

STATE SERVICES AMENDMENT BILL

EXPLANATORY NOTE

This Bill amends the State Services Act 1962.

Clause 1 relates to the Short Title to the Bill.

Clause 2 corrects a clerical error in section 19 (3) of the principal Act.

Clause 3 makes provision for decisions of the Commission (as constituted under section 29 of the principal Act) to be made by means of a minute signed by all the members of the Commission.

Clause 4 amends section 41 of the principal Act which relates to occupational classes and salary scales. *Subclause (1)* is retrospective to the commencement of the principal Act, and declares that any Order in Council prescribing the maximum salary rate which the Commission may prescribe shall come into force on a date to be specified in the Order in Council in that behalf (whether before or after the date of the Order in Council), and if no such date is specified shall come into force on the date of its notification in the *Gazette*.

Subclauses (2) and (4) amend cross references to other sections in the principal Act.

Subclause (3) extends the classes of allowances which may be prescribed under section 41 (6) of the principal Act. *Subclause (5)* amends section 41 (10) of the principal Act so as to provide that time shall run under that provision from the date on which a Public Service determination or Public Service order comes into force, and not from the date of its issue.

Clause 5: Subclause (1) amends a cross reference to a section in the principal Act. *Subclause (2)* extends the disciplinary powers of the Commission in cases where an officer is convicted of an offence, other than an offence against the Transport Act 1962 or against any regulations or bylaws under that Act which is not punishable by imprisonment.

Clause 6: Subclause (1) preserves the right of appeal against an officer who receives promotion in his position after the right of appeal accrues, but provides that an appeal shall lapse if the appellant resigns or retires or has his employment in the Public Service terminated. *Subclause (2)* varies the provisions governing notices of appeal. *Subclause (3)* extends the powers of the Appeal Board on an appeal.

Clause 7 extends section 76 of the principal Act so as to make it an offence to endeavour to influence any person or persons to whom the Commission has delegated its powers.

Hon. Mr Shand

STATE SERVICES AMENDMENT

ANALYSIS

Title	4. Occupational classes and salary scales
1. Short Title	5. Conviction for offences
2. Functions of Committee	6. Rights of appeal
3. Higher appointments	7. Offence to attempt to influence Commission

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 1964, and shall be read together with and deemed part of the State Services Act 1962* (hereinafter referred to as the principal Act).

10 **2. Functions of Committee**—Section 19 of the principal Act is hereby amended by omitting from subsection (3) the word “Board”, and substituting the word “Committee”.

3. Higher appointments—Section 29 of the principal Act is hereby amended by adding to subsection (4) the following
15 proviso:

*1962, No. 132

No. 102—1

“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.”

4. Occupational classes and salary scales—(1) Section 41 of the principal Act is hereby amended as from its commencement by adding to subsection (4) the words “Any such Order in Council shall come into force on a date to be specified therein in that behalf (whether before or after the date of the Order in Council), and if no such date is specified shall come into force on the date of its notification in the *Gazette*.” 5 10

(2) Section 41 of the principal Act is hereby further amended by omitting from subsection (5) the expression “section 47”, and substituting the expression “section 49”.

(3) Section 41 of the principal Act is hereby further amended by omitting from subsection (6) the words “tool allowances”, and substituting the words “separation allowances, locality allowances, dirty work allowances, and other allowances relating to conditions of work; tool allowances, travelling allowances, lodging allowances, camp allowances, and meal allowances”. 15 20

(4) Section 41 of the principal Act is hereby further amended by omitting from subsection (9) the expression “section 49”, and substituting the expression “section 51”.

(5) Section 41 of the principal Act is hereby further amended by omitting from subsection (10) the words “date of the issue of any Public Service determination or Public Service order issued by the Tribunal relating to that class”, and substituting the words “date on which any Public Service determination or Public Service order issued by the Tribunal relating to that class comes into force”. 25 30

5. Conviction for offences—(1) Section 55 of the principal Act is hereby amended by omitting from subsection (3) the expression “section 56”, and substituting the expression “section 58”.

(2) Section 55 of the principal Act is hereby further amended by adding the following subsection: 35

“(4) An officer who is convicted of any offence to which subsection (1) of this section does not apply (other than an offence against the Transport Act 1962 or against any regu-

lations or bylaws under that Act which is not punishable by imprisonment) may be deemed by the Commission to have committed an offence against this Act, and one or more of the penalties specified in subsection (1) of this section (other than the penalty of dismissal) may be imposed on him by the Commission.”

6. Rights of appeal—(1) Section 64 of the principal Act is hereby amended, as from the fifteenth day of September, nineteen hundred and sixty-four, by adding to paragraph (a) of subsection (1) the following provisos:

“Provided also that, where an officer receives promotion in a position to which he has been appointed, he shall be deemed not to have vacated that position for the purposes of an appeal under this section:

“Provided further that any such appeal shall be deemed to have lapsed if, before the appeal is determined, the appellant resigns or retires or has his employment in the Public Service terminated in any other manner.”

(2) Section 64 of the principal Act is hereby further amended by repealing subsection (3), and substituting the following subsection:

“(3) Notice of appeal under subsection (1) of this section, and of the grounds of the appeal, shall be forwarded to the Secretary of the Public Service Appeal Board in writing in time to be received by the Secretary within fourteen days after the date on which the decision has been notified to the officer concerned or within such extended time as the Appeal Board may in any case allow after good and sufficient reason has been shown in writing by the appellant. An appellant shall be deemed to have complied with the provisions of this section if he establishes to the satisfaction of the Appeal Board by the production of corroborative evidence that the notice of appeal was dispatched to the Appeal Board in time for it to have been received by the Appeal Board in the normal course of postal delivery on or before the last day fixed for the receipt of the notice.”

(3) Section 64 of the principal Act is hereby further amended by repealing subsection (6), and substituting the following subsection:

“(6) Where the appeal is against any penalty imposed by the Commission on any officer under section 55 or section 58 of this Act or any amount directed by the Commission to be recovered under section 58 of this Act, the Appeal Board may confirm, vary, or annul the penalty or the amount directed to be recovered or substitute therefor any other penalty or amount authorised in the section under which the penalty was imposed or the amount directed to be recovered.” 5

7. Offence to attempt to influence Commission—Section 76 of the principal Act is hereby amended by inserting in subsection (1), after the words “or any Commissioner”, the words “or any other person or persons to whom the Commission has delegated its powers under section 14 of this Act”. 10