

## PUBLIC SERVICE AMENDMENT BILL

---

### EXPLANATORY NOTE

THIS Bill amends the Public Service Act 1912.

*Clause 2* amends the provisions relating to the constitution of the Public Service Commission by providing that the Commission shall consist of not more than four members, instead of not more than three members.

*Subclause (2)* of *clause 2* provides in effect that the Chairman of the Commission shall always have a casting vote as well as a deliberative vote. The clause repeals the amendment made in 1951, which provided that the Chairman should not have a casting vote when there were only two members of the Commission in office.

*Clause 3* provides that when any employee in the Public Service is absent from duty, or when there is a vacancy in any position in the Public Service, all or any of the powers and duties of the absent officer, or pertaining to the vacant position, may be exercised and performed by any employee directed by the Commission to exercise and perform them. The clause replaces the provision for acting appointments enacted in 1952, and it differs from the 1952 provision in two respects:

- (a) It is made quite clear that the Commission may direct an employee to perform the duties of a position without appointing him to the position concerned; and
- (b) A direction may be given in advance before a vacancy or absence occurs, as well as during the vacancy or absence.

*Hon. Mr Webb*

## PUBLIC SERVICE AMENDMENT

### ANALYSIS

Title.  
1. Short Title.

2. Constitution of Public Service Commission.  
3. Acting employees in cases of absence or vacancies.

### 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 of  
5 the same, as follows:

1. This Act may be cited as the Public Service Amendment Act 1954, 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) Section three of the Public Service Amendment Act 1946 is hereby amended by repealing subsection two (as substituted by subsection one of section two of the Public Service Amendment Act 1951), and substituting the following subsection:

Constitution of Public Service Commission. 1946, No. 42  
1951, No. 72

15 “(2) The Commission shall consist of not more than four persons, who shall be appointed by the Governor-General in Council on the recommendation of the Prime Minister.”

(2) Section seven of the Public Service Amendment Act 1946 is hereby amended by omitting from subsection three (as amended by subsection three of section two of the Public Service Amendment Act 1951) the words “except when there are only two members of the Commission in office”.

(3) Section two of the Public Service Amendment Act 1951 is hereby consequentially amended by repealing subsections one and three.

Acting  
employees in  
cases of absence  
or vacancies.  
1952, No. 4

3. (1) The principal Act is hereby amended by repealing section five (as substituted by section three of the Public Service Amendment Act 1952), and substituting the following section:

“5. (1) In case of the absence from duty of any employee (from whatever cause arising) or on the occurrence from any cause of a vacancy in any position in the Public Service (whether by reason of death, resignation, or otherwise), and from time to time while the absence or vacancy continues, all or any of the powers and duties of the employee or pertaining to the position may be exercised and performed by any other employee for the time being directed by the Commission to exercise and perform them, whether the direction has been given before the absence or vacancy occurs or while it continues.

“(2) No such direction and no acts done by any employee acting pursuant to any such direction shall in any proceedings be questioned on the ground that the occasion for the direction had not arisen or had ceased, or on the ground that the employee had not been appointed to any position to which the direction relates.”

(2) Section three of the Public Service Amendment Act 1952 is hereby consequentially repealed.