

Bill as amended
by the Select Committee
P.H.C.

NEW ZEALAND.



ANNO VICESIMO PRIMO.

VICTORIÆ REGINÆ.

No.

ANALYSIS :

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| <p>Title.</p> <p>Preamble.</p> <p>1. Deduction on account of retirement.</p> <p>2. Record to be kept.</p> <p>3. Officers how placed on retired list.</p> <p>4. Retirement when to be paid.</p> <p>5. Amount of allowance.</p> <p>6. No allowance to be drawn in addition to salary of any other office.</p> <p>7. If health be re-established and offer of other office refused, allowance to cease.</p> <p>8. Officers dismissed or resigning to forfeit claim.</p> <p>9. Retiring allowances how to be computed.</p> <p>10. Relief may be given to destitute families of deceased government officers.</p> | <p>11. How deductions to be made in respect of Officers, &c., now employed.</p> <p>12. General rules to be published in "Government Gazette," and laid before the House of Assembly.</p> <p>13. Accounts of all allowances with full particulars to be laid before House of Representatives each session.</p> <p>14. Act not to give absolute right to allowances or to prevent dismissal of persons for misconduct.</p> <p>15. Certain offices not to be affected by this act.</p> <p>16. Interpretation of "Governor."</p> <p>17. Short title.</p> |
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A Bill to provide for the retirement of Officers of the Civil Service of the General Government of New Zealand. Title.

WHEREAS, it is expedient to provide for the Retirement of Officers, Clerks, and others employed in the Civil Service of the Colony of New Zealand, and for the relief, in cases of destitution, of their Widows, and Orphan children. Preamble.

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

~~1. From and after the 1st day of July, 1858, the Colonial Treasurer shall deduct from the Salary payable to every Officer, Clerk, and other Person employed in the said Service a sum equivalent to Two Pounds Ten Shillings per Centum thereon, to be set aside as an equivalent for the Retirement or Superannuation allowance, to which such Officer, Clerk, or other person may thereafter become entitled.~~ Deduction on account of retirement.

led under the provisions of this Act. Provided always that no such deduction shall be made from the salary payable to any person holding only an acting or temporary appointment.

Record to be kept.

II. The Colonial Treasurer shall record the particulars of all such deductions in a book to be kept for that purpose, and return the amounts into the Colonial Treasury, to be brought to account as General Revenue.

Officers how placed on retired list.

III. Any Officer, Clerk, or other Person, as aforesaid, desiring to avail himself of the Retiring Allowance hereinafter provided, shall notify such desire in writing, addressed to the Colonial Secretary, accompanied by a certificate signed by two Medical Practitioners, that by reason of age, bad health, or other infirmity he is no longer capable of performing his duties: Provided always that no such retiring allowance shall be granted to any such Officer, Clerk, or other person, unless he shall have discharged his duties with diligence and fidelity to the satisfaction of the Head Officer of his Department, which shall be certified by such Head Officer; and in case the person claiming such Superannuation Allowance, shall himself be the Head Officer, then such Superannuation Allowance shall not be granted unless he shall have discharged the duties of his situation with diligence and fidelity to the satisfaction of the Colonial Secretary; and the Governor in Council, if satisfied as to the allegations contained in such certificate, shall thereupon direct such Officer, Clerk, or other Person, to be placed on the Retired List.

Retirement when to be paid.

IV. The Colonial Treasurer shall periodically, at such times as the Governor may appoint for that purpose, pay to every Officer, Clerk, or other Person, whose name shall appear on such Retired List, such sums as they may be entitled to receive under the provisions of this Act.

Amount of allowance

V. It shall be lawful for the Governor in Council to grant to the Officers, Clerks, and other Persons so placed on such Retired List, Superannuation or Retiring Allowances ~~not exceeding~~ the following proportions, with reference to the amount of their Salaries and the periods of their services respectively, (videlicet)—

according to

equivalent to

equivalent to

equivalent to

equivalent to

equivalent to

equivalent to

To any Officer, Clerk, or Person who shall have served ten years and upwards and under seventeen years, an Annual Allowance ~~not exceeding in amount~~ three twelfths of the average salary of Office or Offices held by him during the last three years previously to retirement.

For Seventeen years and upwards and under Twenty Four years, ~~not exceeding~~ four-twelfths of such salary.

For Twenty Four years and upwards and under Thirty One years, ~~not exceeding~~ five-twelfths of such salary.

For Thirty One years and upwards, and under Thirty Eight years, ~~not exceeding~~ six-twelfths of such salary.

For Thirty-eight years and upwards and under Forty-five years, ~~not exceeding~~ seven-twelfths of such salary.

And for Forty-five years and upwards, ~~not exceeding~~ eight-twelfths of such salary.

~~Provided always that the amounts to be paid for retiring or superannuation allowances, shall not at any time exceed in the aggregate the sum of £5000 sterling over and above the aggregate amount of all money paid to the Treasury in respect of such deductions as aforesaid, under the provisions of this Act, together with six per cent. on such deductions from the time of their being made.~~

No allowance to be drawn in addition to salary of any other office.

VI. In case any Person enjoying any Superannuation or Retiring Allowance under this Act, shall be appointed to fill any office in any Public Department, every such allowance shall cease to be paid for any period subsequent to such appointment, if the annual amount of the profits of the office to which he shall be appointed, shall be equal to those of the office formerly held by him, and in case they shall not be equal to those of his former office, then no more of such Superannuation Allowance shall be paid to him than what with the salary of his new appointment shall be equal to that of his former office.

If health be re-established and offer of other office refused, allowance may be stopped.

VII. If in the case of any person to whom an Allowance has been granted under this Act on the ground of infirmity, the health of such Officer be re-established and the Governor offer to him any suitable office, with salary equal to that formerly held by him, and if such person shall refuse to accept such office, the allowance so granted as aforesaid shall thereupon cease.

Officers dismissed or resigning to forfeit claim.

VIII. Every Officer, Clerk or other Person, who shall be dismissed from the Public Service on account of misconduct, or who shall voluntarily resign his appointment therein, shall forfeit all sums that may have been deducted from his salary in

accordance with the provisions of this Act as well as all participation in the advantages which otherwise he might have derived thereunder.

IX. For the purpose of computing the amount of retirement to which any such Officer, Clerk, or other Person may become entitled under this Act, the period during which he shall have held any appointment on the establishment of the said Service shall alone be taken into consideration,—the number of days (if any in excess of six weeks in each respective year) which such Officer, Clerk, or other Person may have been absent from duty shall be deducted from the period during which he may have held any such appointment, and the proportionate amount payable to such Officer, Clerk, or other Person by way of retiring or superannuation allowance, shall be computed upon the average of the Salaries which such Officer, Clerk, or other Person shall have received during the period of three years next preceeding the date of his retirement: Provided always that Officers, Clerks, and other Persons belonging to Departments which have been transferred to the Provincial Government of a Province, but which have been replaced on the establishment of the General Government shall be entitled to reckon the period during which they served in those Departments under a Provincial Government.

Retiring allowances how to be computed.

X. In the event of the Widow or Children of any Officer, Clerk, or other Person employed by the General Government being left in ~~entirely~~ destitute circumstances by his death, it shall be lawful for the Colonial Treasurer under the Warrant of the Governor to pay to such Widow or Children or to such Persons as the Governor may direct in trust on her or their behalf, such sum as the Governor with the advice and consent of the Executive Council may fix: Provided always that the sum so paid to one Family shall not altogether exceed the Salary for one year drawn to which such Officer, Clerk, or other Person, was entitled immediately before his death.

Relief may be given to destitute families of deceased government officers.

~~XI. And whereas no deduction on account of retirement has hitherto been made from the Salaries of Officers, Clerks, and others employed in the Civil Service of the General Government of the Colony: Be it therefore enacted that it shall be lawful for the Colonial Treasurer to deduct from the Retiring or Superannuation allowance granted under this Act to any Officer, Clerk, or other person as aforesaid, by four equal annual instalments: such sum as shall be equal to the amount of the deductions that would have been from the salary of such Officer, Clerk, or other person, if this Act had been in operation: Provided that the amounts so paid to such Officers, Clerks or other Persons shall not at any time exceed in the aggregate the sum of Five Thousand Pounds sterling over and above the aggregate amount of all monies repaid into the Treasury on account of retirement deductions under provisions of this Act, together with six per centum on such deductions from the date of their being so repaid.~~

How deductions to be made in respect of Officers, &c., now employed.

XII. And whereas the scale of allowances under this Act specifies the highest rates which are to be given, and it is expedient that the Governor and Executive Council should consider the health, age, meritorious conduct, and other circumstances of each Person applying for an allowance, in order to exercise their discretion in assigning the amount of such allowance, subject always to the limitation prescribed by this Act,—and whereas it is expedient that the Legislature should be made acquainted with the manner in which the discretion shall be exercised.—Be it therefore enacted, That all Orders of the Governor in Council which at any time shall be framed or passed laying down any general Rule or Regulation respecting the granting allowances under this Act shall be forthwith published in the New Zealand Gazette, and shall within one Month from the date thereof, if the General Assembly be then sitting, or if not, within one Month after the commencement of the next ensuing Session of the General Assembly, be laid before the Legislative Council and the House of Representatives respectively.

General rules to be published in Government Gazette, and laid before Houses of Assembly.

XIII. Nothing in this Act contained shall be construed to extend to give any Person an absolute right to allowances under this Act, or to deprive the Governor or the Heads or Principal Officers of the respective Departments of the Power and authority which they may lawfully possess to dismiss any Person from the Public Service without compensation.

Act not to give absolute right to allowances, or to prevent dismissal of persons for misconduct.

XIV. This Act is not to apply to Offices, whose Holders have seats in the Executive Council, or from which such Holders are removable on merely political grounds

Certain officers not to be affected by this act.

XV. The Short Title of this Act shall be "The ~~New Zealand~~ Civil Service Act 1858."

Retirement
Short title.