

## **PUBLIC SERVICE AMENDMENT BILL**

### **EXPLANATORY NOTE**

*Clause 2* re-enacts in an amended form the provisions of sections 13 and 14 of the Public Service Amendment Act 1927 relating to the constitution of the Public Service Board of Appeal. Instead of the Service members of the Board being elected, they are in future to be appointed on the nomination of the New Zealand Public Service Association (Incorporated), and the Service members are to be either officers or retired officers of the Public Service. At present only officers of the Public Service are eligible. The other amendments in this clause are consequential on these provisions.

*Clause 3:* The effect of this clause is that retired officers of the Public Service will be eligible for appointment as Service representatives on the Special Board of Appeal constituted under section 2 of the Public Service Amendment Act 1952.

*Right Hon. Mr Nash*

## PUBLIC SERVICE AMENDMENT

### ANALYSIS

Title	2. Constitution of Board of Appeal 3. Members of Special Board of Appeal
1. Short Title	

### A BILL INTITULED

#### An Act to amend the Public Service Act 1912

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

1. **Short Title**—This Act may be cited as the Public Service Amendment Act 1959, and shall be read together with and deemed part of the Public Service Act 1912.
2. **Constitution of Board of Appeal**—(1) The Public Service  
10 Amendment Act 1927 is hereby amended by repealing sections thirteen and fourteen, and substituting the following section:  
“13. (1) The Board of Appeal established under the principal Act shall hereafter consist of four persons to be appointed  
by the Governor-General on the recommendation of the Prime  
15 Minister, of whom—  
“(a) Two persons, of whom at least one shall be an officer or retired officer of the Public Service, to be appointed as Government members and to hold office for a term not exceeding three years:

“(b) Two persons, being officers of the Public Service employed in different Departments or being retired officers of the Public Service, to be appointed as Service members on the nomination of the New Zealand Public Service Association (Incorporated), and to hold office for a term of three years. 5

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

“(3) Notice of the appointment of each member of the Board of Appeal shall be gazetted. 10

“(4) The Service members of the Board of Appeal shall not be entitled to sit as members of the Board of Appeal at the same time, and shall mutually agree as to which of them shall act as a member of the Board on any particular appeal. In default of agreement in any case, the Chairman shall determine by lot the person so to act. 15

“(5) If any member of the 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) 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) Every elected member of the Board of Appeal holding office at the date of the commencement of this section shall, unless he sooner ceases to hold office under the provisions of subsection five of this section, continue in office for the remainder of the term for which he was elected, as if he had been appointed a Service member of the Board under this section. 30

(2) The Public Service Amendment Act 1927 is hereby amended by omitting from subsection one of section fifteen the words “any member other than an elected member”, and substituting the words “a Government member”. 35

(3) Section sixteen of the Public Service Amendment Act 1927 is hereby amended by repealing subsection three, and substituting the following subsection: 40

“(3) In the event of both Service members of the Board of Appeal or officers of both Departments in which those members are employed being affected by the same appeal, or in the event of the incapacity of either of the Service members of the Board by reason of illness, absence, or any other cause, an officer or retired officer of the Public Service, to be 45

nominated by the New Zealand Public Service Association (Incorporated), shall act in place of the Service member of the Board at the hearing of that appeal, and that officer or retired officer shall for the purposes of this Act be deemed to  
5 be a duly appointed Service member of the Board for the hearing of that appeal.”

- (4) The following enactments are hereby repealed:
  - (a) Section fifty-one of the Statutes Amendment Act 1944:
  - (b) Section thirty-five of the Finance Act 1947:
  - 10 (c) Section thirty-two of the Finance Act 1948:
  - (d) The proviso to subsection six of section two of the Public Service Amendment Act 1952.

**3. Members of Special Board of Appeal**—Section two of the Public Service Amendment Act 1952 is hereby amended—

- 15 (a) By inserting in paragraph (b) of subsection one, after the words “Departments of the Public Service”, the words “or being retired officers of the Public Service”:
- 20 (b) By omitting from subsection five the words “ceases to be employed in the Public Service or”.