

1973/151



**THE PUBLIC SERVICE REGULATIONS 1964,  
AMENDMENT NO. 6**

DENIS BLUNDELL, Governor-General  
ORDER IN COUNCIL

At the Government Buildings at Wellington this 11th day of June 1973  
Present:

THE HON. W. WATT 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. 6, 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. Interpretation**—Regulation 2 of the principal regulations is hereby amended by inserting, after the definition of the expression "Public Service", the following definition:

"'Service', for the purpose of the implementation of retirement policy in accordance with Part XII of these regulations, means—

"(a) Full-time employment in the Public Service; together with

"(b) Any other period of full-time employment—

"(i) In the service of Her Majesty in respect of the Government of New Zealand, not being honorary service; or

"(ii) In the Education Service (as defined in section 2 (1) of the State Services Remuneration and Conditions of Employment Act 1969) or in the Hospital Service (as defined in the said section 2 (1))—

which the Commission may in its discretion recognise and specify by instruction in the Public Service Manual:".

\*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

Amendment No. 4: S.R. 1973/75

Amendment No. 5: S.R. 1973/113

**3. Form of application for employment**—(1) The principal regulations are hereby further amended by revoking regulation 10, and substituting the following regulation:

“10. (1) Every person desirous of appointment to the Public Service, whether as a probationer in the permanent service or as a temporary employee, shall forward to the department in which he wishes to be so employed an application containing such particulars as the Commission may from time to time require.

“(2) A department may regard as lapsed any application for a specific position when an appointment has been made to that position.

“(3) In making appointments from any list of current applications, the department shall have regard to the applicant with the most merit for the position to be filled. For the purposes of this subclause, merit shall be determined in the manner prescribed in section 28 (5) of the Act.”

(2) The principal regulations are hereby further amended—

- (a) By omitting from regulation 11 the words “the Commission” where they first occur, and substituting the words “the department to which application was made”:
- (b) By omitting from regulation 11 the words “the Commission” where they secondly occur, and substituting the words “the department”:
- (c) By omitting from subclause (1) of regulation 12 the words “the Commission” where they first occur, and substituting the words “the department to which application was made”:
- (d) By omitting from the proviso to paragraph (a) of subclause (1) of regulation 12 and also from paragraph (d) of the same subclause and also from subclause (2) of that regulation the words “the Commission”, and substituting in each case the words “the department”.

**4. Certificates and testimonials**—Regulation 12 of the principal regulations is hereby further amended by revoking subclause (3).

**5. Annual leave**—Regulation 13 of the principal regulations is hereby amended by revoking subclause (2), and substituting the following subclause:

“(2) An employee shall forfeit that part of his annual leave which he fails to take in the leave year in which it is granted, unless he has obtained the approval of the Permanent Head to the postponement of the leave. Except as is otherwise provided in subclause (3) of this regulation, the Permanent Head shall not approve more than 1 year’s leave entitlement being carried forward to the next leave year: “Provided that in special circumstances the Commission may approve of up to 2 years’ leave entitlement being carried forward to the next leave year.”

**6. Retirement policy**—Regulation 71 of the principal regulations is hereby amended—

- (a) By omitting from subclause (1) the words “whose continuous service commenced on or after the 1st day of August 1964”, and substituting the words “who was appointed to the Public Service on or after the 1st day of August 1964, or, in the

case of an officer who has been appointed to the Public Service more than once, who was last appointed to the Public Service on or after the 1st day of August 1964”:

- (b) By omitting from subclause (2) and also from subclause (5) the words “whose continuous service commenced before the 1st day of August 1964”, and substituting in each case the words “who was appointed to the Public Service before the 1st day of August 1964 or, in the case of an officer who has been appointed to the Public Service more than once, who was last appointed to the Public Service before the 1st day of August 1964”:
- (c) By omitting from subclause (4) the words “whose continuous service commenced on or after the 1st day of January 1946 but before the 1st day of August 1964”, and substituting the words “who was appointed to the Public Service on or after the 1st day of January 1946 but before the 1st day of August 1964, or, in the case of an officer who has been appointed to the Public Service more than once, who was last appointed to the Public Service on or after the 1st day of January 1946 but before the 1st day of August 1964”.

**7. Aviation Calibration Occupational Class**—The principal regulations are hereby further amended by inserting, after regulation 74, the following new Part:

**“PART XIII A—SPECIAL RETIREMENT PROVISIONS FOR  
AVIATION CALIBRATION OCCUPATIONAL CLASS**

**“74A. Retirement policy for Aviation Calibration Occupational Class**—(1) Every person who is a member of the Aviation Calibration Occupational Class of the Ministry of Transport (in this regulation referred to as the said Occupational Class), whether or not he is a contributor to the Government Superannuation Fund, may elect to retire from the Public Service at any time after he has attained the age of 50 years, and shall be required to relinquish office from the Public Service—

- “(a) As at the date on which he attains the age of 55 years if he was appointed to the Public Service on or after the 1st day of August 1964, or, in the case of a person who has been appointed to the Public Service more than once, if he was last appointed to the Public Service on or after the 1st day of August 1964:
- “(b) As at the date on which he attains the age of 60 years, if he was appointed to the Public Service before the 1st day of August 1964, or, in the case of a person who has been appointed to the Public Service more than once, if he was last appointed to the Public Service before the 1st day of August 1964.

“(2) Where in the opinion of the Commission special circumstances require that any member of the said Occupational Class should remain in the Public Service for a longer period than that permitted by subclause (1) of this regulation, the Commission may, by written notice

to that member, permit him to remain in the Public Service as a member of the said Occupational Class for any additional period or periods not amounting in the aggregate to more than one year.

“(3) Nothing in this regulation shall prevent a member of the said Occupational Class from receiving leave, or from receiving any payment, salary, or allowance while on leave or instead of leave, after the date when he is required to relinquish office in accordance with this regulation, if that leave or any part of it accrued during his period of service in the said Occupational Class and he has complied with the conditions prescribed for granting such leave.

“(4) Any member of the said Occupational Class who ceases to qualify to be a member of the said Occupational Class due to the cancellation on medical grounds of his licence under regulations made pursuant to the Civil Aviation Act 1964 may, if the Commission is unable to find for him any other suitable position in the Public Service, be required by the Commission, by notice in writing to him, to relinquish office from the Public Service within such time, being not less than 3 months after the giving of the notice, as is specified in the notice.

“(5) Nothing in the preceding subclauses of this regulation shall apply to any member of the said Occupational Class who, because of the position he holds, is specifically excluded from the operation of Part II of the Superannuation Amendment Act 1970, unless before the date of the commencement of that exclusion he has elected to be a contributor under the provisions of the said Part II.”

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.*

These regulations make miscellaneous amendments to the Public Service Regulations 1964.

Regulation 2 defines the term “service” for the purposes of the retirement policy provisions of Part XII of the principal regulations.

Regulation 3 requires applications for appointment to be made to the department in which the applicant wishes to be employed instead of to the Commission.

Regulation 4 revokes the provisions requiring an applicant to prove compliance with national military service obligations.

Regulation 5 amends the provisions of regulation 13 (2) of the principal regulations relating to postponement of annual leave. The Permanent Head may approve postponement of not more than 1 year’s leave, but the Commission may in special circumstances approve of up to 2 years’ leave being postponed.

Regulation 6 amends the provisions of regulation 71 of the principal regulations relating to retirement policy. The provisions of that regulation relating to officers whose continuous service commenced on or after 1 August 1964 are extended, in cases where an officer has been appointed to the Public Service more than once, to those officers who were last appointed on or after that date. The provisions relating to officers whose continuous service commenced before that date are extended, in cases where an officer has been appointed to the Public Service more than once, to those officers who were last appointed before that date.

Regulation 7 prescribes a special retirement policy for members of the Aviation Calibration Occupational Class in the Ministry of Transport.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 14 June 1973.

These regulations are administered in the State Services Commission.