

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

*House of Representatives, 2 August 1973.*

Words inserted by the Committee are shown with double rule before first line and after last line.

*Hon. Mr Tizard*

## STATE SERVICES AMENDMENT

### ANALYSIS

Title  
1. Short Title

2. Appointment of officers of other  
branches of State services to  
Public Service  
3. Offices and positions exempt from  
appeal  
Schedules

### A BILL INTITULED

#### An Act to amend the State Services Act 1962

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

1. **Short Title**—This Act may be cited as the State Services  
Amendment Act 1973, and shall be read together with and  
deemed part of the State Services Act 1962\* (hereinafter  
referred to as the principal Act).

*New*

10

**1A. Higher appointments**—(1) Section 29 of the principal  
Act is hereby amended by repealing paragraph (c) of sub-  
section (1), and substituting the following paragraph:

15

“(c) Three permanent heads appointed by the Minister  
from a panel of 12 permanent heads, elected every  
2 years by a meeting of permanent heads of the  
Public Service.”

20

(2) Section 29 of the principal Act is hereby further  
amended by omitting from subsection (2) the words “8  
permanent heads”, and substituting the words “12 permanent  
heads”.

\*Reprinted 1971, Vol. 4, p. 2533

No. 39—2

Price 5c

*New*

(3) Section 29 of the principal Act is hereby further amended by repealing subsection (4), and substituting the following subsection:

“(4) At any meeting of the Commission as constituted under this section, all matters shall be decided by a majority of the votes recorded thereon: 5

“Provided that any matter which may be decided by the Commission may be decided by means of a minute signed by all the members of the Commission.” 10

(4) Section 3 of the State Services Amendment Act 1964 is hereby consequentially repealed. 10

(5) Notwithstanding anything in paragraph (c) of subsection (14 of section 29 of the principal Act (as substituted by subsection (1) of this section),— 15

(a) The members of the panel of permanent heads holding office at the passing of this Act shall continue in office, and it shall not be necessary to hold an election for the purpose of increasing to 12 the members of that panel before the date on which that election would be required to be held if this section had not been enacted; and 20

(b) Any appointment to the Commission as constituted under the said section 29 required to be made under the said paragraph (c) before the first election of that panel held after the passing of this Act shall be made from the members of the panel holding office at the passing of this Act; and 25

(c) In any case where the Commission has been constituted under section 29 of the principal Act before the passing of this Act for the purpose of making an appointment to any position, the Commission as so constituted shall continue so to act and to complete all matters relating to that appointment without any additional member being appointed to it. 30 35

**2. Appointment of officers of other branches of State services to Public Service—**(1) The principal Act is hereby amended by repealing section 31, and substituting the following section:

“31. (1) Any officer of the Post Office, or any person who is employed and has then been employed continuously (whether before or after the commencement of this section) for an immediately preceding period of not less than 2 years in any 40

Division of the New Zealand Government Railways Department or in the Legislative Department or in the Hospital service or in the Education service, may be appointed to any vacancy in the Public Service as if he were an officer thereof, and subsection (1) of section 27 of this Act shall not apply to his appointment; but he shall not have any right of appeal under section 64 of this Act nor, except as provided in subsection (2) of this section, be deemed to be an officer of the Public Service for any other purpose until he has been so appointed:

“Provided that a person employed by the Post Office or the New Zealand Government Railways Department or the Legislative Department or in the Hospital service or in the Education service may be so appointed if he has been so employed continuously for an immediately preceding period of less than 2 years, if that period has been immediately preceded by a continuous period of employment as a probationer or officer in the Public Service and the combined length of those periods of employment has been not less than 2 years.

“(2) Where any person to whom subsection (1) of this section applies is appointed to any office or position specified in the Third Schedule to this Act, the provisions of subsection (2) of section 64 of this Act shall apply as if he were an officer immediately before that appointment.”

(2) Section 2 of the principal Act is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Education service’ means employment in any position under Parts II to VIII of the Education Act 1964; and includes employment by any university within the meaning of the Universities Act 1961; but does not include employment in any position in a private school:

“‘Hospital service’ means service in the employment of any Hospital Board constituted under the Hospitals Act 1957.”

(3) Section 64 of the principal Act is hereby amended—

(a) By inserting in paragraph (a) of subsection (1), after the words “promotion of any officer”, the words “or the appointment pursuant to section 31 of this Act of any person employed in the Hospital service or Education service who is appointed as if he were an officer”:

(b) By omitting from the same paragraph the words “(in either case)”, and substituting the words “(in any such case)”.

**3. Offices and positions exempt from appeal**—(1) The principal Act is hereby further amended by repealing the Third Schedule, and substituting the Third Schedule set out in the First Schedule to this Act.

(2) The enactments specified in the Second Schedule to this Act are hereby consequentially repealed. 5

## SCHEDULES

### Section 3 (1)

### FIRST SCHEDULE

#### NEW THIRD SCHEDULE TO PRINCIPAL ACT

#### Sections 28 (3), 29, 64 "THIRD SCHEDULE

#### OFFICES AND POSITIONS EXEMPT FROM APPEAL

Department	Office or Position
Agriculture and Fisheries .....	Director-General. Assistant Director-General.
Audit .....	Assistant Controller and Auditor-General.
Customs .....	Comptroller. Assistant Comptroller.
Defence .....	Secretary of Defence. Deputy Secretary of Defence.
Education .....	Director-General. Assistant Director-General. Assistant Director-General (Administrative).
Electricity .....	National Librarian. General Manager. Assistant General Manager.
Energy Resources .....	Commissioner. Assistant Commissioner.
Foreign Affairs .....	Secretary. Deputy Secretary.
Forest Service .....	Director-General. Deputy Director-General.
Government Life .....	Commissioner. Deputy Commissioner.
Government Printing Office	Government Printer. Deputy Government Printer.
Health .....	Director-General. Deputy Director-General. Deputy Director-General (Administrative).
Inland Revenue .....	Deputy Director-General (Public Health). Commissioner. Chief Deputy Commissioner.
Internal Affairs .....	Secretary. Deputy Secretary.
Justice .....	Secretary. Deputy Secretary.

FIRST SCHEDULE—*continued*

“THIRD SCHEDULE—*continued*”

Department	Office or Position
Labour	Secretary. Deputy Secretary. Assistant Secretary.
Lands and Survey	Director-General. Assistant Director-General. Surveyor-General.
Maori and Island Affairs	Secretary. Deputy Secretary.
Mines	Secretary. Assistant Secretary (Administrative). Assistant Secretary (Technical).
Prime Minister's	Permanent Head. Secretary of the Cabinet. Clerk of the Executive Council. Secretary to the Governor-General. Principal Private Secretary to the Prime Minister. Commissioner for the Environment.
Public Trust	Public Trustee. Assistant Public Trustee.
Scientific and Industrial Research	Director-General. Deputy Director-General. Assistant Director-General.
Social Welfare	Director-General. Assistant Director-General.
State Advances	General Manager. Deputy General Manager.
State Insurance	General Manager. Deputy General Manager.
Statistics	Government Statistician. Deputy Government Statistician.
Tourist and Publicity	General Manager. Deputy General Manager.
Trade and Industry	Secretary. Deputy Secretary. Assistant Secretary.
Transport	Secretary. Deputy Secretary. Director, Civil Aviation Division. Director, Road Transport Division. Director, Marine Division. Director, Meteorological Services.
Treasury	Secretary. Deputy Secretary. Assistant Secretary.
Valuation	Valuer-General. Deputy Valuer-General.
Works	Commissioner. Assistant Commissioner. Government Architect. Director of Housing.”

## Section 3 (2)

## SECOND SCHEDULE

## ENACTMENTS REPEALED

- 1965, No. 136—The National Library Act 1965: Subsection (3) of section 4.
- 1968, No. 14—Maori and Island Affairs Department Act 1968: So much of the Schedule as relates to the Third Schedule to the principal Act.
- 1968, No. 39—The Ministry of Transport Act 1968: So much of the Second Schedule as relates to the Third Schedule to the principal Act.
- 1970, No. 73—The Labour Department Amendment Act 1970: Subsection (3) of section 2.
- 1971, No. 52—The Defence Act 1971: So much of the Second Schedule as relates to the principal Act.
- 1971, No. 60—The Department of Social Welfare Act 1971: Subsection (2) of section 29.
- 1972, No. 3—The Ministry of Agriculture and Fisheries Amendment Act 1972: Paragraph (b) of subsection (4) of section 3.
- 1972, No. 4—The Ministry of Transport Amendment Act 1972: So much of the First Schedule as relates to the Third Schedule to the principal Act.
- 1972, No. 12—The Ministry of Energy Resources Act 1972: So much of the Second Schedule as relates to the Third Schedule to the principal Act.