in subsection seven, after the words "every service organization", the words "or controlling authority".

Copy of every application under principal Act to be sent to every controlling authority.

7. (1) Section nineteen of the principal Act is hereby amended by omitting from subsection three the words "and shall be published in the *Gazette*".

Publication or notification of orders of Tribunal.

(2) The said section nineteen is hereby further amended by adding the following subsection:—

"(4) Every order made by the Tribunal shall either be published in the *Gazette* or be notified by the sending of a copy of the order to every controlling authority and every service organization, whether or not they were parties to the application. Every such publication or notification shall include any dissenting opinion given by any member of the Tribunal."