

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives, 22nd July, 1874.

(Hon. Mr. Vogel.)

Civil Service Acts Amendment.

ANALYSIS.

Table with 2 columns: Description of sections and their details. Includes sections on Title, Preamble, Short Title, Repeal of enactment, Provisions of Civil Service Act, 1866, Appointments, Abolition of Office, etc., and Compensation for loss of office.

A BILL INTITLED

AN ACT to amend the Law relating to the Civil Service. Title.

WHEREAS by the second section of "The Civil Service Act Amendment Act, 1871," (hereafter called "the said Amendment Act,") the provisions of "The Civil Service Act, 1866," relating to retiring allowances, were repealed, subject to a proviso that such 5 repeal should not affect rights claims and interests under the said Act of persons appointed before the passing of the said Amendment Act:

And whereas it is expedient to repeal the said section, and to make other provision in lieu thereof:

And whereas it is expedient to further amend "The Civil Service 10 Act, 1866," (hereafter called "the said Act"):

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

1. The Short Title of this Act shall be "The Civil Service Acts 10 Amendment Act, 1874." Short Title.

Acc. 132460

72.42

2. The parts of Acts mentioned in the First Schedule hereto shall, on the passing of this Act, to the extent in the said Schedule specified, be absolutely repealed, and all classifications made thereunder shall be abolished. The repeal of the nineteenth section of the said Act shall not affect any persons transferred from a Provincial Civil Service to the Colonial Civil Service before the passing of the said Amendment Act. 5

3. It is hereby declared that David Lewis, Commissioner appointed under "The New Zealand Company's Land Claimants Ordinance, Session XL., No. 15," shall be deemed to be included within the provisions of "The Civil Service Act, 1866," and the rights and privileges conferred by that Act on Commissioners of Crown Lands appointed under Act of the General Assembly, are hereby conferred on and vested in, and shall be deemed to have been, by "The Civil Service Act, 1866," conferred on and vested in the said David Lewis; subject, nevertheless, to the operation of "The Civil Service Act Amendment Act, 1871." 10 15

4. All candidates under the age of twenty years for admission into the Civil Service shall pass such examination as the Governor in Council may from time to time by regulations direct. 20

So far as is consistent with the interests of the public service, all vacancies and new appointments shall be filled by the appointment of persons already in the service, or from amongst the persons who have passed such examination as aforesaid.

ABOLITION OF OFFICE, ETC., AND COMPENSATION FOR LOSS OF OFFICE. 25

5. The Governor may from time to time abolish or consolidate any offices, or dispense with the services of any officer, and alter the distribution of the officers in the Civil Service in each department as he may think fit.

6. When the services of any officer are dispensed with, he shall as compensation receive for each year of service, out of such moneys as may from time to time be appropriated by the General Assembly for the purpose, one month's salary, according to the rate paid him at the time of such services being dispensed with, and a proportionate sum for any additional period less than a year, unless he has been dismissed or called upon to resign for improper conduct. 30 35

RE-APPOINTMENTS.

7. When any officer has received compensation and is afterwards re-employed, he shall repay to the Public Account such proportion of the compensation paid to him as the Minister in whose department the office is to which such officer has been re-appointed, may determine. 40

8. When any officer to whom the provisions of the Acts mentioned in the Second Schedule hereto relating to retiring allowances apply, and who shall have been appointed before the passing of the said Amendment Act, has received compensation, he shall not be entitled, in the event of his re-employment, to reckon in the computation of his retiring allowance the time during which he was employed previously to his services being dispensed with, unless he shall first repay the amount received by him as such compensation, or such proportion thereof as the Governor may determine: Provided, however, that this section shall apply only to so much of the retiring allowance as is in respect of the salary of such officer irrespective of any increase received since the passing of the said Amendment Act. 45 50

Subject to the provisions of this section, any such officer as aforesaid who at any time has been employed in any office in the Civil Service, and who has not been dismissed or called on to resign for improper conduct, may be appointed to any other office in the Civil 55

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First Schedule
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t, promotion, &c.

visions of "Civil
Service Act, 1866,"
ended to David
Lewis, a Commis-
sioner under New
Zealand Company's
Land Claimants
Ordinance.

appointments.

abolition of offices.

compensation for
loss of office.

re-appointment,
repayment of
portion of
compensation may
be required.

repayment of
compensation,
condition of
receiving retiring
allowance in certain
cases.

Service as if he had never left such service; and such service (excluding the period when not in service) shall be taken to be continuous.

MISCONDUCT OF OFFICERS.

9. If any officer to whom the said Act applies shall misconduct himself, or become inefficient, or be guilty of any breach of any regulations made under the said Act, the Governor in Council may, on such proof as shall appear to the Governor in Council sufficient, dismiss such officer from the service, or reduce him to a lower salary or rank, or deprive him of his leave of absence during such time as to the Governor in Council may seem fit; and in no case of offence or breach of duty shall it be necessary that proof shall be obtained or inquiry held, as in the said Act or any Act amending the same is provided, unless it shall be made to appear to the Governor in Council that such inquiry ought in justice to the officer to be held.

Misconduct of officers.

RETIRING ALLOWANCES.

10. After the passing of this Act, no superannuation or retiring allowances payable out of the Consolidated Fund shall at any time be granted to any officer to whom the provisions of the Acts mentioned in the Second Schedule hereto relating to such allowances apply, and who shall have been appointed to any office before the passing of the said Amendment Act, if such pension would, with the total amount of pensions granted previously to such time and for the time being payable under the said Acts to other such officers as aforesaid, exceed the annual sum of nine thousand pounds, unless in the opinion of the Governor the person claiming such pension is, within the spirit and intention of the said Acts or either of them, entitled to such pension.

As to same officers, no pension to be granted if, with pensions previously granted, the annual sum of £9,000 would be exceeded, unless claimant in opinion of Governor is entitled.

11. Subject to the last preceding section of this Act, the superannuation or retiring allowance of every officer to whom the provisions of the Acts mentioned in the Second Schedule hereto relating to such allowances apply, and who shall have been appointed to any office in the Civil Service before the passing of the said Amendment Act, shall be computed and payable out of such fund as hereby provided, that is to say,—

Retiring allowances of officers in service before passing of the Amendment Act.

(1.) The retiring allowance payable to him in respect of so much of the salary receivable by him during the three years preceding his superannuation as shall not consist of increase of salary, over and beyond the salary receivable by him at the time of the passing of the said Amendment Act, shall be separately computed, and be payable out of the Consolidated Fund.

(2.) And the retiring allowance payable to him in respect of so much of the salary receivable by him during the said period of three years as shall consist of such increase as aforesaid shall be separately computed, and be payable out of "The Pension Fund Account," and the investments thereof or out of the deductions in aid of the said account as provided for in the *fifteenth* section hereof.

12. The second section of the said Amendment Act is hereby repealed, and the provisions of "The Civil Service Act, 1866," thereby repealed, shall be revived, and the said Act shall, subject to the provisions of this Act, and so far as is consistent herewith, be construed as if the said provisions had never been repealed.

Section 2 of "The Civil Service Act Amendment Act, 1871," repealed, and sections of "The Civil Service Act, 1866," repealed thereby, revived.

13. There shall be deducted by the Colonial Treasurer from and out of all salaries payable by the Colonial Treasurer to any officer or person in the Civil Service of the Colony to whom the Acts mentioned in the Second Schedule hereto, or any or either of them, apply or applies, a sum after the rate of two pounds ten shillings yearly for every hundred

Deductions of 2½ per cent. out of salaries of officers entering service after passing of the Amendment Act, and out of in-

Increases of salaries of other officers made since the passing of that Act.

pounds of such salary, and so in proportion for every part of a hundred pounds of such salary; provided that as to such of the said officers who were in the Civil Service at the time of the passing of the said Amendment Act, such deduction shall be made only in respect and out of such increases as shall have been made since the passing of the said Amendment Act to the salaries of such officers. 5

Deductions to form Pension Fund.

Such deduction shall be made monthly, and be paid by the Colonial Treasurer into the Public Account, and be placed by the Colonial Treasurer to the credit of the Public Trust Fund, and to a separate account there called "The Pension Fund Account;" and the said moneys so deducted, together with all the interest accruing on all securities in which the same shall be invested, or such part of such sums or deductions as the Governor shall from time to time direct, shall from time to time be invested in the manner prescribed by "The Public Revenues Act, 1867," and the Acts amending the same, for the investment of moneys lying to the credit of the Public Trust Fund: Provided that all interest arising from any such securities as aforesaid shall be paid to the credit of the Pension Fund Account, and not to the Consolidated Fund. 10 15

Investment thereof.

Interest on investments to be paid to the fund.

Officers appointed after passing of Amendment Act to be entitled to pensions payable out of Pension Fund and hereafter provided.

14. Any officer to whom "The Civil Service Act, 1866," applies, and who shall have entered the Civil Service since the passing of the said Amendment Act, shall, subject to the provisions of this Act, be entitled to such retiring allowance as by the said Act provided, but to be paid only out of the moneys and in the manner in this section hereafter provided. 20 25

Retiring allowances to be paid out of Pension Fund; and if that insufficient, by deductions from the salaries of officers appointed after and increases of salaries of officers appointed before the passing of the said Amendment Act.

15. All retiring allowances payable under the last preceding section and subsection (2) of the *eleventh* section of this Act shall be paid by the Colonial Treasurer out of moneys for the time being standing to the credit of the Pension Fund Account and the investments thereof. 30

If at any time there shall not be sufficient moneys at the credit of the said Account to meet such payment, then such deficiency shall from time to time be made good by deductions to be made from the salaries of such officers as shall have entered the Civil Service after the passing of the said Amendment Act, and out of such increases as shall have been made since the passing of the said Amendment Act in the salaries of such officers as aforesaid, who were in the said service at the time of the passing of the said Amendment Act. 35

Such deduction shall be made proportionately according to the amount of each salary, or increase of salary, as the case may be. 40

Schedules.

SCHEDULES.

FIRST SCHEDULE.

THE provisions contained in the sections of "The Civil Service Act, 1866," numbered from three to nineteen, both inclusive.

All other provisions of any Acts of the General Assembly, so far as they relate to classification of the Civil Service, or to classes thereof.

SECOND SCHEDULE.

"The Civil Service Superannuation Act, 1858."

"The Civil Service Amendment Act, 1861."

"The Civil Service Act, 1866."