

THIS Bill originated in the House of Representatives; and, having this day passed, is now ready for presentation to the Senate for its concurrence.

J. A. PETTIFER
Clerk of the House of Representatives

House of Representatives,
Canberra, 25 February 1981

A BILL

FOR

An Act to amend the *Commonwealth Teaching Service Act 1972*, and for purposes connected therewith

5 BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

1. (1) This Act may be cited as the *Commonwealth Teaching Service Amendment Act 1981*.

10 (2) *The Commonwealth Teaching Service Act 1972*¹ is in this Act referred to as the Principal Act.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

15 Administrative staff

3. Section 18 of the Principal Act is amended by adding at the end thereof "or be members of the Service".

4. After section 43Q of the Principal Act the following Division is inserted in Part III:

“Division 10—Transfer of certain members to the Teaching Service of the Northern Territory

Interpretation

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“43R. (1) In this Division, unless the contrary intention appears—

‘appropriate authority of the Northern Territory’ means a person authorized by a law of the Northern Territory, or by a delegation given under such a law, to appoint persons to be officers of the Teaching Service of the Northern Territory;

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‘transferred employee’ means a temporary employee of the Commonwealth Teaching Service who is transferred to the Teaching Service of the Northern Territory under section 43r;

‘transferred officer’ means an officer of the Commonwealth Teaching Service who is transferred to the Teaching Service of the Northern Territory under section 43r.

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“(2) A person who becomes a transferred officer upon being transferred to the Teaching Service of the Northern Territory under section 43r continues to be a transferred officer for the purposes of this Division until he ceases to be employed in the Teaching Service of the Northern Territory.

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Minister to be satisfied as to form of Northern Territory law

“43s. (1) Where the Minister is satisfied that the laws of the Northern Territory relating to the terms and conditions of service of persons appointed to be officers, or engaged as employees, of the Teaching Service of the Northern Territory make provision as set out in sub-section (2), the Minister may, by notice published in the *Gazette*, declare that he is satisfied that the laws of the Northern Territory comply with the requirements of this section.

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“(2) The provision to be made for the purposes of sub-section (1) is provision—

(a) for a transferred officer to be deemed, by virtue of his transfer, to have been duly appointed, on the date of his transfer, to be an officer of the Teaching Service of the Northern Territory—

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(i) except where sub-paragraph (ii) applies—without probation; or

(ii) if his appointment as an officer of the Commonwealth Teaching Service has not been confirmed before that date—upon probation,

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upon terms entitling him to continue to be employed in the Northern Territory Teaching Service otherwise than for a term of years;

5 (b) for a transferred officer, other than a transferred officer referred to in paragraph (c), to be entitled, upon his transfer, to be paid salary at a rate not less than the rate at which salary was payable to him in respect of the position held by him in the Commonwealth Teaching Service immediately before the date of his transfer;

(c) for a transferred officer who is, on the date of his transfer, performing duty for an authority, body or person by reason of his having been authorized to do so under this Act—

10 (i) to be entitled to continue, on and after that date, to perform duty for that authority, body or person for the remainder of the period for which he has been authorized to do so as if he had been authorized to do so in accordance with the terms and conditions of his service in the Teaching Service of the Northern Territory and upon terms and conditions similar to the terms and conditions upon which he was authorized to do so under this Act;

15 (ii) to be deemed to have been granted, on the date of his transfer, leave of absence without pay from the Teaching Service of the Northern Territory for the period commencing on that date and ending on the last day of the period for which he is to be treated as authorized to perform duty for that authority, body or person; and

20 (iii) to be entitled, upon the termination of the leave of absence referred to in sub-paragraph (ii), to be paid salary at the rate that the appropriate authority of the Northern Territory determines to be the appropriate rate having regard to the rate at which salary was payable to him in respect of the position held by him in the Commonwealth Teaching Service immediately before he commenced to perform duty for that authority, body or person and the period during which he performed that duty;

25 (d) for a transferred employee to be deemed, by virtue of his transfer, to have been engaged, on the date of his transfer, as an employee of the Teaching Service of the Northern Territory on terms entitling him to continue to be employed in that Service—

30 (i) for such period only as the appropriate authority of the Northern Territory determines having regard to the work ordinarily performed, or last performed, by the employee in the Commonwealth Teaching Service and to the period during which the employee was likely to continue to be a temporary employee; and

35 (ii) at such a salary as the appropriate authority of the Northern Territory determines to be the appropriate salary for the employee having regard to the nature of the work performed by the employee during the period, or the last period, of his temporary employment in the Commonwealth Teaching Service, or, if

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that period was in excess of 3 months, during the period of 3 months immediately preceding the date of his transfer;

- (e) for a transferred officer or a transferred employee to retain such rights (if any) in respect of—
- (i) recreation leave; and 5
 - (ii) leave on the ground of illness, as had accrued to him as an officer of, or employee in, the Commonwealth Teaching Service immediately before the date of his transfer;
- (f) for the entitlement of a transferred officer or transferred employee to long service leave in respect of his service in the Teaching Service of the Northern Territory to be determined— 10
- (i) in accordance with a rate of accrual of long service leave that is not less than the rate of accrual of long service leave that was applicable to him, immediately before his transfer, in respect of his service in the Commonwealth Teaching Service under the law of the Commonwealth relating to long service leave; and 15
 - (ii) in respect of a period of service that is not less than the period ascertained by aggregating the period of his service in the Teaching Service of the Northern Territory after his transfer and the period that was, immediately before his transfer, the period of his service for the purposes of the law of the Commonwealth relating to long service leave, 20
- and for the amount of pay in lieu of long service leave payable to, or in relation to, a transferred officer or transferred employee to be calculated in a like manner; 25
- (g) for a transferred officer or a transferred employee to whom leave of absence has been granted from the Commonwealth Teaching Service for a period commencing on or before the date of his transfer and ending after that date to be deemed to have been granted leave of absence for the purpose for which that leave was granted for the period commencing on the day of his transfer and ending on the last day of the first-mentioned period; and 30
- (h) for the probationary service in the Commonwealth Teaching Service of a transferred officer who is deemed to have been appointed to the Teaching Service of the Northern Territory on probation to be treated as probationary service in the Teaching Service of the Northern Territory. 35

“(3) Where, while a notice under sub-section (1) is in force, a change occurs in the laws of the Northern Territory relating to the terms and conditions of service of employees of the Teaching Service of the Northern Territory, the Minister shall, by notice published in the *Gazette*, revoke that notice if it appears to him that the laws of that Territory no longer make provision as set out in sub-section (2). 40

5 “(4) Subject to sub-section (5), paragraph (2) (c) does not apply to or in relation to a transferred officer who is, on the date of his transfer, performing teaching duties in a Commonwealth school in the Australian Capital Territory or the Territory of Christmas Island or in a school conducted by the Government of the Northern Territory.

10 “(5) Where a transferred officer who is, on the date of his transfer, performing teaching duties in a Commonwealth school in the Territory of Christmas Island was, immediately before he commenced, or last commenced, to perform teaching duties in Commonwealth schools in that Territory, performing
15 teaching duties in a Commonwealth school in the Northern Territory, paragraph (2) (c) applies to and in relation to that transferred officer and, for the purpose of the application of that paragraph accordingly, he shall be deemed to be performing, on the date of his transfer, duty for the Commonwealth in Commonwealth schools in the Territory of Christmas Island by reason of his
having been authorized to do so under this Act.

Minister may transfer members to Teaching Service of Northern Territory

20 “43T. (1) Where a declaration under section 43S is in force, the Minister may, upon recommendation made to him by the Commissioner after the Commissioner has consulted with the appropriate authority of the Northern Territory, by instrument under his hand, transfer to the Teaching Service of the Northern Territory—

- (a) a specified member of the Commonwealth Teaching Service;
- 25 (b) the members of the Commonwealth Teaching Service occupying positions included in a specified class of positions in that Service; or
- (c) the members of the Commonwealth Teaching Service included in a specified class of members of that Service,

on a day specified in the instrument.

30 “(2) An instrument under sub-section (1) does not apply to a person specified or referred to in the instrument if he ceases, otherwise than by virtue of sub-section (3), to be a member of the Commonwealth Teaching Service before the day on which he would, but for this sub-section, be transferred to the Teaching Service of the Northern Territory.

35 “(3) Where a person is transferred to the Teaching Service of the Northern Territory under sub-section (1), the person ceases to be a member of the Commonwealth Teaching Service on the expiration of the day immediately preceding the date of his transfer.

40 “(4) Where a person who is transferred to the Teaching Service of the Northern Territory under sub-section (1) was, immediately before his transfer, a person to whom the *Officers' Rights Declaration Act 1928* applied—

- (a) he continues to retain his existing and accruing rights;

- (b) for the purpose of determining those rights, his service under this Act and his service in the Teaching Service of the Northern Territory shall be taken into account as if they were service in the Australian Public Service; and
- (c) the *Officers' Rights Declaration Act* 1928 applies as if this Act and this section had been specified in the Schedule to that Act.

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Right to re-enter Commonwealth Teaching Service by way of transfer or promotion

“43U. (1) Sections 27, 28 and 29 apply, subject to this section and to such modifications (if any) as are prescribed, in relation to a transferred officer as if—

- (a) he were an officer of the Commonwealth Teaching Service;
- (b) he were the holder of a position in the Commonwealth Teaching Service having a classification equivalent, or as nearly as possible equivalent, to the classification of the position held by him immediately before his transfer to the Teaching Service of the Northern Territory; and
- (c) he had the same seniority as he had in the Commonwealth Teaching Service immediately before his transfer to the Teaching Service of the Northern Territory.

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“(2) Subject to sub-section (6), where a transferred officer commences to perform the duties of a position in the Commonwealth Teaching Service to which he has been transferred or promoted—

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- (a) he shall be deemed to have been re-appointed to the Commonwealth Teaching Service as an officer on the day on which he commences to perform those duties;
- (b) he shall be deemed to have been so re-appointed to the Commonwealth Teaching Service without probation unless the Commissioner, by instrument in writing, otherwise determines; and
- (c) he is entitled to be paid salary and allowances as the holder of the position from and including that day, and not otherwise.

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“(3) Subject to sub-sections (4) and (5), where a transferred officer who has been transferred or promoted to a position in the Commonwealth Teaching Service—

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- (a) does not commence to perform the duties of that office within the period of 30 days after notice of the transfer or promotion is published in the *Gazette*; or
- (b) notifies the Commissioner, in writing, before the expiration of that period, that he declines the transfer or promotion,

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the transfer or promotion, as the case may be, is of no force or effect.

“(4) Where a transferred officer is transferred or promoted to a position in the Commonwealth Teaching Service, the Commissioner may, on application made by the person before the expiration of the period of 30 days after notice

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of the transfer or promotion is published in the *Gazette*, determine that sub-section (3) shall have effect in relation to the transfer or promotion as if the reference in that sub-section to a period of 30 days were a reference to such longer period as is specified in the determination.

5 “(5) Where—

- (a) a transferred officer is transferred or promoted to a position in the Commonwealth Teaching Service;
- (b) at the time when notice of the transfer or promotion is published in the *Gazette*, the person is absent from his employment in the Teaching Service of the Northern Territory on leave granted before that time; and
- (c) the Commissioner has not made a determination under sub-section (4) in relation to the transfer or promotion,

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15 references in sub-section (3) to the period of 30 days after notice of the transfer or promotion is published in the *Gazette* shall be read as references to the period of 30 days after the expiration of the period of the leave so granted to him.

“(6) Where—

- (a) a transferred officer—
 - (i) has, under section 27, in its application to him by virtue of sub-section (1), been provisionally promoted to fill a vacant position in the Commonwealth Teaching Service; or
 - (ii) has under section 29, in its application to him by virtue of that sub-section, appealed against the provisional promotion of another person to fill such a position; and
- (b) the officer ceases to be a transferred officer before the provisional promotion is confirmed or cancelled,

then, subject to sub-section (7)—

- (c) the preceding provisions of this section continue to apply to and in relation to the promotion or appeal as if he had not ceased to be a transferred officer; and
- (d) if he commences to perform the duties of the position as a result of his having been promoted to the position, or of his provisional promotion to the position having been confirmed—
 - (i) he shall be deemed to have been re-appointed to the Commonwealth Teaching Service as an officer on the day immediately following the day on which he ceased to be a transferred officer and to have been absent from the Commonwealth Teaching Service on leave of absence without pay from the day on which he is to be deemed to have been so re-appointed until he commences to perform the duties of the position; and

- (ii) the period during which he is to be deemed to have been absent from the Commonwealth Teaching Service on leave of absence without pay shall form part of his period of service under this Act for all purposes of this Act and of the *Long Service Leave (Commonwealth Employees) Act 1976*. 5

“(7) Sub-section (6) does not apply to a person who ceased to be a transferred officer upon the termination of his employment by reason of—

- (a) his resignation, invalidity or misconduct;
 (b) the annulment of his appointment while he was a probationary employee; or 10
 (c) his having attained the age of 65 years.

Application for re-appointment to Service

“43v. (1) Where a prescribed condition of re-appointment is fulfilled in respect of a transferred officer, he may, while he is a transferred officer or, subject to sub-section (3), after he ceases to be a transferred officer, make application to the Commissioner for re-appointment to the Commonwealth Teaching Service on the ground that that condition has been so fulfilled. 15

“(2) Each of the following conditions is a prescribed condition of re-employment in respect of a transferred officer or former transferred officer:

- (a) that his employment in the Teaching Service of the Northern Territory is to be, or has been, terminated otherwise than on the ground of his invalidity or by reason of his resignation; 20
 (b) that, in a case where his employment in the Teaching Service of the Northern Territory has been terminated by reason of his having been found by a court to have committed a criminal offence— 25
 (i) the finding of the court has been nullified; and
 (ii) he has made application for re-appointment to that Service but has been refused re-appointment;
 (c) that—
 (i) he is employed, and has at all times since he became employed, in the Teaching Service of the Northern Territory continued to be employed, in that Service; and 30
 (ii) his career in that Service has been adversely affected by reason of a reduction or reductions in, or an alteration or alterations to, the activities of that Service. 35

“(3) A transferred officer is not entitled to make application under sub-section (1) on the ground that a prescribed condition of re-appointment has been fulfilled in relation to him—

- (a) if he has attained the age of 65 years;
 (b) if his employment in the Teaching Service of the Northern Territory is to be terminated and he will attain the age of 65 years on or before the day on which that employment is to be terminated; or 40

- (c) if his employment in the Teaching Service of the Northern Territory is to be, or has been, terminated by reason of his resignation or on the ground of his invalidity.

“(4) Where a transferred officer—

- 5 (a) has made an application under sub-section (1); and
(b) attains the age of 65 years while continuing to be employed in the Teaching Service of the Northern Territory,

the application lapses.

“(5) An application by a transferred officer under sub-section (1)—

- 10 (a) shall be in writing;
(b) shall be made—
- 15 (i) if his application is on the ground that the prescribed condition of re-appointment referred to in paragraph (a) of sub-section (2) has been fulfilled in relation to him—before, or within the period of 30 days, or such further period as the Commissioner allows, after, the day on which his employment in the Teaching Service of the Northern Territory is terminated; or
- 20 (ii) if his application is on the ground that the prescribed condition of re-appointment referred to in paragraph (c) of sub-section (2) has been fulfilled in relation to him—within the period of 30 days, or such further period as the Commissioner allows, after the day on which the reduction or last reduction in, or the alteration or last alteration to, the activities of the Teaching Service of the Northern Territory occurs;
- 25 (c) shall specify the prescribed condition of re-appointment that he alleges has been fulfilled in relation to him and, if he specifies the prescribed condition of re-appointment referred to in paragraph (a) of sub-section (2), state whether his employment is to be terminated, or was terminated, on the ground of his misconduct;
- 30 (d) shall specify the kind of employment in the Commonwealth Teaching Service in which he seeks to be engaged; and
- (e) shall, in a case where—
- 35 (i) he had been provisionally promoted to fill a vacant office in the Commonwealth Teaching Service, or had appealed against the provisional promotion of another person to fill such an office, before the day on which his employment in the Teaching Service of the Northern Territory is terminated; and
- 40 (ii) the provisional promotion had not been confirmed or cancelled before that day,
- set out particulars of the provisional promotion or of the appeal, as the case may be.

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“(6) The Commissioner shall refer an application made to him under sub-section (1) to a Re-appointments Review Committee.

“(7) The Re-appointments Review Committee to which an application under sub-section (1) is referred shall inquire into the application and—

- (a) if it is satisfied that a prescribed condition of re-appointment has been fulfilled in relation to the applicant— 5
 - (i) determine that the applicant is eligible for re-appointment to the Commonwealth Teaching Service with a specified designation, and at a specified salary, or at a specified salary within specified limits of salary; 10
 - (ii) determine whether, having regard only to the period of the applicant’s service in the Commonwealth Teaching Service and in the Teaching Service of the Northern Territory, the applicant should, in its opinion, be re-appointed on probation; and
 - (iii) if that prescribed condition is the condition referred to in paragraph (b) of sub-section (2)—determine whether the period that commenced on the day immediately following the day on which his employment in the Teaching Service of the Northern Territory was terminated and ending on the day immediately preceding the day on which he reports for duty in the Commonwealth Teaching Service or, if he furnishes a notification under paragraph (b) of sub-section (4) of section 43w, on the day on which he attains the age of 65 years, or any part of that period, is to form part of his period of service for any purposes under this Act or any other Act (other than the *Superannuation Act* 1976) and, if so, the purposes for which it is to form part of his period of service; and 20
- (b) if it is not so satisfied—determine that the applicant is not eligible for re-appointment to the Commonwealth Teaching Service. 25

“(8) Where the Re-appointments Review Committee that inquires into an application under sub-section (1) is satisfied that the employment of the applicant was terminated on the ground of his misconduct, it shall not determine that he is eligible for re-appointment to the Commonwealth Teaching Service unless it is satisfied that, if the applicant had committed that misconduct while employed as an officer of the Commonwealth Teaching Service, it is likely that he would not have been dismissed from that Service. 30

“(9) The Re-appointments Review Committee that inquires into an application under sub-section (1) by an applicant whose employment in the Teaching Service of the Northern Territory is to be, or has been, terminated in consequence of the annulment, for any reason, of his appointment while he is or was a probationer shall not determine that the applicant is eligible for re-appointment to the Commonwealth Teaching Service unless it is satisfied that, if the applicant had been serving as an officer in the Commonwealth Teaching Service on probation, it is likely that his appointment to the Commonwealth Teaching Service would not have been annulled for that reason. 40

“(10) In making a determination under sub-section (7), the Re-appointments Review Committee shall have regard to—

- (a) the designation applicable to the applicant; and
- (b) the salary, or limits of salary, applicable to the applicant,

5 immediately before he ceased, or last ceased, to be an officer of the Teaching Service of the Northern Territory and to all other relevant matters.

“(11) The Re-appointments Review Committee that inquires into an application referred to it under sub-section (6) may, under sub-section (7), determine that the applicant is eligible for re-appointment to the Commonwealth
10 Teaching Service whether or not the applicant is eligible for re-appointment to that Service under sub-section (2) of section 20.

“(12) A determination of a Re-appointments Review Committee shall be reduced to writing, and the copy of the determination shall be furnished to the Commissioner.

15 “(13) Where a Re-appointments Review Committee determines, under sub-section (7), that an applicant is not eligible for re-appointment to the Commonwealth Teaching Service, the Commissioner shall, as soon as practicable after he receives a copy of the determination, furnish a copy of the determination to the applicant.

20 **Re-appointment to Service**

“43w. (1) Where a Re-appointments Review Committee determines, under sub-section (7) of section 43v, that an applicant is eligible for re-appointment to the Commonwealth Teaching Service, the Commissioner shall, as soon as practicable after he receives a copy of the determination, furnish a copy of
25 the determination to the applicant together with a notice, in writing, informing the applicant that he is eligible for re-appointment to the Commonwealth Teaching Service with the designation and at the salary, or at a salary within the limits of salary, specified in the determination.

30 “(2) A notice given by the Commissioner under sub-section (1) shall specify—

- (a) the place at which the applicant should report for duty; and
- (b) the nature of the duties on which he will be engaged upon commencing to perform duty in the Commonwealth Teaching Service.

35 “(3) Where a person who has made application under sub-section (1) of section 43v—

- (a) has received a notice under sub-section (1) of this section; and
- (b) attains the age of 65 years while still employed in the Teaching Service of the Northern Territory,

40 he ceases to be entitled to be re-appointed to the Commonwealth Teaching Service upon his attaining that age.

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“(4) Subject to sub-section (3), where, within the period of 21 days, or within such further period as the Commissioner allows, after a person receives a notice under sub-section (1), the person—

- (a) if he has not attained the age of 65 years—reports for duty at the place specified in the notice; or
- (b) if he has attained, or will, within that period or further period, attain the age of 65 years—notifies the Commissioner, in writing, that he wishes to be re-appointed to the Commonwealth Teaching Service in accordance with the notice,

the person shall be deemed—

- (c) to have been re-appointed to the Commonwealth Teaching Service under this section on the day (in this sub-section referred to as the ‘day of appointment’) immediately following the day on which his employment in the Teaching Service of the Northern Territory was terminated or ceased;
- (d) to have been so re-appointed with the designation and at the salary, or at the salary within the limits of salary, specified in the notice; and
- (e) to have been absent from the Commonwealth Teaching Service on leave of absence without pay during the period (if any) from and including the day of re-appointment to and including the day immediately preceding the day on which he reports for duty in the Commonwealth Teaching Service, or attains the age of 65 years, as the case may be.

“(5) A person who has made application under sub-section (1) of section 43v and is deemed to have been re-appointed to the Commonwealth Teaching Service under this section shall be deemed to have been so re-appointed without probation unless the Re-appointments Review Committee that inquired into his application has determined that the applicant should be re-appointed on probation.

“(6) Where a person is, under sub-section (4), to be deemed to have been re-appointed to the Commonwealth Teaching Service on an application made under section 43v on the ground that a prescribed condition of re-appointment, other than the condition referred to in paragraph (b) of sub-section (2) of section 43v, had been fulfilled in relation to him, the period during which he is, by virtue of sub-section (4) of this section, to be deemed to have been absent from the Commonwealth Teaching Service on leave of absence without pay, shall form part of his period of service under this Act for all purposes of this Act and the *Long Service Leave (Commonwealth Employees) Act 1976*.

“(7) A person who receives a notice under sub-section (1) ceases to be entitled to be re-appointed to the Commonwealth Teaching Service under this section if he does not report for duty or notify the Commissioner in accordance with sub-section (4).

Rights of officers upon re-appointment

“43x. (1) This section applies to a person who is deemed to have been re-appointed to the Commonwealth Teaching Service under section 43w.

5 “(2) There shall be ascertained, in the manner determined, in writing, by the Commissioner, with the approval of the Public Service Board, the period (if any) of leave of absence for recreation and the periods (if any) of leave of absence on account of illness that are applicable to a person to whom this section applies on his re-appointment and, if such a period is applicable to him, he shall be credited with that period.

10 “(3) The seniority of a person to whom this section applies is the seniority that he had immediately before he ceased, or last ceased, to be an officer of the Commonwealth Teaching Service.

Constitution of, and inquiries by, committees

15 “43y. (1) A Re-appointments Review Committee to inquire into an application under sub-section 43v (1) shall consist of—

- (a) a Chairman appointed by the Commissioner;
- (b) a member of the Commonwealth Teaching Service appointed by the Commissioner; and
- 20 (c) a member of the Commonwealth Teaching Service appointed by the Commissioner on the nomination of an industrial or professional organization that the applicant would be eligible to join if he were engaged in the kind of employment in which he seeks to be engaged.

“(2) The Chairman of a Re-appointments Review Committee shall be—

- 25 (a) if the Committee is established to inquire into an application by an applicant whose employment has been, or, in the opinion of the Commissioner, may have been, terminated on the ground of his misconduct—a person who holds the office of Chairman of a Disciplinary Appeal Board referred to in section 37; or
- 30 (b) in any other case—a person who holds the office of Chairman of a Promotions Appeal Board referred to in section 30.

“(3) In sub-section (1) a reference to an industrial organization shall be construed as a reference to an organization within the meaning of the *Conciliation and Arbitration Act 1904*.

35 “(4) The Chairman of a Re-appointments Review Committee, while acting as such, is not subject to direction by any person or authority under this Act.

“(5) A decision of the majority of the members of a Re-appointments Review Committee shall be deemed to be a decision of the Committee.

40 “(6) An officer of the Commonwealth Teaching Service shall be granted leave of absence from his normal duties without loss of pay while acting as a member of a Re-appointments Review Committee.

“(7) On an inquiry by a Re-appointments Review Committee into an application referred to it under sub-section (6) of section 43v—

- (a) the procedure of the Committee is, subject to this Act and the regulations, within the discretion of the Committee;
- (b) the proceedings shall be conducted with as little formality and technicality, and with as much expedition, as the requirements of this Act, and a proper consideration of the matter before the Committee, permit; and 5
- (c) the Committee is not bound by rules of evidence.

“(8) An inquiry by a Re-appointments Review Committee shall be conducted in private. 10

“(9) At an inquiry by a Re-appointments Review Committee, the applicant may—

- (a) appear personally or be represented by any person, other than counsel, a solicitor or a paid agent; 15
- (b) make such oral or written submissions as he desires; and
- (c) tender certificates, documentary evidence and statutory declarations.”.

Transitional Provision

5. (1) Where—

- (a) a transferred officer— 20
 - (i) had, before the date of his transfer, been provisionally promoted to a vacant position in the Commonwealth Teaching Service;
 - (ii) had appealed, before that date, against the provisional promotion of another person to fill such a position; or 25
 - (iii) would, if he had continued to be an officer of the Commonwealth Teaching Service, have had, on that date, a right to appeal against the provisional promotion of another person to fill such a position, being a provisional promotion made before that date; and 30
- (b) the provisional promotion had not been confirmed or cancelled before that date, 30

this section applies in relation to the promotion, and that transferred officer is, in this section, referred to, in relation to the promotion, as the relevant transferred officer. 35

(2) Section 29 of the *Commonwealth Teaching Service Act 1972* continues to apply, on and after the date of the transfer of the relevant transferred officer, to and in relation to a promotion to which this section applies as if the relevant transferred officer had not ceased to be an officer of the Commonwealth Teaching Service and his service as an officer of the Teaching Service of the Northern Territory were service in the Commonwealth Teaching Service. 40

(3) Where, in respect of a promotion to which this section applies, the provisional promotion of the relevant transferred officer to the vacant position concerned is confirmed or the relevant transferred officer is promoted to the vacant position concerned in place of another person who had been provisionally promoted to that position—

(a) if that position is included in a class of positions specified in an instrument of transfer under section 43T of the Principal Act as amended by this Act that was signed on or before the relevant date in respect of that promotion—the officer does not become the holder of that position but is entitled to be paid salary in respect of his service in the Commonwealth Teaching Service during the period commencing on the day on which he or that other person was provisionally promoted to that position and ending on the day immediately before the date of his transfer as if he had been the holder of that position during that period; and

(b) if the position is not included in a class of positions referred to in paragraph (a)—

(i) the officer shall be deemed to have become the holder of that position on the date on which he, or that other person, was provisionally promoted to that position; and

(ii) the officer shall be deemed, notwithstanding the transfer, to have continued, on and after the date of his transfer, to be an officer of the Commonwealth Teaching Service, but any amount paid to him as a salary in respect of his service in the Teaching Service of the Northern Territory shall be deemed to have been paid to him as salary under the Principal Act as amended and in force at the time the amount was paid.

(4) In this section—

“relevant date”, in respect of a promotion of an officer, being a promotion to which this section applies, means the date on which the promotion of the relevant transferred officer to the position is confirmed or the relevant transferred officer is promoted to the position in place of another person who had been provisionally promoted to the position;

“transferred officer” has the same meaning as in Division 10 of Part III of the Principal Act as amended by this Act.

NOTE

1. No. 13, 1972, as amended. For previous amendments, see No. 98, 1973; No. 216, 1973 (as amended by No. 20, 1974); Nos. 23 and 37, 1976; and No. 26, 1977.

