

PUBLIC SERVICE AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Public Service Act 1912.

Clause 2 provides for the appointment of a Special Board of Appeal to assist the ordinary Board to deal with the large number of appeals arising from the last general regrading of the Public Service. The Board is to consist of two Government members and two alternative Service members, and all the provisions applicable to the ordinary Board are to apply except that the members are to hold office during the pleasure of the Governor-General and the Service members are to be appointed on the nomination of the New Zealand Public Service Association (Incorporated). *Subclause (7)* repeals the provisions which set up a Special Board of Appeal in 1946 to deal with appeals relating to temporary positions.

Clause 3 substitutes a new section for section 5 of the principal Act, which provides for acting appointments when officers are absent from duty. The new section is extended so as to provide also for acting appointments when a position becomes vacant (whether by death, resignation, or otherwise).

Hon. Mr. Webb

PUBLIC SERVICE AMENDMENT

ANALYSIS

Title.	2. Special Board of Appeal.
1. Short Title.	Repeals.
	3. Acting appointments. Repeal.

A BILL INTITULED

AN ACT to amend the Public Service Act 1912. **Title.**

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

1. This Act may be cited as the Public Service Amendment Act 1952, and shall be read together with and deemed part of the Public Service Act 1912 (hereinafter referred to as the principal Act). **Short Title.**
See Reprint of Statutes, Vol. VII, p. 522

10 **2. (1)** All appeals by officers under the provisions of the principal Act or any other enactment shall be heard either by the Board of Appeal established under the principal Act or by a Special Board of Appeal, which shall consist of four persons to be appointed by the
15 Governor-General on the recommendation of the Prime Minister, of whom—

(a) Two persons, of whom at least one shall be an officer or retired officer of the Public Service, shall be appointed as Government members:

(b) Two persons, employed in different Departments of the Public Service, shall be appointed as Service members on the nomination of the New Zealand Public Service Association (Incorporated). 5

(2) One of the Government members shall be appointed by the Governor-General as the Chairman of the Board.

(3) The Service members shall not both be entitled to sit as members of the Special Board of Appeal at the same time, and shall mutually agree as to which of them is to act as a member of the Board in any particular appeal. In default of agreement in any case the Chairman shall determine by lot the person so to act. 10

(4) The members of the Special Board of Appeal shall hold office during the pleasure of the Governor-General. 15

(5) If any member of the Special Board of Appeal dies, or by notice in writing addressed to the Commission resigns his office, or refuses or neglects without sufficient cause to attend any duly appointed meeting of the Board, or (being a Service member) ceases to be employed in the Public Service or becomes employed in the Department in which the other Service member is employed, then and in any such case his seat shall become vacant, and the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. 20 25

(6) Subject to the provisions of this section, all the provisions of the principal Act or any other enactment relating to the Board of Appeal established under the principal Act shall, as far as they are applicable and with any necessary modifications, apply with respect to the Special Board of Appeal: 30

Provided that every deputy of a Service member appointed under section fifteen of the Public Service Amendment Act 1927 shall be appointed on the nomination of the New Zealand Public Service Association (Incorporated). 35

(7) Section twenty of the Public Service Amendment Act 1946 and section thirty-seven of the Finance Act (No. 2) 1947 are hereby repealed. 40

See Reprint
of Statutes,
Vol. VII,
p. 556

Repeals.
1946, No. 42
1947, No. 45

3. (1) The principal Act is hereby amended by repealing section five, and substituting the following section:—

Acting
appointments.

“5. (1) On the occurrence from any cause of a
5 vacancy in any position in the Public Service (whether
by reason of death, resignation, or otherwise), and in
case of the absence from duty of any employee (from
whatever cause arising), and from time to time while
the vacancy or absence continues, the Commission may
10 appoint an officer of the Public Service to act in the
vacant position or in the place of the absent employee.

“(2) No such appointment and no acts done by an
officer acting as aforesaid shall in any proceedings be
15 questioned on the ground that the occasion for the
appointment had not arisen or had ceased.”

(2) Section three of the Public Service Amendment
Act 1927 is hereby consequentially repealed.

Repeal.
See Reprint
of Statutes,
Vol. VII,
p. 549