

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 23 August 1978

Clause 11: Words struck out are shown in italics within bold round brackets; words inserted are shown in roman underlined with a double rule.

Hon. Mr Wilkinson

POST OFFICE AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Post Office Act 1959

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

1. **Short Title**—This Act may be cited as the Post Office Amendment Act 1978, and shall be read together with and deemed part of the Post Office Act 1959* (hereinafter referred to as the principal Act).

*Reprinted 1970, Vol. 3, p. 2155

Amendments: 1971, No. 120; 1972, No. 123; 1973, No. 2; 1973, No. 86; 1974, No. 64; 1975, No. 24; 1975, No. 98; 1977, No. 72

No. 35—2

Price 10c

2. Interpretation—Section 3 of the principal Act is hereby amended by inserting, before the definition of the term “officer”, the following definition:

“‘Occupational class’ means any group of employees of the Post Office expressly prescribed as an occupational class by the Director-General.” 5

3. Appointment of Director-General, Deputy Director-General, and other administrative officers—Section 6 (3) of the principal Act (as substituted by section 59 (1) of the State Services Remuneration and Conditions of Employment Act 1969) is hereby amended by omitting the words “for officers of the First Division”. 10

4. Functions of Promotion Board—Section 190 (1) of the principal Act is hereby amended by omitting the words “in the First Division or the Second Division”, and substituting the words “on the permanent staff”. 15

5. Rights of appeal—(1) Section 196 (1) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) A decision by the Director-General contrary to the recommendation of a Classification and Grading Committee on an application by an officer under section 218B (9) of this Act.” 20

(2) Section 196 (1) of the principal Act is hereby further amended by omitting from paragraph (f) and paragraph (g) in each case the word “subdivision,” and also the words “, or class”. 25

(3) Section 197 of the principal Act is hereby amended by repealing subsection (3).

6. Classification of officers—(1) The principal Act is hereby further amended by repealing section 218 (as amended by section 59 (6) and (7) of the State Services Remuneration and Conditions of Employment Act 1969), and substituting the following section: 30

“218. (1) For the purpose of the classification of permanent officers and officers on probation (other than permanent officers appointed by the Governor-General), the Director-General shall, after consultation with the Post Office Association (Incorporated), make determinations prescribing occupational classes having regard to the nature of the duties required to be performed by officers of the Post Office. 35 40

“(2) In prescribing any occupational class, the Director-General shall establish within that class such grades or subclasses and grades according to the relative levels of responsibility and skill that are or may be required to be exercised by members of the occupational class.”

5 “(3) Any determination made under this section shall be promulgated by the Director-General in the form of a written determination and shall be published to the employees of the Post Office.”

10 “(4) Every such determination shall come into force on a date to be specified therein in that behalf, and such date may be before, on, or after the date on which the determination is made, and if no such date is specified the determination shall come into force on the date on which it is made.”

15 “(5) The Director-General, after consultation with the Post Office Association (Incorporated), shall be responsible for conducting a system of continuous review of the classification and grading of positions occupied by permanent officers.”

20 (2) Section 2 (1) of the State Services Conditions of Employment Act 1977 is hereby consequentially amended by omitting from paragraph (c) of the definition of the expression “occupational class” the words “section 218 (2)”, and substituting the words “section 218 (1)”.

25 **7. New sections inserted related to grading of officers**—The principal Act is hereby further amended by inserting, after section 218 (as substituted by section 6 of this Act), the following sections:

30 “218A. **Review of grading**—(1) Every permanent officer shall have the right to apply to the Director-General in writing for a review of the grading of the position which he occupies, if the grading of the position has not previously been reviewed by a Classification and Grading Committee constituted under section 218B of this Act within the period

35 of 5 years immediately preceding the application:

“Provided that nothing in this subsection shall prevent an officer from making representations to the Director-General at any time on the grading of the officer’s position.”

40 “(2) On receipt of any application under subsection (1) of this section the Director-General shall review the case, and shall notify the officer in writing of the result of the review.”

“(3) If the officer is not satisfied with any decision of the Director-General given under subsection (2) of this section, he may, within 30 days after the date on which that decision has been notified, request that his application be referred for consideration by a Classification and Grading Committee constituted under section 218B of this Act. 5

“218B. Classification and Grading Committees—(1) The Postmaster-General may from time to time appoint Classification and Grading Committees constituted as provided in this section, and every appointment of such a Committee shall be notified in the Post Office Circular. 10

“(2) Each such Committee shall consist of 3 members of whom 1 shall be appointed by the Postmaster-General as Chairman after consultation with the Post Office Association (Incorporated) and 1 shall be appointed on the nomination of that Association. 15

“(3) Each such Committee shall have power to investigate in such manner as it thinks fit and make a recommendation to the Director-General regarding any application lodged under section 218A (1) of this Act. 20

“(4) Except as otherwise provided in this Act and in any regulations made under this Act, each such Committee shall determine its own procedure.

“(5) Each such Committee may receive in evidence any statement, document, information, or matter that may in its opinion assist it to deal effectively with the matter before it, whether or not the evidence is otherwise admissible in a Court of law. 25

“(6) The officer making the application for a review shall be entitled to be present, and may be represented by counsel, or by an officer, or by an employee of the Post Office Association (Incorporated). 30

“(7) Proceedings before any such Committee shall not be held bad for want of form. No appeal shall lie against any recommendation of any such Committee, nor, except on the ground of lack of jurisdiction, shall any proceeding or decision of any such Committee be liable to be challenged, reviewed, quashed, or called in question by any Court. 35

“(8) The Director-General shall notify the applicant of any recommendation made by any such Committee in respect of his application, together with the Director-General's decision thereon. 40

“(9) If the Director-General’s decision is contrary to the Committee’s recommendation, the applicant may, within 30 days of the date of notification to him of the Director-General’s decision, appeal therefrom in accordance with section 196 (1) (a) of this Act; and the decision of the Appeal Board shall be final.

“218c. Successful application for review of grading—Where the Director-General agrees to change the grading of a position as a result of a decision made under section 218A (2) or section 218B (8) of this Act, or where the Appeal Board upholds the application of the appellant under section 218B (9) of this Act, the Director-General may declare the position vacant and fill it in any manner authorised by this Act.”

15 **8. Conditions of employment**—Section 219A of the principal Act (as inserted by section 59 (8) of the State Services Remuneration and Conditions of Employment Act 1969) is hereby amended by adding, after paragraph (i) (as added by section 83 (1) of the State Services Conditions of Employment Act 1977), the following paragraph:

20 “(j) Minimum educational or other qualifications required of candidates for appointment to a particular occupational class or subclass thereof, or to a particular grade of an occupational class or subclass.”

25 **9. Savings**—Until the Director-General of the Post Office has introduced a system of occupational classification in respect of any group of permanent officers and officers on probation, the enactments repealed or amended by this Act, 30 so far as they relate to classification, grading, functions of the Promotion Board, and rights of appeal, shall, notwithstanding their repeal or amendment, continue to apply to that group of officers as if this Act had not been passed.

10. Interpretation—The principal Act is hereby amended 35 by inserting in Part XVII, before section 224, the following section:

“223A. In this Part of this Act the purposes of the Post Office shall include matters relating to postal, telephone, telegraph, radio, and savings bank activities of the Post Office as well as such ancillary matters as training schools, hostels, accommodation for officers, workshops, garages, recreation, and any other activity relating to the Post Office or the welfare of its staff which may be undertaken with the consent or approval of the Postmaster-General.”

11. Exclusion of liability in relation to off-shore oil drilling and production platforms—The principal Act is hereby further amended by inserting, after section 245, the following section:

“245A. Notwithstanding anything in any contract made at any time by the Postmaster-General, whether before or after the commencement of this section, neither Her Majesty nor the Postmaster-General nor any officer shall incur any liability by reason of any error, default, delay, *(or omission)* omission, or negligence in respect of or in relation to the provision of services, facilities, or equipment by the Post Office, or any agent of the Post Office,—

“(a) For any off-shore oil exploration, drilling, or production vessels, rigs, or installations; or

“(b) In connection with the producing of any petroleum (as defined in section 2 (1) of the Petroleum Act 1975) from any off-shore vessels, rigs, or installations.”

12. Metrication—(1) Section 17 (2) of the principal Act is hereby amended by omitting from paragraph (d) of the proviso the expression “16 ounces”, and substituting the expression “500 grams”.

(2) Section 143 (b) of the principal Act is hereby amended by omitting the expression “66 feet”, and substituting the expression “20 metres”.

(3) Section 150 (a) of the principal Act is hereby amended—

(a) By omitting from the proviso to paragraph (a) the expression “18 feet”, and substituting the expression “5.5 metres”:

(b) By omitting from the said proviso the expression “14 feet”, and substituting the expression “4.25 metres”.