

**1973/102**

**THE PUBLIC SERVICE REGULATIONS 1964,  
AMENDMENT NO. 4**

DENIS BLUNDELL, Governor-General

**ORDER IN COUNCIL**

At the Government Buildings at Wellington this 9th day of April 1973

Present:

THE HON. W. E. ROWLING PRESIDING IN COUNCIL

PURSUANT to the State Services Act 1962, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

**REGULATIONS**

**1. Title and commencement**—(1) These regulations may be cited as the Public Service Regulations 1964, Amendment No. 4, and shall be read together with and deemed part of the Public Service Regulations 1964\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

**2. Conduct adversely affecting the efficiency and economy of departments**—The principal regulations are hereby amended by inserting, after regulation 64, the following regulations:

**“64A. Failure to carry out full duties**—(1) Any employee or group or class of employees who refuses or fails diligently and efficiently to carry out his or their full duties in accordance with the terms and conditions normally applying to the performance of such duties may be forthwith suspended from duty by the Commission, and shall not be entitled to any remuneration by way of salary or wages or allowances in respect of the period of suspension.

“(2) Notice of suspension in accordance with the foregoing provisions of this regulation may be given to an individual employee or to a group or class of employees, as the case may be, by any of the means provided for the giving of notices to employees under section 74 of the State Services Act 1962, and shall remain in force until revoked by the Commission.

\*S.R. 1964/115

Amendment No. 1: S.R. 1965/123

Amendment No. 2: S.R. 1967/39

Amendment No. 3: S.R. 1969/176

**“64B. Employees may be temporarily laid off in certain cases—**

(1) If at any time the permanent head advises the Commission that there is for the time being in his department insufficient work to keep any employee or group or class of employees gainfully occupied in his or their normal occupation as a result of any refusal or failure on the part of that or any other group or class of employees to carry out normal duties, the Commission may direct, by notice in writing to that employee or group or class of employees, as the case may be, that, while the notice remains in force, his or their services are not required; and every such notice shall take effect according to its tenor.

“(2) Every such notice shall state the time and date from which it is to take effect, and shall remain in force for such period as may be specified therein, or, if no such period is specified, until it is revoked by the Commission. Any such notice may from time to time be extended by the Commission.

“(3) While any such notice remains in force, no employee to whom it relates shall be entitled to any remuneration by way of salary or wages, or allowances, nor shall he be obliged to perform any duty that he would, but for the notice, normally be obliged to perform.

“(4) Without limiting any other method of notification, an employee or group or class of employees shall be deemed to have been notified of the existence of any notice given under this regulation or of the revocation of any such notice, if the notice or, as the case may be, the revocation of the notice, is notified to any employee organisation of which the employee is a member or, in the case of a group or class of employees, of which the employees of that group or class are members.

“(5) Except as specifically provided in this regulation, where any notice given under subclause (1) of this regulation is for the time being in force, nothing shall affect the rights and obligations of the Commission as employer or the rights and obligations as employees of the persons to whom the notice relates.

“(6) On the expiration or, as the case may be, revocation of any notice given under this regulation, every employee to whom the notice relates (unless he or the Commission has sooner terminated his employment) shall be under an obligation to report for duty at the normal time for the commencement of his duty on the next day on which he would, but for the notice, have been under an obligation to report.

**“64c. Disciplinary action not precluded—**Nothing in regulation 64A or regulation 64B hereof shall prevent the Commission from initiating disciplinary action in respect of officers in the manner prescribed in section 58 (1) of the State Services Act 1962.”

P. G. MILLEN,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

The effect of these regulations is as follows:

- (a) The new regulation 64A authorises the State Services Commission to suspend from duty without pay any employee who refuses or fails to carry out his normal duties.
- (b) Regulation 64B enables employees to be laid off work without pay where, by reason of the failure of any group or class of employees to carry out their normal duties, there is insufficient work for them to perform.
- (c) Regulation 64C provides that nothing in regulation 64A or regulation 64B will prevent disciplinary action being taken against an employee under section 58 of the State Services Act 1962.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 12 April 1973.

These regulations are administered in the State Services Commission.