

Public Service Amendment Act 1952

Public Act 1952 No 4
Date of assent 25 August 1952

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An Act to amend the Public Service Act 1912.

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.

This Act may be cited as the Public Service Amendment Act 1952, and shall be read together with and deemed part of the Public Service Act 1912 (hereinafter referred to as the principal Act).

2 Special Board of Appeal.

- (1) All appeals by officers under the provisions of the principal Act or any other enactment shall be heard either by the Board of Appeal established under the principal Act or by a Special Board of Appeal, which shall consist of four persons to be appointed by the Governor-General on the recommendation of the Prime Minister, of whom—
- (a) Two persons, of whom at least one shall be an officer or retired officer of the Public Service, shall be appointed as Government members:

- (b) Two persons, employed in different Departments of the Public Service, shall be appointed as Service members on the nomination of the New Zealand Public Service Association (Incorporated).
- (2) One of the Government members shall be appointed by the Governor-General as the Chairman of the Board.
- (3) The Service members shall not both be entitled to sit as members of the Special Board of Appeal at the same time, and shall mutually agree as to which of them is to act as a member of the Board in any particular appeal. In default of agreement in any case the Chairman shall determine by lot the person so to act.
- (4) The members of the Special Board of Appeal shall hold office during the pleasure of the Governor-General.
- (5) If any member of the Special Board of Appeal dies, or by notice in writing addressed to the Commission resigns his office, or refuses or neglects without sufficient cause to attend any duly appointed meeting of the Board, or (being a Service member) ceases to be employed in the Public Service or becomes employed in the Department in which the other Service member is employed, then and in any such case his seat shall become vacant, and the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made.
- (6) Subject to the provisions of this section, all the provisions of the principal Act or any other enactment relating to the Board of Appeal established under the principal Act shall, as far as they are applicable and with any necessary modifications, apply with respect to the Special Board of Appeal:
 Provided that every deputy of a Service member appointed under section fifteen of the Public Service Amendment Act 1927 shall be appointed on the nomination of the New Zealand Public Service Association (Incorporated).
- Repeals. 1946, No. 42 1947, No. 45*
- (7) Section twenty of the Public Service Amendment Act 1946 and section thirty-seven of the Finance Act (No. 2) 1947 are hereby repealed.

3 Acting appointments.

- (1) The principal Act is hereby amended by repealing section five, and substituting the following section:—

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- “(1) On the occurrence from any cause of a vacancy in any position in the Public Service (whether by reason of death, resignation, or otherwise), and in case of the absence from duty of any employee (from whatever cause arising), and from time to time while the vacancy or absence continues, the Commission may direct an officer of the Public Service to act in the vacant position or in the place of the absent employee while the vacancy or absence continues.

“(2) No such direction and no acts done by an officer acting as aforesaid shall in any proceedings be questioned on the ground that the occasion for the direction had not arisen or had ceased.”

Repeal.

(2) Section three of the Public Service Amendment Act 1927 is hereby consequentially repealed.