

New Zealand.



ANALYSIS.

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1928, No. 43.

Title.

AN ACT to amend the Government Railways Act, 1926.

[9th October, 1928.]

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 Railways Amendment Act, 1928, and shall be read together with and deemed part of the Government Railways Act, 1926 (hereinafter referred to as the principal Act).

Provision for appointment of General Manager of Railways.

2. (1) There shall from time to time be appointed a fit person to be the General Manager of Railways, who, subject to the direction of the Minister, shall be charged with the administration of the principal Act and of the Government railways.

(2) On the occurrence from any cause of a vacancy in the office of the General Manager (whether by reason of death, resignation, or otherwise), and in case of the absence from duty of the General Manager (from whatever cause arising), the powers, duties, and functions of the General Manager may be exercised by any fit person authorized in that behalf by the Minister.

(3) The fact of any person exercising any power, duty, or function as aforesaid with the concurrence of the Minister shall be conclusive evidence of his authority so to do.

(4) The principal Act is hereby consequentially amended as follows:—

Consequential amendments.

(a) By omitting from section two the definition of the term "Permanent Head," and substituting the following definition: "'Permanent Head,' or 'General Manager,' means the General Manager of Railways":

(b) By repealing section four and subsection one of section seven:

(c) By omitting from subsection one of section ninety-nine the words "The Chairman of the Government Railways Board," and substituting the words "The General Manager."

(5) The Government Railways Amendment Act, 1927, is hereby consequentially amended by omitting from subsection two of section eleven the references to the Government Railways Board, and in each case substituting a reference to the General Manager.

(6) This section shall be deemed to have come into force on the first day of June, nineteen hundred and twenty-eight.

Date of commencement.

3. (1) Section two of the Government Railways Amendment Act, 1927, is hereby amended by omitting from subsection two the word "Minister," and substituting the words "Permanent Head."

Authority of Permanent Head in relation to appointments.

(2) The last-mentioned Act is hereby further amended by omitting the word "Minister" from subsection one of section five, and also from paragraph (c) of subsection one of section eleven, and in each case substituting the words "Permanent Head."

4. (1) In the event of an appeal made to the Government Railways Appeal Board on any of the grounds specified in paragraph (b) or paragraph (c) of subsection one of section eleven of the Government Railways Amendment Act, 1927, the Appeal Board shall either allow the appeal or dismiss the same. If the appeal is allowed as aforesaid the appellant shall be entitled to be appointed to the office or position to which the appeal related.

Further provisions as to rights of appeal in relation to appointments, and the powers of the Appeal Board on such appeals.

(2) In considering appeals relating to appointments the Appeal Board shall be bound by the considerations referred to in subsections four, five, and six of section five of the Government Railways Amendment Act, 1927, in the same manner and to the same extent as the appointing authority is bound thereby.

5. (1) There may from time to time, without further appropriation than this section, be paid out of the Working Railways Account such amount or amounts as the Minister of Finance may approve, not exceeding in the aggregate in any year the sum of eight thousand pounds, as a subsidy in aid of any sick-benefit fund established by any society or association of members employed in the Second Division of the Department, for the purpose of providing relief to such members in the event of their sickness.

Authority to subsidize sick-benefit fund out of Working Railways Account.

(2) The Minister of Finance may, at the request of the trustees of any such society or association, make arrangements for the collection of contributions due by its members to any sick-benefit fund as aforesaid. Such contributions may be paid into the Working Railways Account on behalf of the society or association, and any payments due by the society or association in accordance with its rules may be paid out of that account.

(3) Any moneys held in the Working Railways Account on behalf of any society or association as aforesaid may, at the request of the

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trustees, be invested by the Minister^{of Finance} in the Post Office Savings-bank or in the Common Fund of the Public Trust Office or in any securities in which trust funds may for the time being be invested.

(4) Any rules made by any such society or association in relation to its sick-benefit fund shall be subject to the approval of the Minister^{of Finance}. After the approval of any such rules by the Minister^{of Finance}, no person shall be permanently appointed to a position in the Second Division of the Department except on the condition that he shall become a contributor to and be entitled to the benefits of a sick-benefit fund.

(5) No stamp duty shall be chargeable upon any receipt or other document in connection with the operations of any society or association as aforesaid in relation to its sick-benefit fund.

6. (1) In addition to the powers conferred on the Minister by section forty-four of the principal Act, the Minister shall, in respect of any lands to which that section relates, have all the powers of a leasing authority under the Public Bodies' Leases Act, 1908.

(2) Any lease of railway land existing at the passing of this Act may, with the consent of the Minister, be surrendered by the lessee, and in lieu thereof the Minister may grant to the lessee a new lease in accordance with the last preceding subsection, but without submitting such new lease to public auction or public tender.

7. Every Order in Council issued under section forty of the principal Act shall come into force on a date to be specified therein in that behalf (whether before or after the date of such Order), and if no such date is so specified shall come into force on the date of the publication of the Order in Council in the *Gazette*.

8. Subsection five of section fifteen of the Government Railways Amendment Act, 1927, is hereby amended as from the passing of that Act, as follows:—

(a) By inserting, after the words "the property of that member," the words "or to authorize the acquisition by the Minister, in the name and on behalf of a member, of a site for a dwellinghouse for such member"; and

(b) By inserting, after the words "the cost of such erection," the words "or acquisition."

9. (1) Every person driving a motor-vehicle on any road or street shall when approaching a railway-crossing reduce speed when within one hundred yards of the crossing to a rate not exceeding fifteen miles an hour, and shall not increase speed until after he has crossed the railway-line. It shall be his duty to keep a vigilant lookout for approaching trains, and he shall not attempt to cross unless the line is clear.

(2) If at any such crossing there is a "compulsory-stop" sign, erected pursuant to regulations under the Motor-vehicles Act, 1924, or by the railway authorities, it shall be the duty of the person driving any motor-vehicle as aforesaid to stop at such sign for such time as may be necessary to make adequate observations to ascertain whether or not the line is clear.

(3) Every person who fails to comply with the requirements of this section or who crosses or attempts to cross any railway-line while the same is not clear commits an offence and is liable to a fine of ten pounds.

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Additional leasing-powers in respect of lands not required for railway purposes.

Date of commencement of Orders in Council issued under section 40 of principal Act.

Extension of powers conferred on Minister by section 15 of Amendment Act, 1927 (as to provision of dwellinghouses for members of Department).

Restrictions as to motor traffic at railway-crossings.

(4) This section is in substitution for section fifty-eight of the principal Act, and that section is hereby accordingly repealed.

Repeal.

(5) This section shall come into force on the first day of June, nineteen hundred and twenty-nine.

Date of commencement of section.

10. Section one hundred and nine of the principal Act is hereby amended by adding the following as subsection two thereof:—

As to superannuation rights of members formerly employed by the Wellington and Manawatu Railway Company.

“(2) If any contributor to whom the last preceding subsection applies, and who is entitled to count for superannuation purposes his full period of continuous service with the company therein referred to, was, prior to the commencement of his employment by the said company, continuously employed in any branch of the Government service, he shall for the purposes of the fund be entitled to count such period of Government service if—

“(a) Not more than one month elapsed between the termination of his employment in the Government service and the date of the commencement of his employment by the said company; and

“(b) Within six months after the determination of the Superannuation Board has been communicated to him he pays into the fund an amount to be determined by that Board, being not less than the additional amount of contributions (if any) that would have been payable by him to the fund pursuant to the second proviso to subsection two of section forty-one of the Public Service Superannuation Act, 1907, if his Government service had been service with the said company.”

11. Whereas the General Manager in office at the passing of this Act was formerly a member of the Government Railways Board and a contributor to the Government Railways Superannuation Fund: And whereas he ceased to be a contributor to the said fund on the fourteenth day of February, nineteen hundred and twenty-six, and received from the fund a refund of his contributions thereto: And whereas he was appointed to the office of General Manager as from the first day of June, nineteen hundred and twenty-eight, and by the principal Act was thereupon required to again become a contributor to the fund: And whereas it is desired to make provision in accordance with this section for the restoration of his superannuation rights in respect of his former service: Be it therefore enacted as follows:—

Definition of superannuation rights of General Manager in office at passing of this Act.

(1) Forthwith after the passing of this Act the General Manager shall be required to pay into the fund an amount equal to the sum of the amounts following, namely:—

(a) The amount heretofore received from the fund by way of a refund of his contributions:

(b) An amount equal to the amount that he would have been liable to contribute to the fund in respect of the period elapsing between the date of his retirement and the date of his reappointment as aforesaid if he had not ceased to be a contributor to the fund and if during the period referred to he had continued in receipt of the same rate of salary as at the time of his retirement:

(c) An amount to be computed as hereinafter provided representing interest at the rate of six per centum per annum on the amounts referred to in the last preceding paragraphs. In the case of the amount referred to in paragraph (a) interest shall be computed as from the date of the contributor's retirement aforesaid until the date of repayment into the fund. The amount referred to in paragraph (b) shall be deemed to consist of several amounts each (except the first) being equal to the monthly contribution that would have been payable into the fund if the contributor had not retired from the Railway service, and interest shall be computed separately with respect to each such amount as from the date when the contribution represented thereby would have been payable.

(2) On payment into the fund of the total amount calculated as aforesaid the General Manager shall, in respect of the Government Railways Superannuation Fund, have the same rights and be subject in all respects to the same obligations as if he had not retired from the Railway service or ceased to be a contributor to the fund.
