

Hon. Mr. Herdman.

PUBLIC SERVICE.

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A BILL INTITULED

AN ACT for the Regulation of the Public Service.

Title.

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, 1912, 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 The Acts mentioned in the *First* Schedule to this Act are to the extent therein expressed hereby repealed.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,—

“Commissioner” means the Commissioner appointed under this Act:

“Assistant Commissioners” means the Assistant Commissioners appointed under this Act; and “Assistant Commissioner” means one of such Assistant 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 a person employed in any capacity in any branch of the Public Service to which this Act applies, but does not include a person serving on probation in terms of sections *forty*, *forty-four*, or *forty-five* hereof nor a person temporarily employed:

“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.

Act not to apply to certain public officers.

4. 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 Judges of the Native Land Court or to Stipendiary Magistrates; or to the Controller and Auditor-

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General ; or to any officer or member of the Defence Force ; or to any person paid only 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 to persons employed in either of the Departments of the Legislature under the separate control of the Speaker of either House or under their joint control ; or to persons employed in the Government Railway service.

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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 in his capacity as such officer, such duty, obligation, right, or power may be performed or exercised by any other officer whom the Commissioner may have directed to perform and exercise the same during the temporary absence or incapacity of such first-mentioned officer 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.

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6. Any person who obtains or attempts to obtain the assistance of any member of the General Assembly for the purpose of obtaining employment in the Public Service shall be disqualified from obtaining such employment ; and any person who, while employed in the Public Service, obtains or attempts to obtain the assistance of any member of the General Assembly 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.

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7. (1.) For the purpose of carrying out the provisions of this Act the Governor shall appoint a 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.

Appointment of Public Service Commissioners.

(2.) The Governor shall likewise appoint two Assistant Commissioners, who shall assist the Commissioner in the administration of this Act, and such Assistant Commissioners shall be under the control of the Commissioner.

Assistant Commissioners.

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

Term of office.

(4.) In case of the illness, suspension, or absence of the Commissioner or of any Assistant Commissioner the Governor may appoint a deputy to act for such Commissioner or Assistant 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 the Commissioner or Assistant Commissioner for whom he is acting.

Illness, suspension, or absence of Commissioners.

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8. The Commissioner and Assistant Commissioners shall receive in each and every year the following salaries :—

Salary.

The Commissioner, thirteen hundred pounds; and
 Each Assistant Commissioner, eight hundred pounds,
 and such several sums shall be a charge on and be paid out of the
 Consolidated Fund, a special appropriation from which is hereby
 made for that purpose.

Superannuation and
 pension rights pre-
 served in certain
 cases.

9. In the event of the Commissioner or any Assistant Com-
 missioner being appointed from the ranks of the Public Service,
 all rights relating to superannuation or pension enjoyed by him shall
 be preserved, and his service as such Commissioner or Assistant
 Commissioner shall for the purposes of his superannuation be deemed
 to be public service.

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Removal of
 Commissioner.

10. (1.) The Commissioner may be suspended or removed for mis-
 behaviour or incompetence, as follows:—

(a.) Such 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 Governor shall cause to be laid before Parliament
 a full statement of the grounds of suspension within seven
 days after such suspension if Parliament is in session, and
 when Parliament is not in session, within seven days after
 the commencement of the next session.

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(b.) A Commissioner suspended under this section shall be restored
 to office unless the House of Representatives, within
 twenty-one days from the time when such statement has
 been laid before it, declares by resolution that he ought to
 be removed from office; and if the House of Representa-
 tives within the said time does so declare, the Commis-
 sioner shall be removed by the Governor accordingly.

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

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Office, how other-
 wise vacated.

11. The Commissioner and each Assistant Commissioner shall be
 deemed to have vacated his office if he—

(a.) Engages in New Zealand during his term of office in any paid
 employment outside the duties of his office;

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(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 consecu-
 tive days, except on leave granted by the Governor, or
 becomes incapable of performing his duties;

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(d.) Resigns his office, by writing under his hand addressed to
 the Governor.

General Powers and Duties of the Commissioners.

Commissioners
 to inspect
 Departments, &c.

12. (1.) As often as necessary to carry out the directions and
 provisions of this Act, and ensure the establishment and continuance
 of a proper standard of efficiency and economy in the Public Service,
 the Commissioner shall cause any Department to be inspected;
 and the said 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 the Department
 both separately and in its relation to other Departments; and may,
 for such purpose, examine the permanent head of the Department

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and such other witnesses as may appear to the Commissioner or the Assistant Commissioners to be necessary.

(2.) If the 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, the Commissioner shall recommend the Governor to dispense with their services.

13. The 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 that Act shall apply to witnesses so summoned, and evidence so received and given, as completely and effectually as if such witnesses had been summoned, and such evidence had been received or given, by virtue of or under the authority of the said Act.

Power of Commissioner to summon witnesses.

14. For the purpose of conducting an inquiry or investigation under the authority of this Act, the 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.

For purpose of inquiry Commissioner may delegate powers.

15. The Commissioner shall furnish to the Governor for presentation to Parliament, at least once in each 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 Commissioner shall in such report draw attention to any breaches or evasions of this Act which may have come under his notice.

Commissioner to report on state of Public Service to Governor.

PART II.

DIVISIONS OF PUBLIC SERVICE, AND APPOINTMENTS.

Grading and Salaries of Officers.

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

Divisions of Public Service.

- The Administrative Division,
- The Professional Division,
- The Clerical Division, and
- The General Division.

17. The Commissioner shall forthwith proceed to grade the officers employed in all Departments of the Public Service to whom this Act applies, such grading to be within the four principal Divisions specified in the last preceding section, 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 Commissioner shall regrade such officers at intervals of not more than five years, commencing from the first grading made after the passing of this Act.

Commissioner to grade officers and classify work.

18. (1.) The first grading and every subsequent grading shall be submitted by the Commissioner to the Governor in order that the Governor may consider and deal with the same.

Classification, &c., to be submitted to Governor.

(2.) If the Governor does not approve of any proposal, it shall be the duty of the Commissioner to reconsider the same and, within a time to be specified by the Governor, to submit another proposal in order that the same be considered and dealt with by the Governor.

(3.) Where the Governor does not approve of any proposal a statement of the reasons for not approving and for requiring a fresh proposal shall be laid before Parliament. 5

Administrative
Division.

19. (1.) The Administrative Division shall include all persons whose offices the Governor, by notification in the *Gazette*, declares to belong to that Division. 10

(2.) The 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. 15

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

Salaries—Adminis-
trative Division.

20. The officers in the Administrative Division, except in the case of officers paid by virtue of any Act, shall be paid such emoluments, salaries, and allowances as may be provided in the annual Appropriation Act. 20

Professional
Division.

21. (1.) 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 Public Service, and whose office the Governor, on the recommendation of the Commissioner, directs to be included in that Division. 25

(2.) The Professional Division shall be divided into six classes, and the officers belonging to each class shall, subject to passing any efficiency test or examination which the Commissioner may prescribe, and subject to any provisions in this Act relating to good and diligent conduct, be paid the minimum and maximum salaries and the annual increment thereto set forth in the *Fourth* Schedule. 30

(3.) Notwithstanding the last preceding subsection, when the salary of an officer in the Professional Division reaches the sum of *seven* hundred pounds he may be paid such salary higher than *seven* hundred pounds as may be determined by the Commissioner and provided for in the annual appropriation. 35

(4.) Under no circumstances shall an officer be advanced from the Sixth Subdivision of Class F of the Professional Division until he has given satisfactory proof to the Commissioner of his efficiency.

Clerical Division.

22. (1.) The Clerical Division shall include all such officers as the Commissioner, with the approval of the Governor, from time to time directs to be included in that Division, and such Clerical Division shall be divided into eight classes. 45

(2.) The Clerical Division shall be divided into eight classes, and the officers belonging to each class shall, subject to passing any efficiency test or examination which the Commissioner may prescribe, and subject to any provisions in this Act relating to good and diligent conduct, be paid the minimum and maximum salaries and the annual increment thereto set forth in the *Fifth* Schedule. 50

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(3.) Under no circumstances shall an officer be advanced from the Fourth Subdivision of Class VII or from the Seventh Subdivision of Class VII until he has given satisfactory proof to the Commissioner of his efficiency.

5 23. (1.) The General Division shall include all persons in the Public Service not included in the Administrative, Professional, or Clerical Divisions. General Division.

(2.) In the General Division the officers shall be paid salaries and wages in accordance with a fixed amount or a scale determined by the Commissioner and as may be provided in the annual Appropriation Act, but in settling such scale the Commissioner shall not pay a salary or wage which is below the sum of thirty-one pounds for a year nor a salary or wage which is above the sum of two hundred and twenty pounds for a year, and he shall grade the officers of the General Division between the said minimum sum and the said maximum sum.

20 24. Notwithstanding anything in this Part of this Act, before transmission of the message accompanying the estimates in any financial year the Governor may, by message to the House of Representatives, recommend a rateable reduction or increase, if any such is required, according to a specified rate in the salary or wage of each person in each class of any division; and if such rate of reduction or increase is adopted by the said House, then the minimum and maximum limits of each of the respective classes shall be reduced or increased, as the case may be, according to that rate, and a proportionate reduction or increase of increment shall be attached thereto; and such minimum and maximum limits of increment shall remain at such reduced or increased sum until another recommendation is made by the Governor in accordance with the provisions herein contained. Rateable reduction or increase of salaries, &c.

30 25. No annual increment shall accrue to any salary until the 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 the increment is attached, and if in the opinion of the permanent 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 Commissioner shall, on appeal of such officer, confirm or disallow such order. Increment to depend upon good conduct.

40 26. (1.) Every officer who has been employed in the Public Service for not less than three years shall, on attaining the age of twenty-one years, be entitled to a salary of not less than *one hundred* pounds per annum if he has, for a period of not less than one year immediately preceding such date, been included in the Division in which he is included on so attaining the age of twenty-one years. Minimum salary in certain cases.

45 (2.) Every person who, after attaining the age of twenty-one years, completes a period of three years' employment in the Public Service and a period of one year's service in any Division thereof, shall be entitled to a salary of not less than *one hundred* pounds per annum.

50 27. If at any time the Commissioner finds that any officer 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 that Provisions where salary of officer in excess of value of work, &c.

officer, such case shall be dealt with by the Commissioner, subject to the following provisions:—

- (a.) If, in the opinion of the 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 Commissioner may assign such work to that officer. 5
- (b.) If, in the opinion of the 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 not available, the Governor on the recommendation of the Commissioner may reduce the salary of the officer to the maximum determined by the Commissioner to be appropriate to the class of work actually performed by or assigned to him. 10
- (c.) If in the opinion of the Commissioner any officer should be transferred from the Clerical Division to the General Division, the Governor on the recommendation of the Commissioner may transfer that officer accordingly. 15
- (d.) If any such reduction of salary is certified by the 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 Public 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. 20 25 30

Record of particulars of Public Service to be kept.

28. The 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 *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. 35 40 45

Provision for increase of importance of work or office.

29. (1.) 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 grading, the permanent head of the Department shall draw the attention of the Commissioner thereto; and the Commissioner may thereupon, if he thinks fit, alter the grading of such office or work, and determine the salary appropriate thereto, and may assign such office 50

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 Commissioner thinks most fit and qualified therefor.

(2.) Anything done by the Commissioner in exercise of the powers conferred on him by this section shall be specially referred to and explained in the report furnished to the Governor pursuant to section *fifteen* hereof.

30. If any officer not entitled to quarters is allowed to use, for the purpose of residence, any building belonging to the Government, the Commissioner may direct that a fair and reasonable sum as rent thereof be deducted from such officer's salary, and the amount of such sum shall be fixed by the Commissioner.

Rent may be charged to officers residing in Government buildings.

31. Any officer dissatisfied with any decision of the Commissioner, or of any person or persons to whom the 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 Commissioner under sections *fifty-six*, *fifty-seven*, and *fifty-eight* of this Act, may forward to the 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 the Board may deem necessary for the proper determination of the appeal, and may allow or disallow the appeal, and the decision of the Board of Appeal thereon shall be final.

Appeal.

32. (1.) The Board of Appeal shall consist of three persons appointed or elected as follows:—

Board of Appeal.

- (a.) Two persons (one of whom shall be a member of the Public Service) to be appointed in that behalf by the Governor;
- (b.) One person to be elected in the manner hereinafter appearing, namely:—

(i.) The officers of the Post and Telegraph Department shall, in the manner hereinafter prescribed, elect one of their number to act as a member of the Board of Appeal in all appeals affecting officers belonging to the Post and Telegraph Department;

(ii.) The remaining officers of the Public Service shall, in the manner hereinafter prescribed, elect two of their number, one of whom shall act as a member of the Board of Appeal in all appeals affecting officers of the Public Service (other than the Post and Telegraph Department).

(2.) The persons elected in accordance with the provisions of subparagraph (ii) of the *last preceding* subsection shall mutually agree as to which of them shall act as a member of the said Board in any particular appeal, and, in default of such agreement, the person so to act shall be determined by lot in the manner prescribed by regulations.

(3.) The Governor shall from time to time appoint one of the persons appointed under paragraph (a) of subsection *one* hereof to be Chairman of the Board.

Election of
members of Board
of Appeal.

33. With respect to the election of members of the Board of Appeal in pursuance of this section, the following provisions shall apply :-- 5

- (a.) The members of the Post and Telegraph Department and the remaining members of the Public Service shall elect their representatives by separate ballots to be taken on the first Monday in April, nineteen hundred and *thirteen*, and on the same day in every third year thereafter. 10
- (b.) If any elective member of the Board dies, or by notice in writing addressed to the Commissioner resigns his office, or ceases to be a member of that part of the Public Service 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. 15
- (c.) The 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 Commissioner in such manner as he thinks fit, and his decision shall be final. 20 25
- (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 a travelling-allowance of not less than twelve shillings and sixpence per diem when absent from his headquarters on the service of the Board. 30

Power to make Regulations.

General regulations.

34. (1.) The Commissioner may, in addition to the powers herein-after given as particular cases, and subject to the approval of the Governor, make regulations for— 35

- (a.) The arrangement of the Public Service in its prescribed Divisions and the facilitation of the working thereof; prescribing the maximum number of officers in any class, and 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 or rates of salary, wages, fee, or allowance appropriate to work, duties, or offices, or classes thereof; and the payment of such salaries, wages, fees, or allowances : 40 45

- (b.) 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 :
- 5 (c.) Regulating the hours of attendance and the conditions on which leave of absence may be granted, and the duration of such leave :
- (d.) Regulating the performance of and payment for extra service :
- 10 (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 :
- (f.) Regulating the amount and nature of the security to be given for the fidelity of officers in those cases in which the Commissioner deems 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 :
- 15 (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 :
- 20 (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 :
- 25 (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.
- 30 (2.) The Commissioner may affix to breaches of any regulations under this Act, or prescribe for minor offences against discipline, a fine not exceeding *fifty* pounds, according to the nature and gravity of the
- 35 offence.
- 40 (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.

Penalty for breach of regulations.

Effect of regulations.

Examination and Appointment of Officers.

- 45 35. (1.) The 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—
- (a.) A preliminary medical examination as to the health of the candidates ;

Commissioner to provide by regulation for examinations.

(b.) The character and standard of the examinations or tests as to acquirements and efficiency to which candidates are required to submit themselves ;

(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 Commissioner, appoint as many fit persons as may from time to time be required to be Examiners to conduct examinations in the prescribed manner.

Qualification for appointment.

36. (1.) Except with the permission of the Governor no person shall be admitted to the Public Service unless he is a natural-born or naturalized subject of His Majesty, and (except as hereinafter provided) unless he has successfully passed the examination prescribed.

(2.) Candidates for employment in the General Division shall, in addition to passing a medical examination, be required to produce such educational certificate as the Commissioner may consider necessary.

Separate examinations to be held for the different Divisions.

37. 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.

38. The 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.

39. The 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.

40. 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 on the recommendation of the Commissioner, based on inquiry and report, confirm or annul such appointment.

Certificate of Commissioner preliminary to appointment.

41. (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 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 Commissioner.

Conditions of new appointments.

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

(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

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(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

5 (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.

(3.) The Governor may thereupon appoint the person named in such certificate, subject to the provisions of section *forty* hereof.

10 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 *fifteen* or more than forty years, unless such person is at the time of appointment already in the Public Service. Age of appointees Clerical Division.

15 (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) more than forty years, unless such person is at the time of his appointment already in the Public Service. General Division.

20 (3.) In cases of special duties the Governor may, however, on the recommendation of the Commissioner, extend the age from forty to fifty years. Extension of age-limit.

(4.) Nothing in this section shall be taken to prevent the appointment of persons between fourteen and sixteen years of age as telegraph messengers, or of persons over forty years of age as other messengers. Age of messengers.

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

30 44. 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.

35 45. 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.

40 46. (1.) Whenever, in the opinion of the Minister, the prompt despatch of the business of any Department renders temporary assistance necessary, and the Commissioner, on being so informed, is unable to provide such assistance from other Departments, the Commissioner shall select from the persons whose names are upon the register referred to in paragraph (b) of section *thirty-four* hereof such Temporary officers may be appointed in cases of necessity.

45 (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 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.

(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. 5

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

Public works.

47. Notwithstanding the provisions hereinbefore contained, the Minister may, on the recommendation of the 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. 10 15

Government
Printing Office,
and Census returns.

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

Appointment of Retired Officers.

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Retired officers may
be appointed.

49. Notwithstanding anything in this Act, the Commissioner may, subject to the provisions of the Public Service Classification and Superannuation Act, 1908, recommend for any vacancy any officer who has been retired from the Public Service under this or any other Act relating to the Public Service 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. 25

PART III.

INTERNAL ADMINISTRATION.

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Internal Administration—Promotions, &c.

Order of promotions,
&c.

50. 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. 35

Higher and lower
grades.

51. 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 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. 40 45

52. (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 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 knowledge or 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 immediately 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.

53. (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 an examination having relation to his work prescribed by the Commissioner as preliminary to admission to those grades.

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

(2.) The 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-five hereof.

(3.) Such 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 Commissioner.

(4.) 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 have been registered by the Commissioner in pursuance of the last preceding subsection.

54. The 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

Commissioner may allow officer to decline promotion.

with any order of the 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 Commissioner, by adducing some valid and sufficient reason therefor. 5

Dismissals, Removals, &c.

Notice to determine employment.

55. Every officer in the Administrative Division, the Professional Division, or the Clerical Division shall be deemed a three-monthly servant, and removable by the Governor at any time after three months' notice; and every officer in the Public Service not being an officer in any of those Divisions shall be deemed a monthly servant, and removable by the Governor at any time after one month's notice. 10

Punishment of offences.

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

- (a.) Commits any breach of the provisions of this Act, or the regulations made thereunder; or 15
- (b.) Is guilty of any misconduct; or of habitually using intoxicating liquors to excess; or
- (c.) 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 20
- (d.) Is negligent or careless in the discharge of his duties; or
- (e.) Is inefficient or incompetent, and such inefficiency or incompetency appears to arise from causes within his own control,— he shall be liable to dismissal or such other punishment as may be determined upon under the provisions of this section. 25

(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:—

- (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. 30
- (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 Commissioner, may reprimand or caution such officer only, and thereupon remove the suspension. 35
- (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 Commissioner, suspend such officer; and forthwith report him to the Commissioner, and if such officer does not in writing admit the truth of the charges made against him, the Commissioner shall inquire as to the truth of such charges; or, if the Com- 40 45

missioner 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 a Board of one or more persons to inquire as to the truth of such charges. Any person so appointed shall have the same powers as the 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 Commissioner his opinion thereon.

(d.) If any such charges are admitted as aforesaid, or are found by the Commissioner or by the person or persons appointed as aforesaid to be proved, the 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 Commissioner thinks fit, or may recommend the Governor to dismiss such officer from the Public Service, or require him to resign; and, unless the Commissioner otherwise orders, such officer shall forfeit all salary or wages except such as may have been due before his suspension.

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

57. If any officer in the Administrative Division is charged with any of the offences enumerated in the *last preceding* section, the Minister may suspend such officer, and report the charge and suspension to the Commissioner; and thereupon the 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 subsection two of the said section.

Offences by officers in Administrative Division

58. If it comes to the knowledge of the Commissioner that the conduct of any officer renders him unfit to continue in the Public Service, the 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 section *fifty-six* or section *fifty-seven* hereof, as the case requires.

Commissioner may initiate inquiry into misconduct.

59. In the event of the address for the time being of any officer being unknown to the 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:

As to officers whose address is unknown.

Provided that if, within any time specified in such notice, order, or communication, no answer is received by the 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 the same, and such charges shall be inquired into and dealt with by the Commissioner or by any Board appointed by the Governor in that behalf. Every such inquiry shall be held in the absence of the officer affected.

Procedure at
inquiries.

60. Neither officers nor Departments shall be entitled to be represented by counsel or agent at inquiries held by the Commissioner. The Commissioner, or any persons appointed under the authority of paragraph (c) of subsection *two* of section *fifty-six*, 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 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 Commissioner shall keep a complete record of all such inquiries, which shall afterwards be available for reference.

Forfeiture of office.

61. (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 deemed to have forfeited his office.

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 proves to the satisfaction of the Commissioner that his pecuniary embarrassment has not been caused or attended by any fraud, extravagance, or dishonourable conduct.

Statutory powers
and duties of officers
confirmed in certain
cases.

62. 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.

Private Employment of Officers.

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

63. (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
- (b.) Engage in or undertake any such business, whether as principal or agent; or
- (c.) Engage in or continue in the private practice of any profession.

(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 Commissioner.

Officers to notify Commissioner if engaged in any private employment.

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

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

Notices of Appointments, Promotions, &c.

15 64. All notices of appointments, promotions, transfers, retirements, and removals of officers under this Act shall be published in the Gazette within twenty-eight 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.

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

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PART IV.

MISCELLANEOUS.

25 65. (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.

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

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

(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 35 five years' service, and who would have been subject to the first-mentioned Act if it were not repealed.

40 66. (1.) Where on the coming into operation of this Act any officer has 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.

Existing rights to superannuation allowances preserved.

(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 set out in the *Third* Schedule 45 hereto.

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

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

Publication of regulations.

68. All regulations made under this Act, 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.

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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	The whole of Part I.
The Post and Telegraph Act, 1908	Sections 190, 191, 192, 193, 194, 195, 196, 197, and 199, and the Fifth Schedule.
The Public Service Classification and Superannuation Amendment Act, 1908	Section 42.

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 und 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 shall be paid in manner 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 inexpedient 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 paying 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 appointed 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 warders 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.
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 OFFICERS.

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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 an 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 the 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 herein-

after 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 formerly 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 an 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.

XI. 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 AND INCREMENTS OF OFFICERS OF THE PROFESSIONAL DIVISION.

Class.	First Sub-division.	Second Sub-division.	Third Sub-division.	Fourth Sub-division.	Fifth Sub-division.	Sixth Sub-division.	Seventh Sub-division.
	£	£	£	£	£	£	£
A	600	650	700	...	...	...	...
B	500	525	550	575	...	...	...
C	420	440	460	480	...	...	...
D	310	325	345	365	380	400	...
E	210	235	260	280	300	...	...
F	70	85	100	120	140	160	180

With efficiency bar at £160.

1263

FIFTH SCHEDULE.

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

Class.	First Sub-division.	Second Sub-division.	Third Sub-division.	Fourth Sub-division.	Fifth Sub-division.	Sixth Sub-division.	Seventh Sub-division.	Eighth Sub-division.	Ninth Sub-division.
I ...	£ 500	£ 525	£ 550	£ 600	...	...	£	...	...
II ...	440	460	475	...	...	...	...	...	...
III ...	385	405	425	...	...	...	...	...	...
IV ...	330	345	360	370	...	...	...	...	...
V ...	275	290	305	315	...	...	...	...	...
VI ...	200	215	230	245	260	...	...	...	...
VII ...	120	135	150	<u>165</u>	180	190	<u>200</u>	210	220
VIII ...	50	65	80	<u>95</u>	110	...	...	...	...

With efficiency bars at £165 and £200.