

567

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives.*

*4th December, 1918.*

*Right Hon. Sir Joseph Ward, Bart.*

POST AND TELEGRAPH DEPARTMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title. Commencement.</p> <p>2. Interpretation.</p> <p>3. Constitution of the Post and Telegraph Department.</p> <p>4. Public Service Act, 1912, excluded.</p> <p>5. Certain officers to be appointed by the Governor-General.</p> <p>6. All other officers to be appointed by the Public Service Commissioner.</p> <p>7. Tenure of office.</p> <p>8. Salaries and allowances.</p>	<p>9. Restriction on transfer of officers to other Departments.</p> <p>10. Classification of Department.</p> <p>11. Regulations.</p> <p>12. Regulations to be laid before Parliament.</p> <p>13. Post and Telegraph Promotion Board established.</p> <p>14. Functions of the Promotion Board.</p> <p>15. Post and Telegraph Appeal Board established.</p> <p>16. Functions of the Appeal Board.</p> <p>17. Attempts to influence appointments or appeals prohibited.</p> <p>18. Repeal.</p>
---	---

A BILL INTITULED

AN ACT to make better Provision for the Administration of the Post and Telegraph Department. Title.

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

1. (1.) This Act may be cited as the Post and Telegraph Department Act, 1918, and shall be read together with and be deemed to constitute a separate Division of the Post and Telegraph Act, 1908 (hereinafter referred to as the principal Act). Short Title.

(2.) This Act shall come into operation on the first day of April, nineteen hundred and *nineteen*. Commencement.

2. In this Act—

15 “Minister” means the Minister holding the offices of Postmaster-General and Minister of Telegraphs:

“Public Service Commissioner” means the Commissioner appointed under the Public Service Act, 1912:

“Secretary” means the Secretary of the Post and Telegraph Department:

20 “Department” means the Post and Telegraph Department:

“Officer” means a permanent officer of the Department, including an officer appointed on probation, but not a temporary employee. Interpretation.

Constitution of the  
Post and Telegraph  
Department.

3. The several branches of the Public Service constituted under Division I and Division II of the principal Act shall continue as heretofore to constitute a single Department of State called the Post and Telegraph Department, which shall be administered by the Minister holding the offices of Postmaster-General and Minister of  
5  
Telegraphs.

Public Service Act,  
1912, excluded.

4. The Public Service Act, 1912, shall have no application to the Post and Telegraph Department, and all references in that Act to that Department and to the officers thereof shall cease to have any force or effect. 10

Certain officers to  
be appointed by the  
Governor-General.

5. (1.) The following officers of the Department shall be appointed by the Governor-General—

(a.) The Secretary of the Post and Telegraph Department, who shall, under the direction of the Minister, have the control and general administration of the Department; 15

(b.) The Chief Telegraph Engineer;

(c.) The First Assistant Secretary of the Post and Telegraph Department; and

(d.) The Second Assistant Secretary of the Post and Telegraph Department. 20

(2.) The persons who at the commencement of this Act hold office respectively as the Secretary, the Chief Telegraph Engineer, and the First and Second Assistant Secretaries of the Department shall be deemed to have been appointed to those offices under this Act, and shall continue to hold office under the provisions of this Act accordingly. 25

All other officers to  
be appointed by the  
Public Service  
Commissioner.

6. (1.) Notwithstanding anything to the contrary in the principal Act, or in any other Act, all other officers of the Department shall be appointed by the Public Service Commissioner in accordance with this Act, and not otherwise. 30

(2.) All such other officers holding office at the commencement of this Act shall be deemed to have been appointed under this Act, and shall continue to hold office under the provisions of this Act accordingly.

Tenure of office.

7. (1.) Without prejudice to the power of dismissal (in accordance with regulations under this Act) of any officer for inefficiency or misconduct, every officer of the Department, other than an officer on probation, shall be deemed to be a three-monthly servant and shall be removable by the Governor-General at any time after three months' notice given to that officer by the Secretary or Minister, or by any officer acting with the authority of the Secretary or Minister. 35  
40

(2.) Officers holding office on probation in accordance with regulations under this Act may be removed at any time by the Secretary without notice. 45

Salaries and  
allowances.

8. (1.) Officers of the Department shall receive such salaries and allowances as may be prescribed by Regulations made under this Act.

(2.) All such salaries and allowances shall be paid out of moneys appropriated by Parliament, save that until the passing of the next annual Appropriation Act after the commencement of this Act all such salaries and allowances may be paid without further appropriation than this Act. 50

56

9. No officer of the Department shall be appointed to any other Department of the Government Service save with the consent both of the Secretary and of the permanent head of that other Department.

Restriction on transfer of officers to other Departments.

5 10. The Department shall be classified in accordance with regulations to be made under this Act.

Classification of Department.

11. The Governor-General may, from time to time by Order in Council gazetted, make regulations—

Regulations.

- (a.) For the classification of the Department;
- 10 (b.) Determining the salaries and allowances of officers of the Department;
- (c.) Prescribing the duties of officers of the Department;
- (d.) Providing for the organization and discipline of the Department;
- 15 (e.) Regulating leave of absence of officers of the Department;
- (f.) Providing for inquiries into charges of inefficiency or misconduct against officers of the Department;
- 20 (g.) Providing that officers proved on such inquiry to be inefficient or guilty of misconduct may be dealt with by way of fine, reduction of salary, deprivation of privileges, reduction in grade or class, or dismissal from the Service;
- (h.) Providing for the suspension of officers charged with inefficiency or misconduct, and prescribing the results of such suspension on the salary, rights, and privileges of such officers;
- 25 (i.) Determining the mode, terms, and conditions on which candidates for employment in the Department shall enter the service of the Department;
- 30 (j.) Providing for the examination of such candidates as to their fitness for employment, and for the examination of officers as to their fitness for promotion, and prescribing the fees payable in respect of such examinations;
- (k.) Providing for the appointment of officers on probation, and determining the period and conditions of such probation;
- 35 (l.) Providing for the temporary employment of persons in the service of the Department, and determining the conditions of such employment;
- (m.) Regulating the election and tenure of office of the elective members of the Post and Telegraph Promotion Board and of the Post and Telegraph Appeal Board constituted by this Act;
- 40 (n.) Regulating the procedure on appeals to the Post and Telegraph Appeal Board;
- 45 (o.) Providing for the imposition of penalties on officers making appeals which are adjudged by the said Appeal Board to be frivolous;
- (p.) Providing for the payment by officers of rent for quarters belonging to the Crown and used or occupied by such officers for domestic purposes; and
- 50 (q.) Making any other provisions which may be necessary for giving effect to this Act.

12. All regulations made under this Act shall be laid before both Houses of Parliament within fourteen days after publication in the *Gazette* if Parliament is then sitting, and if not, then within

Regulations to be laid before Parliament.

55 fourteen days after the commencement of the next ensuing session.

Post and Telegraph  
Promotion Board  
established.

13. (1.) For the purposes of this Act there is hereby established a Board, to be called the Post and Telegraph Promotion Board.

(2.) The Board shall consist of five members, being the Secretary of the Department, the Chief Telegraph Engineer, the Chief Inspector, the Superintendent of Staff, and one other officer of the Department to be elected in the prescribed manner by the officers of the Department. 5

(3.) In the event of the incapacity of any member of the Board by reason of sickness, absence, or other cause the Minister may appoint any officer of the Department to act in the place of that member during his incapacity. 10

(4.) The Board shall meet at such times and places as may be determined by the Secretary of the Department, and at any meeting of the Board three members shall constitute a quorum.

Functions of the  
Promotion Board.

14. (1.) In respect of all appointments of officers to be made by the Public Service Commissioner under this Act the following provisions of this section shall apply. 15

(2.) The matter shall in the first instance be considered by the Post and Telegraph Promotion Board, and the Board shall recommend some person for appointment to the vacant office. 20

(3.) A person who is not an officer of the Department shall not be so recommended unless the Board is satisfied that there is no officer of the Department available and suitable for appointment.

(4.) As between the officers of the Department the Board shall recommend the officer who in the opinion of the Board is best entitled by merit to the appointment. 25

(5.) As between officers who in the opinion of the Board are of equal merit, the recommendation of the Board shall be determined by the seniority of those officers in respect of their classification and length of service in the Department. 30

(6.) The recommendation of the Board shall be sent to the Public Service Commissioner, together with a statement as to the grounds on which the recommendation has been made.

(7.) It shall be the duty of the Board from time to time at the request of the Public Service Commissioner to supply him with all further information which the Commissioner may think material in relation to the recommendation and appointment. 35

(8.) If the Public Service Commissioner is satisfied that the recommendation has been duly made by the Board in accordance with the provisions of this Act, he shall thereupon make the appointment in accordance with that recommendation. 40

(9.) If the Public Service Commissioner is not so satisfied, he shall refer the matter back to the Board for reconsideration, whereupon the Board may make a further recommendation in accordance with this Act. 45

(10.) If, after such reference back to the Board, the Public Service Commissioner and the Board are unable to agree as to the appointment, the matter shall be referred by the Commissioner to the Minister, who, after giving the Board and the Commissioner an opportunity of being heard, shall finally determine the question, and the appointment shall be made by the Commissioner in accordance with the determination of the Minister. 50

15. (1.) For the purposes of this Act there is hereby established a Board, to be called the Post and Telegraph Appeal Board.

Post and Telegraph Appeal Board established.

(2.) The Board shall consist of—

(a.) Two persons appointed by the Governor-General to hold office during his pleasure;

(b.) One officer of the Postal Branch of the Department to be elected in the prescribed manner by the officers of that Branch; and

(c.) One officer of the Telegraph Branch of the Department to be elected in the prescribed manner by the officers of that Branch.

(3.) The elected officer of the Postal Branch shall act as a member of the Board only in respect of appeals by officers of the Postal Branch, and the elected officer of the Telegraph Branch shall act as a member of the Board only in respect of appeals by officers of the Telegraph Branch.

(4.) In the event of the incapacity of any member of the Board by reason of illness, absence, or other cause, the Minister may appoint any other fit person to act in the place of that member during his incapacity.

(5.) The appointed members of the Board may receive, out of moneys appropriated by Parliament, such salaries, fees, or allowances as the Minister thinks fit, but shall not be deemed to be permanent officers of the Department or of the Government Service within the meaning of any Act.

16. (1.) Every officer of the Department shall have the right of appeal to the Post and Telegraph Appeal Board against any determination of his superior officers relative to his classification or salary.

Functions of the Appeal Board.

(2.) The Board shall have jurisdiction to hear and determine any such appeal, and for this purpose to summon and examine witnesses on oath or otherwise, and to make such order as it thinks just either for the payment of the costs of the appeal by the Crown to the appellant or by the appellant to the Crown.

(3.) The determination of the Board on any such appeal shall be communicated by the Board to the Secretary of the Department, who shall thereupon take such steps as may be necessary to give effect to that determination.

17. (1.) No person shall in any manner attempt to influence the Minister, or the Public Service Commissioner, or the Post and Telegraph Promotion Board, or the Post and Telegraph Appeal Board, or any member of either such Board, in respect of the appointment or appeal of any other person.

Attempts to influence appointments or appeals prohibited.

(2.) Nothing in this section shall be so construed as to prohibit any person from giving information or advice or making representations in respect of any such appointment or appeal at the request or invitation of the Minister, the Public Service Commissioner, or either of the said Boards, or as a witness or the representative of an appellant before the Appeal Board.

(3.) Any person who commits a breach of the provisions of this section shall be guilty of an offence punishable on summary conviction by a fine not exceeding *fifty* pounds.

18. Division III of the principal Act, so far as still remaining unrepealed, is hereby repealed.

Repeal.