

Mr Quigley

COMMUNITY SERVICE

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A BILL INTITULED

An Act to establish a voluntary community service scheme

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

1. Short title and commencement—(1) This Act may be cited as the Community Service Act 1978.

No. 40—1

Price 20c

(2) This Act shall come into force on a date to be appointed by resolution of the House of Representatives, being a date not later than the 31st day of August 1979.

2. Interpretation and general purpose of Act—(1) In this Act, unless the context otherwise requires,— 5

“Area” means that territory for which a Committee has responsibility, the boundaries of which are fixed by Order;

“Committee” means a Community Service Committee constituted under section 4 of this Act; 10

“Community service worker” means a Community Service Worker appointed pursuant to section 5 (2) (a) of this Act;

“Director” means the Director of Community Service appointed pursuant to section 14 of this Act; 15

“Local authority” means a city council, a borough council, a county council, a town council, or a territorial local authority as defined in section 2 of the Local Government Act 1974;

“Minister” means the Minister of Labour; 20

“Order” means an Order made under section 17 of this Act;

“Voluntary service agency” means any person or body, corporate or unincorporate, which has as its primary object or as one of its primary objects the provision of services or facilities intended for the benefit of any person or class or classes of person; 25

“Scheme” means the Community Service Scheme established by section 3 of this Act.

(2) This Act shall be read and implemented so as to ensure that the Scheme is adapted and reviewed from time to time to enable community service workers to acquire and use skills which are relevant and useful to themselves and their communities, and for this purpose and to the extent that the law of New Zealand permits, the administration of the Scheme shall be kept simple and community-orientated. 30 35

PART I

COMMUNITY SERVICE SCHEME

3. Community Service Scheme established—(1) There is hereby established a Scheme which shall be known as the Community Service Scheme. The Scheme shall consist of classes, lectures, demonstrations, work, and other programmes designed to provide a community service worker with knowledge, practical skills, and expertise of use and benefit to himself and his community.
- (2) Without limiting the generality of subsection (1) of this section, the Scheme may include any or all of the following:
- (a) Civil defence training and instruction;
 - (b) First aid;
 - (c) Work in any public or private hospital, health centre, or other institution within the meaning of the Hospitals Act 1957;
 - (d) Work in any charitable institution for, or in the homes of, the old, the infirm, the handicapped, or the disabled, or in any educational institution;
 - (e) Work for the Crown or any local authority (as defined in section 2 of the Local Government Act 1974), or voluntary service agency, or on any land owned, leased, administered, or occupied by the Crown, or any such local authority or any voluntary service agency;
 - (f) Any programme, approved by the Director, consistent with the provisions of this section.
- (3) Notwithstanding anything in subsection (1) or subsection (2) of this section, the Scheme shall not extend to include training in the use of firearms or for any military purpose.

PART II

COMMUNITY SERVICE COMMITTEES

4. Community Service Committees may be established—
- (1) The Director, whether on his own motion or at the request of a local authority, may constitute a Committee for any territory comprising the district or districts of any one or more local authorities or any part or parts of such districts.

(2) The Director shall cause notice of the constitution of a Committee to be published in the *Gazette*.

(3) Every Committee shall, under the name of "The [Name] Community Service Committee" be a body corporate with perpetual succession and a common seal and, subject to this Act, may acquire, hold, and dispose of real or personal property, and sue and be sued, and do and suffer all such acts and things as bodies corporate may do and suffer.

(4) Each Committee shall consist of 3 persons appointed by the Director for a term of 1 year who may from time to time be reappointed:

Provided that no person shall be appointed for more than 3 successive terms without the prior consent of the Minister.

(5) For each Committee the Director shall appoint 1 person on the recommendation of the local authority for the area or, where there is more than 1 local authority, on the joint recommendation of those whose districts or parts thereof are included in the area, and another on the recommendation of those voluntary service agencies operating within the area and which have indicated their support for the Scheme.

(6) The provisions of the Schedule to this Act shall extend and apply to a Committee appointed under this section.

5. Powers, duties and functions of Committees—(1) A Committee shall be responsible for the implementation, development, and administration of the Scheme within its area.

(2) For the purposes of subsection (1) of this section, a Committee shall:

- (a) Appoint community service workers;
- (b) Employ, or otherwise engage, the services of suitable persons to act as supervisors, organisers, lecturers and instructors;
- (c) Make rules, not inconsistent with this Act or any Order, for community service workers and other persons connected with the Scheme;
- (d) Issue Completion Certificates, showing the number of hours of participation in the Scheme, to community service workers in accordance with the manner and form determined by Order from time to time.

(3) A Committee may:

- (a) Enter into agreements or arrangements, whether intended to be legally enforceable or not, with any local authority, voluntary service agency or any person or body, corporate or unincorporate;

(b) To the extent that it is practicable, operate the Scheme, or part of it, in association with 1 or more Committees whose areas are contiguous with, or in close proximity to, that of the Committee.

5 (4) Where the Director so requires, specified programmes, such as civil defence training, shall be conducted by the Director on a national basis.

(5) A Committee shall try to ensure that the Scheme is operated so as to enable a community service worker to
10 choose the times at which he participates therein.

6. Apportionment of costs—(1) In any financial year, the costs of administering the Scheme in an area shall be paid by the local authority or local authorities in that area. In the event that 2 or more local authorities fail to agree on the
15 proportion of those costs to be paid by each of them, the question shall be submitted to the Director who shall decide it after consultation with the Controller and Auditor-General and the decision of the Director shall be final.

(2) At the end of its financial year, a local authority,
20 which has met any costs as provided for in subsection (1) of this section, shall submit to the Minister a statement thereof together with such information relating to those costs as he may require, and the Minister shall thereupon authorise the payment, out of money appropriated by Parliament for the
25 purpose, a sum equal to that expended by the local authority in administering the Scheme in the previous financial year.

(3) The costs of materials, equipment, transport, and those incurred in respect of any programme shall be borne by the person or body for whom or for which work is done by com-
30 munity service workers.

(4) In any case not provided for in this section, the Director shall determine upon whom liability for the payment of the costs of the Scheme or any programme shall fall:

Provided that any person or body affected by such deter-
35 mination may have his or its contribution, as the case may be, reviewed by the Minister whose decision shall be final.

7. Minister may authorise payments in certain cases—

(1) Notwithstanding the provisions of section 6 of this Act, the Minister may authorise the payment, out of money appro-
40 priated by Parliament for the purpose, a sum necessary to meet the costs of operating the Scheme in an area or areas

in cases where it would be unreasonable, in his opinion, to require the local authority or the person or body for whose benefit a programme is being undertaken to meet those costs in advance.

(2) In any case in which a payment has been authorised under subsection (1) of this section, the Minister may require a contribution, in such amount as he thinks fit, from the local authority or the person or body at any time during, or on completion, of that programme. 5

PART III 10

COMMUNITY SERVICE WORKERS

8. Community service workers—(1) Any person who has attained the age of 15 years but has not attained the age of 24 years may apply to a Committee for appointment as a community service worker. 15

(2) In making appointments pursuant to section 5 (2) (a) of this Act, a Committee shall give preference to those persons who make application while still attending a secondary school or who make application within a reasonable time of completing their secondary education. 20

9. Expiration of appointment—Upon the expiration of 100 hours' participation in the Scheme or such greater number, not exceeding 200 hours, as may be agreed upon between the community service worker and the Committee which appointed him, a person shall cease to be a community service worker: 25

Provided that where his appointment would expire in the course of a programme it shall continue for the duration of that programme and shall thereupon expire.

10. Community service workers not to be paid—A community service worker shall not be paid wages or other form of remuneration but shall be entitled to be paid travelling and other allowances at a rate to be fixed by Order. 30

11. Tax rebate—(1) The Income Tax Act 1976 is hereby amended by inserting after section 56 the following section: 35

“56A. Rebate for community service workers—Subject to section 57 of this Act, every community service worker who is granted a Completion Certificate as provided for in section 5 (2) (d) of the Community Service Act 1978 shall be

entitled to a rebate of not less than \$200 nor more than \$400 (the actual amount in excess of \$200 to be determined on the basis of \$2 for each hour completed in excess of the first 100 hours) of income tax in his assessment for the first income
5 year during which he is employed following his completing the Scheme.”

(2) The Income Tax Act 1976 is hereby further amended by adding to section 57 (2) the following paragraph:

“(m) Section 56A.”

10 **12. Termination of appointment**—(1) A Committee, whether of its own motion or on the recommendation of a person having the control or supervision of community service workers, may terminate the appointment of a community
15 service worker in circumstances where it would be reasonable for an employer to terminate the employment of an employee.

(2) Where an appointment is terminated under subsection (1) of this section, a Completion Certificate shall not be
20 issued to that community service worker.

20 **13. Community service worker to be heard**—Before exercising the power contained in section 12 of this Act, a Committee shall give the community service worker affected a full opportunity to state his reasons why his appointment
25 should not be terminated. Any purported termination made otherwise than in accordance with the provisions of this section shall be of no effect.

PART IV

DIRECTOR OF COMMUNITY SERVICE

30 **14. Director of Community Service**—(1) There shall from time to time be appointed a suitable person to be Director of Community Service, who shall have and may exercise the powers, duties, and functions conferred on him by this Act or any other enactment.

(2) The Director of Community Service shall be
35 appointed—

(a) Under the State Services Act 1962; or

(b) By the Minister otherwise than under that Act,—

as the Minister directs, and, if appointed under the State Services Act 1962, shall hold office in accordance with that Act.

(3) Where the Director of Community Service is appointed otherwise than under the State Services Act 1962, he shall be appointed for a term specified in his appointment, but the Minister may revoke that appointment by reason of disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister, or the Director may at any time resign his office by writing addressed to the Minister.

(4) No person appointed as the Director under subsection (2) (b) of this section shall by reason only of that appointment be deemed to be employed in the service of Her Majesty for the purposes of the State Services Act 1962 or the Government Superannuation Fund Act 1956.

(5) A person to whom subsection (2) (b) of this section applies shall be paid such salary, fees and allowances as shall be determined by the Minister after consultation with the State Services Commission.

(6) The fact that a person purports to have been appointed as the Director shall be conclusive evidence of that appointment and of his authority to act unless and until the contrary is proved.

PART V

GENERAL PROVISIONS

15. Use of schools and other facilities—For the purposes of this Act, a Committee or the Director may require the governing body of any public primary school or intermediate school or secondary school or tertiary education institution to make available to the Committee or the Director the grounds, buildings and facilities of that school or institution at the times and for the periods specified. Nothing in this section shall authorise a Committee or the Director to cause disruption to the normal hours observed by schools or tertiary education institutions.

16. Departments may provide services, etc.—The Crown, acting through any Government department, may from time to time, at the request of the Director acting on his own behalf or on behalf of any Committee, enter into contracts

or arrangements for the execution or provision by that department for the Director or a Committee of any work, stores or equipment, on and subject to such terms and conditions as may be agreed upon.

- 5 **17. Minister may make Orders**—The Minister, by notice in the *Gazette*, may make Orders for any or all of the following purposes:
- 10 (a) Prescribing the form and content of documents to be used by a Committee or by any person or body in relation to the Scheme;
 - (b) Prescribing the form and the conditions under which a Completion Certificate may be issued by a Committee;
 - 15 (c) Fixing the boundaries of a Committee's area which, to the extent that it is practicable, shall be the same as those of the district of a local authority or of the districts of two or more local authorities;
 - (d) Fixing allowances for the purposes of section 10 of this Act;
 - 20 (e) For the full and proper administration of this Act.

18. Committee members not personally liable—A member of a Committee shall not be personally liable for any act or omission where it is done or omitted to be done in good faith in the course of his duties as a member of a Committee.

- 25 **19. Accident compensation**—For the purposes of the Accident Compensation Act 1972 or of any other Act or of any rule of law, a community service worker or any person appointed under section 5 (2) (b) of this Act shall be deemed to be a worker employed by the Crown, and in the
- 30 case of a community service worker not otherwise employed, his weekly earnings shall be deemed to be an amount which the Accident Compensation Commission considers in all the circumstances of the case would be a fair amount.

Section 4 (6)

SCHEDULE

1. At its first meeting, which shall be convened by the Director, and thereafter as circumstances require, a Committee shall elect 1 of its members as Chairman.

2. A Committee shall meet not less than once in each month and more frequently as circumstances require.

3. The provisions of the Public Bodies Meetings Act 1962 shall apply to meetings of a Committee which, for this purpose, shall be deemed to be a public body.

4. Where a vacancy arises in the membership of a Committee from any cause, the Director shall fill that vacancy and shall observe the requirements of section 4 (3) if applicable.

5. A member may resign at any time by writing addressed to the Director and such resignation shall constitute a vacancy for the purposes of clause 4 hereof.

6. Decisions of a Committee shall be that of the majority. Where there is an equality of votes the matter shall be reconsidered by the full Committee at its next meeting and its decision shall be final.

7. A Committee shall not transact business in the absence of more than 1 member but shall otherwise be at liberty to regulate its own procedure subject only to the provisions of this Act.

8. A decision of a Committee shall not be held invalid by reason only of a vacancy in its membership.

9. Where it appears to the Director that a member is guilty of misconduct, or is unable or incapable of carrying out his functions and duties, the Director may suspend that member from office pending a more detailed inquiry or remove him from office and the Director may appoint another person as a member for the duration of that suspension or, in the case of removal, in complete substitution therefor.