

6. Section eleven of the Principal Act is amended by omitting therefrom the word "two" and inserting in its stead the word "three". Amendment of section 11.

7. Section twelve of the Principal Act is amended by omitting the proviso thereto and inserting in its stead the following proviso :— Duties to be collected separately.

"Provided that, where duty has been imposed, under section eight or section nine of this Act, upon any particular goods, duty shall not be imposed upon those goods under the other of those sections."

## COMMONWEALTH PUBLIC SERVICE.

### No. 21 of 1922.

An Act to consolidate and amend the Law regulating the Public Service, and for other purposes.

[Assented to 18th October, 1922.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

#### PART I.—PRELIMINARY.

1. This Act may be cited as the *Commonwealth Public Service Act 1922.* Short title.
2. This Act shall commence on a date to be fixed by proclamation. Commencement.
3. This Act is divided into Parts, as follows :— Parts.
  - Part I.—Preliminary.
  - Part II.—Composition and Administration of the Public Service.
  - Part III.—The Commonwealth Service.
    - Division 1.—Divisions.
    - Division 2.—Classification.
    - Division 3.—Salaries of Officers.
    - Division 4.—Entrance examinations and appointments.
    - Division 5.—Promotions and transfers.
    - Division 6.—Offences.
    - Division 7.—Incapacity of Officers.

Division 8.—Leave of absence and holidays.

Division 9.—Reciprocal services of Commonwealth and State Officers.

Division 10.—Temporary employment.

Division 11.—Returned Soldiers.

Division 12.—Retirement of Officers.

Division 13.—Miscellaneous.

Part IV.—The Provisional Service.

Division 1.—Application of Act to Provisional Service.

Division 2.—Classification and Salaries.

Division 3.—Appointments.

Division 4.—Miscellaneous.

Repeal.

4. The Acts mentioned in the First Schedule to this Act are, to the extent therein expressed, hereby repealed.

Existing officers,  
regulations, &c.

5.—(1.) The officers appointed under or by virtue of any Act repealed by this Act, and holding office at the commencement of this Act, shall remain in office as if this Act had been in force at the time they were appointed, and they had been appointed hereunder, and this Act shall apply to them accordingly.

(2.) Any persons who, at the commencement of this Act, are temporarily employed under or by virtue of any Act repealed by this Act, shall remain in such employment subject to the provisions of this Act which shall apply to them accordingly.

(3.) All regulations, proclamations and notifications made or published under any Act repealed by this Act, which are in force at the commencement of this Act, shall, except so far as they are inconsistent with this Act, be deemed to have been made or published under this Act, and any references in any such regulations, proclamations or notifications to any enactments repealed by this Act shall be construed as references to the corresponding provisions of this Act.

(4.) Any reference in any Act to the Public Service Commissioner shall be read as a reference to the Board.

(5.) Any reference in any Act except this Act to the *Commonwealth Public Service Act 1902*, or to that Act as amended by any subsequent Act, shall be read as a reference to this Act.

(6.) Upon the commencement of this Act, the following offices, and the persons occupying those offices, not being offices or persons which or who are affected by or under section fourteen of the *Defence (Civil Employment) Act 1918*, shall become and be deemed to be offices and officers of the Commonwealth Service with classifications, subject to the classification effected by the Board under section twenty-seven of this Act, corresponding to their respective classifications at the commencement of this Act—

(a) clerical offices occupied by persons employed under paragraph (db) of sub-section (1.) of section sixty-three of the *Defence Act 1903-1918* who were appointed to those positions by the Governor-General;

- (b) offices occupied by persons who were, by virtue of section fifteen of the *Defence (Civil Employment) Act* 1918, deemed to be employed in a civil capacity in connexion with the Defence Force; and
- (c) clerical offices occupied by persons, employed under paragraph (c) of sub-section (1.) of section forty-one of the *Naval Defence Act* 1910-1918, who were appointed to those positions by the Governor-General.

6. Where a person has been appointed before the commencement of this Act for a term of years to a statutory office under any Act repealed by this Act, he shall, for the purposes of this Act, be deemed, so long as he continues to be employed in the office (whether during or after the term for which he was appointed) to continue to be an officer of the Commonwealth Service, and the service of that person in that office shall be deemed to be service in the Commonwealth Service.

Persons holding statutory offices.

7. In this Act, unless the contrary intention appears—

Definitions.

- “Chief Officer” means the chief officer, in a State or part of the Commonwealth, of the Department in connexion with which, or wherein is employed, any officer in connexion with whom, the term is used or is applicable;
- “Classification” means the arrangement of officers and positions in classes, and includes the allotment to officers and positions of salaries or limits of salary according to the value of the work;
- “Department” means any Department of the Public Service specified in the Second Schedule to this Act, and any Department at any time established by the Governor-General;
- “Division” means a division of the Public Service;
- “Officer” means any person employed in any capacity in the Public Service, whether appointed or transferred thereto before or after the commencement of this Act, but does not include a person temporarily employed;
- “Returned Soldier” means any person who enlisted prior to the eleventh day of November, One thousand nine hundred and eighteen and served in the war with satisfactory record in any Expeditionary Force raised under the provisions of the *Defence Act* 1903-1918, and includes—
  - (a) a member of the Army Medical Corps Nursing Service who was accepted or appointed by the Director-General of Medical Services for service outside Australia during the war;
  - (b) any member of the Naval Forces of the Commonwealth who has during the war been on active service outside Australia or on a ship of war;

(c) any person who, during the war, has been employed as a radio telegraphist in the transport service in connexion with any such Expeditionary Force, and who, while so employed, served in the zone of war ; and

(d) any person who was born in Australia, or resident in Australia within six months prior to enlistment, and who, at any time during the war, served with satisfactory record in a Naval or Military Expeditionary Force raised in the United Kingdom or in any British Dominion ;

“The Arbitrator” means the Arbitrator appointed pursuant to the *Arbitration (Public Service) Act 1920* ;

“The Board” means the Board of Commissioners appointed in pursuance of this Act ;

“Appeal Board” means an appeal board appointed under this Act ;

“The Minister” means the responsible Minister of the Crown for the time being administering the Department in which is employed or proposed to be employed the officer or person in connexion with whom the term is used or is applicable ;

“The Permanent Head” means the permanent head of the Department in connexion with which, or in which is employed any officer in connexion with whom, the term is used or is applicable ;

“The Public Service” means the Public Service of the Commonwealth, as defined in section ten of this Act ;

“The Territorial Service” means the Public Service of any Territory under the authority of the Commonwealth, including a Territory governed by the Commonwealth under a mandate ;

“The War” means the war which commenced on the fourth day of August, One thousand nine hundred and fourteen.

Act not to  
apply to certain  
officers.

8. Unless otherwise expressly provided, this Act shall not apply to—

any Justice of the High Court of Australia ;

the High Commissioner ;

the Auditor-General ;

the Public Service Arbitrator ;

the Director of the Commonwealth Institute of Science and Industry ;

the Commonwealth Railways Commissioner or any employee under the *Commonwealth Railways Act 1917* ;

the Commissioner of Taxation ;

the Assistant Commissioner of Taxation ;

any person employed in an honorary capacity ;

- any officer the right to appoint whom is not vested in the Governor-General or the Board ;
- any person remunerated by fees, allowances, or commission only ;
- any person employed in the Naval or Military Forces only ;
- any officers appointed or employed under the *Australian Soldiers' Repatriation Act 1920* or under the *War Service Homes Act 1918-1920* ; or
- any officer or class of officers, or employee or class of employees, to whom or to which on the recommendation of the Board, the Governor-General declares that the provisions of this Act shall not apply :

Provided that the Board may from time to time as prescribed determine the rates of payment and conditions of employment of any such officer or class of officers, or employee or class of employees.

9.—(1.) Notwithstanding anything contained in this Act—

Officers of the  
Parliament.

- (a) all appointments or promotions of officers of the Senate shall be made by the Governor-General on the recommendation of the President of the Senate ;
- (b) all appointments or promotions of officers of the House of Representatives shall be made by the Governor-General on the recommendation of the Speaker ;
- (c) all appointments or promotions of officers of both Houses of Parliament shall be made by the Governor-General on the joint recommendation of the President and the Speaker ; and
- (d) the President or the Speaker or the President and the Speaker, as the case may be, may from time to time fix the periods of recreation leave which may be granted to officers of the Parliament.

(2.) Subject to this section, unless inconsistent with the context, any action or approval required by this Act or the regulations thereunder to be taken or given by the Board may, so far as officers of the Parliament are concerned, be taken or given by the President or the Speaker or the President and the Speaker (as the case may be) in substitution for the Board, and any action required or authorized by this Act or the regulations thereunder to be taken by a Permanent Head or Chief Officer shall or may be taken by the Clerk of the Senate so far as relates to officers of the Senate, and by the Clerk of the House of Representatives so far as relates to officers of that House, and by the Parliamentary Librarian so far as relates to officers of the Parliamentary Library, and by the Principal Parliamentary Reporter so far as relates to officers of the Parliamentary Reporting Staff, and by the Secretary of the Joint House Department so far as relates to officers of that Department.

(3.) Any reference in this Act or the regulations thereunder to the Minister shall so far as the Departments of the Senate, the House of Representatives, the Parliamentary Library, the Parliamentary Reporting Staff, and the Joint House Department are concerned, be read as a reference to the President or the Speaker or the President and the Speaker (as the case may be).

(4.) The officers of the Senate, the officers of the House of Representatives, the officers of the Parliamentary Library, the officers of the Parliamentary Reporting Staff, and the officers of the Joint House Department shall be deemed to constitute separate Departments under this Act.

(5.) The classification of officers and offices of the Parliament shall be made by the President or the Speaker or by the President and the Speaker, as the case may be:

Provided that if the President or the Speaker or the President and the Speaker (as the case may be), by writing addressed to the Chairman of the Board, requests the Board to classify any officers and offices of the Parliament, the Board shall classify those officers and offices in the manner provided in this Act.

(6.) The Governor-General may, on the recommendation of the President or the Speaker or the President and the Speaker (as the case may be), make, in relation to officers of the Parliament, regulations prescribing all matters in relation to which the Board is, by this Act, authorized to make regulations.

(7.) Any regulation made under this Act by the Board shall apply to officers of the Parliament unless and until—

(a) a regulation is made under the last preceding sub-section inconsistent with, or prescribing matters dealt with in, that first-mentioned regulation; or

(b) the Governor-General, upon the recommendation of the President or the Speaker or the President and the Speaker (as the case may be), by order, declares that such regulation shall not apply to officers of the Parliament.

## PART II.—COMPOSITION AND ADMINISTRATION OF THE PUBLIC SERVICE.

10.—(1.) For the purposes of this Act the Public Service shall comprise—

- (a) The Commonwealth Service; and
- (b) The Provisional Service.

(2.) The Commonwealth Service shall include the Departments specified in the Second Schedule to this Act, and any Department of the Commonwealth Service at any time proclaimed by the Governor-General.

(3.) The Provisional Service shall include any Department or branch of the Public Service of a provisional or temporary character which is included by proclamation.

11.—(1.) For the purposes of this Act the Governor-General may appoint a Board of Commissioners of three persons, and on the happening of any vacancy in the office of member of the Board the Governor-General shall appoint a person to the vacant office.

Appointment of  
Board of  
Commissioners.

(2.) In the making of appointments under the provisions of this section, preference shall be given, other things being equal, to returned soldiers.

(3.) Of the three persons first appointed as members of the Board, one person shall be appointed for a term of five years, one for a term of four years, and one for a term of three years.

(4.) Thereafter each appointment of a member of the Board shall be for a term not exceeding five years.

(5.) Every person who is appointed a member of the Board shall, on the expiration of his term of office, be eligible for re-appointment.

(6.) If any officer of the Commonwealth is appointed a member of the Board, his service as member shall, for the purpose of determining all his existing and accruing rights, be counted as Public Service in the Commonwealth.

(7.) If any officer in the Public Service of a State is appointed a member of the Board, he shall have the same rights as if he had been an officer of a Department transferred to the Commonwealth and were retained in the service of the Commonwealth.

(8.) In case of the illness, suspension or absence of any member of the Board, the Governor-General may appoint a person to act as the deputy of the member during his illness, suspension or absence, and the deputy shall, whilst so acting, have all the powers and perform all the duties of a member.

(9.) No action or suit shall be brought or maintained against any person who is or has been a member of the Board, for any nonfeasance or misfeasance in connexion with his duties, nor shall any action or suit lie, nor any costs be payable, in respect of any proceeding before the Board or a member thereof.

12.—(1.) The Governor-General shall appoint one of the three members to be the Chairman of the Board, and on the happening of any vacancy in the office of Chairman the Governor-General shall appoint a person to fill that office.

The Chairman  
of the Board.

(2.) In the case of the illness, suspension or absence of the Chairman, the Governor-General shall appoint one of the other members to act as Chairman during such illness, suspension or absence.

13.—(1.) The Chairman of the Board shall receive a salary of Two thousand five hundred pounds a year and each of the other members shall receive a salary of Two thousand pounds a year, and the Consolidated Revenue Fund is to the necessary extent hereby appropriated accordingly.

Salaries and  
expenses of  
members of the  
Board.

(2.) There shall be paid to each member of the Board, on account of his expenses in travelling to discharge the duties of his office, such sums as are considered reasonable by the Governor-General.

14.—(1.) The Governor-General may remove any member of the Board from office on an address praying for his removal being presented to the Governor-General by the Senate and the House of Representatives respectively in the same Session of the Parliament.

(2.) The Governor-General may suspend any member of the Board from office for misbehaviour or incapacity.

(3.) A statement of the cause of the suspension shall be laid before both Houses of the Parliament within seven days after the suspension, if the Parliament is then sitting, or, if the Parliament is not then sitting, then within seven days after the next meeting of the Parliament, and if within sixty days thereafter an address is presented to the Governor-General by the Senate and the House of Representatives praying for the restoration of the member to office, the member shall be restored accordingly, but if no such address is so presented the Governor-General may declare the office of the member to be vacant and the office shall thereupon become and be vacant.

15.—(1.) A member of the Board shall be deemed to have vacated his office if—

- (a) he engages, during his term of office, in any paid employment outside the duties of his office;
- (b) he becomes bankrupt or insolvent, or applies to take the benefit of any Act or State Act for the relief of bankrupt or insolvent debtors, or compounds with his creditors, or makes an assignment of his salary for their benefit;
- (c) except on leave granted by the Governor-General, he absents himself from duty for fourteen consecutive days or for twenty-eight days in any twelve months;
- (d) he becomes permanently incapable of performing his duties.

(2.) If a member of the Board becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Commonwealth, or in any way participates or claims to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom, otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons, he shall be guilty of an indictable offence.

Penalty: Five hundred pounds or imprisonment for three years or both.

16.—(1.) The Board may, by writing under the hand of each member of the Board, delegate to any member of the Board or to any officer any of the powers of the Board under this Act (except this power of delegation) so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified, or the State, part of the Commonwealth, or Territory defined, in the instrument of delegation.

(2.) Every such delegation shall be revocable in writing at will, and no delegation shall prevent the exercise of any power by the Board.

Removal or suspension of member of the Board.

Office of member—how vacated.

Delegation by Board.

(3.) If in pursuance of any delegation given to him any delegate of the Board makes any recommendation with regard to any Department, the permanent head or a chief officer may request that the recommendation be referred to the full Board, and in that event the recommendation of the delegate shall not be deemed to be a recommendation of the Board unless it is indorsed by the full Board.

17.—(1.) In addition to such duties as are elsewhere in this Act imposed on it, the Board shall have the following duties :— Duties of Board.

- (a) to devise means for effecting economies and promoting efficiency in the management and working of Departments by—
- (i) improved organization and procedure ;
  - (ii) closer supervision ;
  - (iii) the simplification of the work of each Department, and the abolition of unnecessary work ;
  - (iv) the co-ordination of the work of the various Departments ;
  - (v) the limitation of the staffs of the various Departments to actual requirements, and the utilization of those staffs to the best advantage ;
  - (vi) the improvement of the training of officers ;
  - (vii) the avoidance of unnecessary expenditure ;
  - (viii) the advising upon systems and methods adopted in regard to contracts and for obtaining supplies, and upon contracts referred to the Board by a Minister ; and
  - (ix) the establishment of systems of check in order to ascertain whether the return for expenditure is adequate ;
- (b) to examine the business of each Department and ascertain whether any inefficiency or lack of economy exists ;
- (c) to exercise a critical oversight of the activities, and the methods of conducting the business, of each Department ;
- (d) to maintain a comprehensive and continuous system of measuring and checking the economical and efficient working of each Department, and to institute standard practice and uniform instructions for carrying out recurring work ; and
- (e) such other duties in relation to the Public Service as are prescribed.

(2.) In relation to all matters specified in the last preceding subsection, other than paragraph (e) thereof, the Board shall in the first place advise the permanent head of the Department of its suggestions or proposals.

(3.) If the permanent head does not concur in or adopt the suggestions or proposals he shall within a reasonable time inform the Board of the reasons therefor.

(4.) Thereupon the Board may, if it thinks fit, make a recommendation, report or suggestion to the Minister administering the Department, and if the recommendation, report or suggestion is not approved or adopted by the Minister within a reasonable time, the Board may report the matter to both Houses of the Parliament either in a special report or in its annual report.

Board to submit reports to Governor-General.

18.—(1.) The Board shall furnish reports or recommendations on all matters required to be dealt with by the Governor-General under this Act or referred to the Board by the Governor-General, and no such matters shall be submitted for the consideration of the Governor-General unless accompanied by a report or recommendation of the Board.

(2.) If the Governor-General does not approve of any recommendation, he may require the Board to furnish a fresh recommendation, which shall be considered and dealt with by the Governor-General.

(3.) If the Governor-General does not approve of the fresh recommendation, a statement of the reasons for not approving shall be laid before both Houses of the Parliament within thirty days of the receipt of the recommendation, if the Parliament is then sitting, and, if not, then within fourteen days of the next meeting of the Parliament.

Powers of Board.

19.—(1.) The Board may at any time—

- (a) enter any Department for the purpose of carrying out its duties ;
- (b) summon any person whose evidence appears to be material to the determining of any subject of inspection, inquiry, or investigation being conducted by the Board ;
- (c) take evidence on oath ; and
- (d) require the production of documents.

(2.) Any officer who, without reasonable cause, neglects or fails to attend in obedience to the summons, or to be sworn, or to answer questions or produce documents relevant to the subject of the inspection, inquiry or investigation, shall be guilty of an offence against this Act.

(3.) Any person, not being an officer, who, after payment or tender of reasonable expenses, neglects or fails, without reasonable cause, to attend in obedience to the summons, or to be sworn, or to answer questions or produce documents relevant to the subject of the inspection, inquiry or investigation, shall be guilty of an offence.

Penalty : Twenty pounds.

(4.) Nothing in this section shall be construed as compelling a person to answer any question which would tend to criminate him.

Excess officers.

20. If at any time the Board finds that a greater number of officers is employed in any Department or Branch of a Department than is necessary for the efficient working of that Department or Branch, any officer whom the Board finds is in excess may be transferred to such other position of equal classification and salary in the Service as

the officer is competent to fill, and if no such position is available the officer may be transferred to a position of lower classification and salary. If no position is available for the officer the Board may retire him from the Public Service.

21.—(1.) The Board shall keep a record of all officers in the Commonwealth Service, showing, with regard to each officer, his age and date of appointment, the office he holds, and his division, class, and salary under this Act. Record of officers.

(2.) The Board shall, in the month of August in each year or as soon as practicable thereafter, forward to the Governor-General, and publish in the *Gazette*, a list of all officers in the Commonwealth Service on the thirtieth day of June in that year, together with the particulars so recorded with regard to the service of each officer.

(3.) The list so published shall be *prima facie* evidence of the information contained therein.

(4.) A copy of such list shall be laid before both Houses of the Parliament within fourteen days of the publication thereof, if the Parliament is then sitting, or, if not, then within fourteen days after the next meeting of the Parliament.

22.—(1.) The Board shall furnish to the Prime Minister, at least once in each year, for presentation to the Parliament, a report on the condition and efficiency of the Public Service, and of the proceedings of the Board, and in that report shall set forth any changes and measures necessary for improving the working of the Public Service, and especially for insuring efficiency and economy therein or in any Department or branch thereof. Annual report to Parliament.

(2.) The Board shall in the report draw attention to any breaches or evasions of this Act which may have come under notice.

### PART III.—THE COMMONWEALTH SERVICE.

#### *Division 1.—Divisions.*

23. The Commonwealth Service shall consist of four Divisions, that is to say— Divisions of Commonwealth Service.

- The First Division ;
- The Second Division ;
- The Third Division ; and
- The Fourth Division.

24.—(1.) The First Division shall include all Permanent Heads of Departments and such other officers as the Governor-General determines. Composition of respective Divisions.

(2.) The Second Division shall include officers who, under officers of the First Division, are required to exercise executive or professional functions in the more important offices of the Service, and whose offices the Governor-General, on the recommendation of the Board, directs to be included in that Division.

(3.) The Third Division shall include all officers whose offices the Governor-General, on the recommendation of the Board, directs to be included in that Division.

(4.) The Fourth Division shall include all officers not included in the First, Second, or Third Division.

Permanent  
Heads.

25.—(1.) The persons for the time being holding the several offices specified in the Third Schedule to this Act, or any offices which are prescribed either in addition to or in lieu of any of those offices, shall be Permanent Heads of Departments.

(2.) The Permanent Head of a Department shall be responsible for its general working, and for all the business thereof, and shall advise the Minister in all matters relating to the Department.

(3.) The Permanent Head may, in any case in which he thinks fit, exercise any or all of the powers conferred by this Act on a Chief Officer, and in that event any reference in this Act to a Chief Officer shall, unless inconsistent with the context, be taken to refer to the Permanent Head.

(4.) The Chairman of the Board, the Auditor-General, and the Commissioner of Taxation shall severally have all the powers of a Permanent Head under the provisions of this Act, so far as relates to the branches of the Service respectively under their direct control.

(5.) A Permanent Head may, in respect of any officers or class of officers of his Department, delegate in writing to an officer all or any of his powers and functions under this Act (except this power of delegation) so that the delegated powers and functions may be exercised by the delegate as fully and effectually as by the Permanent Head.

(6.) Any delegation under this section shall be revocable at will and shall not prevent the exercise of any power or function by the Permanent Head.

Chief Officers.

26.—(1.) The Chief Officers of Departments shall be those persons who for the time being hold the offices which are prescribed as constituting the holders thereof *ex officio* Chief Officers of Departments.

(2.) A Chief Officer of a Department shall have and may exercise and perform under this Act, within such parts of the Commonwealth as are prescribed, such powers, authorities, and duties as are prescribed, or as are assigned to him by the Permanent Head.

(3.) In the absence of a Chief Officer, an officer appointed for the purpose by the Permanent Head shall perform the duties of the Chief Officer, unless it is otherwise directed by the Governor-General, and anything done by that officer shall be as good and effective for all purposes and against all persons whatsoever as if done by the Chief Officer.

(4.) If the Governor-General notifies by proclamation that for the purposes of the administration of any Department any portion of a State or Territory is attached to any adjoining State, the Chief Officer of that Department in that adjoining State shall be the Chief Officer of that Department in the portion so attached.

*Division 2.—Classification.*

27.—(1.) As soon as may be after the commencement of this Act, the Board shall classify officers, other than officers of the First Division, within the Divisions specified in section twenty-three of this Act, in accordance with the importance and character of the work performed, and the classification of each office, the officer assigned to the office, and the salary of the officer shall be notified in the *Gazette*. The classification of the Commonwealth Service may be gazetted wholly or in sections, as the Board deems expedient. Classification.

(2.) Any officer dissatisfied with the action of the Board may forward to the Board, within thirty days after the notification of the classification affecting himself or his office, a notice of appeal setting forth the grounds of his dissatisfaction :

Provided that, in the case of officers in remote districts, the Board may extend the time within which a notice of appeal may be forwarded under this sub-section.

(3.) The Board shall, as prescribed, consider the appeal in conference with a representative of the Permanent Head of the Department concerned, and with the appellant, or, if he so desires, with a nominee (who is an officer) of the Public Service organization to which the appellant belongs, or with an agent (who is an officer) of the appellant, and following upon such conference the Board shall determine the appeal.

(4.) Upon determination of the appeal, the Board shall, where necessary, amend the classification accordingly, and shall thereupon submit the classification to the Governor-General for approval.

(5.) If the Governor-General approves of the classification, a notification of such approval, together with a statement of any alterations made in the classification upon appeal, shall be published in the *Gazette*.

(6.) Notwithstanding any determination made under the *Arbitration (Public Service) Act 1920*, upon the publication in the *Gazette* of the notification of the approval of the Governor-General of the classification (in this sub-section referred to as "the approved classification"), the classifications and salaries of the offices and of the officers assigned thereto dealt with in the approved classification shall, subject to this Act, be those respectively allotted to those offices and officers by the classification :

Provided that nothing in this sub-section shall be deemed to affect the operation of any determination made by the Arbitrator of a claim relating to the salaries allotted by the approved classification.

28. With the case of any officer who is in receipt of a greater salary than the maximum salary determined under the classification to be appropriate to the office occupied by him, the Board shall deal in the following manner:—

Adjustment of  
salaries  
following  
classification.

(a) If an office of classification corresponding to the salary received by the officer is available, or becomes available within a period of twelve months after the date of

approval of the classification by the Governor-General, and in the opinion of the Board, the officer is competent to fill that office, the Board may transfer him thereto;

- (b) If no such office which in the opinion of the Board the officer is competent to fill is or becomes so available, the Board shall, at the expiration of the period of twelve months above mentioned, reduce the salary of the officer to the maximum salary appropriate under the classification to the office occupied by him;
- (c) If any such reduction of salary is certified by the Board to have been made on the ground only that no such office was available, the officer shall, notwithstanding the reduction, remain eligible for promotion as from the class or position to which his salary before reduction was incident, and shall be entitled to employment on the class of work to which his previous salary was appropriate, as soon as a vacancy occurs therein which, in the opinion of the Board, he is competent to fill, in preference to any other officer of the same or a lower class or position whose salary has not been so reduced.

Alterations of Staff.

29. The Governor-General may, on the recommendation of the Board, after obtaining a report from the Permanent Head—

- (a) create a new office in any Division in any Department;
- (b) abolish any office in any Department; or
- (c) raise or lower the classification of any office.

*Division 3.—Salaries of Officers.*

Salaries of officers.

30. Except in the case of officers of the First Division, who shall be paid such salaries as are provided in the Appropriation Act, and officers paid at a specified rate by virtue of any other Act, officers shall be paid salaries in accordance with such amounts or scales as are prescribed.

Increments.

31.—(1.) Increments of salary which are prescribed within the limits of a class or in respect to any particular office shall be annual, except where otherwise prescribed, and no increment shall accrue to any salary until the officer in receipt of the salary has received the salary for a period of twelve months.

(2.) The right to receive an increment in any year shall depend upon the good conduct, diligence and efficiency of the officer and the period of attendance for duty during that year.

(3.) If, in the opinion of the Permanent Head, an officer is not entitled to receive an increment, he may issue an order in writing depriving the officer of the increment for such time as the Permanent Head considers justified, and in that event the increment shall, subject to the succeeding provisions of this section, not be paid.

(4.) Any officer affected by any such order may appeal to the Board against the order.

(5.) The Permanent Head shall forward the appeal with a report to the Board, and the Board shall, after full inquiry, determine the appeal.

32. Pending approval by the Governor-General of the classification of officers effected under section twenty-seven of this Act—

Increments  
pending  
classification.

(a) The salaries paid to officers at the date of the commencement of this Act shall continue to be paid, and the Permanent Head may, from time to time, supplement those salaries by the grant of such increments as are determined by the Board; and

(b) An officer who is promoted to a higher office, or the classification of whose office is raised, shall thereupon be entitled to receive the minimum salary payable in respect of that higher office or classification immediately prior to the commencement of this Act and the Permanent Head may, from time to time, supplement that salary by the grant of such increments as are determined by the Board.

*Division 4.—Entrance Examinations and Appointments.*

33.—(1.) No person shall be admitted to the Commonwealth Service unless—

Admission to  
Commonwealth  
Service.

(a) he is a natural-born or naturalized British subject;

(b) the Board is satisfied, upon such medical examination as is prescribed, as to his health and physical fitness;

(c) (except as hereinafter provided) he has successfully passed the prescribed entrance examination; and

(d) he makes and subscribes an oath or affirmation in the form in the Fourth Schedule to this Act.

(2.) The Board may from time to time, appoint such examiners as are necessary for the conduct of the prescribed examinations, and may at any time remove any examiners so appointed.

34.—(1.) Separate entrance examinations shall be held in connexion with the Third and Fourth Divisions respectively, and shall be designed to test the efficiency and aptitude of candidates for employment generally or in particular offices in those Divisions, but the educational examination for the Fourth Division shall be of an elementary character.

Entrance  
examinations.

(2.) The Board shall, as far as practicable, arrange the times and places of entrance examinations, so that persons shall have reasonable facility for competing at examinations held in the State and locality in which they reside.

(3.) The Board shall from time to time, as entrance examinations are required, give public notice thereof in such manner as is prescribed, stating the number of appointments proposed to be made, the division, class, or position, and salary, and the date and place of examination.

Personation.

**35.—**(1.) Any person who at any examination held under this Act personates any candidate, and any candidate who allows himself to be personated, shall be guilty of an offence against this Act.

Penalty: One hundred pounds or imprisonment for six months

(2.) If any person who is convicted of an offence against this section is employed in the Commonwealth Service he may be dismissed therefrom by the Board.

Improperly  
obtaining  
examination  
papers.

**36.—**(1.) Any person who, before the time fixed for any particular examination held under this Act—

(a) improperly obtains possession of; or

(b) without authority (proof whereof shall lie upon him) furnishes to any person,

any examination paper, or particulars relating to any examination paper, shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months.

(2.) If any person who is convicted of an offence against this section is employed in the Commonwealth Service, he may be dismissed therefrom by the Board.

Appointments  
to be on  
probation.

**37.—**(1.) Except as hereinafter provided, every person admitted to the Commonwealth Service shall in the first instance be appointed by the Board on probation only, and may be continued on probation for a period of six months, but his services may be dispensed with by the Board at any time during that period.

(2.) After the period of six months on probation has expired, the Board may, upon a report from the Chief Officer, confirm or annul the appointment, or extend the period of probation for a further period, provided that the whole term of probation shall not in any case exceed twelve months.

(3.) Upon the expiration of any extended period of probation the Board shall, upon a report from the Chief Officer, confirm or annul the appointment.

(4.) Unless otherwise determined by the Board no probationer whose appointment has been annulled shall be eligible as a probationer at any time within twelve months from the date of the annulment.

38. Any person not more than fifty years of age, who has served in the permanent Naval Forces of the Commonwealth for the full period for which he enlisted or engaged, and has a satisfactory record, shall be eligible for appointment by the Board without examination, to any office in the Fourth Division in the Department of Trade and Customs or in the Department of Health.

Eligibility of officers of Permanent Naval Forces for appointment.

39. Where the Board reports to the Governor-General that it is not desirable that the examination system shall be applied in relation to an appointment to a specified position, or in relation to appointments to a specified class of positions, in the Fourth Division, the Board may appoint a person without examination to that position, or to a position in that class.

Appointment without examination to Fourth Division.

40.—(1.) No person shall be appointed to the Fourth Division whose age at his last birthday previous to appointment was less than sixteen years, or, except as in the next sub-section provided, more than fifty years.

Age for appointment.

(2.) In the case of special duties, the Board may extend the age from fifty to fifty-five years.

(3.) Nothing in this section shall be taken to prevent the appointment of persons above the age of fourteen years as messengers, telegraph messengers, or in such other capacities in the Fourth Division as the Board determines.

41. Every person appointed as a telegraph messenger shall cease to be employed in the Commonwealth Service on attaining the age of eighteen years, unless he has, before reaching that age, passed the examination prescribed for promotion.

Employment of telegraph messengers.

42. If the Board is satisfied that it is desirable in the interests of the Commonwealth that the appointment be made, the Board may appoint, without examination or probation, any officer of the Territorial Service or the Commonwealth Railways Service to any office in the Commonwealth Service.

Appointment without examination.

43.—(1.) The Governor-General may, upon the recommendation of the Board, transfer for a specified period any officer of the Commonwealth Service to an office in the Territorial Service, or any officer of the Territorial Service to an office in the Commonwealth Service.

Temporary transfer of Territorial officers to Commonwealth Service.

(2.) Any such transfer shall be regarded as temporary, and shall be made upon such conditions as are determined by the Governor-General.

(3.) Upon the completion of the specified period of transfer the officer shall return to his former Department and to his former office, or to another office in that Department not inferior in status to his former office.

44. Any officer of the Public, Railway, or other Service of a State employed in a permanent capacity, whether appointed thereto before or after the commencement of this Act, may be appointed to the Commonwealth Service by the Board, without examination and, if the Board thinks fit, without probation.

Appointment of State officers.

Rights of transferred officers.

45 Where any officer of the Public, Railway or other Service of a State, whether or not he was an officer of that Service at the date of the establishment of the Commonwealth, was transferred to the Commonwealth Service before the commencement of this Act, he shall preserve all his existing and accruing rights, and shall be entitled to retire from office at the time, and on the pension or retiring allowance, which would be permitted by the law of the State from which he was transferred, if his service with the Commonwealth were a continuation of his service with the State.

Appointment of officers retired from Commonwealth, Territorial, or State Service.

46. Any person having at any time either before or after the commencement of this Act retired from any salaried office, not being of a temporary or casual character, in the Commonwealth or Territorial Service, or in the Public, Railway or other Service of any State, may, if not more than fifty years of age, be appointed by the Board to the Commonwealth Service without examination, and, if the Board thinks fit, without probation.

Appointment of persons from outside Commonwealth Service.

47.—(1.) If at any time in any special case it appears expedient or desirable in the public interest to appoint to a Division other than the Fourth Division some person who is not in the Commonwealth Service, and who is not eligible under the conditions otherwise prescribed for admission to the Commonwealth Service, the Governor-General may, on the recommendation of the Board upon report from the Permanent Head, appoint such person accordingly without examination and, if the Governor-General thinks fit, without probation.

(2.) No such appointment shall be made until the Board has certified that in its opinion there is no officer available in the Commonwealth Service who is as capable of filling the position to which it is proposed that the appointment shall be made. A copy of every recommendation, report, and certificate under this section shall, within fourteen days after the making of the appointment, be laid before both Houses of the Parliament, if the Parliament is then sitting, or, if not, then within seven days of the next meeting of the Parliament.

Prior service reckoned as Commonwealth service.

48.—(1.) Where a person becomes an officer of the Commonwealth Service and his service in the Commonwealth Service is continuous with—

- (a) permanent service in the Public, Railway or other Service of a State ;
- (b) permanent service in a Territorial Service or the Commonwealth Railways Service ;
- (c) permanent service in a civil capacity in the Department of Defence ; or
- (d) service in a permanent capacity in the Naval or Military Forces of the Commonwealth,

the continuous service of that person in any service specified in paragraph (a), (b), (c) or (d) of this sub-section shall be reckoned for the purposes of this Act as service in the Commonwealth Service.

(2.) Where a person to whom this section applies has been engaged in two or more of the services specified in paragraphs (a), (b), (c) and (d) of the last preceding sub-section, and the periods he was so engaged are continuous with one another, those periods of service shall be deemed to be continuous service for the purposes of this section.

49.—(1.) No married woman shall be eligible for employment, either permanently or temporarily, in the Commonwealth Service, unless the Board certifies that there are special circumstances which make her employment desirable.

Employment  
of married  
women.

(2.) Every female officer shall be deemed to have retired from the Commonwealth Service upon her marriage, unless the Board certifies that there are special circumstances which make her employment desirable.

#### *Division 5.—Promotions and Transfers.*

50.—(1.) Whenever a vacancy occurs in any office other than in the First Division, and it is expedient to fill that vacancy by the transfer or promotion of an officer, the Board may, subject to the provisions of this Act, after report from the Permanent Head of the Department in which the vacancy occurs, transfer or promote an officer to fill the vacancy, consideration being given first to the relative efficiency and in the event of an equality of efficiency of two or more officers, then to the relative seniority of the officers available for transfer or promotion to the vacancy.

Promotions.

(2.) In this section "efficiency" means special qualifications and aptitude for the discharge of the duties of the office to be filled, together with merit, diligence and good conduct, and, in the case of an officer who is a returned soldier, includes such efficiency as, in the opinion of the Board, he would have attained but for his absence on active naval or military service.

(3.) Any promotion made in pursuance of sub-section (1.) of this section shall be provisional and without increased salary pending confirmation, and shall be notified in the prescribed manner and shall be subject to the right of appeal to the Board.

(4.) An appeal under this section shall be made in such manner and within such time as is prescribed, and may be made by any officer who considers that he is more entitled to promotion to the vacant office than the officer provisionally promoted, on the ground of—

- (a) superior efficiency, or
- (b) equal efficiency, and seniority.

(5.) An appeal under this section shall be considered, as prescribed, by the Board in conference with a representative of the Permanent Head of the Department to which the provisional promotion has been made, and with the appellant, or, if he so desires, with a nominee (who

is an officer) of the Public Service organization to which the appellant belongs, or with an agent (who is an officer) of the appellant, and following upon such conference the Board shall determine the appeal.

(6.) Where an appeal is upheld by the Board, it shall promote the appellant officer to the vacant office and cancel the provisional promotion.

(7.) Where an appeal is disallowed in pursuance of this section, or no appeal is lodged within the prescribed time, the provisional promotion shall be confirmed by the Board.

**Transfers.**

51. In any case where it is expedient to fill a vacancy in any office in a Department by transfer, not involving promotion, of an officer from some other Department, such transfer may be made by the Board.

**Officer may decline promotion or transfer.**

52.—(1.) The Board may permit any officer to decline an offer of promotion or transfer without prejudice to his right of future promotion or transfer.

(2.) No officer shall refuse compliance with an order of the Board, directing his removal from one position to another of equal or higher status. Disregard or disobedience of any such order shall be deemed to be a breach of the provisions of this Act.

**Qualifications for particular positions.**

53.—(1.) The Board may provide by regulation that transfer or promotion to any specified offices, or promotion from one class to another in any specified offices, shall be dependent upon passing such examination, or upon the possession of such qualifications, as is or are prescribed for such transfer or promotion.

(2.) The Board may appoint examiners for the purpose of carrying out the provisions of this section.

**Appointments to First Division.**

54.—(1.) Subject to the next succeeding sub-section all appointments and promotions in or to the First Division shall be made by the Governor-General on the recommendation of the Board, consideration being given first to the relative efficiency, or in the event of an equality of efficiency of two or more officers, then to the relative seniority of those officers.

(2.) Notwithstanding anything contained in this Act, appointments to any position of Permanent Head may be made by the Governor-General without reference to the Board.

*Division 6.—Offences.*

**Offences.**

55.—(1.) An officer (other than an officer in the First or Second Division) who—

(a) wilfully disobeys or disregards any lawful order made or given by any person having authority to make or give the order; or

- (b) is negligent or careless in the discharge of his duties ; or
- (c) is inefficient or incompetent through causes which appear to be within his own control ; or
- (d) uses intoxicating liquors or drugs to excess ; or
- (e) is guilty of any disgraceful or improper conduct, either in his official capacity or otherwise ; or
- (f) commits any breach of the provisions of this Act or any regulations thereunder ; or
- (g) having made or subscribed an oath or affirmation in the form in the Fourth Schedule to this Act, does or says anything in violation of that oath or affirmation,

shall be guilty of an offence, and shall be liable to such punishment as is determined upon under the provisions of this section.

(2.) If the Chief Officer, or any officer prescribed as having power to deal with minor offences, has any reason to believe that an officer has committed a minor offence, he may call upon the officer for an explanation as to the alleged offence, and if, on consideration of the explanation, he is of opinion that the offence has been committed, he may caution or reprimand the offending officer, or fine him a sum not exceeding Five shillings. Any caution, reprimand, or fine by an officer other than the Chief Officer shall be forthwith reported to the Chief Officer, and where the offence has been punished by a fine, the officer affected may appeal to the Chief Officer within forty-eight hours of the notification to him of the punishment. Upon such appeal the Chief Officer may confirm, annul, or reduce the punishment, and his decision shall be final.

(3.) Where there is reason to believe that an officer (not being an officer of the First or Second Division) has committed an offence, other than a minor offence punishable under the provisions of the preceding sub-section—

- (a) The officer may be charged by the Chief Officer, or any other officer prescribed as having power to lay a charge, and may if it is considered that the charge is of such a serious nature that the charged officer should not continue in the performance of his duty, be suspended by the Chief Officer, or, in emergent cases, by any other officer having power as aforesaid.
- (b) Suspension may be effected prior to or at the time of, or subsequent to, the laying of the charge, and may be removed at any time by the Chief Officer pending determination of the charge, or, in any case where the charge has not been sustained, immediately upon a finding to that effect.
- (c) Upon a charge being laid against an officer, he shall forthwith be furnished with a copy of the charge, and shall be directed to reply forthwith in writing, stating whether he admits or denies the truth of the charge, and giving

any explanation he desires in regard thereto. If a reply is not made by the officer within seven days of his receipt of the charge, the officer shall be deemed to deny the truth of the charge.

- (d) If the Chief Officer, after consideration of reports relating to the offence and charge and the reply and explanation, if any, of the officer charged, and any further reports he may consider necessary, is of opinion that the charge has been sustained, he may—
- (i) fine the officer any sum not exceeding Five pounds; or
  - (ii) reduce his salary; or
  - (iii) reduce him to a lower Division, class or position, and salary; or
  - (iv) transfer him to some other position or locality, which transfer may be in addition to fine or reduction; or
  - (v) recommend to the Board the dismissal of the officer from the Service:

Provided that if the punishment so imposed or recommended by the Chief Officer be other than a fine not exceeding Two pounds the officer may appeal, in such manner and within such time, not less than seven days, as is prescribed, against the decision of the Chief Officer, and the appeal shall be heard by an Appeal Board constituted as hereinafter prescribed.

- (e) If no appeal is made by an officer against a recommendation that he be dismissed, the Board of Commissioners may dismiss the officer or impose any other punishment specified in the last preceding paragraph.

(4.) Appeal may be made on the ground of innocence of the charge, or excessive severity of the punishment, and the Appeal Board may confirm, annul, or vary the decision appealed against by imposing any other punishment specified in the last preceding sub-section, and its decision shall be final, except that in any case where the Appeal Board considers the officer should be dismissed, the case shall be referred by the Chairman of the Appeal Board to the Board of Commissioners, which may dismiss the officer from the Commonwealth Service, or may impose any such other punishment as is prescribed in the preceding sub-section. In the hearing of any appeal against the excessive severity of the punishment the Appeal Board shall take into consideration the previous record of the officer.

(5.) An Appeal Board constituted under this section shall comprise—

- (a) a permanent Chairman, who shall be an officer of the Commonwealth Service, and shall have the qualifications of a Stipendiary or Police Magistrate, and shall be

appointed to the office by the Board of Commissioners, but shall not while sitting as Chairman of an Appeal Board be subject to direction by any person or authority under this Act;

- (b) an officer of the Department to which the appellant belongs, (not being an officer concerned in the laying of the charge against the appellant), appointed by the Chief Officer for the purpose of the particular appeal to be heard;
- (c) the officer who is the elected representative of the Division to which the appellant belongs in the State or part of the State in which he performs his duties or an officer appointed in pursuance of sub-section (6.) of this section.

Any two members of an Appeal Board may by consent of the parties concerned exercise all the powers of the Board for investigation and decision.

(6.) In the case of the illness, absence or suspension of an officer who is the elected representative of the Division to which the appellant belongs, or of there being no elected representative of that Division, or where the Board of Commissioners is of opinion that, by reason of his being personally interested in, or affected by, any matter which is the subject of appeal under this section, it is undesirable that the elected representative should act as a member of an Appeal Board, the Board of Commissioners may appoint another officer of the same Division to act temporarily as a member of an Appeal Board in lieu of an elected representative.

(7.) Every member of an Appeal Board shall, before proceeding to perform the duties or exercise the powers of a member of an Appeal Board, take an oath or make an affirmation in the form in the Fifth Schedule to this Act.

(8.) Notwithstanding anything contained in sub-section (5.) of this section, an Appeal Board constituted to hear an appeal by an officer of the Senate or of the House of Representatives, or of both Houses of the Parliament, shall comprise—

- (a) the Permanent Head of a Department nominated by the President or Speaker or the President and Speaker, as the case may be;
- (b) the Permanent Head of a Department nominated by the officers of the Department of the Parliament to which the appellant belongs; and
- (c) the elected representative of the Division to which the appellant belongs in the State or part of the State in which he performs his duties:

Provided that the Permanent Head nominated under paragraph (a) or (b) of this sub-section shall not be the Permanent Head of the Department to which the appellant belongs.

(9.) The members of the Appeal Board constituted in pursuance of the last preceding sub-section shall elect one of their number to be Chairman and any two members of the Board may exercise all the powers of the Board for investigation and decision. The decision of the Board shall be final.

(10.) Where an officer has been suspended under this section and—

(a) the Chief Officer, after consideration of reports relating to the offence and charge and the reply and explanation, if any, is of opinion that the charge against the officer has not been sustained; or

(b) an Appeal Board finds that the charge against the officer is not proved,

the Chief Officer shall forthwith remove the suspension.

Offences by  
officer of First  
or Second  
Division.

56.—(1.) Where any officer of the First or Second Division is charged by any person with any of the offences mentioned in the preceding section, the Minister may suspend the officer, and upon such suspension shall forthwith report the charge and suspension to the Board. If the officer does not in writing admit the truth of the charge, the Board shall appoint a Board of Inquiry (consisting of three persons, one of whom shall be the Chairman of the Board of Inquiry, and which shall not include the person by whom the charge was made), which shall inquire into the truth of the charge and shall report to the Board its opinion thereon.

(2.) If any of the charges are admitted, or are found by the Board of Inquiry to be proved, then the Board of Commissioners may make such recommendation as to the punishment or otherwise of the person charged as to the Board seems fit. On receiving such recommendation, the Governor-General may dismiss the officer from the Commonwealth Service, or reduce the officer to a lower Division and salary, or impose such penalty or other punishment as the case demands.

(3.) If the charges are found by the Board of Inquiry not to be proved, the suspension shall be immediately removed by the Minister.

Proceedings  
before Board  
of Inquiry or  
Board of  
Appeal.

57.—(1.) Any officer, upon the hearing by a Board of Inquiry or Appeal Board in relation to any charge against him, shall be entitled to be represented by counsel, attorney, or agent, who may examine witnesses and address the Board on his behalf. The charging authority may likewise be represented at such hearing by counsel, attorney, or agent.

(2.) It shall be the duty of the Board of Inquiry or Appeal Board to make a thorough investigation without regard to legal forms and solemnities, and to direct itself by the best evidence which it can procure or which is laid before it, whether the evidence is such as the law would require or admit in other cases or not.

(3.) If an Appeal Board is of opinion that the appellant officer had no reasonable grounds for appeal, and that the appeal was frivolous or vexatious, it may recommend to the Board of Commissioners that

the officer be required to pay such sum as the Appeal Board thinks fit, but not exceeding the cost of the hearing, and the Board may order the appellant to pay such sum or such less amount as it thinks fit, and the sum so ordered shall be recoverable in the manner prescribed for the recovery of fines for breaches of the Act or regulations.

58.—(1.) The Chairman of any Board of Inquiry or Appeal Board may at any time—

Evidence before Board of Appeal or Inquiry.

- (a) summon any person whose evidence appears to be material to the determination of any subject of inspection, inquiry, or investigation being conducted by the Board ;
- (b) take evidence on oath ; and
- (c) require the production of documents.

(2.) Any officer who, without reasonable cause, neglects or fails to attend in obedience to the summons, or to be sworn, or to answer questions or produce documents relevant to the subject of the inspection, inquiry, or investigation, shall be guilty of an offence against this Act.

(3.) Any person, not being an officer, who, after payment or tender of reasonable expenses, neglects or fails, without reasonable cause, to attend in obedience to the summons, or to be sworn, or to answer questions or produce documents relevant to the subject of the inspection, inquiry or investigation, shall be guilty of an offence.

Penalty : Twenty pounds.

(4.) Nothing in this section shall be construed as compelling a person to answer any question which would tend to criminate him.

59.—(1.) Where it appears to an Appeal Board that it is undesirable, by reason of the officer charged being stationed in a remote locality, or by reason of expense, inconvenience, or delay, to require the officer or any particular witness to attend before the Appeal Board to give evidence, the Appeal Board may, by order in writing under the hand of the Chairman, appoint some fit and proper person to take the evidence of the officer or witness.

Proceedings where officer or witness in remote locality.

(2.) The person so appointed shall take the evidence of the officer or witness on oath or affirmation, and for the purpose of so doing shall have all the powers of the Chairman of the Appeal Board.

(3.) Any party to the appeal entitled to be represented before the Appeal Board shall be entitled to be represented before any person taking evidence in pursuance of this section.

(4.) The evidence so taken shall be certified under the hand of the person taking it and forwarded to the Appeal Board, and considered by it in connexion with the appeal.

60.—(1.) In any case where a charge against an officer is dealt with by a Board of Inquiry or Appeal Board, a copy of all documents intended to be used at the inquiry shall, where practicable, be furnished to the officer at least seven days before the inquiry is held.

Proceedings on inquiry or appeal.

(2.) Where any charge against an officer is dealt with by a Board of Inquiry or Appeal Board, that Board shall have the right to direct that the inquiry shall be held in public or in private.

(3.) In any case where a Board finds that the charge is not proved or upholds the appeal, it may recommend that the reasonable expenses, or any part thereof incurred by the officer in meeting the charges or prosecuting the appeal be paid, the amount of such expenses to be mentioned in the recommendation, and, if approved by the Board of Commissioners, the amount may be paid to the officer.

(4.) Where an officer has been suspended for an offence under this Act, he shall be entitled to receive his salary during the period of suspension, unless he absconds, or unless otherwise ordered by the Board, upon report of the Chief Officer.

Procedure where  
address of  
officer unknown.

**61.—**(1.) In the event of the address for the time being of an officer being unknown to the Minister, the Board, Permanent Head, Chief Officer, Board of Inquiry or Appeal Board, as the case may be, all notices, orders, or communications to or for the officer shall be posted to the last-known address of the officer, and compliance with this section shall be deemed a sufficient service on the officer of any such notice, order, or communication.

(2.) Where any such notice, order, or communication relates to any charges made against an officer, then if, within any time specified in the notice, order, or communication, no answer is received by the authority which has asked whether the officer admits the truth of the charges brought against him, the officer shall be deemed to deny the truth of the charges, and the charges may be dealt with in the absence of the officer.

Officer  
convicted of  
criminal offence.

**62.—**(1.) Where an officer is charged with having committed any criminal offence against the law of the Commonwealth or of a State, punishable either on indictment or on summary conviction, he may be suspended by an authorized officer.

(2.) If the officer is convicted of the offence by any Commonwealth or State Court, the Board may (whether the officer has been suspended or not) dismiss him from the Commonwealth Service, or reduce him to a lower Division, class, or position and salary, or reduce his salary, or inflict such other punishment as the case demands.

(3.) Any officer who is so suspended or dismissed shall, unless the Board otherwise directs, not receive any salary from the date upon which or for the period during which, he ceased to perform the duties of his office.

(4.) The Chief Officer may at any time remove the suspension of any officer suspended under this section, whether before or after conviction.

(5.) This section shall not prevent an officer from being dealt with under some other provision of this Act, but an officer shall not be punished under this Act twice in respect of the same offence or matter.

63.—(1.) If the estate of an officer is sequestrated either voluntarily or compulsorily for the benefit of his creditors, the officer shall apply, as soon as he may legally do so, to a Court of Bankruptcy or Insolvency for a certificate of discharge. Insolvent officers.

(2.) If it appears to the Court that the applicant has been guilty of fraud, dishonorable conduct, or extravagance, the Court shall direct the Clerk of the Court thereupon to report the same to the Permanent Head or Chief Officer of the Department in which the officer is employed.

(3.) If the officer does not apply as aforesaid for a certificate of discharge, or if he applies, and it appears from the report that the officer has been guilty of fraud, dishonorable conduct, or extravagance, the officer may be dismissed by the Board from the Commonwealth Service, or reduced to a lower Division, class, or position or salary, or punished in such other manner as the case demands.

64. An order for the attachment of the salary wages or pay of any officer or employee in the Commonwealth or Provisional Service may be made by any court of competent jurisdiction. Salary of officers attachable.

65.—(1.) On receipt of notice of any pecuniary penalty imposed upon, or any order for the payment of money made against, any officer or employee under the authority of this Act, the officer who pays the salary wages or pay of the officer or employee so punished or against whom the order is made, shall deduct from any salary wages or pay payable to the officer or employee the amount of the penalty, or the sum ordered to be paid, as the case may be, unless he is satisfied that payment has been made by the officer or employee. Deduction of pecuniary penalty from salary.

(2.) The deduction may be made by instalments equal as nearly as practicable to one-fourth of the salary wages or pay due from time to time to the officer or employee.

(3.) All fines and penalties imposed under this Act shall be paid into and form part of the Consolidated Revenue.

66. Any officer or officers of the Commonwealth Service directly fomenting, or taking part in any strike which interferes with or prevents the carrying on of any part of the Public Services or utilities of the Commonwealth shall be deemed to have committed an illegal action against the peace and good order of the Commonwealth, and any such officer or officers adjudged by the Board, after investigation and hearing, to be guilty of such action, shall therefor be summarily dismissed by the Board from the Service, without regard to the procedure prescribed in this Act for dealing with offences under the Act. Officers taking part in strikes against Government.

#### *Division 7.—Incapacity of Officers.*

67. If an officer appears to the Board or the Chief Officer to be inefficient or incompetent or unfit to discharge or incapable of discharging the duties of his office efficiently, the Board may, after Incapacity of officers.

report from the Chief Officer, and after investigation into the circumstances, retire the officer from the Commonwealth Service from a date to be specified by the Board, or may transfer him to some other position, with salary appropriate to such other position.

*Division 8.—Leave of Absence and Holidays.*

Leave of absence for recreation.

68.—(1.) The Chief Officer may grant to every officer of his Department leave of absence for recreation for any period or periods not exceeding eighteen days in the whole in each year, exclusive of Sundays and holidays.

(2.) In granting leave of absence for recreation the Chief Officer may, in determining the duration of the leave to be granted in any year to an officer under the last preceding sub-section, take into consideration as is prescribed any prolonged period during which that officer was absent from duty in that year.

(3.) When the absence of an officer is not sanctioned, he shall forfeit his pay for each day of such absence.

(4.) The period of leave of absence for recreation which may be granted to officers stationed in isolated districts, or whose duties cannot ordinarily be performed within usual regular hours, shall not necessarily be limited to a maximum of eighteen days, but shall be limited as is prescribed.

Leave of absence to attend proceedings under Arbitration (Public Service) Act 1920.

69.—(1.) The Chief Officer may grant leave of absence with pay to not more than two representatives of an organization required to attend any proceeding before the Arbitrator under the *Arbitration (Public Service) Act 1920*.

(2.) The Chief Officer may grant leave of absence without pay, for such periods as are prescribed, to the representatives of an organization for the purpose of the preparation of evidence for submission on behalf of the organization in any such proceeding.

(3.) The periods during which any officer—

(a) is absent on leave granted pursuant to the last preceding sub-section; or

(b) was, before the commencement of this section, absent on leave without pay in connexion with any proceeding before the Commonwealth Court of Conciliation and Arbitration, or the Arbitrator, to which his organization was a party,

shall for such purposes as are prescribed be included as part of the officer's period of service.

Leave for illness or pressing necessity.

70.—(1.) The Chief Officer, in cases of illness or other pressing necessity, may grant to any officer leave not exceeding three months, and may, with the concurrence of the Board, and on such terms as are prescribed, extend such leave to a period not exceeding twelve months.

(2.) Where in case of illness an officer, who has received extended leave of absence for twelve months, is not so far recovered as to be able to resume his duties, the Chief Officer, with the concurrence of the

Board, may grant the officer further leave of absence for a period not exceeding six months. No salary or allowance shall be paid to the officer during such further leave. If at the expiration of such further leave the officer is unable to resume his duties the Board may retire him from the Commonwealth Service, and may direct that the retirement shall have effect as on the date of the expiration of any such further leave.

(3.) Upon report by a duly qualified medical practitioner that an officer is in such a state of health as to constitute him a danger to his fellow officers or the public, the Chief Officer may, subject to the regulations, direct the officer to absent himself from his duties for a specified period, and the officer's absence shall be regarded as leave of absence owing to illness.

71.—(1.) On the application of any officer, the Board may grant to the officer leave of absence, without pay, for any period not exceeding twelve months. Leave without pay.

(2.) The period during which any officer is absent on leave granted pursuant to this section shall not, unless otherwise ordered by the Board, for any purpose be included as part of the officer's period of service.

72.—(1.) Leave of absence may be granted to any officer who has enlisted in, or been appointed to, any Expeditionary Force raised under the provisions of the *Defence Act* 1903-1918, or has entered into an agreement with the Minister of Defence to serve as a munitions worker, whether within or beyond Australia, and the duration of such leave shall not, unless the Board otherwise directs, exceed the period of service of the officer with the Expeditionary Forces, or as a munitions worker, as the case may be. Leave for military or naval purposes.

(2.) Leave of absence for a period, which shall not, unless the Board otherwise directs, exceed twelve months, may be granted to any officer who is called up, in pursuance of the *Defence Act* 1903-1918, for active service in Australia or for active service in the Naval Forces.

(3.) Leave of absence granted under this section shall be without pay, except for such period as may, under some other provision of this Act or regulations, be granted with pay.

(4.) The period during which any officer is absent on leave granted pursuant to this section shall for all purposes be included as part of the officer's period of service.

73.—(1.) When an officer has continued in the Commonwealth Service for at least twenty years, the Board may grant to him leave of absence for a period not exceeding one month and a half on full salary or three months on half salary, in respect of each completed five years of continuous service : Furlough.

Provided that an officer shall not be granted leave of absence to exceed a continuous period of twelve months at any one time :

Provided further that in the case of any person becoming an officer of the Commonwealth Service after the commencement of this Act, the service which shall be taken into account for the purposes of this section shall not include any service in a temporary capacity.

(2.) When an officer who has continued in the Commonwealth Service for at least twenty years is retiring from the Commonwealth Service, the Board may authorize payment to him upon retirement of a sum equivalent to the amount of salary that would have been received by him during such leave of absence as would immediately prior to retirement have been granted to him under sub-section (1.) of this section.

(3.) Upon the death of any officer who at the date of his death was eligible under this section for the grant of leave of absence, the Board may authorize payment to the dependants of the officer of a sum equivalent to the amount of salary which would, under this section, have been granted to the officer had he retired immediately prior to the date of his death.

(4.) Notwithstanding anything contained in this section—

- (a) there shall not be granted under this section, in respect of the service of any officer, leave of absence or pay on retirement or death exceeding in the whole twelve months on full salary or its equivalent;
- (b) except upon the retirement of an officer under sections eighty-five or eighty-six of this Act, leave of absence for recreation shall not be granted under section sixty-eight of this Act in respect of the year in which leave of absence granted under this section commences, and if leave of absence for recreation has been granted in the year in which leave of absence granted under this section commences, it shall be regarded as part of the period of leave of absence granted under this section:

Provided that the total period of leave of absence for recreation which may, under this paragraph, be withheld, or regarded as part of the period of leave of absence granted under this section, during any officer's period of service, shall not exceed the period of leave of absence for recreation which may be granted in respect of one year of service; and

- (c) the official conduct record of an officer shall be taken into consideration in determining whether the whole or any portion of the leave of absence or pay provided in this section may be granted.

(5.) This section shall be deemed to have commenced on the thirtieth day of November, One thousand nine hundred and nineteen.

**74.—(1.)** The Board may grant to any officer, whose period of service is less than twenty years, who is not eligible for furlough under the last preceding section, immediately prior to his retirement from the Commonwealth Service on, or subsequent to, his attaining

Extended leave  
or pay in lieu to  
officers not  
entitled to  
furlough.

the age of sixty years, leave of absence on full salary for a period not exceeding that appropriate to his service as specified in the following scale :—

Service.	Leave.
16 years and less than 20 years .. ..	5 months
12 years and less than 16 years .. ..	4 months
8 years and less than 12 years .. ..	3 months
4 years and less than 8 years .. ..	2 months.

(2.) In lieu of leave in accordance with the last preceding sub-section the Board may authorize payment to an officer, eligible for leave in pursuance of that sub-section, upon his retirement from the Commonwealth Service, of a sum equivalent to the salary for a period of leave not exceeding that which the officer could have been granted under that sub-section.

(3.) Where an officer, who is less than sixty years of age, retires from the Commonwealth Service after less than twenty years' service, and produces to the Board satisfactory evidence that his retirement is due to ill-health and that such ill-health is permanent and is not due to misconduct or to causes within his own control, the Board may authorize payment to the officer of a sum equivalent to the salary for a period of leave not exceeding that for which, had he attained the age of sixty years, he would have been eligible under sub-section (1.) of this section.

(4.) In the event of the death of an officer before he has completed twenty years' service in the Commonwealth Service and either before or after he has attained the age of sixty years, the Board may authorize payment to the dependants of the officer of a sum equivalent to the salary for the period of leave which the officer would have received had he been eligible for, and granted, leave of absence under sub-section (1.) of this section.

(5.) The official conduct record of an officer shall be taken into consideration in determining whether the whole or any portion of the leave of absence or pay provided in this section may be granted.

75. For the purposes of the last two preceding sections, salary includes such emoluments as are prescribed. Definition of salary.

76.—(1.) The following days, or any days prescribed under the law of any State to be observed in lieu thereof in that State, shall be observed as holidays in the Commonwealth Service, namely :— Public holidays.

first day of January,  
 twenty-sixth day of January,  
 Christmas day and the following day,  
 Good Friday and the following Saturday and Monday,  
 the anniversary of the birthday of the Sovereign,  
 the twenty-fifth day of April, and  
 any day proclaimed by the Governor-General or required by any Act to be observed in lieu of any of the said days.

(2.) Whenever any of the said days, except the twenty-fifth day of April, falls upon a Sunday, the next following Monday shall be observed as a holiday in the public offices in lieu of such Sunday.

(3.) In addition to the days mentioned in sub-section (1.) of this section, there may be observed as public holidays or half-holidays in the public offices of the Commonwealth, or in any part thereof, such additional days or half-days, not exceeding in the whole, in the case of any office, three days in any one calendar year, as are prescribed.

(4.) The Governor-General may by proclamation at any time for any special occasion appoint, in addition to the days hereinbefore named, any specified day or half-day to be observed as a holiday or half-holiday in the public offices of the Commonwealth or in any part thereof.

(5.) The Minister of a Department, or the Permanent Head or Chief Officer thereof, may require the Department, or any part thereof, to be kept open in the public interest for the whole or any portion of a holiday observed in pursuance of any of the preceding sub-sections, and may require the attendance and services of any officer of the Department during that holiday ; but in that case that officer shall be granted an amount equal to a day's salary if a full day's attendance has been required, and a proportionate amount if less than a full day's attendance has been required :

Provided that no proportionate payment shall be less than one-half day's salary :

Provided further that an officer of the Parliament shall not be entitled, under this sub-section, to payment in respect of work performed on such holiday.

(6.) Where the hours of duty of any officer are arranged by schedule, and the attendance and services of that officer are required during any holiday observed in pursuance of this section, that officer shall not be entitled to receive in respect of his attendance and services during that holiday an amount greater than a full day's salary.

(7.) The Regulations may prescribe that the performance, by an officer on a holiday, of duty commencing at or after a prescribed hour of commencement, or terminating at or before a prescribed hour of termination, shall not be deemed to be performance of duty on a holiday.

(8.) This section shall not apply to officers stationed at light-houses or employed on lighthouse steamers.

*Division 9.—Reciprocal Services of Commonwealth and State Officers.*

77. The fact that any person is an officer of the Public Service of a State shall not disqualify him from also executing the duties of an office in the Commonwealth Service.

78.—(1.) The Governor-General may arrange with the Governor in Council of any State for the performance or execution by an officer in the Public Service of the State, for the Government of the Commonwealth, of any work or services, or of the duties of any office in the Commonwealth Service.

State officer  
not disqualified  
from  
Commonwealth  
employment.

Arrangements  
with State for  
services of  
State officer.

(2.) In any such case, the Governor-General may, by agreement with the Governor in Council of the State or otherwise, make arrangements for determining—

- (a) the rate of payment to be made by the Government of the Commonwealth for the work or services to be performed or the duties to be executed for the Commonwealth by the officer ; and
- (b) any matters which may require to be adjusted with regard to the performance of the work or services, or the execution of the duties, by the officer.

79. Where an officer of the Commonwealth performs some duties for the Government of a State, the Governor-General may, by agreement with the Governor in Council of the State or otherwise, make arrangements for determining—

Performance of State duties by Commonwealth officer.

- (a) the rate of payment to be made by the Government of such State for the services performed for the State by the officer ; and
- (b) any matters which may require to be adjusted with regard to the performance of the duties by the officer.

80. The Governor-General may, at the request of the Governor in Council of a State, authorize and cause any work or services to be performed for the Government of the State ; and the Governor-General may, by agreement with the Governor in Council of a State or otherwise, make arrangements for determining—

Agreement with State for performance of State duties by Commonwealth officer.

- (a) the rate of payment to be made by the Government of the State for the performance of the work or services ; and
- (b) any matters which may require to be adjusted with regard to the performance of the work or services.

81. In any case arising under any of the last four preceding sections the Governor-General may, by agreement with the Governor in Council of the State concerned or otherwise, make arrangements for determining, in respect of any officer so employed on behalf of the Commonwealth and of a State, the respective shares of each Government in any pension, retiring allowance, or allowance to dependants which may become payable, under the laws of the State or of the Commonwealth, in respect to the officer.

Arrangements with State as to pension, &c., where officer employed in dual capacities.

#### *Division 10.—Temporary Employment.*

82.—(1.) Whenever the Chief Officer is of opinion that temporary assistance is necessary, he shall advise the Board accordingly.

Temporary employment.

(2.) If the Board is satisfied that such assistance is required, the Board shall select, in such manner as is prescribed, from the register of applicants for temporary employment, such persons who are available as appear to be best qualified for the work :

Provided that where no suitable person is available from the register of applicants for temporary employment the Board may authorize the employment of any person suitable for the work to be performed.

(3.) Any such persons shall be paid at such rate as is determined by the Board as being applicable to the work to be performed (not being less than a rate within the limits of payment prescribed for permanent employees for similar work), and shall be entitled to the same public holidays as permanent employees.

(4.) Except where otherwise expressly provided, any such person may be employed for any period not exceeding three months, and if necessary may, with the sanction of the Board, be employed at the end of that period for another further period not exceeding three months; but shall not be so employed for more than six months in any twelve months, except upon the certificate of the Board that temporary assistance is still necessary, and that no other suitable person is available for the work to be performed.

(5.) Except where otherwise expressly provided, no person who has been temporarily employed in any Department for at least six months continuously or for at least six months in the whole in any twelve months shall, on the termination of his employment, be eligible for temporary employment in the Commonwealth Service during the six months next following such termination:

Provided that this sub-section shall not apply to persons temporarily employed in the Department of the Senate, the House of Representatives, the Parliamentary Library, or the Parliamentary Reporting Staff, or in the Joint House Department.

(6.) The services of any person temporarily employed may be dispensed with at any time by the Chief Officer.

(7.) Competitive examinations may be held by the Board for ascertaining the qualifications of persons applying for employment temporarily in the compilation of any census, or for the performance of any work of a Department requiring the services of temporary employees for a prolonged period, and the Board may authorize the employment of the successful competitors for such work for a period not exceeding two years.

(8.) Any person temporarily employed for a continuous period extending beyond twelve months may be granted by the Chief Officer leave of absence for recreation, or on account of illness, on such terms and conditions as are prescribed.

#### *Division 11.—Returned Soldiers.*

83.—(1.) Notwithstanding anything contained in this Act, a returned soldier whose name is enrolled in the prescribed register for temporary employment shall, if competent for the work required, be considered for temporary employment in priority to any person who is not a returned soldier.

(2.) Upon report from the Chief Officer that a returned soldier temporarily employed has satisfactorily performed his duties, the Board may extend his employment for such time as temporary assistance is still required.

(3.) Where the employment of a returned soldier has been terminated owing to temporary assistance not being further required, he shall be eligible for further employment at any time after the termination of his previous temporary employment.

84.—(1.) In the making of appointments to the Commonwealth Service from among persons who have successfully passed the prescribed examination, the Board shall give preference to returned soldiers.

Permanent  
appointment of  
returned  
soldiers.

(2.) In making any appointments under section thirty-eight, thirty-nine, or forty-seven of this Act preference shall, subject to competency, be given to returned soldiers.

(3.) In notifying any proposed examination for admission to the Commonwealth Service, the Board may specify that any particular examination shall be restricted to returned soldiers.

(4.) Notwithstanding anything contained in this Act, the Board may by regulations prescribe that any returned soldier who has passed an examination specified in the regulations, whether competitive or otherwise, conducted by an University or other public examining body in any part of the British Dominions, shall be deemed to have passed a prescribed examination conducted by examiners appointed under this Act.

(5.) Returned soldiers shall be eligible as candidates for the prescribed examination for admission to the Third Division at any age under fifty-one years, and if successful at the examination may be appointed to such class at such salary within the limits of the class as the Board determines.

(6.) Returned soldiers who have passed any prescribed examination for admission to the Public Service for which the maximum age fixed for candidates at the date of examination exceeds sixteen years shall be eligible for appointment to the Public Service at any time before they attain the age of fifty-one years.

(7.) Notwithstanding anything contained in this Act, a returned soldier who prior to enlistment was dismissed from the Commonwealth Service or whose resignation was enforced may be appointed by the Board, and if the Board thinks fit the appointment may be without probation.

(8.) Notwithstanding anything contained in this Act, a returned soldier may be appointed to the Commonwealth Service, although not free from physical defects due to service in the war, if it is certified by a medical practitioner approved by the Board that the soldier is free from such physical defects as would incapacitate him for the efficient discharge of the duties of the position to which he is to be appointed.

(9.) In the making of appointments to positions in the Commonwealth Service of a non-clerical nature the order of preference to returned soldiers shall be as follows:—

- (a) returned soldiers temporarily employed in the Commonwealth Service who have passed the prescribed examination ;

- (b) returned soldiers employed under the *Australian Soldiers' Repatriation Act 1920* or under the *War Service Homes Act 1918-1920*, who have passed the prescribed examination;
- (c) returned soldiers who have been temporarily employed continuously for not less than two years, but have not passed the prescribed examination, and in respect of whom the Chief Officer certifies that their duties have been performed in a satisfactory manner:

Provided that any such appointment shall be to a position the duties of which are similar to those which the returned soldier has been performing; and

- (d) returned soldiers not employed in the Commonwealth Service or under the *Australian Soldiers' Repatriation Act 1920* or the *War Service Homes Act 1918-1920*, who have passed the prescribed examination.

#### *Division 12.—Retirement of Officers.*

Retirement of officers.

**85.**—(1.) Every officer having attained the age of sixty years shall be entitled to retire from the Commonwealth Service if he desires so to do; but any such officer may (unless retired as hereinafter provided) continue in the Service until he attains the age of sixty-five years.

(2.) If any officer continues in the Service after he has attained the age of sixty years, he may at any time before he attains the age of sixty-five years be retired from the Service by the Board, or, in the case of an officer of the First Division, by the Governor-General.

Officer may be continued in Service in lower position.

**86.** When an officer has attained the age of sixty-five years and in the opinion of the Board it is desirable in the interests of the Commonwealth that the officer should continue in the performance of the duties of his office, and the officer is able and willing to do so, the Board may direct the officer to continue in his office for a fixed time not exceeding twelve months, otherwise every officer on attaining sixty-five years of age shall retire from the Service.

Application of Division.

**87.** The application of this Division shall extend to officers to whom section forty-five of this Act applies.

#### *Division 13.—Miscellaneous.*

Performance of duties of office in absence.

**88.** Where by any Act, Order in Council, rule, regulation by-law, contract, or agreement any duty, obligation, right, or power is imposed or conferred upon any officer in His Majesty's Service (other than a Minister or judicial officer) in his capacity as such officer, that duty, obligation, right, or power may be performed or exercised by any officer directed by the Governor-General to perform and exercise the duties, obligations, rights, and powers of the first-mentioned officer during his temporary absence or incapacity, in the same manner and to the same extent in all respects as it might have been performed or exercised by the first-mentioned officer, and everything so done under the provisions of this section shall be as good and effectual for all

purposes, and against all persons whatsoever, as if done by the first-mentioned officer.

89.—(1.) If the whole or part of a building belonging to or occupied by the Commonwealth is occupied for the purpose of residence by an officer, the Board may direct that a fair and reasonable sum, not exceeding ten per centum of the salary of the officer, shall be chargeable as rent for such occupancy, and the amount of that sum may be deducted from the salary of the officer :

Rent chargeable  
for quarters.

Provided that where any such building has been acquired or erected by the Commonwealth solely for the purpose of residence of the officer without an incidental obligation of supervision or general control by the officer over *personnel* or property, the officer occupying the premises shall pay such rent, and be subject to such conditions of occupancy, as are determined by the Minister in charge of the Department controlling the premises.

(2.) In calculating for any purpose the rate of salary of any officer, the amount deducted as rent shall be deemed and taken to be part of his salary.

(3.) If an officer is appointed to an office with which residential quarters are provided, he shall be chargeable with the rent for the quarters, and, unless otherwise directed by the Chief Officer, shall occupy the quarters.

(4.) The Chief Officer may permit the officer to make an arrangement with any other officer for the occupancy of the quarters by that other officer, at a rent not exceeding ten per centum of the salary of the first-mentioned officer.

(5.) The amount fixed by the Board as rental deduction upon an officer assuming occupancy of quarters shall not be increased during the period of his occupancy by reason of his advancement in salary otherwise than by promotion.

90.—(1.) Nothing in this Act shall authorize the expenditure of any greater sum out of the Consolidated Revenue Fund, by way of payment of any salary, than is from time to time appropriated by the Parliament for the purpose.

Payments to  
officers.

(2.) Where money has been appropriated by the Parliament in any year for the salaries of officers in any division, if during the year for which the appropriation has been made any vacancy occurs in the division and is not filled, the Governor-General may apply the money so appropriated to the payment of any officer in a lower position in the same or a lower division.

(3.) Payments of money to officers, other than for salary or prescribed transfer or travelling allowances or expenses, or other prescribed allowances, shall be made only under the authority of the Board.

91.—(1.) Except with the express permission of the Board, which permission may at any time be withdrawn, no officer shall—

Performance of  
work outside  
Commonwealth  
Service.

(a) accept or continue to hold an office in or under the Government of any State, or in or under any public or municipal corporation ; or

- (b) accept or continue to hold or discharge the duties of, or be employed in a paid office in connexion with, any banking, insurance, mining, mercantile, or other commercial business, whether carried on by any corporation, company, firm or individual; or
- (c) engage in or undertake any such business, whether as principal or agent; or
- (d) engage or continue in the private practice of any profession or trade; or
- (e) accept or engage in any remunerative employment other than in connexion with the duties of his office or offices under the Commonwealth.

(2.) Nothing herein contained shall be deemed to prevent an officer from becoming a member or shareholder only of any incorporated company, or of any company or society of persons registered under any Act in any State or elsewhere.

Effect of appointments and promotions by Board Permanent Head or Chief Officer.

92.—(1.) Every appointment, promotion, transfer, retirement, or dismissal of an officer made by the Board, a Permanent Head or a Chief Officer, as the case may be, under this Act, shall for all purposes have the same force and effect as if made by the Governor-General.

(2.) Notice of every appointment, promotion, retirement, or dismissal of officers, and of all Orders in Council or proclamations under this Act, shall be published in the *Gazette*.

Forfeiture of office on absence without leave.

93. Any officer who has been a member of any Expeditionary Force raised under the provisions of the *Defence Act 1903-1918*, and who, except in pursuance of leave granted under this Act or the Acts repealed by this Act, is absent from duty for twelve months subsequent to his ceasing to be a member of that Force shall be deemed to have forfeited his office upon the expiration of that period of twelve months.

Dismissal of officer of enemy origin.

94.—(1.) If after inquiry a Royal Commission appointed under the *Royal Commissions Act 1902-1912* to inquire into the origin of birth and parentage of persons in the Public Service or employ makes a report to the Governor-General expressing the opinion that the service of any person in the Public Service or employ should not be continued, the Governor-General may dismiss the person from the Public Service or employ.

(2.) If the Board, after inquiry, reports to the Governor-General that, in its opinion, the continuance of any person in the Public Service or employ is detrimental to the public safety or the defence of the Commonwealth, the Governor-General may dismiss the person from the Public Service or employ.

(3.) No person who is dismissed from the Commonwealth Public Service or employ in pursuance of this section shall be entitled to make any claim against the Commonwealth by way of compensation or otherwise in respect of his dismissal.

(4.) This section shall be deemed to have commenced on the first day of May, One thousand nine hundred and eighteen.

95. Where, under any Act repealed by this Act deductions have been made from the salary of any person unable to assure his life as required by that repealed Act, and have been invested and accumulated by an officer or authority appointed in pursuance of that repealed Act, those deductions shall remain so invested and accumulated for the purposes and subject to the conditions prescribed in the repealed Act :

Repayment of deductions of on account of assurance.

Provided that any such person may at any time prior to his retirement, by notice in writing to the officer or authority by whom the deductions are invested or accumulated, require the total amount deducted from his salary together with interest accumulated thereon to be repaid to him and the officer or authority shall repay that amount and interest to that person accordingly.

96. Notwithstanding anything contained in this Act the provisions relating to life assurance contained in any Act repealed by this Act shall cease to have effect upon a date to be fixed by proclamation, whether before or after the commencement of this Act.

Life assurance provisions of repealed Act.

97.—(1.) The Board may, with the approval of the Governor-General, make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for the following, namely :—

Regulations.

- (a) for arranging the Second and Third Divisions into classes, and the Fourth Division according to positions, and for determining the limits of salaries to be paid to officers in those classes or positions in the several Departments, or in any specified Department ;
- (b) for prescribing the commencing salary of probationers and providing for rates of commencing salary, according to the age of appointment and qualifications prescribed for appointment ;
- (c) for prescribing the conditions under which officers of a Division may be transferred to any specified office or offices in another Division, and fixing a maximum age for such transfers ;
- (d) for prescribing or regulating the character and standard of competitive entrance examinations, the manner of holding those examinations, the minimum and maximum age of candidates, and for registering, in the order of merit, the names of all persons who have qualified at such examinations, and of those candidates who, having so qualified, may be appointed to fill subsequent vacancies arising within a prescribed period ;

- (e) for prescribing or regulating the conditions under which persons shall be selected for appointment to the Service where appointment may be made without examination ;
- (f) for prescribing courses of study for which recognition may be given by the Board ;
- (g) for prescribing the rates of salaries for female officers in any specified offices in the Commonwealth Service ;
- (h) for regulating the procedure of Boards of Inquiry and Appeal Boards ;
- (i) for prescribing the method of electing representatives of officers of the Third and Fourth Divisions on Appeal Boards and for the division of any State into districts for such purpose, and for specifying that any portion of a State or Territory shall for the purpose of electing a representative be regarded as part of an adjoining State or of a district in that adjoining State ;
- (j) for regulating and determining the scales or amounts to be paid to officers for transfer or travelling allowances or expenses, or allowances in lieu of quarters, or for living in localities where the climatic conditions are severe, or at isolated stations, or in places where, owing to their situation, the cost of living is exceptionally high, and providing for the relief and transfer of officers employed for the prescribed period, in any such locality, or for the partial reimbursement of the cost of conveyance of those officers, their wives, and families when those officers are travelling on recreation leave ;
- (k) for regulating the duties and conduct of officers ;
- (l) for prescribing the form of register of applicants for temporary employment, and the mode in which it shall be kept, and the mode of selecting persons therefrom, and for regulating generally the terms and conditions of temporary employment ;
- (m) for regulating the hours of attendance of officers, and the keeping and signing of records of attendances, or prescribing other methods of recording attendances ;
- (n) for regulating the granting of leave of absence to officers and temporary employees of the Commonwealth Service ;
- (o) for regulating the performance of extra services and payment therefor, and for payment of examiners ;
- (p) for fixing the maximum or minimum age of persons who may be appointed to any particular Division, or class, or position ;
- (q) for providing for notification to the Board of punishments inflicted on officers by virtue of this Act or the regulations thereunder, and for keeping records thereof :

Provided that nothing in the regulations shall authorize the keeping, for more than two years, of the record of any punishment which does not exceed a fine of five shillings ;

- (r) for regulating the notification of vacancies by the Board and the method of applying for such vacancies ;
- (s) for regulating the method of lodging appeals of officers against provisional promotion, deprivation of increment, or punishment ;
- (t) for requiring officers to take oaths or affirmations of secrecy in relation to the matters coming to their knowledge in the course of their employment, and for prescribing the form of such oaths or affirmations ;
- (u) for determining the dates, times, or periods of time at or within which shall be done all things or acts required or permitted by this Act to be done, and in respect of which no dates, times, or periods of time are specifically provided ;
- (v) for prescribing, where there is no provision or no sufficient provision in this Act, in respect to any matter or thing necessary to give effect to this Act, in what manner and form the want of provision or insufficient provision shall be supplied.

(2.) Regulations made pursuant to the foregoing provisions of this Act may be made either generally or with respect to any particular case or class of cases, and when made by the Board, and approved by the Governor-General, shall have full force and effect ; and such regulations shall be laid before both Houses of the Parliament within seven days after approval by the Governor-General, if the Parliament is in session and actually sitting, or if not in session or not actually sitting, then within seven days after the commencement of the next session or sitting.

#### PART IV.—THE PROVISIONAL SERVICE.

##### *Division 1.—Application of Act to Provisional Service.*

98.—(1.) Unless otherwise expressly provided, this Act shall not apply to the members of the Repatriation Commission or the War Service Homes Commissioner or to such other person as is prescribed.

Application of Act.

(2.) The provisions of this Part, except section one hundred thereof, shall be limited in their application to officers employed in the administrative or executive sections of Departments or branches of the Provisional Service.

(3.) All appointments under this Part shall be provisional and temporary.

(4.) Nothing in this Part shall be deemed to confer any right of permanent employment in the Service or to confer in any way a right of transfer from the Provisional Service to the Commonwealth Service.

*Division 2.—Classification and Salaries.*

Classification.

99. For the purpose of determining the rates of salary payable to officers in the Provisional Service, the Board may from time to time classify the positions in such Service, and may consider any written representations submitted by any officer who is dissatisfied with the salary or scale of salary allotted to the position occupied by him.

Method of settling disputes as to salaries, &c.

100. All disputes arising as to salaries, wages, rates of pay, allowances, hours of duty, and general conditions of employment of officers and employees of the Provisional Service shall be dealt with by the Arbitrator, in accordance with the *Arbitration (Public Service) Act 1920*.

Increments.

101.—(1.) Increments, which may be prescribed, shall be annual, and no increment, other than by promotion, shall accrue to any officer until the officer in receipt of the salary has received it for a period of twelve months.

(2.) The right to receive an increment in any year shall depend upon the good conduct, diligence and efficiency of the officer to whose salary the increment is attached and the period of his attendance for duty during that year, and if in the opinion of the prescribed responsible officer, the officer is not entitled thereto, the responsible officer may issue an order in writing to deprive the officer of the increment for such time as is considered justified, and in that event the increment shall not be paid.

Report in case of excess staff.

102.—(1.) If the Board finds that any officer is receiving remuneration greater or less than the value of the work performed, or that the staff employed in any Department or branch is in excess of the reasonable requirements of the Department or branch, the Board shall furnish a report to the Minister accordingly, with recommendations for any alterations considered necessary.

(2.) If the Minister is unwilling to adopt any such recommendation, it shall be laid before both Houses of the Parliament with the reasons for non-adoption.

*Division 3.—Appointments.*

Appointments to Provisional Service.

103. Notwithstanding the provisions of any other Act, all appointments to the Provisional Service other than to positions of a casual character shall be made by the Board and at such salary as it determines.

Preference to returned soldiers.

104. Returned soldiers shall, in respect to consideration of qualifications and claims for appointment, have priority over all other applicants.

105.—(1.) All appointees shall hold their offices during pleasure.

Tenure of appointments.

(2.) If in the opinion of the prescribed responsible officer any officer is incompetent or otherwise unsatisfactory, his services may be dispensed with by the responsible officer, or by the Board.

106.—(1.) Any officer of the Commonwealth Service who, either before or after the commencement of this Act becomes an officer of the Provisional Service, shall not thereby be required to resign from the Commonwealth Service, but may be granted leave of absence for the period of his employment in the Provisional Service, and the leave of absence so granted shall for all purposes be included as part of the officer's period of service in the Commonwealth Service.

Appointments of Commonwealth officers to Provisional Service.

(2.) Upon the termination of the employment in the Provisional Service of any such officer, who has not been dismissed for misconduct, he shall be entitled to re-appointment to a position in the Commonwealth Service with such advancement in status and salary, beyond those held and received by him in that Service immediately prior to his appointment to the Provisional Service, as the Board in the circumstances thinks just.

(3.) In determining the status and salary to which the officer shall be advanced on re-appointment to the Commonwealth Service, the Board shall take into consideration the time (if any) which the officer served on naval or military service and the period of his service in the Provisional Service.

(4.) Notwithstanding anything contained in the last preceding section, an officer to whom this section applies shall be entitled to be dealt with, as regards offences, in the same manner as is provided by section fifty-six of this Act.

#### *Division 4.—Miscellaneous.*

107. Payments of money to officers other than for salary or prescribed transfer, or travelling allowances or expenses, or other prescribed allowances, shall be made only under the authority of the Board.

Payments to officers.

108.—(1.) The Board may, with the approval of the Governor-General, make regulations for the carrying out of any of the provisions of this Part, and generally for the administration of the Provisional Service.

Regulations.

(2.) Regulations made pursuant to this Part may be made generally or with respect to any particular case or class of cases, and when made by the Board, and approved by the Governor-General, shall have full force and effect; and such regulations shall be laid before both Houses of the Parliament within seven days after approval by the Governor-General if the Parliament is in session and actually sitting, or if not in session or not actually sitting, then within seven days of the commencement of the next session or sitting.

## SCHEDULES.

## FIRST SCHEDULE.

## REPEAL OF ACTS.

Acts Affected.	Extent of Repeal.
<i>Commonwealth Public Service Act 1902</i> .. ..	The whole
<i>Commonwealth Public Service Amendment Act 1903</i>	The whole
<i>Commonwealth Public Service Act 1909</i> .. ..	The whole
<i>Commonwealth Public Service Act 1911</i> .. ..	The whole
<i>Commonwealth Public Service Act 1913</i> .. ..	The whole
<i>Commonwealth Public Service Act 1915</i> .. ..	The whole
<i>Commonwealth Public Service Act 1916</i> .. ..	The whole
<i>Commonwealth Public Service Act 1917</i> .. ..	The whole
<i>Commonwealth Public Service Act 1918</i> .. ..	The whole
<i>Arbitration (Public Service) Act 1911</i> .. ..	The whole, except sections one and sixteen.

## SECOND SCHEDULE.

## DEPARTMENTS.

The Department of the Senate.  
 The Department of the House of Representatives.  
 The Department of the Parliamentary Library.  
 The Department of the Parliamentary Reporting Staff.  
 The Joint House Department.  
 The Prime Minister's Department.  
 The Department of the Treasury.  
 The Attorney-General's Department.  
 The Department of Home and Territories.  
 The Department of Defence.  
 The Department of Trade and Customs.  
 The Department of Works and Railways.  
 The Postmaster-General's Department.  
 The Department of Health.

## THIRD SCHEDULE.

## PERMANENT HEADS OF DEPARTMENTS

The Clerk of the Senate.  
 The Clerk of the House of Representatives.  
 The Parliamentary Librarian.  
 The Principal Parliamentary Reporter.  
 The Secretary of the Joint House Department.  
 The Secretary to the Prime Minister's Department.  
 The Secretary to the Department of the Treasury.  
 The Secretary to the Attorney-General's Department.  
 The Secretary to the Department of Home and Territories.  
 The Secretary to the Department of Defence.  
 The Comptroller-General of Customs.  
 The Secretary to the Department of Works and Railways.  
 The Secretary to the Postmaster-General's Department.  
 The Director-General of Health.

## FOURTH SCHEDULE.

## OATH.

I, *A. B.*, do swear that I will be faithful and bear true allegiance to the King, and will loyally as in duty bound uphold the Constitution of the Commonwealth of Australia established under the Crown of the United Kingdom. So HELP ME, GOD!

## AFFIRMATION.

I, *A. B.*, do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to the King, and will loyally as in duty bound uphold the Constitution of the Commonwealth of Australia established under the Crown of the United Kingdom.

## FIFTH SCHEDULE.

## OATH.

I, *A. B.*, do swear that I will well and truly serve our Sovereign Lord the King as a member of the Appeal Board constituted under the *Commonwealth Public Service Act 1922* for the purpose of the appeal made by (here insert name of appellant) [or in the case of the Chairman or elected representative of the Division to which the appellant belongs as a member of any Appeal Board constituted under the *Commonwealth Public Service Act 1922* of which I may be a member] and that I will perform the duties and exercise the powers imposed or conferred upon me as such member without fear or favour affection or ill-will. So HELP ME, GOD!

## AFFIRMATION.

I, *A. B.*, do solemnly and sincerely affirm and declare that I will well and truly serve our Sovereign Lord the King as a member of the Appeal Board constituted under the *Commonwealth Public Service Act 1922* for the purpose of the appeal made by (here insert name of appellant) [or in the case of the Chairman or elected representative of the Division to which the appellant belongs as a member of any Appeal Board constituted under the *Commonwealth Public Service Act 1922* of which I may be a member] and that I will perform the duties and exercise the powers imposed or conferred upon me as such member without fear or favour affection or ill-will.

## SENATE ELECTIONS.

## No. 22 of 1922.

An Act to amend the *Senate Elections Act 1903*.

[Assented to 18th October, 1922.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Senate Elections Act 1922*.

(2.) The *Senate Elections Act 1903* is in this Act referred to as the Principal Act.

Short title  
and citation.