

Serial Number 1949/85

THE PUBLIC SERVICE AMENDING REGULATIONS 1949

PURSUANT to the Public Service Act, 1912, the Public Service Commission doth, subject to the approval of the Governor-General in Council, hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Public Service Amending Regulations 1949.

2. These regulations shall be read together with and deemed part of the regulations made under the Public Service Act, 1912, on the 31st day of March, 1913* (hereinafter called the principal regulations).

3. (1) These regulations (other than Regulation 17) shall be deemed to have come into force on the 1st day of April, 1949.

(2) Regulation 17 shall come into force on the 1st day of April, 1950.

4. Regulation 24 of the principal regulations as replaced by the regulations made on the 9th day of July, 1929, and published in the *Gazette* on the 18th day of the same month at page 1881, is hereby amended by revoking the words "by means of transfer vouchers."

5. Regulation 39B of the principal regulations as enacted by the regulations made on the 1st day of April, 1914, and published in the *Gazette* on the 8th day of that month at page 1399, is hereby amended by revoking the word "annual".

6. Regulation 40 of the principal regulations is hereby amended by revoking the words "During the first week in December in each year returns are to be forwarded to the Commissioner, in a simple form, showing the extent to which this regulation has been observed".

7. Regulation 41 of the principal regulations is hereby amended by revoking the words "During the first week in December in each year each Permanent Head will report to the Commissioner upon the effect of this regulation".

8. The principal regulations are hereby amended by revoking the word "Annual" in the heading to Regulation 42, and substituting the word "Personal"; and by revoking the words "On the 31st of March in every year" where they appear in the said Regulation 42 as amended by the regulations made on the 1st day of April, 1914, and published in the *Gazette* on the 8th day of that month at page 1399, and substituting the words: "At such times and in such manner as the Commission may from time to time determine".

9. Regulation 45 of the principal regulations is hereby amended by revoking the words "suspend him from duty, and"; and by adding the words "If in his opinion the circumstances so warrant, the officer in charge shall suspend the employee from duty".

10. Regulation 49 of the principal regulations as replaced by Regulation 5 of the Public Service Amending Regulations 1936, Amendment No. 2,† is hereby amended by revoking the words "if circumstances should arise necessitating the retention of such employee

* *Gazette*, 1st April, 1913, Vol. I, page 977.

† Statutory Regulations 1936, Serial number 99/1937, page 375.

in the Service for more than a year ”; and by inserting next after paragraph (c) thereof the following words: “Notwithstanding the foregoing provisions of this regulation, in special circumstances the Commission may approve annual leave in excess of two weeks in any year ”; and by inserting next after paragraph (ii) thereof the following paragraph:—

“(iii) That the Commission has not ordered a deduction to be made from the officer’s annual leave as a disciplinary measure.”

11. The principal regulations are hereby amended by inserting, next following Regulation 49, the following regulation:—

“49A. For the purpose of assessing the scale of annual leave applicable to an employee, the Commission may regard previous service (including temporary service) in any branch of the Government Service as service within the meaning of Regulation 49.”

12. (1) Regulation 59A of the principal regulations as enacted by Regulation 3 of the Public Service Amending Regulations 1945 (No. 2)* is hereby revoked, and the following regulation substituted:—

“59A. (1) The Commission may upon such conditions as it thinks fit, grant special leave of absence to any officer to enable him to attend a course of study and training at a University or other educational institution, whether in New Zealand or elsewhere, in furtherance of the officer’s training in the Public Service.

“(2) Where leave of absence has been granted under the provisions of clause (1) of this regulation, the following provisions shall apply:—

“(a) The Commission may authorize the payment on behalf of the officer of his college and tuition fees and may arrange for the supply or loan to the officer of the text-books necessary for the course of study. Such text-books shall be returnable on demand:

“(b) The Commission may refund to the officer the whole or such part as it thinks fit of the amount expended by the officer in the purchase of approved text-books:

“(c) The officer shall, if so required, enter into a bond as security for compliance by him with the conditions upon which leave is granted.”

(2) Regulation 3 of the Public Service Amending Regulations 1945 (No. 2)* is hereby revoked.

13. Regulation 109 of the principal regulations as enacted by Regulation 5 of the Public Service Amending Regulations 1948 (No. 2)† is hereby amended by revoking clause (3) thereof, and substituting the following clause:—

“(3) Wherever the Commission is of the opinion that a lower travelling-allowance than the scale allowance should suffice, or a higher travelling-allowance than the scale allowance is warranted, or that payment of a camp or field allowance is more appropriate, the Commission shall determine the rate of travelling-allowance or camp or field allowance that may be paid.”

14. Clause (10) of Regulation 110 of the principal regulations as enacted by the regulations made on the 12th day of January, 1917, and published in the *Gazette* on the 8th day of February, 1917, at page 469, is hereby amended by revoking the words “the Permanent Head of the Department”, and substituting the words “an officer of the Department duly authorized to certify vouchers”.

* Statutory Regulations 1945, Serial number 1945/188, page 478.

† Statutory Regulations 1948, Serial number 1948/79, page 260.

15. (1) Regulation 111A of the principal regulations as enacted by regulations made on the 14th day of December, 1920, and published in the *Gazette* on the 13th day of January, 1921, at page 33, as heretofore from time to time amended, is hereby revoked.

(2) Regulation 8 of the Public Service Amending Regulations 1936* is hereby revoked.

16. Regulation 112 of the principal regulations is hereby amended by revoking the words "by land or sea".

17. Regulation 163B of the principal regulations as enacted by the regulations made on the 24th day of March, 1915, and published in the *Gazette* on the 8th day of April, 1915, at page 1067, is hereby revoked, and the following regulation substituted:—

"163B. (1) Seniority shall be determined by reference to the maximum salary of the class, sub-class, or occupational group or sub-group in which an officer is for the time being graded.

"(2) On promotion, officers shall be placed at the bottom of the class or group to which they are promoted.

"(3) Officers promoted to the same class or group in the same financial year ending on the 31st day of March shall (for the purpose of determining the relative seniority of such officers) be deemed to have been promoted to that class or group simultaneously, and of any two such officers that officer with the longest continuous permanent service shall be deemed to be the senior.

"(4) For the purposes of clause (3) of this regulation, 'service' shall not include previous service which has been terminated or service in any branch of the Government not under the control of the Commission.

"(5) Notwithstanding the provisions of clause (4) of this regulation, where it is necessary to determine the relative seniority of two officers appointed to the permanent staff on the same day, the term permanent service shall (for the purposes of clause (3) of this regulation) be deemed to include prior continuous temporary service (under the provisions of section 45 of the Public Service Act, 1912) immediately preceding appointment to the permanent staff."

18. Regulation 193 of the principal regulations is hereby revoked, and the following regulation substituted:—

"193. The testimonial as to character shall be from the headmaster of the school last attended within six months, or from the candidate's last employer, or from a clergyman or other reputable person, and shall be in a form to be determined by the Commission or to like effect."

19. (1) Regulation 215A of the principal regulations as enacted by Regulation 17 of the Public Service Amending Regulations 1936* is hereby revoked.

(2) Regulation 17 of the Public Service Amending Regulations 1936* is hereby revoked.

20. The regulations made by the Public Service Commissioner (with the approval of the Governor-General in Council) in respect of the Tourist and Health Resorts Department on the 10th day of November, 1922, and published in the *Gazette* on the 23rd day of that month at page 3094, are hereby revoked.

* Statutory Regulations 1936, Serial number 20/1936, page 77.

21. The regulations made by the Public Service Commissioner (with the approval of the Governor-General in Council) in respect of Examining Officers of the Customs Department on the 16th day of January, 1920, and published in the *Gazette* on the 5th day of February, 1920, at page 440, are hereby revoked.

22. The regulations made by the Public Service Commissioner (with the approval of the Governor-General in Council) in respect of junior professional officers of the Hector Observatory on the 13th day of November, 1919, and published in the *Gazette* on the 27th day of that month at page 3579, are hereby revoked.

23. The regulations made by the Public Service Commissioner (with the approval of the Governor-General in Council) in respect of junior professional officers of the Department of Agriculture, Industries, and Commerce, on the 22nd day of July, 1916, and published in the *Gazette* on the 3rd day of August, 1916, at page 2576, are hereby revoked.

24. The regulations made by the Public Service Commissioner (with the approval of the Governor-General in Council) in respect of staff of the Dominion Laboratory on the 18th day of January, 1916, and published in the *Gazette* on the 27th day of that month at page 199, are hereby revoked.

25. The regulations made under the Public Service Act, 1912, for the examination of Inspectors of Factories on the 2nd day of April, 1914, and published in the *Gazette* on the 16th day of that month at page 1474, are hereby revoked.

26. The additional regulations applicable to workmen employed in the Public Works Department made by the Public Service Commissioner (with the approval of the Governor-General in Council) on the 25th day of March, 1914, and published in the *Gazette* on the 8th day of April, 1914, at page 1426, are hereby revoked.

As witness our hands, this 20th day of April, 1949.

R. M. CAMPBELL, Chairman.

G. T. BOLT, Member.

A. H. O'KEEFE, Member.

The Public Service Commission.

In pursuance of the provisions of the Public Service Act, 1912, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, approves the foregoing regulations.

B. C. FREYBERG, Governor-General.

Approved in Council, this 22nd day of June, 1949.

T. J. SHERRARD,

Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 23rd day of June, 1949.

These regulations are administered by the Public Service Commission.