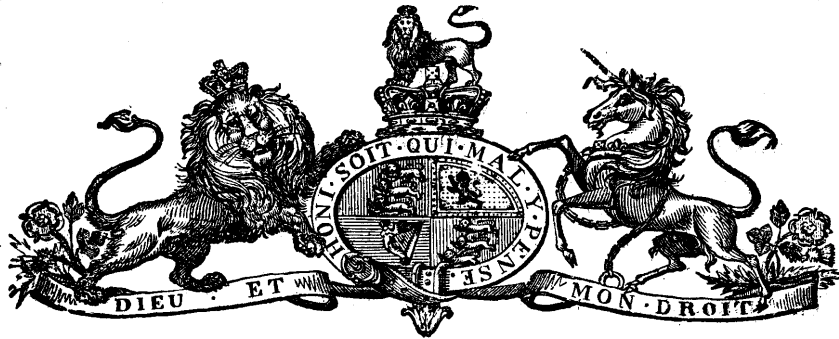


NEW ZEALAND.



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 43.

ANALYSIS:

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| Preamble. | 7. Relief may be given to families of deceased government officers. |
| 1. Officers how placed on retired list. | 8. Act not to give absolute right to allowances or to prevent dismissal of persons for misconduct. |
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AN ACT to provide for the retirement of Officers of the Civil Service of the General Government of New Zealand.

[10th August, 1858.]

WHEREAS it is expedient to provide for the Retirement of Officers, Clerks, and others employed in the Civil Service of the Colony of New Zealand, and for the relief, in certain cases, of their Widows, and Orphan children.

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

I. Any Officer, Clerk, or other Person, as aforesaid, desiring to avail himself of the Retiring Allowance hereinafter provided, shall notify such desire in writing, addressed to the Colonial Secretary, accompanied by a certificate signed by two

Officers how placed on retired list.

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Medical Practitioners, that by reason of age, bad health, or other infirmity he is no longer capable of performing his duties: Provided always that any Person who shall have served thirty years and upwards, shall be entitled to avail himself of such Retiring Allowance without such certificate: Provided also that no such Retiring Allowance shall be granted to any such Officer, Clerk, or other Person unless he shall have discharged his duties with diligence and fidelity to the satisfaction of the Head Officer of his Department, which shall be certified by such Head Officer; and in case the person claiming such Superannuation Allowance, shall himself be the Head Officer, then such Superannuation Allowance shall not be granted unless he shall have discharged the duties of his situation with diligence and fidelity to the satisfaction of the Colonial Secretary; and the Governor in Council, if satisfied as to the allegations contained in such certificate, shall thereupon direct such Officer, Clerk or other person to be placed on the Retired List: Provided always that no extra Clerks, or other persons holding any acting or temporary appointments, shall be deemed to be within the provisions of this Act.

Retirement when to be paid.

II. The Colonial Treasurer shall periodically, at such times as the Governor may appoint for that purpose, pay to every Officer, Clerk, or other Person, whose name shall appear on such Retired List, such sums as they may be entitled to receive under the provisions of this Act.

Amount of allowance.

III. It shall be lawful for the Governor in Council to grant to the Officers, Clerks, and other Persons so placed on such Retired List, Superannuation or Retiring Allowances according to the following proportions, with reference to the amount of their Salaries, and the periods of their services respectively, (videlicet)—

To any Officer, Clerk, or Person who shall have served ten years and upwards, and under seventeen years, an Annual Allowance equivalent to three twelfths of the average salary of Office or Offices held by him during the last three years previously to retirement.

For a period of service of or exceeding seventeen years, and under Forty-five years, an annual allowance equivalent to four-twelfths of such salary, together with the addition of one eighty-fourth part of such salary for every complete year of such service, over and above seventeen years.

And for Forty-five years and upwards an Annual Allowance equivalent to eight-twelfths of such salary.

No allowance to be drawn in addition to salary of any other Office.

IV. In case any Person enjoying any Superannuation or Retiring Allowance under this Act, shall be appointed to fill any office in any Public Department, every such Allowance shall cease to be paid for any period subsequent to such appointment, if the annual amount of the profits of the Office to which he shall be appointed, shall be equal to those of the

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office formerly held by him, and in case they shall not be equal to those of his former Office, then no more of such Superannuation Allowance shall be paid to him than what with his salary of his new appointment shall be equal to that of his former Office.

V. If in the case of any person to whom an Allowance has been granted under this Act on the ground of infirmity, the health of such Officer be re-established and the Governor offer to him any suitable office, with salary equal to that formerly held by him, and if such person shall refuse to accept such office, the allowance so granted as aforesaid shall thereupon cease.

If health be re-established and offer of other Office refused allowance may be stopped.

VI. For the purpose of computing the amount of retiring allowance to which any such Officer, Clerk, or other Person may become entitled under this Act the period during which he shall have held any appointment on the establishment of the said Service shall alone be taken into consideration,—the number of days (if any in excess of six weeks in each respective year) which such Officer, Clerk, or other Person may have been absent from duty, shall be deducted from the period during which he may have held any such appointment, and the proportionate amount payable to such Officer, Clerk, or other Person by way of retiring or superannuation allowance, shall be computed upon the average of the Salaries which such Officer, Clerk, or other Person shall have received during the period of three years next preceding the date of his retirement: Provided always that Officers, Clerks, and other Persons belonging to Departments which have been transferred to the Provincial Government of a Province, but which have been replaced on the establishment of the General Government shall be entitled to reckon the period during which they served in those Departments under a Provincial Government.

Retiring allowances how to be computed.

VII. Whenever any claim shall be made, within two years after his death, by the Widow, or on behalf of the children if their mother be dead, of any Officer, Clerk, or other Person employed by the General Government if such death shall take place while in the service of the General Government, it shall be lawful for the Colonial Treasurer under the Warrant of the Governor to pay to such Widow or Children, or to such Persons as the Governor may direct in trust on her or their behalf, such sum as the Governor in Council may fix: Provided always that the sum so paid to one Family shall not altogether exceed the Salary for one year drawn, to which such Officer, Clerk, or other Person was entitled immediately before his death.

Relief may be given to families of deceased government officers.

VIII. Nothing in this Act contained shall be construed to extend to give any Person an absolute right to allowances under this Act, or to deprive the Governor or the Heads or Principal Officers of the respective Departments, of the Power and authority which they may lawfully possess to dismiss any Person from the Public Service without compensation.

Act not to give absolute right to allowances, or to prevent dismissal of persons for misconduct.

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Certain Officers not to be affected by this act.

IX. This Act shall not apply to Offices, whose Holders have seats in the Executive Council, or from which such Holders are removable on merely political grounds, or to Offices in respect of which Retiring Allowances may be granted under any other Act.

Short Title.

X. The Short Title of this Act shall be "The Civil Service Superannuation Act, 1858."