

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
26th September, 1912.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Herdman.

PUBLIC SERVICE.

ANALYSIS.

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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. 5
1. (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.

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Commencement. (2.) This Act, *except sections three and four, sections six to eleven inclusive, subsection one of section twelve, and sections thirteen and fourteen hereof*, shall come into operation on the first day of April, nineteen hundred and *thirteen*; *the said excepted sections shall come into force immediately upon the passing of this Act.* 15

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 The Acts mentioned in the *First Schedule* to this Act are to the extent therein expressed hereby repealed.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,— 20

“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: 25

“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: 30

“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: 35

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

“Public Service” means the service of His Majesty in respect of the Government of New Zealand, other than honorary service.

4. Except where otherwise expressly provided herein, nothing in this Act shall apply to the Judges of the Supreme Court, or to the Judge or the nominated members of the Court of Arbitration, or to a Conciliation Commissioner; or to Judges of the Native Land Court or to Stipendiary Magistrates; or to the Controller and Auditor-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; or to any officer or class of officers to whom or to which, on the recommendation of and for special reasons assigned by the Commissioner, the Governor in Council declares that this Act shall not apply.

Act not to apply to certain public officers.

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 or 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.

6. (1.) No person shall, directly or indirectly, solicit or endeavour to influence the Commissioner or an Assistant Commissioner with respect to the appointment of any other person to the Public Service, or with respect to the promotion of, or an increase of salary to, any officer in the Public Service.

Political influence.

New.

(1A.) Every person who commits an offence against the provisions of the last preceding subsection is liable on conviction to a fine not exceeding fifty pounds.

(2.) Any person officer who, directly or indirectly, solicits or endeavours to influence the Commissioner or an Assistant Commissioner in favour of his appointment, for the purpose of obtaining promotion, or increase of salary shall be deemed to be unworthy of such appointment, promotion, or increase, and it shall not be accorded him; and if he is employed in the Public Service, he shall be liable to immediate dismissal.

PART I.

ADMINISTRATION.

Public Service Commissioners.

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.

Term of office.

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

Illness, suspension, or absence of Commissioners.

(4.) In case of the illness, suspension, or absence of the Commissioner or of ~~any~~ *an* Assistant Commissioner the Governor *in Council* 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.

Salary.

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

The Commissioner, thirteen hundred pounds; and

Each Assistant Commissioner, one thousand 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 preserved in certain cases.

9. In the event of the Commissioner or ~~any~~ *an* Assistant Commissioner being appointed from ~~the ranks of~~ the Public Service, his service as Commissioner or Assistant Commissioner shall, for all purposes relating to pensions, compensation for loss of office, compulsory life assurance, compulsory deductions from salary, and rights and obligations in respect of the Public Service Superannuation Fund, be deemed to be permanent employment in the Public Service.

Removal of Commissioner.

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

(a.) ~~Such~~ *The* 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~~ *or if* Parliament is not in session, *then* within seven days after the commencement of the next session.

(b.) ~~A~~ *The* 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 Representatives within the said time does so declare, the Commissioner shall be removed by the Governor accordingly.

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

Office, how otherwise vacated.

11. The Commissioner ~~and each or an~~ 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 *or any business* 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.

General Powers and Duties of the Commissioners.

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,
 5 the Commissioner shall cause any Department to be inspected; and the said Commissioner or ~~the~~ *an* 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,
 10 for such purpose, examine the permanent head of the Department and such other witnesses as may appear to the Commissioner or the Assistant Commissioners to be necessary.

Commissioners to inspect Departments, &c.

(2.) If the Commissioner at any time finds that a greater number of persons is employed in any Department than he determines to be
 15 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~~
 20 *may* 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
 25 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 or under the authority of the said Act.

Power of Commissioner to summon witnesses.

14. For the purpose of conducting ~~an~~ *any* inquiry or investigation
 30 ~~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 *in Council*, 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 *within sixty days after*
 35 *the thirty-first day of March*, 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
 40 which may have come under his notice. *Such report shall be presented to Parliament within twenty-one days after the beginning of the session.*

Commissioner to report on state of Public Service to Governor.

PART II.

DIVISIONS OF PUBLIC SERVICE, AND APPOINTMENTS.

Grading and Salaries of Officers.

45 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
- 50 The General Division.

Commissioner to
grade officers and
classify work.

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. 5

Administrative
Division.

18. (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 *in Council* 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.

19. 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 estimates and authorized by Parliament. 20

Professional
Division.

20. (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 offices 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 *Second Schedule for that class*. 30 35

(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 estimates and authorized by Parliament. 40

(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.

21. (1.) The Clerical Division shall include all such officers as the Commissioner from time to time directs to be included in that division. 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 *Third Schedule for that class*. 50

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

(2.) In the General Division the officers shall be paid salaries and wages in accordance with a fixed amount or a scale determined by
10 the Commissioner and as may be provided in the annual estimates and authorized by Parliament, but in settling such scale the Commissioner shall not in the case of officers of the General Division
15 belonging to the Post and Telegraph Department 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
20 pounds for a year, and he shall grade the said officers of the General Division belonging to the Post and Telegraph Department between the said minimum sum and the said maximum sum.

23. Any officer of the Clerical or General Division may by
20 acquiring special skill or technical knowledge qualify himself for the Professional Division, and he may ~~on the recommendation of the Commissioner~~ be transferred *by the Commissioner* to the Professional Division. Promotions to
Professional
Division from
Clerical or General
Divisions.

24. Notwithstanding anything in this Part of this Act, before
25 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
30 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
35 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~~ *adopted by the said House* in accordance with the provisions herein contained. Rateable reduction
or increase of
salaries, &c.

25. Except in the case of promotion no annual increment shall
40 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,
45 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.

26. (1.) Every male officer who has been employed in the Public
50 Service for not less than three years shall, ~~on attaining if he has then attained~~ 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~~
Struck out. Minimum salary in
certain cases.

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.

Struck out.

(2.) Every male 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.

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

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

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(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.

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(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.

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(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.

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(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.

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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-

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first day of March immediately preceding and, except in the case of dismissals and reductions, the particulars with regard to each person recorded as aforesaid :

5 Provided that the officers of the Post and Telegraph Department shall be shown in a list separately from the rest of the Public Service.

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 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.

Provision for increase of importance of work or office.

(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. (1.) 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, may forward to the Commissioner, within thirty days after such decision has been made or given notified to him, 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.

Right of appeal.

(2.) If in the opinion of the Board any appeal is frivolous or vexatious, the Board may order the appellant to pay the costs of the appeal, and the sum so ordered to be paid shall be recoverable in the manner prescribed for the recovery of fines for breaches of regulations.

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 ;
 50 (b.) One person to be elected in the manner hereinafter appearing, namely :—

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

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(ii.) The officers of the Telegraph Branch of the Post and Telegraph Department shall, in like manner elect one of their number to act as a member of the Board in all appeals affecting officers belonging to that branch ;

(iii.) 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 (iii) 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 :—

(a.) The officers of the Postal Branch of the Post and Telegraph Department, the officers of the Telegraph Branch of the same Department, and the remaining officers of the Public Service shall elect their representatives by separate ballots to be taken on the first Monday in ~~April~~ *May*, nineteen hundred and *thirteen*, and on the same day in every third year thereafter.

(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.

(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.

(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.

Power to make Regulations.

General regulations,

34. (1.) In addition to the powers hereinafter given in particular cases, the Commissioner may, with the approval of the Governor *in Council*, make regulations for the carrying-out of any of the provisions of this Act, and in particular for all or any of the following purposes, namely :—

(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:

- (b.) Determining the nature or character and standard of examinations or tests which candidates for employment or promotion in the Public Service shall undergo, and for the recognition of examinations passed by officers before the commencement of this Act.
- (c.) 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:
- (d.) Regulating the hours of attendance and the conditions on which leave of absence may be granted, and the duration of such leave:
- (e.) Regulating the performance of and payment for extra service:
- (f.) 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:
- (g.) Regulating 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:
- (h.) 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:

Provided always that the Governor may determine and carry out methods of procuring supplies for the Public Service independently of regulations framed by the Commissioner under this Act:

- (i.) 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:
- (j.) 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:

New.

- (k.) Providing for the election of the elected members of the Board of Appeal:
- (l.) Generally, to enable full effect to be given to the provisions of this Act.

Penalty for breach of regulations.

(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 ten pounds, according to the nature and gravity of the offence, and may provide by regulations for the recovery of such fines by deduction from salary or otherwise.

5

(3.) Such regulations may be made either generally or with respect to any particular case or class of cases.

Effect of regulations.

(4.) 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, and no regulation made hereunder shall reduce the annual leave or the amount of any special monetary allowance in addition to salary made to the officers of the Post and Telegraph Department under any existing regulations.

10

(5.) All such regulations shall be published in the *Gazette*, and shall be laid before Parliament within fourteen days after such publication if Parliament is then sitting; and if not, then within fourteen days after the commencement of the next ensuing session.

15

Examination and Appointment of Officers.

Commissioner to provide by regulation for examinations.

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

20

(a.) A 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;

25

(c.) The times and places where the examinations shall be held, and the manner of holding the same: and

(d.) A maximum and minimum age of candidates.

(2.) For the purposes of this Act the Governor *in Council* 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.

30

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.

35

(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.

40

Struck out.

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.

45

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 *all* 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.

50

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 such newspapers circulating in the Dominion as, in the opinion of the Commissioner, may be necessary, stating the number of appointments proposed to be made, the Division, grade, and salary, and the time and place of examination.

55

1349

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, may confirm or annul such appointment.

Admissions to Public Service to be on probation only.

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

Certificate of Commissioner preliminary to appointment.

(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.

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

Conditions of new appointments.

(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

(c.) That a competitive examination under the provisions of this Act has been held, and that the person named in the certificate proposed to be appointed 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.

Struck out.

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

New.

(3A.) The Commissioner may thereupon make such appointment.

(4.) For the purposes of this section persons who have been employed as extra clerks or messengers in the Legislative Department during the three years preceding the commencement of this Act shall be deemed to be already in the Public Service.

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.

(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.

(3.) In cases of special duties the Governor may, however, on the recommendation of the Commissioner, may 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.

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.

44. No person shall be permanently appointed to any office in any penal establishment, or gaol, or reformatory school, whether

Appointment of officers of gaols, &c

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 mental hospitals.

45. No person shall be permanently appointed to any office in any *mental 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 *mental hospital for the insane*. 5

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 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 (c) of section *thirty-four* hereof such person or persons as appear to him best qualified for such work. 10 15

(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. 20

(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. 25

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

(5.) Notwithstanding anything in this section ~~the Governor may, on the recommendation of~~ the Commissioner *may* in any case in which he considers that the public interest so requires authorize the temporary employment of any person or any class of persons for a longer period than is permitted by the foregoing provisions of this section. 30

(6.) The Commissioner shall not later than the month of June in each year make a return showing the names of all persons temporarily employed under the authority of this section during the previous financial year, and the periods for which they have been respectively employed and the remuneration paid to them, and such return shall be *forthwith* laid before Parliament. 35

PART III.

40

INTERNAL ADMINISTRATION.

Internal Administration—Promotions, &c.

Order of promotions, &c.

47. 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 fitness. 45

48. 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 pound ; 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.

49. (1.) Whenever any vacancy occurs in any office or class of work within the Post and Telegraph Department, if it is expedient to fill the vacancy, ~~the Governor shall, on the recommendation of~~ the Commissioner *shall* appoint any suitable or available officer of the Post and Telegraph Department, regard being had to the relative seniority and fitness respectively of the officers of that Department ; but if no suitable officer of the Post and Telegraph Department is available, then ~~the Governor, on the recommendation of~~ the Commissioner may appoint an officer from any other Department whom (on the ground of seniority combined with fitness) it appears desirable so to appoint.

How vacancies to be filled.

(2.) Whenever any vacancy, not being a vacancy in the Post and Telegraph Department, occurs in any office or class of work within 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 *may* appoint—

(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.

(3.) "Fitness" in section *forty-seven* hereof and this section means special knowledge or special qualifications and aptitude for the discharge of the duties pertaining to the office to be filled.

(4.) 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.

50. (1.) The Commissioner, in grading and promoting officers, shall take into consideration the following examinations passed by officers before *or within twelve months after* the commencement of this Act, namely :—

- (a.) The Solicitors Examination ;
- (b.) The Senior Civil Service Examination ;
- (c.) The Junior Civil Service Examination ;
- (d.) The Accountants Examination ;

(e.) The New Zealand University Matriculation Examination ;
and

(f.) Such other examinations (*including technical, mechanical, and scientific examinations*) as in the opinion of the Minister of Education are entitled to recognition. 5

(2.) The Commissioner shall from time to time, as may appear necessary, cause examinations for promotions in the Professional and Clerical Divisions to be held by the Examiners appointed under the provisions of section thirty-five hereof.

(3.) The names of the persons who have passed the required 10 standard of examination shall be registered by the Commissioner.

Commissioner may allow officer to decline promotion.

51. 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 15 Act, entitle him ; but no officer shall be allowed to refuse compliance 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 20 the judgment of the Commissioner, by adducing some valid and sufficient reason therefor.

Dismissals, Removals, &c.

Notice to determine employment.

52. Every officer shall be deemed a three-monthly servant, and removable by the *Governor Commissioner* at any time after three months' 25 notice.

Punishment of offences.

53. (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 30

(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 35

(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. 40

(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 45 is employed ; but such suspension shall be immediately reported to the permanent head of the Department.

(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 50 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.

(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 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 person or persons so appointed shall have all the powers conferred on the Commissioner by section *thirteen* hereof 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 or their 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 the person or persons appointed as aforesaid not to be proved, the suspension shall be immediately removed.

54. 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.

55. 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-three* or section *fifty-four* hereof, as the case requires.

Commissioner may initiate inquiry into misconduct.

56. (1.) 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.

(2.) 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 person or persons appointed by the Governor in that behalf. Any such inquiry may be held in the absence of the officer affected.

Procedure at inquiries.

57. (1.) At any inquiry held under section fifty-three, fifty-four, or fifty-five hereof, as to the truth of any charge made against an officer, the officer shall be entitled to be represented by counsel or agent. 5

(2.) On any such inquiry the Commissioner, or person or persons appointed as aforesaid, shall direct himself or themselves by the best evidence he or they can procure or that is laid before him or them, and may receive or reject as he or they think fit any evidence that may be tendered. 10

(3.) The Commissioner shall keep a complete record of all such inquiries, including the depositions of all witnesses who gave evidence thereat, and such record and depositions shall be available for subsequent reference. 15

(4.) If any officer is dissatisfied with any decision or determination of the Commissioner or any person or persons appointed as aforesaid, he shall have the right to appeal to a Board of Appeal constituted in the manner prescribed by section thirty-two hereof, and all the provisions of section thirty-one hereof shall *mutatis mutandis* extend and apply to any such appeal accordingly: 20

Provided that such right of appeal shall not be exercisable in any case where the sole effect of the decision or determination complained of is the infliction of a fine not exceeding two pounds. 25

Forfeiture of office.

58. (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. 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 proves to the satisfaction of the Commissioner that his pecuniary embarrassment has not been caused or attended by any fraud, extravagance, or dishonourable conduct. 35

Statutory powers and duties of officers confirmed in certain cases.

59. 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. 40 45

Private Employment of Officers.

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

60. (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— 50

(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

5 (c.) Engage in or continue in the private practice of any profession or trade.

(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
10 Commissioner.

Officers to notify Commissioner if engaged in any private employment.

(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.

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

Notices of Appointments, Promotions, &c.

Struck out.

20 61. 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
25 notice shall be deemed and taken to be conclusive evidence of every such appointment, retirement, or removal respectively.

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

New.

30 61A. (1.) Notice of every appointment, promotion, transfer, retirement, removal, and dismissal of officers under this Act shall be gazetted.

(2.) Every appointment, promotion, transfer, retirement, removal, or dismissal of an officer made by the Commissioner under this Act shall for all the purposes of the Public Service Classification and Superannuation Act, 1908, and of every other Act relating to
35 the Civil Service or the Public Service have the same force and effect as if made by the Governor.

(3.) Wherever in any Act it is provided that any appointment to the Public Service shall be made by the Governor, or by a Minister, or by any other person, such appointment shall hereafter be made in
40 accordance with the provisions of this Act and not otherwise.

(4.) Every officer of the Administrative, Professional, and Clerical Divisions shall be entitled, after the gazetting of his appointment, promotion, or transfer, to receive a warrant under the hand of the Governor, confirming such appointment, promotion, or transfer;
45 but any failure to issue such warrant shall not affect the validity of such appointment, promotion, or transfer.

PART IV.

MISCELLANEOUS.

50 62. 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.

55 63. 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.

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

Schedules.

SCHEDULES.

FIRST SCHEDULE.

REPEAL OF ACTS.

| Acts affected. | Extent of Repeal. |
|--|---|
| The Civil Service Act, 1908 | Section 3, and the whole of Part I and Part II. |
| The Civil Service Amendment Act, 1908 | The whole Act. |
| The Public Service Classification and Superannuation Act, 1908 | The whole of Part I. |
| The Public Service Classification and Superannuation Amendment Act, 1908 | Section 42. |
| The Public Service Classification and Superannuation Amendment Act, 1911 | Section 5. |
| The Post and Telegraph Act, 1908 | Sections 190, 191, 192, 193, 194, 195, 196, 197, and 199, and the Fifth Schedule. |
| The Post and Telegraph Amendment Act, 1910 ... | Section 6. |

SECOND SCHEDULE.

SCALE SHOWING RATES OF ANNUAL SALARIES AND *Annual* 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.

THIRD SCHEDULE.

SCALE SHOWING RATES OF ANNUAL SALARIES AND *Annual* 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 | 165 | 180 | 190 | 200 | 210 | 220 |
| VIII | 50 | 65 | 80 | 95 | 110 | ... | ... | ... | ... |

With efficiency bars at £165 and £200.