

Post and Telegraph Amendment Act 1936

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An Act to amend the Post and Telegraph Act, 1928.

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

1 Short Title.

This Act may be cited as the Post and Telegraph Amendment Act, 1936, and shall be read together with and deemed part of the Post and Telegraph Act, 1928 (hereinafter referred to as the principal Act).

2 Office of Deputy Director-General of Post and Telegraph Department.

- (1) There shall from time to time be appointed an officer of the Department to be called the Deputy Director-General of the Post and Telegraph Department, who

shall, under the control of the Director-General, perform such general official duties as he is called upon to perform by the Director-General.

- (2) On the occurrence from any cause of a vacancy in the office of the Director-General (whether by death, resignation, or otherwise), and in the event of the absence from duty of the Director-General (from whatever cause arising), and so long as such vacancy or absence continues, the Deputy Director-General shall have and may exercise, under the direction of the Postmaster-General, all the powers, duties, and functions of the Director-General.
- (3) The fact that the Deputy Director-General exercises any power, duty, or function as aforesaid shall be conclusive evidence of his authority so to do, and no person shall be concerned to inquire whether the occasion has arisen requiring or authorizing him so to do.

3 Appointment of officers of First and Second Divisions.

1933, No. 23.

- (1) All officers of the Department, other than those required to be appointed by the Governor-General in accordance with the provisions of section seventeen of the Post and Telegraph Amendment Act, 1933, shall be appointed by the Director-General on the recommendation of the Post and Telegraph Promotion Board established under section two hundred and thirty-four of the principal Act, and not otherwise.

Repeal.

- (2) This section is in substitution for section two hundred and twenty-five of the principal Act, and that section is hereby accordingly repealed.

4 Functions of Promotion Board.

- (1) The Promotion Board shall consider all applications for appointment to any vacant position in the First Division or Second Division of the Department, and, subject to the provisions of this section, shall recommend for appointment the officer or person who, in the opinion of the Board, is best entitled by merit to the appointment.
- (2) A person who is not an officer of the Government Service shall not be appointed to any such position unless the Director-General is satisfied that there is no officer of the Government Service available and suitable for appointment.
- (3) As between officers of the Government Service, the Director General shall appoint the officer who, in the opinion of the Board, is best entitled by merit to the appointment.
- (4) As between officers of the Government Service who, in the opinion of the Board, are of equal merit, the decision of the Board shall be determined by the seniority of those officers in respect of their classification and length of service.

Repeal.

- (5) This section is in substitution for section two hundred and thirty-five of the principal Act, and that section is hereby accordingly repealed.

Consequential amendments of principal Act.

- (6) The principal Act is hereby consequentially amended as follows:—
- (a) As to section two hundred and twenty-one thereof, by repealing the definition of the term “Public Service Commissioner”:
- (b) As to section two hundred and thirty-seven thereof, by omitting from paragraph (a) of subsection one the words “made by the Public Service Commissioner under any of the provisions of section two hundred and thirty-five hereof”, and substituting the words “to any vacant position in the First Division or the Second Division of the Department”.

5 Provision for appointment of special tribunal to consider matters affecting officers of Department.

- (1) The Minister may from time to time, in accordance with this section, appoint such persons as he considers suitable to be a tribunal to inquire into and report to him upon such matters in relation to any regulations made or proposed to be made under section two hundred and thirty of the principal Act as he may refer to the tribunal.
- (2) Every tribunal appointed under this section shall consist of—
- (a) Such number of persons (being not less than two) as the Minister may determine, to be appointed upon the recommendation of the organization representing the officers concerned in the subject-matter of the inquiry:
Provided that where two or more organizations are concerned the Minister may appoint one person on the recommendation of each such organization, or he may appoint such two or more persons as may be jointly recommended by all the organizations concerned:
- (b) Such number of persons (being not more than the number appointed under the last preceding paragraph) as the Minister may determine, to be appointed to represent the Minister:
- (c) One person, to be the Chairman of the tribunal, who may be a Judge of the Supreme Court or a Stipendiary Magistrate or any other person not interested in the subject-matter of the inquiry, and who shall be agreed upon by the Minister and the organization or organizations concerned as aforesaid, or, in default of agreement, shall be selected by the Minister.
- (3) A tribunal may be appointed under this section either for the purposes of a particular inquiry or to hold office for a period, not exceeding three years, to be specified by the Minister:

Provided that any member of a tribunal may be at any time removed from office by the Minister.

- (4) Every tribunal appointed under this section shall have all the powers of a Commission appointed under the Commissions of Inquiry Act, 1908.
- (5) The members of a tribunal appointed under this section, not being persons permanently employed in the service of the Government, shall be paid, out of moneys appropriated by Parliament for the purpose, such travelling-allowances, fees, or other remuneration as may be prescribed by regulations made under this section.
- (6) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or convenient for giving full effect to the provisions of this section.

6 Attempts to improperly influence decisions of any Board or tribunal.

- (1) No person shall in any manner attempt to influence the Minister, or the Post and Telegraph Promotion Board, or the Post and Telegraph Appeal Board, or any tribunal appointed in accordance with the last preceding section, or any member of any such Board or tribunal in respect of the appointment or appeal of himself or of any other person, or in respect of any other matter within the functions of the Minister or of any such Board or tribunal.
- (2) Nothing in this section shall be so construed as to prohibit from giving information or advice or making representations with respect to any such appointment, appeal, or other matter as aforesaid at the request or invitation of the Minister or of any such Board or tribunal, or as a witness or as the representative of an appellant before the Appeal Board or before any such tribunal.
- (3) Every person who commits a breach of any of the provisions of this section shall be guilty of an offence, and shall be liable on summary conviction to a fine of fifty pounds.

Repeal.

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