

Hon. Mr. Webb

POST AND TELEGRAPH AMENDMENT

ANALYSIS

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A BILL INTITULED

AN ACT to amend the Post and Telegraph Act, 1928. Title.

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

5 of the same, as follows:—

1. This Act may be cited as the Post and Telegraph Amendment Act, 1944, and shall be read together with the Post and Telegraph Act, 1928 (hereinafter referred to as the principal Act) and shall be deemed to form
10 part of Division III of that Act.

2. For the purposes of the principal Act, unless the context otherwise requires,—

15 “ Association ” means the Post and Telegraph Employees’ Association and Officers’ Guild, Incorporated:

“ Joint Advisory Council ” means the Joint Advisory Council forming part of the Post and Telegraph Joint Advisory System established within the Department in the year nineteen hundred and forty: 5

“ Tribunal ” means the Post and Telegraph Staff Tribunal established under this Act.

Post and
Telegraph
Staff Tribunal
established.

3. (1) There is hereby established a Tribunal to be known as the Post and Telegraph Staff Tribunal. 10

(2) The Tribunal shall consist of three members, who shall be appointed by the Governor-General in Council on the recommendation of the Minister, and of whom— 10

(a) One shall be appointed on the nomination of the Association: 15

(b) One shall be appointed to represent the Minister:

(c) One (not being an employee of the Department or of the Association) shall be the Chairman of the Tribunal, and shall be agreed upon by the Minister and the Association, or, in default of agreement, shall be selected by the Minister. 20

(3) Except as provided in the *next succeeding* subsection, every member of the Tribunal shall be appointed for a term of three years, but may from time to time be reappointed, or may be at any time removed from office by the Governor-General in Council for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister. 30

(4) If any member of the Tribunal dies, is removed from office, or resigns, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall be appointed for the residue of the term for which his predecessor was appointed. 35

(5) Unless he sooner vacates his office as provided in the *last preceding* subsection, every member of the Tribunal shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired. 40

(6) The powers of the Tribunal shall not be affected by any vacancy in the membership of the Tribunal.

4. In the event of the incapacity of the Chairman or any other member of the Tribunal by reason of illness or absence or any other cause, the Governor-General in Council may, in the manner in which the original appointment was made, appoint some other qualified person to act in the place of the Chairman or other member. Every person so appointed shall while the incapacity continues be deemed for all purposes to be the Chairman or other member of the Tribunal, as the case may be.

Deputies of
Chairman or
members of
Tribunal.

5. (1) The functions of the Tribunal shall be to inquire into and report to the Minister upon such matters relating to the Department or its employees as may from time to time be referred to it by the Minister, or by the Association, or by the Director-General, being—

Functions of
Tribunal.

(a) Matters upon which complete agreement has not been reached between the Association or the Joint Advisory Council on the one hand and the Director-General on the other hand; or

(b) Matters which the Association has requested the Minister to refer to the Tribunal and which the Director-General or the Joint Advisory Council has considered or had a reasonable opportunity of considering; or

(c) Matters which the Director-General has requested the Minister to refer to the Tribunal and which the Association or the Joint Advisory Council has considered or had a reasonable opportunity of considering.

(2) While the Economic Stabilization Emergency Regulations 1942 continue in force, the Tribunal, in exercising its powers and functions, shall have regard to the general purpose of those regulations.

Serial No.
1942/335

6. (1) For the purpose of carrying out its functions under this Act, the Tribunal shall be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act, 1908, and, subject to the provisions of this Act and of any regulations made for the purposes of this Act, all the provisions of that Act shall apply accordingly.

Tribunal to be
a Commission
of Inquiry.
See Reprint
of Statutes,
Vol. I,
p. 1036

(2) The Chairman of the Tribunal, or any other member or the Secretary of the Tribunal, purporting to act by direction or with the authority of the Chairman, may issue summonses requiring the attendance of witnesses before the Tribunal, or the production of documents, or may do any other act preliminary or incidental to the hearing of any matter by the Tribunal. 5

Assessors.

7. (1) For the purposes of the hearing of any matter by the Tribunal the Minister or the Director-General may appoint one assessor and the Association may appoint one assessor. 10

(2) No person shall be qualified to be appointed to be an assessor unless he is an officer of the Department or of the Association.

(3) The assessors appointed in respect of any matter shall be entitled to be present at and to take part in the hearing and determination of that matter as if they were members of the Tribunal, but they shall not be entitled to vote and shall not be parties to any decision of the Tribunal: 20

Provided that the members of the Tribunal other than the assessors may at any time deliberate in private as to the Tribunal's decision on the matter or as to any question arising in the course of the proceedings.

(4) The Tribunal's powers in relation to any matter shall not be affected by any failure to appoint an assessor or by the absence of any assessor. 25

Advocates.

8. At the hearing of any matter by the Tribunal the Minister or the Director-General and the Association may be represented by an advocate or advocates. No person shall be an advocate unless he is an officer of the Department or of the Association. 30

Rules of procedure.

9. (1) Subject to the provisions of this Act and of any regulations made for the purposes of this Act, the Tribunal may from time to time make rules for regulating its procedure. 35

(2) Subject to the provisions of this Act and of any rules or regulations made under or for the purposes of this Act, the Tribunal may regulate its procedure in such manner as it thinks fit. 40

10. There shall be paid out of moneys appropriated by Parliament for the purpose to the members of the Tribunal and to assessors appointed under this Act such remuneration by way of salary, fees, or allowances and such travelling expenses and allowances as may from time to time be directed or approved by the Minister.

Remuneration and travelling-allowances.

11. Without limiting the general power conferred on the Governor-General in Council by section two hundred and thirty of the principal Act to make regulations for giving effect to Division III of that Act, it is hereby declared that all such regulations may be made under that section as may in the opinion of the Governor-General in Council be necessary or expedient for giving full effect to the provisions of this Act.

Regulations.

12. (1) The foregoing provisions of this Act are in substitution for section five of the Post and Telegraph Amendment Act, 1936, as amended by section forty-seven of the Statutes Amendment Act, 1938, and those sections are hereby accordingly repealed.

Consequential repeals and amendment. 1936, No. 41 1938, No. 20

(2) Section six of the Post and Telegraph Amendment Act, 1936, is hereby amended by omitting from subsection one the words "any tribunal appointed in accordance with the last preceding section", and substituting the words "the Post and Telegraph Staff Tribunal".