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Mr. Herdman.

## PUBLIC SERVICE.

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## A BILL INTITULED

Title.

AN ACT for the Regulation of the Public Service.

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

Short Title.

1. This Act may be cited as the Public Service Act, 1909, and is divided into Parts, as follows:—

PART I.—Administration.

PART II.—Divisions of Public Service, and Appointments.

PART III.—Internal Administration.

PART IV.—Miscellaneous.

Repeal.

2. The Acts mentioned in the *First* Schedule to this Act are to the extent therein expressed hereby repealed.

Interpretation.

3. In this Act, unless the context or subject-matter otherwise indicates or requires,—

“Chief Commissioner” means the Chief Commissioner appointed under this Act:

“Commissioners” means the Commissioners appointed under this Act; and “Commissioner” means one of such Commissioners:

“Minister” means the responsible Minister of the Crown for the time being administering the Department in which the officer in connection with whom the term is used is employed:

“Officer” means and includes all persons employed in any capacity in those branches of the Public Service to which this Act applies; but does not include officers or persons

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temporarily employed in terms of sections forty-five and forty-six, or under any regulations made in pursuance of paragraph (b) of section thirty :

5 “Permanent head” means the permanent head of the Department wherein is employed any officer in connection with whom the term is used or is applicable :

“Prescribed” means prescribed by this Act or the regulations hereunder :

10 “This Act” means this Act and the regulations made hereunder.

4. (1.) Except where otherwise expressly provided herein, nothing in this Act shall apply to the Judges of the Supreme Court or to the Judge of the Court of Arbitration ; or to the Controller and Auditor-General ; or to any officer or member of the Defence Force ;  
 15 or to any person paid by fees or commission ; or to any person employed under the Police Force Act, 1908 ; or to any officer of either House of Parliament or persons employed in either of the Departments of the Legislature under the separate control of the Speakers or under their joint control ; or to persons employed in the  
 20 Railway service of the Dominion ; or to teachers, officers, inspectors, and other persons appointed and employed by Education Boards under the Education Act, 1908.

Act not to apply to certain public officers.

(2.) This Act applies to females as well as males, and words herein importing the masculine gender shall be construed to include  
 25 females.

5. Where in or by any Act, Order in Council, rule, regulation, by-law, contract, or agreement any duty, obligation, right, or power is imposed or conferred upon any officer in the Public Service (other than a responsible Minister of the Crown) in his capacity as such  
 30 officer, such duty, obligation, right, or power may be performed or exercised by any other officer whom the Chief Commissioner may have directed to perform and exercise the duties, obligations, rights, and powers of such first-mentioned officer during his temporary  
 35 absence or incapacity, in the same manner and to the same extent in all respects as the same might have been respectively performed or exercised by such first-mentioned officer ; and everything so done under the provisions of this section shall be as good and effectual for all purposes and against all persons whatsoever as if done by such first-mentioned officer.

Absent officers.

40 6. After the passing of this Act any person who obtains the assistance of, or attempts to obtain the assistance of, any Minister of the Crown or member of Parliament for the purpose of obtaining such employment in the Public Service shall be disqualified from obtaining  
 45 Public Service, obtains, or attempts to obtain, the assistance of any Minister of the Crown or member of Parliament for the purpose of obtaining promotion or any personal advantage in the Public Service shall forthwith be dismissed.

Political influence.

## PART I.

## ADMINISTRATION.

*Public Service Commissioners.*

Appointment of  
Public Service  
Commissioners.

7. (1.) For the purpose of carrying out the provisions of this Act the Governor shall appoint from outside the ranks of the Public Service a "Chief Commissioner," who shall be charged with the administration of this Act, and shall have the powers and authorities, and exercise the duties and functions, hereinafter vested in him or imposed upon him by this Act. 5

Assistant Commis-  
sioners.

(2.) The Governor shall likewise appoint from outside the ranks of the Public Service two Assistant Commissioners, who shall assist the Chief Commissioner in the administration of this Act, and such Assistant Commissioners shall be under the control of the Chief Commissioner. 10

Term of office.

(3.) The Chief Commissioner and the two Assistant Commissioners shall each be appointed for a term of seven years, and shall be eligible for reappointment. 15

Illness, suspension,  
or absence of  
Commissioner.

(4.) In case of the illness, suspension, or absence of any Commissioner the Governor may appoint a deputy to act for such Commissioner during his illness, suspension, or absence; and every such deputy shall, during the time he acts as deputy, have all the powers and authority of such member. 20

No action or  
suit against  
Commissioner.

(5.) No action or suit shall be brought or maintained against any Commissioner for any non-feasance or misfeasance in connection with the duties imposed upon him by this Act, nor shall any action, suit, or other proceeding lie, nor any costs be payable, in respect of any proceeding before the Commissioners. 25

Salaries.

(6.) The Commissioners shall respectively receive in each and every year the following salaries—the Chief Commissioner, two thousand pounds; and the Assistant Commissioners, each one thousand pounds; and such several sums shall be a charge upon and be paid out of the consolidated revenue, a special appropriation from which is hereby made for that purpose. 30

Removal of Chief  
Commissioner.

8. (1.) The Chief Commissioner may be suspended or removed for misbehaviour or incompetence, as follows:— 35

(a.) Such Chief Commissioner may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided. The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven days after such suspension if Parliament be in session and actually sitting, and, when Parliament is not in session or not actually sitting, within seven days after the commencement of the next session or sitting. 40

(b.) A Chief Commissioner suspended under this section shall be restored to office unless each House of Parliament, within twenty-one days from the time when such statement has been laid before it, declares by resolution that the said Chief Commissioner ought to be removed from 45

office; and if each House of Parliament within the said time does so declare, the said Chief Commissioner shall be removed by the Governor accordingly.

(2.) The Governor, on the recommendation of the Chief Commissioner, may suspend or remove from office the Assistant Commissioners or either of them.

9. A Commissioner shall be deemed to have vacated his office if he— Office, how otherwise vacated.

- (a.) Engages in New Zealand during his term of office in any paid employment outside the duties of his office;
- (b.) Becomes bankrupt, compounds with his creditors, or makes an assignment of his salary for their benefit;
- (c.) Absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Governor, or becomes incapable of performing his duties;
- (d.) Resigns his office, by writing under his hand addressed to the Governor;
- (e.) Permits any Minister of the Crown or member of Parliament to influence him in connection with the appointment of any person to the Public Service or in connection with the promotion or advancement of a Public servant.

*General Powers and Duties of the Commissioners.*

10. (1.) As often as necessary to carry out the directions and provisions of this Act, and insure the establishment and continuance of a proper standard of efficiency and economy in the Public Service, the Chief Commissioner shall cause each Department to be inspected; and the said Chief Commissioner or the Assistant Commissioners shall investigate the character of the work performed by every officer therein, and the efficiency, economy, and general working of such Department, both separately and in its relation to other Departments; and may, for such purpose, examine the permanent head of such Department, and such other witnesses as may appear to the Chief Commissioner or the Assistant Commissioners to be necessary. Commissioners to inspect Departments, &c.

(2.) If the Chief Commissioner at any time finds that a greater number of persons is employed in any Department than he determines to be necessary for the efficient working thereof, such persons as are in excess may (if practicable) be transferred to any other Department which in his opinion requires additional assistance; and if the persons so found to be in excess cannot be usefully and profitably employed in any other Department, their services shall be dispensed with.

(3.) The Chief Commissioner may from time to time whenever it may appear necessary increase or diminish the total number of persons to be employed, or alter the distribution of the officers, in any Department.

11. The Chief Commissioner, for the purpose of conducting any inquiry or investigation under this Act, shall have the same powers and authority to summon witnesses and receive evidence as are conferred upon Commissioners by the Commissions of Inquiry Act, 1908; and all the provisions of the said Act shall apply to witnesses so summoned, and evidence so received and given, as completely and Power of Chief Commissioner to summon witnesses.

effectually as if such witnesses had been summoned, and such evidence had been received or given, by virtue or under the authority of the said Act.

For purpose of Inquiry Chief Commissioner may delegate powers.

12. For the purpose of conducting an inquiry or investigation under the authority of this Act outside of Wellington, the Chief Commissioner may delegate any of his powers or functions to one of the Assistant Commissioners, or, with the approval of the Governor, to any fit person or persons. 5

Chief Commissioner to report on state of Public Service to Governor.

13. The Chief Commissioner shall furnish to the Governor for presentation to Parliament, at least once in each and every year, a report on the condition and efficiency of the Public Service, and of its proceedings, and indicate the changes and measures necessary in his opinion for the improved working thereof, or of any Department or subdivision thereof. The Chief Commissioner shall in such report draw attention to any breaches or evasions of this Act which may have come under notice. 10 15

## PART II.

### DIVISIONS OF PUBLIC SERVICE, AND APPOINTMENTS.

#### *Grading and Salaries of Officers.*

Chief Commissioner to grade officers and classify work.

14. The Chief Commissioner shall forthwith proceed to grade the officers employed in all Departments of the Public Service to whom this Act applies, and classify as far as practicable the work performed by or assigned to each officer or grade of officers, such grading to be within the four principal Divisions specified in section *fifteen*, and to be respectively according to fitness and to the character and importance of the work performed by or to be assigned to each officer and grade; and the Chief Commissioner shall regrade and reclassify such officers at intervals of not more than five years, commencing from the first grading made after the passing of this Act. 20 25

Divisions of Public Service.

15. The Public Service shall, for the purposes of this Act, consist of four principal Divisions, that is to say,— 30

The Administrative Division,  
The Professional Division,  
The Clerical Division,  
The General Division. 35

Administrative Division.

16. (1.) The Administrative Division shall include all persons whose offices the Governor in Council, by notification in the *Gazette*, declares to belong to such Division.

(2.) The Chief Commissioner may, whenever it appears advantageous to the Public Service so to do, certify to the Governor that it is expedient to add any office to or to abolish any office in the Administrative Division; and the Governor may, upon such certificate, but not otherwise, add any office to the Administrative Division or abolish any office therein. 40

(3.) Any person appointed to or holding any office so added to such Administrative Division shall thereupon be included in such Division. 45

Professional Division.

17. The Professional Division shall include all officers whose offices or duties require in the persons holding or performing them some

special skill or technical knowledge, usually acquired only in some profession or occupation different from the ordinary routine of the Civil Service.

18. The Clerical Division shall include all such officers as the  
5 Chief Commissioner, with the approval of the Governor, from time to  
time directs to be included in such Division, and such Clerical  
Division shall be divided into five classes. Clerical Division.

19. The General Division shall include all persons in the Public  
10 Service not included in the Administrative, Professional, or Clerical  
Divisions. General Division.

20. The officers in the Administrative Division, except in the  
case of officers paid by virtue of any Act now or which hereafter shall  
be in force, shall be paid such emoluments, salaries, and allowances  
as may be provided in the annual Appropriation Act. Salaries—Adminis-  
trative Division.

21. (1.) In the Professional Division and the General Division  
15 the officers shall be paid such emoluments, salaries, allowances, and  
wages in accordance with a fixed amount or a scale determined by the  
Chief Commissioner, and as may be provided in the annual Approp-  
riation Act. Salaries—other  
Divisions.

20 (2.) In the Clerical Division each of the five classes shall have  
the minimum and maximum salary and the annual increment  
thereto mentioned in the *Fourth* Schedule to this Act.

22. The Governor in Council may, upon the recommendation of  
25 the Chief Commissioner, from time to time, notwithstanding anything  
contained in this Act, fix the amount of salary to be paid to an  
officer at any sum within the maximum and minimum limits of the  
class of such office as determined under the provisions of this Act,  
and such sum shall be the salary attached to such office without  
annual increment. Governor in Council  
may fix salary of  
an officer.

23. No annual increment shall accrue to any salary until the  
30 officer in receipt of such salary has received the same for a period of  
twelve months. The right to receive such increment in any year shall  
depend upon the good and diligent conduct of the officer to whose  
salary such increment is attached, and if in the opinion of the per-  
35 manent head the officer is not entitled thereto, he may issue an order  
to deprive such officer of such increment, which shall in that case not  
be paid; provided that the Chief Commissioner shall, on appeal of  
such officer, confirm or disallow such order. Increment to depend  
upon good conduct.

24. If at any time the Chief Commissioner finds that any  
40 officer employed in any Department of the Public Service is in  
receipt of a greater salary than the maximum determined by him to  
be fairly appropriate to the work performed by or assigned to such  
officer, such case shall be dealt with by the Chief Commissioner  
subject to the following provisions:—

45 (a.) If, in the opinion of the Chief Commissioner, such officer  
is fitted for or capable of performing work of a class  
equivalent to the amount of his salary, and such work is  
available in the same or another Department, the Chief  
Commissioner may assign such work to such officer.

50 (b.) If, in the opinion of the Chief Commissioner, such officer is  
unfitted for or incapable of performing work of a class  
equivalent to the amount of his salary, or if such work is

Provisions where  
salary of officer in  
excess of value of  
work, &c.

not available, the Chief Commissioner shall reduce the salary of such officer to the maximum determined by the Chief Commissioner to be appropriate to the class of work actually performed by or assigned to him, and he shall have the option of continuing in the Service at such reduced salary, or of retiring therefrom. 5

(c.) If any reduction of salary under the provisions of this section is certified by the Chief Commissioner to be made on the ground only that no work equivalent to the salary previously received by the officer affected is at the time of such reduction available, and the officer affected elects to continue in the Service at such reduced salary, such officer shall remain eligible for promotion as from the grade to which his salary before reduction was incident, notwithstanding such reduction, and shall be entitled to employment on the class of work to which his previous salary was appropriate as soon as a vacancy occurs therein in preference to any other officer of the same or a lower grade whose salary has not been reduced. 10 15

Record of particulars of Public Service to be kept.

25. The Chief Commissioner shall keep a record of all persons in the Public Service, and shall record therein the Divisions in which such persons are respectively included; and with regard to the Administrative Division, Professional Division, and the General Division shall record therein a general description of the several duties of the persons included in those Divisions, their length of service, salaries, and such other particulars as may be deemed necessary; and with regard to the Clerical Division shall record therein with respect to the persons therein included, in addition to the information as aforesaid, the classification of the work severally performed by such persons; and shall from time to time cause entries to be made in such records of deaths, dismissals, resignations, promotions, and reductions, and shall in the month of April in each and every year publish in the *New Zealand Gazette* a list of persons employed in the Public Service on the thirty-first day of March immediately preceding, and the particulars with regard to each person recorded as aforesaid. 20 25 30 35

Provision for increase of importance of work or office.

26. If at any time any office or any particular work or division of work has become of greater importance, or the duties incident thereto more onerous or extensive, than at the date of the last general classification, the permanent head of the Department may draw the attention of the Chief Commissioner thereto; and the Chief Commissioner may thereupon, if he thinks fit, alter the classification of such office or work, and determine the salary appropriate thereto, and may assign such office or work either to the officer previously employed therein, with the necessary change of grade, or may treat such office or work as vacant or new, and appoint or promote thereto, under and subject to the provisions of this Act, such officer as the Chief Commissioner may think most fit and qualified therefor. 40 45

Rent may be charged to officers residing in Government buildings.

27. If any officer not entitled to quarters is allowed to use, for the purpose of residence, any building belonging to the Government, the Governor may direct that a fair and reasonable sum as rent 50



thereof be deducted from such officer's salary, and the amount of such sum shall be fixed by the Chief Commissioner.

28. The Chief Commissioner may, in the first instance, exercise (provisionally only) any of the powers and authorities by this Act conferred upon him; and, without regard to the times or periods fixed for the general grading and classification of the Public Service, may make such alterations in such grading and classification either as affecting officers or Departments as the Chief Commissioner may from time to time consider desirable.

Power of Chief Commissioner may be exercised provisionally.

29. (1.) Any officer dissatisfied with any decision of the Chief Commissioner, or of any person or persons to whom the Chief Commissioner has delegated his powers or functions, in regard to grade affecting such officer, or in regard to the classification of the work performed by him or assigned to him, or in regard to salary or promotion, or in regard to any decision or determination of the Chief Commissioner under sections fifty-five, fifty-six, and fifty-seven of this Act, may forward to the Chief Commissioner, within thirty days after such decision has been made or given, a notice of appeal setting forth the grounds of his dissatisfaction; and a Board of Appeal, constituted in the manner hereinafter set forth, shall thereupon consider such appeal and the grounds thereof, and any further evidence in relation thereto which they may deem necessary for the proper determination of such appeal, and may allow or disallow such appeal, and the decision of the Board of Appeal thereon shall be final.

Appeal.

(2.) The Board of Appeal shall consist of the following persons, that is to say:—

(a.) A Judge of the Supreme Court or a Judge of the Court of Arbitration:

(b.) The Chief Commissioner:

(c.) An officer serving in the Department of the Public Service in which the appellant is employed, and who has been elected a member of the Board of Appeal by the officers of such Department in manner hereinafter appearing.

(3.) The officers of each Department of the Public Service shall be entitled to elect an officer employed in such Department as a member of the Board of Appeal, but the member so elected shall only consider and adjudicate upon the appeals of officers in the Department to which he belongs. With respect to such election the following provisions shall apply:—

(a.) The members of each Department of the Public Service shall elect their representatives by separate ballots to be taken on the first Monday in April, nineteen hundred and ten, and on the same Monday in every third year thereafter.

(b.) If any elective member of the Board dies, or by notice in writing addressed to the Chief Commissioner resigns his office, or ceases to be a member of the Department which he represents, then and in any such case his seat shall become vacant, and a successor shall be elected, who shall hold office for the residue of the period during which his predecessor would have held the same if he had remained a member of the Board.

- (c.) The Chief Commissioner shall make regulations prescribing the manner in which ballots shall be taken ; and if any question or dispute arises as to the regularity or validity of any ballot or the voting thereat, such question or dispute shall be determined by the Chief Commissioner in such manner as he thinks fit, and his decision shall be final. 5
- (d.) Notice of the election of each departmental representative on the Board of Appeal shall be gazetted.
- (e.) Each elective member of the Board of Appeal shall be paid 10 a travelling-allowance of not less than twelve shillings and sixpence per diem when absent from his headquarters on the service of the Board.
- (4.) A Judge of the Supreme Court or the Judge of the Arbitration Court, as the case may be, shall be Chairman of the Board of Appeal. 15

*Power to make Regulations.*

General regulations.

30. (1.) The Chief Commissioner may, in addition to the powers hereinafter given as particular cases, make regulations for—
- (a.) The arrangement of the Service in its prescribed Divisions and the facilitation of the working thereof ; the classification of the work therein ; the grading of officers ; the specification and assignment of work, duties, and offices ; the determination of the order and conditions of promotion ; the regulation of the transference or exchange of duties, work, or offices ; appeals to the Board of Appeal ; the determination of amounts of rates of salary, wages, fee, or allowance appropriate to work, duties, or offices, or classes thereof ; and the regulation of the payment of such salaries, wages, fees, or allowances : 20 30
- (b.) Regulating and determining who are fit and proper persons to be employed in temporary employment, and for causing the names of such persons desiring employment to be enrolled in a register kept for that purpose :
- (c.) Regulating the hours of attendance and the conditions on which leave of absence may be granted, and the duration of such leave : 35
- (d.) Regulating the performance of and payment for extra service :
- (e.) Determining the dates, times, or periods of time at or within which shall be done all acts and things directed by this Act to be done, and in respect of which no dates, times, or periods of time may be herein specially provided : 40
- (f.) Regulating the amount and nature of the security to be given for the fidelity of officers in those cases in which the Chief Commissioner may deem it to be necessary ; and the nature and extent of any special allowances to be made to officers in respect of travelling and other necessary expenses, and generally for the maintenance of discipline, order, economy, and efficiency in the service, and the carrying-out of the objects and provisions of this Act : 45 50

- (g.) Determining the mode of procuring stores or other material or requisites for the Public Service, and providing for and regulating the inspection of stores, materials, or requisites; and examining and auditing the books and accounts of officers in charge of stores, materials, and requisites, and for taking stock thereof; and for investigating and examining all contracts, accounts, invoices, requisitions, orders, and vouchers in any way relating to stores, material, or requisites for the Public Service :
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- (h.) Facilitating and securing the better selection of suitable persons for appointment and promotion as officers belonging to the General Division employed in any Department, and retaining the services of those of such persons as are found most fit :
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- (i.) Providing for the services of those not so retained being either dispensed with or transferred to another Department or branch of the Public Service, as may be thought desirable : and
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- (j.) Providing for the admission into the Public Service in special cases to be indicated in such regulations and upon such terms and conditions as may be therein prescribed.
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(2.) The Chief Commissioner may affix to breaches of any regulations under this Act, or prescribe for minor offences against discipline, a fine or penalty not exceeding *fifty* pounds, according to the nature and gravity of the offence.

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Penalty for breach of regulations.

(3.) No regulations made hereunder shall in any manner alter or affect duties which by any Act now or hereafter to be in force are or may be required to be performed.

Effect of regulations.

#### *Examination and Appointment of Officers.*

30 31. (1.) The Chief Commissioner shall, subject to the approval of the Governor, make regulations for the competitive examination of persons desirous of admission into the Public Service, which shall prescribe—

Chief Commissioner to provide by regulation for examinations.

- 35 (a.) A preliminary medical examination as to the health of the candidates ;
- (b.) The character and standard of the examinations or tests as to acquirements and efficiency to which candidates are required to submit themselves ;
- 40 (c.) The times and places where the examinations shall be held, and the manner of holding the same ;
- (d.) A maximum and minimum age of candidates ; and
- (e.) The fee (not exceeding *ten* shillings) to be paid by candidates.

(2.) For the purposes of this section the Governor may, on the recommendation of the Chief Commissioner, appoint as many fit persons as may from time to time be required to be Examiners to conduct examinations in the prescribed manner.

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32. (1.) No person shall be admitted to the Public Service unless he is a natural-born or naturalised subject of His Majesty, and (except as hereinafter provided) unless he has successfully passed the examination prescribed.

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Qualification for appointment.

(2.) With the permission of the Governor, a person not a natural-born or naturalised subject of His Majesty may be so admitted.

(3.) Candidates for employment in the General Division shall not be required to pass any examination other than the medical examination.

Separate examinations to be held for the different Divisions.

33. Separate entrance examinations shall be held in connection with the Professional and Clerical Divisions, and shall be designed to test the acquirements, fitness, and aptitude of candidates for employment in such Divisions respectively.

Arrangement of times and places of examination.

34. The Chief Commissioner shall so arrange the times and places when and where candidates are to comply with the requirements of this Act, and present themselves for examination, that persons living in country districts shall have reasonable facility in the district in which they reside for competing for employment or passing such examinations without the necessity of attendance in Wellington.

Public notice of vacancies.

35. The Chief Commissioner shall from time to time, as additions to the Public Service are required, give public notice thereof three times in daily papers circulating in Dunedin, Christchurch, Wellington, and Auckland, stating the number of appointments proposed to be made, the Division, grade, and salary, and the time and place of examination, and the number of competitors to be admitted to such examination.

Admissions to Public Service to be on probation only.

36. Except as hereinafter provided every person admitted to the Public Service shall, in the first instance, be admitted on probation only, and may be continued in such probationary position for a period of not less than six months. After the period of such probation has expired, the Governor may, but only on the recommendation of the Chief Commissioner, based on inquiry and report, confirm or annul such appointment.

Relatives of Minister or member of Parliament.

37. No person shall be appointed to the Public Service who is related by blood or marriage to a Minister of the Crown or to a member of Parliament.

Relatives of Commissioners.

38. No person related by blood or marriage to any Commissioner shall, except with the approval of the Governor in writing, be appointed to or promoted in the Public Service while the Commissioner to whom such person is so related continues to hold office.

Governor to define limits or degrees of relationship.

39. The Governor may, by notification in the *Gazette*, define the limits or degrees of relationship within which the *two* last preceding sections shall apply.

Certificate of Chief Commissioner preliminary to appointment.

40. (1.) No appointment of any person not already in the Service to any permanent office or position therein shall be made except—

(a.) At the instance of the Chief Commissioner; or

(b.) Upon the written request of the permanent head of a Department to the Minister, to be transmitted by the Minister to the Chief Commissioner.

(2.) No such appointment shall in any case be made except upon a certificate from the Chief Commissioner that such an appointment is required.

Conditions of new appointments.

41. (1.) The Chief Commissioner, in giving the certificate in the last section mentioned, shall in addition state therein—

- (a.) The name of the person proposed to be appointed ;  
 (b.) That there is no person in the Public Service fit or qualified and available for such appointment ; and  
 5 (c.) That a competitive examination under the provisions of this Act has been held, and that the person named in the certificate is the most successful candidate ; or  
 (d.) Having regard to the nature of the appointment, that examination is not required, or may be dispensed with under the provisions of this Act.

10 (2.) The Governor may thereupon appoint the person named in such certificate, subject to the provisions of section thirty-six.

42. (1.) No person shall be appointed to the Clerical Division of the Public Service whose age at his last birthday, previous to appointment, was less than sixteen or more than thirty years, unless  
 15 such person is at the time of appointment already in the Public Service.

Age of appointees :  
Clerical Division.

(2.) No person shall be appointed to the General Division of the Public Service whose age at his last birthday, previous to appointment, was less than sixteen or (except as hereinafter provided)  
 20 more than forty years, unless such person is at the time of his appointment already in the Public Service.

General Division.

(3.) In cases of special duties the Governor may, however, on the recommendation of the Board, extend the age from forty to forty-five years.

Extension of age-limit.

25 (4.) Nothing in this section contained shall be taken to prevent the appointment of persons of any age to be junior messengers.

Age of messengers.

43. The Chief Commissioner may make regulations for facilitating the employment of women in those Departments or branches of the Public Service in which it may seem desirable to employ  
 30 them ; and such regulations may determine the salary or wages to be paid to women employed on any particular work or class of work, and may provide generally for all matters relating to the examination of female candidates for employment which may require special provision.

Regulations for appointment of women.

35 44. No married woman shall be eligible for appointment to any office in the Public Service if her husband is already employed therein, unless the Chief Commissioner certifies in each case that there are special circumstances which make such appointment desirable.

Married women, when eligible.

40 45. (1.) No person shall be permanently appointed to any office in any penal establishment, or gaol, or reformatory school, whether he is already an officer in the Public Service or not, unless and until he has served for twelve months on probation as an officer of some penal establishment, or gaol, or reformatory school.

Appointment of officers of gaols, &c.

45 (2.) No person shall be permanently appointed to any office in any hospital for the insane, whether he is already an officer in the Public Service or not, unless and until he has served for twelve months on probation as an officer of some hospital for the insane.

Appointment of officers of hospitals for the insane.

*Temporary Officers.*

Temporary officers  
may be appointed in  
cases of necessity.

46. (1.) Whenever, in the opinion of the Minister, the prompt despatch of the business of any Department renders temporary assistance necessary, and the Chief Commissioner, upon being so informed, is unable to provide such assistance from other Departments, the Chief Commissioner shall select from the persons whose names are upon the register referred to in paragraph (b) of section *thirty* such person or persons as to him appear best qualified for such work. 5

(2.) Such person or persons may be employed to perform such work for any period not exceeding three months, and, if necessary, may, with the sanction of the Chief Commissioner, be employed at the end of such period for any further period not exceeding three months, but shall not be so employed for more than three periods of three months each successively. 10

(3.) No person who has been temporarily employed in any Department shall, on the termination of his employment, be eligible for temporary employment in the Public Service during the six months next following such termination. 15

(4.) The services of any person employed temporarily may be dispensed with at any time by the Chief Commissioner. 20

Public works.

47. (1.) Notwithstanding the provisions hereinbefore contained, the Minister may, with the sanction of the Chief Commissioner, in the case of temporary work, in the carrying-out of any public work or scheme (if he considers that, for the public interest, the provisions of the *last preceding* section should not apply to such work or scheme) order that the temporary employment upon such work or scheme shall be until the completion of the same. 25

Government Print-  
ing Office and  
Census returns.

(2.) Any person may, upon the recommendation of the Chief Commissioner, be temporarily employed in the Government Printing Office, or in the preparation of the Census returns, for such time as may be necessary. 30

*Appointment of Retired Officers.*

Retired officers may  
be appointed.

48. Notwithstanding anything in this Act contained, the Chief Commissioner may recommend for any vacancy any officer who has been retired from the Public Service under this Act, and such officer may be appointed without examination or probation; provided that the officer so recommended has not at the time of such recommendation attained the age of sixty years. 35

## PART III.

## INTERNAL ADMINISTRATION.

*Internal Administration—Promotions, &c.*

49. All promotions in and appointments to the Administrative Division shall, as far as practicable, and subject to the provisions of this Act, be from such Administrative Division, or from the higher grades of the Professional or Clerical Divisions, and shall be made with regard to special qualifications and aptitude, as well as to seniority in grade or duration of service, seniority being subordinated to considerations of special fitness.

Order of promotions, &c.

50. There shall be two series of grades in the Professional and Clerical Divisions, called the higher and the lower grades; and all officers engaged in the performance of work entitling them to a salary of three hundred pounds per annum and upwards shall be deemed to be included in the higher grades of such Divisions, and all officers engaged in the performance of work entitling them to a salary of less than three hundred pounds per annum shall be deemed to be included in the lower grades of such Divisions respectively.

Higher and lower grades.

51. (1.) Whenever any vacancy occurs in any office or class of work within the higher and lower grades respectively of the Professional or Clerical, or in the General Division, if it is expedient to fill such vacancy, the Governor may, on the recommendation of the Chief Commissioner, appoint—

How vacancies to be filled.

(a.) Any officer of the Department in which such vacancy occurs (regard being had to the relative seniority and fitness respectively of the officers of such Department), if it appears that such appointment would result in the duties of such office being more efficiently performed than by selecting an officer from any other Department; or

(b.) Any officer from any other Department whom (on the ground of seniority combined with fitness) it appears desirable so to appoint.

(2.) "Fitness" in this section means special qualifications and aptitude for the discharge of the duties to the office to be filled.

(3.) All promotions or appointments under this section shall, as far as practicable, and subject to the provisions of this Act, be from the same grade as that in which the vacancy occurs, or from the immediate inferior grade in the same series of grades or Division, or from equivalent grades in some other Division, so that such promotions or appointments are from a junior to a senior position in the same grade, or from an inferior to an immediately superior grade in the same or a corresponding series of grades.

52. (1.) No person entering the service on or after the passing of this Act shall be eligible for promotion from the lower to the higher grades of the Professional and Clerical Divisions unless he has passed the examination prescribed by the Chief Commissioner as preliminary to admission to those grades.

Examination before promotion to higher grades of Professional and Clerical Divisions.

(2.) The Chief Commissioner shall from time to time, as may appear necessary, cause examinations for promotions from the lower

to the higher grades in the Professional and Clerical Divisions to be held by the Examiners appointed under the provisions of section thirty-one, which examinations shall be open to all officers employed in the lower grades of the Professional and Clerical Divisions who, at the date on which they present themselves for examination, have been at least three years in the Public Service; and the names of the persons who have passed the required standard of examination shall be registered by the Chief Commissioner; and all vacancies in the higher series of grades in the two Divisions mentioned which it may be considered expedient to fill, and which subject to the provisions of this Act may be filled from a lower series of grades, shall be filled by the appointment of those officers whose names appear in the register aforesaid.

Chief Commissioner may allow officer to decline promotion.

53. The Chief Commissioner may in any case allow any officer to decline any offered promotion or appointment without prejudice to his right to any future promotion or appointment to which his grade and order of seniority and merit would, under the provisions of this Act, entitle him; but no officer shall be allowed to refuse compliance with any order of the Chief Commissioner directing his removal from one position to another, or from one Division or Department to another; and disregard of, or disobedience to, any such order shall be followed by dismissal, unless the officer concerned justifies such refusal, in the judgment of the Chief Commissioner, by adducing some valid and sufficient reason therefor.

Minister or permanent head may propose changes of officers or rearrangement of work.

54. When it appears to the Minister or permanent head of any Department necessary or expedient for the more economic, efficient, or convenient working of such Department, or any branch thereof, that any particular disposition of officers and rearrangement of work should be affected, the matter shall be referred to the Chief Commissioner for consideration and action:

Provided that nothing in this Act contained shall be construed as restricting the ordinary and necessary departmental authority of such Minister or permanent head of any Department with respect to the direction and control of officers and work.

#### *Dismissals, Removals, &c.*

Punishment of offences.

55. (1.) If any officer permanently employed in the Public Service—

- (a.) Is guilty of any breach of the provisions of this Act, or the regulations made thereunder; or
- (b.) Is guilty of leaving the final judgment of any Court of law for the payment of any debt unsatisfied for the period of one month; or
- (c.) Is guilty of any misconduct; or
- (d.) Is guilty of habitually using intoxicating beverages to excess; or
- (e.) Is guilty of any wilful disobedience or disregard of any lawful order made or given by any person having authority to give such order; or
- (f.) Is negligent or careless in the discharge of his duties; or
- (g.) Is inefficient or incompetent, and such inefficiency or incompetency appear to arise from causes within his own control; or



(h.) Is guilty of any disgraceful or improper conduct, he shall be liable to dismissal or such other punishment as may be determined upon under the provisions of this section.

5 (2.) Any officer, not being an officer included in the Administrative Division, charged with the commission of any such offence may be dealt with in one of the modes following:—

10 (a.) In emergent cases he may be temporarily suspended by the senior officer of the branch in which the offending officer is employed; but such suspension shall be immediately reported to the permanent head of the Department.

15 (b.) The permanent head, if he is of opinion, after hearing such officer in his defence, that the alleged offence has been committed, but is not of so serious a nature that a report thereof should in the course of his duty be made to the Chief Commissioner, may reprimand or caution such officer only, and thereupon remove the suspension.

20 (c.) The permanent head may, if he considers the offence is of so serious a nature that a report thereof should in the course of his duty be made to the Chief Commissioner, suspend such officer; and forthwith report him to the Chief Commissioner, and if such officer does not in writing admit the truth of the charges made against him, the Chief Commissioner shall inquire as to the truth of such charges; or, if the Chief Commissioner is of opinion that it is desirable that any such charges should be inquired into by some persons specially appointed for the purpose, he may communicate his opinion to the Governor, who may thereupon appoint one or more persons to inquire as to the truth of such charges. Any such person or persons so appointed for such purpose shall have the same powers as the Chief Commissioner to summon and examine upon oath any witnesses whose evidence may be necessary or material, and shall, after fully hearing the case, report to the Chief Commissioner their opinion thereon.

35 (d.) If any such charges are admitted as aforesaid, or are found by the Chief Commissioner or by the person or persons appointed as aforesaid to be proved, the Chief Commissioner may, according to the nature of the offence, reduce such officer to a lower grade in the Public Service, or to a lower salary, or fine him, or deprive him of his leave of absence during such time as the Chief Commissioner thinks fit, or may dismiss such officer from the Public Service, or require him to resign; and, unless the Chief Commissioner otherwise orders, such officer shall forfeit all salary or wages except such as may have been due before his suspension.

45 (e.) If such charges are found by the Chief Commissioner or by persons appointed as aforesaid not to be proved, the suspension shall be immediately removed.

50 56. If any officer in the Administrative Division is charged with any of the offences enumerated in section fifty-five, the Minister may

Offences by officers  
in Administrative  
Division.

suspend such officer, and report the charge and suspension to the Chief Commissioner; and thereupon the Chief Commissioner shall inquire into the truth of the charge and deal with the matter in the manner provided in paragraphs (c), (d), and (e) of section fifty-five.

Chief Commissioner  
may initiate inquiry  
into misconduct.

57. If it comes to the knowledge of the Chief Commissioner that any officer is guilty of any conduct which in the opinion of the Chief Commissioner renders him unfit to continue in the Public Service, the Chief Commissioner may initiate an inquiry into the case, and for that purpose shall summon the officer concerned before him, and shall specify the charge against him and receive evidence thereon, and in all other respects deal with the charge as though it had arisen under the provisions of either of the *two* last preceding sections. 5

As to officers whose  
address is unknown.

58. In the event of the address for the time being of any officer being unknown to the Chief Commissioner, all notices, orders, or communications relative to any charges against such officer shall be posted to the last known address of such officer, and compliance with this section shall be deemed a sufficient service on such officer of any such notice or order : 15

Provided that if, within any time specified in such notice, order, or communication, no answer is received by the Chief Commissioner to an inquiry asking whether the officer admits the truth of any charges brought against him, he shall be deemed to deny the truth of such charges, and the Chief Commissioner may inquire into and deal with such charges in the absence of the officer affected. 20

Procedure at  
inquiries.

59. Neither officers nor Departments shall be entitled to be represented by counsel, attorney, or agent at inquiries held by the Chief Commissioner. The Chief Commissioner, or any persons appointed under the authority of paragraph (c) of subsection *two* of section fifty-five, when inquiring as to the truth of any charge made against an officer, may conduct the inquiry without regard to legal forms, and shall direct himself or themselves by the best evidence he or they can procure, or that is laid before him or them, whether the same be such evidence as the law would require or admit in other cases or not; and the Chief Commissioner or such persons (as the case may be) may receive or reject, as he or they deem fit, any evidence that may be tendered. The Chief Commissioner shall keep a complete record of all such inquiries, which shall afterwards be available for reference. 25

Dismissal for felony,  
&c.

60. (1.) If any officer is convicted of any crime which prior to the coming into operation of the Criminal Code Act, 1893, would have been classed as a felony, or of any infamous offence, he shall be summarily dismissed. 30

Services  
dispensed with for  
fraudulent  
bankruptcy.

(2.) If he becomes bankrupt, or applies to take the benefit of any Act now or hereafter in force for the relief of insolvent debtors, or makes an assignment for the benefit of his creditors, he shall be deemed to have committed an offence within the meaning of this Act, and his services shall thereupon be dispensed with, unless he prove to the satisfaction of the Chief Commissioner that his pecuniary embarrassment has not been caused or attended by any fraud, extravagance, or dishonourable conduct. 35

61. Where, on the date of the passing of this Act, any Act or the regulations under any Act other than the Civil Service Act, 1908, specifically imposed or conferred upon any officer in the Public Service any duty, power, or authority to be exercised in connection with any Department of the Service, such duty, power, or authority, and any obligation or right to exercise the same, shall remain unaffected by this Act, except in so far as such duty, power, or authority relates to the classification, salary, and allowances of officers or persons employed in the Public Service.

Statutory powers and duties of officers confirmed in certain cases.

62. If any officer in the Public Service is at any time found unfit to discharge or incapable of discharging the duties of his office, and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part or from causes within his own control, the Governor may, on the recommendation of the Chief Commissioner, cause the retirement of such officer upon such terms as the Governor shall think fit.

Services of incapable officer may be dispensed with.

63. The Secretary to the Treasury, on receiving notice of any pecuniary penalty imposed upon any officer under the authority of this Act, shall cause the amount thereof to be deducted from the salary of the officer incurring such penalty.

Fines to be stopped from salary.

64. Nothing in this Act shall be construed or held to abrogate or restrict the right or power of the Crown, as it existed before the passing of the Civil Service Act, to dispense with the services of any person employed in the Public Service.

Right of Crown to dispense with services of any public servant.

25

#### *Retiring-age of Officers.*

65. (1.) Every officer in the Public Service, whether appointed before or after the commencement of this Act, and whether he has attained the age of sixty years before or after the commencement of this Act, shall be entitled, if he desires so to do, having attained the age of sixty years, to retire from the Public Service.

Officers between sixty and sixty-five years of age entitled or may be called upon to retire.

(2.) Any such officer may (unless called upon to retire as hereinafter provided) continue in the Public Service until he attains the age of sixty-five years.

(3.) If any such officer continues in the Public Service after he has attained the age of sixty years, he may, at any time before he attains the age of sixty-five years, be called upon by the Governor, acting upon the recommendation of the Chief Commissioner, to retire; and every such officer so called upon to retire shall retire accordingly.

66. (1.) Every officer, whether appointed before or after the commencement of this Act, if he attains the age of sixty-five years after the commencement of this Act, shall retire immediately on attaining that age, unless he is required, notwithstanding his age, to continue to perform his duty in the Public Service as hereinafter provided, and is willing so to do.

Officers on attaining the age of sixty-five to retire unless called upon to continue.

(2.) The Governor may, notwithstanding that any officer has attained the age of sixty-five years (if the Chief Commissioner certify that in the interests of the Public Service it is desirable that such officer should continue in the performance of the duties of his office,

Officers of age of sixty-five may be continued in Public Service by Governor.

or of any office in the Public Service to which he may be appointed and if such officer be able and willing to do so), from time to time direct such officer to continue in the Service for such fixed time, not exceeding twelve months, as the Governor in each case directs, or during pleasure.

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*Private Employment of Officers.*

Officers not to engage in commercial pursuits or practice of professions.

67. (1.) Except with the express permission of the Governor signified by notice published in the *Gazette*, which permission may be at any time withdrawn, no officer shall—

- (a.) Accept or continue to hold or discharge the duties of or be employed in any paid office in connection with any banking, insurance, mining, mercantile, or other commercial business, whether the same be carried on by any corporation, company, firm, or individual; or 10
- (b.) Engage in or undertake any such business, whether as principal or agent; or 15
- (c.) Engage in or continue in the private practice of any profession.

Officers to notify Chief Commissioner if engaged in any private employment.

(2.) If any officer is the holder of any office or is engaged in any employment whatsoever other than in connection with the duties of his office under the Crown, he shall at once notify the fact to the Chief Commissioner. 20

(3.) If, in the opinion of the Chief Commissioner, such first-mentioned office or employment interferes with the due and proper discharge of his public duties, the Chief Commissioner shall require such officer to resign such office or abstain from engaging in such employment. 25

(4.) Any officer failing to comply with the requirement of the Chief Commissioner shall be deemed guilty of misconduct within the meaning of section fifty-four hereof. 30

*Notices of Appointments, Promotions, &c.*

Promotions, retirements, &c., to be gazetted.

68. (1.) All notices of appointments, promotions, transfers, retirements, and removals of officers under this Act shall be published in a special *Gazette* to be issued weekly.

(2.) Notification of every appointment shall appear in the *Gazette* within fourteen days from the date from which the appointment is to take effect, otherwise such appointment shall not be considered as valid for any purpose under this Act, and every such notice shall be deemed and taken to be conclusive evidence of every such appointment, retirement, or removal respectively. 35 40

PART IV.  
MISCELLANEOUS.

69. (1.) No pension, superannuation, or other annual retiring-allowance of any kind or character whatsoever shall be granted to  
5 any person retiring from the Public Service, excepting in accordance with the provisions following, that is to say,—

(a.) No such pension, superannuation allowance, or other annual retiring-allowance shall be granted without the knowledge  
10 of the General Assembly.

(b.) Where any person retires from the Public Service, or from  
15 any cause whatever ceases to be employed in such Service, it shall not be lawful to grant or allow to such person any pension, superannuation allowance, or other annual retiring-allowance unless and until the proposal to grant such pension or allowance has been notified to the  
General Assembly in Parliament assembled.

(c.) At the same time that any such notification is made there  
20 shall be placed before the General Assembly an official report by the Controller and Auditor-General upon the case of the person affected by such notification; and no action shall be taken to procure the granting of the pension, superannuation allowance, or other annual retiring-allowance referred to in such notification and report until the end of the session of the General Assembly during  
25 which such notification and report are given and made.

(d.) In case any person enjoying any superannuation or retiring  
30 allowance is appointed to fill any office in any public Department, or in any other way becomes the recipient of money paid out of the public revenue by way of salary and allowance, such superannuation or retiring allowance shall cease to be paid for any period subsequent to such appointment during the time that he holds the same, if the annual amount of the  
35 profits of the office or other appointment or emolument to which he has become entitled are equal to those of the office formally held by him; and if they are not equal to those of his former office, then no more of such superannuation or retiring allowance shall be paid to him than what, with the salary of his new appointment or other emolu-  
40 ment, is equal to that of his former office.

(2.) Nothing in this section shall be deemed to refer to the  
45 superannuation allowance granted or to be granted to any Judge of the Supreme Court or Court of Arbitration under the respective Acts authorising the same, or to any retiring or other allowances granted out of the respective funds established under the Public Service Classification and Superannuation Act, 1908, the Government Railways Act, 1908, the Police Force Act, 1908, or the Education Act, 1908.

Pensions only  
granted hereunder

General Assembly  
to be notified of  
intention to grant  
pension.

Report on case to  
be laid on table.

Provision when  
person in receipt of  
pension holds  
public office.

Allowances to which  
section does not  
apply.

Former provisions as to deduction from salaries continued as to certain officers.

70. (1.) Notwithstanding the passing of this Act, but subject to the provisions of Part II of the Public Service Classification and Superannuation Act, 1908, the officers who on the coming into operation of this Act are subject to the provisions of the Civil Service Reform Act, 1886, relating to deductions from salary, or are subject to the provisions of the Civil Service Insurance Act, 1893, shall continue to be subject thereto in like manner as if those provisions were not repealed. 5

(2.) For convenience of reference the aforesaid provisions are set out in the *Second* Schedule hereto. 10

(3.) Subsection *one* hereof shall, in so far as relates to the Civil Service Insurance Act, 1893, apply also to persons who, pursuant to the Public Service Classification and Superannuation Act, 1908, are hereafter deemed to be officers permanently appointed by reason of five years' service, and who would have been subject to the first-mentioned Act if it were not repealed. 15

Rights of certain officers under Civil Service Act, 1866, to superannuation allowances.

71. (1.) Where on the coming into operation of this Act any officer of the Civil Service has, under the Civil Service Act, 1866, or any other Act relating to the Civil Service, an absolute or contingent right, claim, or interest to a superannuation allowance or to compensation for loss of office, such right, claim, or interest shall not be affected by the passing of this Act. 20

(2.) The provisions of the Civil Service Act, 1866, and of Acts amending the same relating to superannuation allowances and compensation for loss of office in force with regard to any officer to whom this section applies are for convenience of reference set out in the *Third* Schedule hereto. 25

Act to be construed subject to certain enactments.

72. This Act shall be construed subject to the provisions of the Public Service Classification and Superannuation Act, 1908, which are not repealed by this Act. 30

No claim for compensation of salary reduced or services dispensed with.

73. Except as in this Act provided, no officer in the Public Service shall be deemed to be entitled to any compensation by reason of any reduction of his salary, or in consequence of his services being dispensed with. 35

Publication of regulations.

74. All regulations made by the Chief Commissioner, and any repeal, alteration, or amendment of the same, shall, as soon as they have been approved by the Governor and published in the *Gazette*, have full force and effect, and such regulations shall be laid as soon as may be before both Houses of Parliament. 40

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## SCHEDULES.

Schedules.

## FIRST SCHEDULE.

## REPEAL OF ACTS.

| Title or Short Title.  | Extent of Repeal.   |
|--|---|
| The Civil Service Act, 1908 ... ..                             | The whole Act.  |
| The Public Service Classification and Superannuation Act, 1908 | Sections 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, and subsection (2) of section 16. |
| The Post and Telegraph Act, 1908 ... ..                        | Sections 190, 191, 192, 193, 194, 195, 196, 197, and 199.                     |

## SECOND SCHEDULE.

## CERTAIN ENACTMENTS CONTINUED IN FORCE WITH REGARD TO CERTAIN OFFICERS.

*The Civil Service Reform Act, 1886: Sections 11 and 12.*

11. Out of the salary of every Civil servant hereafter appointed there shall be deducted the sum of five per centum per annum, which said sum, with all interest which may accrue thereon, shall be paid into a separate fund to the Public Trustee, to be invested at interest on such security as the Public Trust Office shall approve. It may invest the same along with other sums, but a separate account shall be kept for the amount paid to the credit of each such officer, and no sums to the credit of any Civil servant shall be attached for debt or be deemed an asset in the event of his bankruptcy.

12. On retirement from the service, from whatever cause except the commission of a crime, there shall be paid to the Civil servant the amount to his credit in the Public Trust Office, or in case of his or her death the amount as may be directed by his or her will, and in the absence of such will, then according to the law for the time being in force regulating the distribution of the estates of persons dying intestate:

Provided that in case of retirement from the service on account of the commission of a crime the amount to his or her credit may, after paying any defalcations he or she may have made, be paid to his wife or her husband, as the case may be, and in the event of there being no wife or husband, then to any children of him or her:

Provided further that the said sums to the credit of the Civil servants may be supplemented from time to time by the appropriation of the General Assembly, and such sums so supplemented shall be appropriated as determined by the Appropriation Act or by rules approved of by the Governor in Council.

*The Civil Service Insurance Act, 1893: The whole Act.*

1. The Short Title of this Act is "The Civil Service Insurance Act, 1893," and it shall come into operation on the first day of January, one thousand eight hundred and ninety-four, save that nevertheless all sections hereof necessary for regulating the administration of this Act shall be deemed to be in force as from the passing hereof.

2. Subject to the provisions of this Act, sections eleven and twelve of "The Civil Service Reform Act, 1886," are hereby repealed.

3. This Act shall apply, *mutatis mutandis*, to females as well as to males, and words herein importing the masculine gender shall be construed to apply to and to include females.

4. Except as provided by this Act, nothing herein shall apply to—

- (1.) Responsible Ministers of the Crown;
- (2.) Judges of the Supreme Court;
- (3.) The Speaker or Chairman of Committees of either House of the General Assembly;

- (4.) The Agent-General of the colony in London ;
- (5.) Officers, non-commissioned officers, and men of the Defence Force ;
- (6.) Postmasters not permanently and exclusively employed in the Civil Service ;
- (7.) Railway servants in permanent employ as such ;
- (8.) Persons employed in the public service paid by fees or commission as their sole remuneration or in lieu of salary ;
- (9.) Persons employed in manual labour, mechanics, artificers, and persons permanently employed in the Government Printing Office ;
- (10.) Women and girls employed in the telegraph or telephone service of the Government ;
- (11.) Persons holding any honorary office, or employed for temporary service only.

5. In this Act,—

“Officer” means any person employed in any permanent capacity, and paid an annual salary out of the public moneys :

“Regulations” means regulations made under this Act :

“Salary” means the money annually appropriated by Parliament, whether in one or several sums, payable to an officer as remuneration for his services, not including fees or allowances :

“This Act” includes all regulations made thereunder.

6. The Governor, by Order in Council, from time to time may make, alter, or revoke any regulations required for the due administration of this Act, and for all matters in relation thereto.

7. Every person appointed to the Civil Service under “The Civil Service Reform Act, 1886” (herein referred to as “the said Act”), or hereafter appointed thereto, shall retire therefrom on his attaining the age of sixty years ; but the Governor in Council may nevertheless require any such officer who has attained such age to continue to perform his duties unless he shall be unfit to do so by reason of ill health or other sufficient cause.

8. Every officer hereafter appointed to the Civil Service shall, on his appointment thereto, be required to effect a policy on his life, providing for the following combined benefits :—

- (1.) The payment of a sum of money on the death of such officer should it occur before he attains the age of sixty years ; and,
- (2.) The payment to such officer of an annuity until death should he survive the age of sixty years.

And every such policy shall be effected with the Government Insurance Commissioner appointed under “The Government Insurance and Annuities Act, 1874,” and on such terms and conditions, precedent or otherwise, as may from time to time be made by regulations under this Act.

Nothing in this section contained shall prevent any such officer as aforesaid from paying such additional premiums as may be necessary to make the amount assured under subsection one of this section payable at death whenever it may happen.

9. Every officer who, before the commencement of this Act, has been appointed to the Civil Service under the said Act may, at his option, and within such period and subject to such conditions as shall be determined by regulations, be brought under the provisions of the last preceding section, and shall then be entitled to the benefit and advantage thereof accordingly, and the amount standing to his credit under the said Act shall be paid by the Public Trustee to the Government Insurance Commissioner, who shall apply the same for or towards an increase of the annuity provided by the policy effected on his life under section eight. In any such case the provisions of sections eleven and twelve of the said Act shall cease to be applicable to any such officer.

10. (1.) With respect to officers who have been appointed as last aforesaid, and who may not elect to avail themselves of the provisions of section eight of this Act ; and

(2.) With respect to officers who may hereafter be appointed to the Civil Service, and have attained a certain age, to be determined by the Governor in Council, which would render it expedient or impossible that they should effect policies providing for the combined insurance and annuity benefits as aforesaid :

Every such officer shall elect, within such period as may be determined by the Governor in Council, either to have the deductions provided for in section eleven of



the said Act accumulated in the Public Trust Office, in which case the provisions of sections eleven and twelve of the said Act shall remain in full force with respect to such officer, or to have such deductions applied, together with the amount accumulated at his credit in the Public Trust Office, towards the payment of the premiums on a policy issued under the Acts and regulations in force relating to the Government Life Insurance Department.

11. Nothing in this Act contained shall be construed to annul, limit, or repeal the provisions of sections six to thirteen of "The Government Insurance and Annuities Act, 1874."

12. From the salary of every officer who shall effect a policy in accordance with the provisions of section eight there shall be deducted a sum of money according to the rate of his salary, as set forth in the Schedule appended to this Act; and every such deduction shall be paid into the Government Insurance Account and treated as the premium for such policy.

13. No policy effected as aforesaid, or the moneys secured thereby, including bonuses, shall, during the time such person remains in the Civil Service, be assignable either at law or in equity, or be mortgaged or charged in any way, wholly or in part, nor shall the same or any part thereof be attachable or liable to be taken in execution in any way.

14. The Acts in force relating to the Government Life Insurance Department shall be deemed to authorise the Government Insurance Commissioner to enter into any contracts under those Acts that may be necessary to give effect to this Act, with such provisions, variations, and modifications as may be necessary for that purpose; and regulations and tables may from time to time be made, altered, or varied under those aforesaid Acts for all or any of the purposes hereinbefore mentioned.

15. When, after the commencement of this Act, the services of any officer are dispensed with from any cause whatever other than his own default or misconduct, compensation shall, subject, however, to the following provisions of this Act, be paid in accordance with the provisions hereinafter contained:—

- (1.) If the officer was in the Civil Service prior to the passing of the said Act he shall be entitled to be paid such compensation as he would have been entitled to if this Act had not been passed.
- (2.) If the officer has been appointed to the Civil Service under the said Act, and
  - (a.) Has elected, in terms of section ten of this Act, to have the deductions made as required by section eleven of the said Act, he shall, subject to the provisions of the said Act, be entitled to be repaid the amount standing to his credit under the said Act:
  - (b.) Has effected a policy on his life in terms of sections eight, nine, or ten of this Act, he shall, subject to regulations respecting surrender values, be entitled to be paid the surrender value of his policy effected under this Act, unless he shall elect to continue the premiums thereon.

16. If any officer appointed under the said Act shall through no fault of his own become permanently incapacitated from further work, there shall be granted a sum equal to one month's salary for each year of service, the conditions of such permanent incapacity to be determined in accordance with regulations made under this Act.

17. Nothing in section fifteen shall be deemed to prevent the dismissal of any officer under the said Act for misconduct, or on the commission of a crime which would justify such dismissal; but notwithstanding his dismissal every such officer shall on retirement be entitled to be paid the surrender value of his policy effected under this Act.

18. If any officer appointed to the Civil Service prior to the passing of the said Act is dismissed therefrom for misconduct, he shall lose all right to compensation for loss of office; but the Minister may direct that the whole or any part thereof shall be paid to him, or to trustees for the benefit of his wife and children.

19. Subject to the foregoing provisions of this Act,—

- (1.) The Public Trustee shall forthwith pay any officer on retirement from the Service, or in case of his death shall pay his personal representatives, the amount then standing to his credit in the Public Trust Office:
- (2.) No assignment, charge, or other disposition made by any officer of moneys so standing to his credit in the Public Trust Office shall be valid or effectual in law or in equity; nor shall any such moneys be attachable or liable to be taken in execution by the process of any Court, or be available for distribution among the creditors of such officer in case of his bankruptcy:

(3.) The Government Insurance Commissioner shall forthwith pay any officer, on retirement from the Service, the surrender-value of his policy (if any) effected under this Act:

(4.) The Colonial Treasurer shall issue and pay all sums required by this Act to be paid out of the Consolidated Fund without further appropriation by Parliament.

20. The Governor from time to time, by Order in Council, may bring under this Act, upon a requisition signed by not less than two-thirds of the members of any such class or classes respectively, any or all the classes of persons hereunder mentioned, and may prescribe regulations for the adaptation of this Act, with such modifications or limitations thereof as may be required for such adaptation to the circumstances of each class of such persons, or to the respective ages of the persons in any such class:—

- (1.) All members of the Police Force;
- (2.) All school-teachers under "The Education Act, 1877";
- (3.) All women and girls employed in the telegraph or telephone service of the Government;
- (4.) All persons permanently employed in the Government Printing Office;
- (5.) All housekeepers, messengers, and gardeners in the permanent employment of the Government;
- (6.) All wardens of prisons, lunatic asylums, or sanatorium attendants, criers of Court, bailiffs, post-office distributors and telegraph-message boys, light-house-keepers, boatmen, labourers, and other persons in the permanent employment of the Government;
- (7.) All clerks, artisans, workmen, and other persons in the temporary employment of the Government;
- (8.) Officers, non-commissioned officers, and men of the Defence Force.

#### SCHEDULE.

##### DEDUCTIONS FOR POLICIES.

| Salary per Annum.           | Annual Deduction from Salary. |
|-----------------------------|-------------------------------|
|                             | £ s. d.                       |
| Under £150 .. .. .          | 5 0 0                         |
| £150 and under £200 .. .. . | 7 10 0                        |
| £200 " £250 .. .. .         | 10 0 0                        |
| £250 " £300 .. .. .         | 12 10 0                       |
| £300 " £350 .. .. .         | 15 0 0                        |
| £350 " £400 .. .. .         | 17 10 0                       |
| £400 " £450 .. .. .         | 20 0 0                        |
| £450 " £500 .. .. .         | 22 10 0                       |
| £500 " £550 .. .. .         | 25 0 0                        |
| £550 " £600 .. .. .         | 27 10 0                       |
| £600 " £650 .. .. .         | 30 0 0                        |
| £650 " £700 .. .. .         | 32 10 0                       |
| £700 " £750 .. .. .         | 35 0 0                        |
| £750 " £800 .. .. .         | 37 10 0                       |
| £800 .. .. .                | 40 0 0                        |

#### THIRD SCHEDULE.

CERTAIN ENACTMENTS RELATING TO SUPERANNUATION ALLOWANCES AND COMPENSATION FOR LOSS OF OFFICE CONTINUED IN FORCE WITH REGARD TO CERTAIN OFFICERS.

*The Civil Service Act, 1866: Sections 12 and 29 to 42.*

##### PART II.—ALTERATION OF OFFICES.

\* \* \* \* \*

XII. When the services of any officer are dispensed with in consequence of the abolition of the office he holds or otherwise and not through any fault of his own he shall as compensation receive for each year of service one month's salary according to the rate paid him at the time of such abolition and a proportionate

sum for any additional period less than a year. Such officer shall have a preferent claim subject to consideration as in the case of promotion to employment when a vacancy occurs in any class not superior to the class he occupied at the time of the abolition of his office. Provided always that the amount of compensation so paid shall in no case exceed the amount of salary which would have accrued to such officer between his former and subsequent appointment. Provided also that in the case of the abolition of the office after the passing of this Act and before the date of the classification under it the holder of such office shall have a similar claim to employment when a vacancy occurs in any class not superior to the class in which it is considered he would have occupied at the time of the abolition of his office. Provided further that when an officer has received compensation for the abolition of his office he shall not be entitled in the event of his re-employment to reckon in the computation of his retiring allowance the time during which he was employed previously to such abolition in the service unless he shall first repay the amount received by him as such compensation or such proportion thereof as the Governor in Council may determine.

PART V.—SUPERANNUATION AND ALLOWANCES.

XXIX. The Acts respectively intituled "The Civil Service Superannuation Act 1858" and "The Civil Service Amendment Act 1861" are hereby repealed save and provided that nothing in this Act shall prejudice or affect the rights under those Acts or either of them of persons appointed to offices before the passing of this Act.

XXX. Whereas the New Zealand Company effected the early colonisation of a large portion of New Zealand and was for some time entrusted by the Imperial Parliament with the administration of the Waste Lands of the Crown in the then Province of New Munster in this Colony officers and other persons who have been in the employment of that Company and who are now in the Civil Service of Colony shall be entitled to reckon in the computation of their retiring allowance the time during which they were in the employment of such Company.

XXXI. Any officer now in the Colonial Civil Service who shall have been formerly in any Provincial Civil Service and has not left that service or been called on to resign for misconduct shall be entitled to reckon in the computation of his retiring allowance the time during which he was in such Provincial Service.

XXXII. When any officer after the passing of this Act (except as hereinafter provided) has attained the full age of sixty years he shall thereupon retire from active service upon a superannuation allowance.

XXXIII. Any officer who at the passing of this Act has attained or within ten years thereafter shall have attained the age of sixty years if or as soon as he shall have been fifteen years in the Civil Service of New Zealand and if he has not received any other compensation or retiring allowance in respect of such service shall retire from active service on an annual allowance of half the average annual salary received by him during the two years preceding his superannuation.

XXXIV. The Governor in Council may nevertheless require any officer who would otherwise retire as aforesaid notwithstanding his age to continue to perform his duties.

XXXV. When any officer desires to retire from active service and has not attained the full age of sixty years if he produce medical evidence satisfactory to the Governor in Council that he is incapable from infirmity of mind or body to discharge the duties of his office and that such infirmity is likely to be permanent the Governor in Council may permit such officer to retire accordingly upon a superannuation allowance as hereinafter provided. Provided always that if any officer shall before the passing of this Act have attained the full age of sixty-four years and shall have been twelve years in the Civil Service and shall produce such medical evidence to the effect aforesaid the Governor in Council may permit such officer to retire accordingly upon an allowance of two-fifths of the average annual salary received by him during the two years preceding such superannuation.

XXXVI. If the Governor in Council require any officer to resume his duties in his former office or in any other office for which he is qualified and if such officer be in such a state of health as to be able to perform such duties and if he decline to undertake such duties or neglect duly to perform the same such officer shall forfeit his right to the superannuation allowance which had been granted to him and in case any person enjoying any superannuation or retiring allowance under this Act shall be appointed to fill any office in the Civil Service 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

formally 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.

XXXVII. Every superannuated officer (except as hereinbefore expressly provided) whether his remuneration be computed by day pay weekly wages or annual salary shall receive in respect of such superannuation the following annual allowance (that is to say) after ten years' service and under eleven years' ten-sixtieths of the average annual salary received by him during three years preceding his superannuation after eleven and under twelve years' service eleven-sixtieths of such annual salary and in like manner for each additional year of service in addition to his annual allowance of one-sixtieth of such salary until he has completed the full term of service of forty years but the total amount of any superannuation allowance shall in no case exceed forty-sixtieths of the salary on which the allowance is computed.

XXXVIII. If any officer without his own default and in the active discharge of his public duty receives such bodily injury as to incapacitate him from the discharge of his duties the Governor in Council may grant to such officer an allowance not exceeding his then rate of salary.

XXXIX. If any officer shall be killed or die from bodily injury received without his own default in the active discharge of his public duty the Governor in Council may grant to the widow or children or at his discretion to any other relations of such officer an allowance not exceeding one year's pay at the average annual salary he was receiving during the two years preceding his death.

XL. If any officer shall die while in the public service the Governor in Council may grant to his widow or children or to such persons as the Governor may direct in trust on her and their behalf a gratuity not exceeding two months' pay at his then rate of salary for each year of service. Provided that such gratuity shall not exceed one year's salary except in consideration of special or lengthened services rendered by any such deceased officer or of any other special circumstances but in any such special case the gratuity to be allowed shall not exceed two years' salary. Provided further that this section shall be deemed to apply to the case of any officer who shall have died since the first day of July last.

XLI. When any superannuation or other allowance or gratuity is granted under this Act the causes of the granting thereof shall be set forth in the warrant granting the same.

XLII. Nothing herein contained shall be taken to prevent the Governor from recommending to Parliament any allowance or gratuity in consideration of any special services rendered by the officers entitled thereto or of any other special circumstances.

*The Civil Service Act Amendment Act, 1871: Section 2.*

2. The sections of "The Civil Service Act, 1866," numbered from thirty to forty-three both inclusive and all other provisions of the said Act relating to retiring allowances are hereby repealed. Provided however that such repeal shall not prejudice or affect the rights claims and interests absolute or contingent under the said Act of persons appointed before the passing of this Act. Provided also that nothing herein contained shall deprive officers disabled in the active performance of duty or the widow or children of officers killed or who may die from bodily injury received without his default in the active discharge of his public duty and the widow or children of any officer who may die in the public service of the allowances or gratuities they would be entitled to under clauses thirty-eight thirty-nine and forty of the said Act.

*The Civil Service Acts Amendment Act, 1878: Sections 2 to 8.*

2. In the construction of this Act the expression "the said Act" means "The Civil Service Act, 1866," and the expression "the Amendment Act" means "The Civil Service Act Amendment Act, 1871"; and the expression "retiring allowance" includes also "superannuation allowance."

3. Every person in the Civil Service of the colony whose right or claim to have a retiring allowance granted to him purports to be preserved by the said Act, or the Amendment Act, shall be entitled to such retiring allowance, although he may have been reappointed to the same or a like office in such service, or may have been appointed or transferred to some other office in the said service, whether such office has been created prior to or since the passing of the said Act, or the Amendment Act.

In every such case a retiring allowance shall be calculated and allowed in accordance with the Act under which such person claims to be so entitled.

4. The provisions of the thirtieth and thirty-first sections of the said Act shall confer and be deemed to have conferred upon all officers and persons mentioned in the said sections the right to have a retiring allowance granted to them under either of the Acts repealed by the twenty-ninth section of the said Act, in all cases where such officers and persons entered the Civil Service of the colony prior to the passing of the said Act.

5. This Act shall be deemed to have been in force with respect to any person whose claim to a retiring allowance may have been allowed before the passing of this Act; and this Act shall extend to all rights, claims, and interests, whether absolute or contingent, purporting to be preserved as aforesaid.

6. Every officer and person now in the Civil Service who has entered such service prior to the passing of the Amendment Act, and who would be entitled to claim a retiring allowance under "The Civil Service Act, 1866," shall be entitled to reckon in the computation of his retiring allowance the time during which he was in the employment of the New Zealand Company or in the service of any Provincial Government; and the provisions of sections thirty and thirty-one of the said Act shall extend and apply to all such officers and persons accordingly.

7. No person who ceased to be in the Civil Service before the coming into operation of the Amendment Act, and who has been reappointed to the Civil Service after such Amendment Act came into operation, shall thereby become entitled to any retiring allowance under the said Act, or any of the Acts thereby repealed.

8. No person who was a provincial officer on the coming into operation of "The Abolition of Provinces Act, 1875," and transferred to the Civil Service on the coming into operation of the Act last mentioned, shall be entitled to any retiring allowance under "The Civil Service Act, 1866," or any Acts repealed by such Act.

#### FOURTH SCHEDULE.

SCALE SHOWING RATES OF ANNUAL SALARIES OF OFFICERS OF THE CLERICAL DIVISION.

| Class.           | Annual Salary of Subdivision of Class. |                     |                    |                     |                    |
|------------------|--|---------------------|--------------------|---------------------|--------------------|
|                  | First Subdivision.                     | Second Subdivision. | Third Subdivision. | Fourth Subdivision. | Fifth Subdivision. |
| First Class ...  | £ 530                                  | £ 560               | £ 590              | £ 620               | £ 650              |
| Second Class ... | 420                                    | 440                 | 460                | 480                 | 500                |
| Third Class ...  | 310                                    | 335                 | 360                | 380                 | 400                |
| Fourth Class ... | 185                                    | 210                 | 235                | 260                 | 285                |
| Fifth Class ...  | { 50*<br>60*<br>70* }                  | 90                  | 110                | 130                 | 160                |

\* The salary to be £50 on joining the Public Service. At the end of the first six months the salary to be at the rate of £60 per annum, and at the expiry of twelve months from the date of entering the Service the salary to be at the rate of £70 per annum. Thereafter officers shall, subject to the provisions of this Act, receive the annual increases fixed by the above scale.

By Authority : JOHN MACKAY, Government Printer, Wellington.—1909.