

# PUBLIC SERVICE.

## No. 105 of 1960.

An Act to amend the Law relating to the Public Service.

[Assented to 16th December, 1960.]

**B**E it enacted by the Queen'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 *Public Service Act* 1960.

Short title and citation.

(2.) The *Public Service Act* 1922–1958,\* as amended by the *Salaries (Statutory Offices) Adjustment Act* 1960,† is in this Act referred to as the Principal Act.

(3.) The Second Schedule to the *Salaries (Statutory Offices) Adjustment Act* 1960 is amended by omitting the words—

“*Public Service Act* 1922–1958 | *Public Service Act* 1922–1960”.

(4.) The Principal Act, as amended by this Act, may be cited as the *Public Service Act* 1922–1960.

2.—(1.) Sections one, two, nine, ten, fourteen, sixteen, seventeen and eighteen, sub-section (1.) of section nineteen and sections twenty and twenty-one of this Act shall come into operation on the day on which this Act receives the Royal Assent.

Commencement.

(2.) Sections five, six and fifteen, sub-section (2.) of section nineteen and sections twenty-two, twenty-eight and thirty-one of this Act shall come into operation on a date to be fixed by Proclamation.

\* Act No. 21, 1922, as amended by No. 46, 1924; No. 41, 1928; No. 19, 1930; No. 21, 1931; No. 72, 1932; No. 38, 1933; Nos. 45 and 46, 1934; No. 72, 1936; No. 41, 1937; No. 72, 1939; No. 88, 1940; No. 5, 1941; No. 19, 1943; Nos. 11, 29 and 43, 1945; No. 16, 1946; Nos. 1, 38, 52 and 84, 1947; Nos. 35 and 75, 1948; Nos. 51 and 80, 1950; Nos. 46 and 48, 1951; No. 22, 1953; No. 63, 1954; No. 18, 1955; Nos. 13 and 39, 1957; and No. 11, 1958.

† Act No. 17, 1960.

(3.) The remaining provisions of this Act shall come into operation on a date to be fixed by Proclamation.

**Parts****3. Section three of the Principal Act is amended—**

(a) by omitting the words—

“ Division 4.—Entrance Examinations and Appointments (Sections 33–49).”

and inserting in their stead the words—

“ Division 4.—Appointment and Recruitment of Officers (Sections 33–49).”; and

(b) by omitting the words—

“ Division 11.—Returned Soldiers (Section 84).

Division 12.—Retirement of Officers (Sections 85–87).”

and inserting in their stead the words—

“ Division 12.—Retirement of Officers (Sections 85–86).”.

**Definitions.****4. Section seven of the Principal Act is amended—**

(a) by omitting the definition of “ Appeal Board ” and inserting before the definition of “ Chief Officer ” the following definition:—

“ ‘ Appeal Board ’ means an Appeal Board constituted under this Act;”;

(b) by inserting after the definition of “ Returned Soldier ” the following definition:—

“ ‘ Selection Test ’ means a test referred to in section forty-four of this Act;” ; and

(c) by inserting after the definition of “ The Permanent Head ” the following definition:—

“ ‘ the prescribed educational qualification ’ means—

(a) in relation to the appointment of a person as an officer of the Second or Third Division—one of the qualifications referred to in section thirty-five of this Act; and

(b) in relation to the appointment of a person to an office in the Fourth Division—any qualification referred to in section thirty-nine of this Act that is applicable to an appointment to that office ;” .

5. Section eight A of the Principal Act is amended by adding at the end thereof the following sub-section:—

*Exempt officers  
and employees.*

“(4.) An order under this section shall be deemed not to be in force in relation to an officer or employee while terms and conditions of employment determined under the next succeeding section are applicable to him.”.

6. After section eight A of the Principal Act the following section is inserted:—

“8B.—(1.) The Board may make a determination, not inconsistent with this or any other Act, with respect to terms and conditions of employment of officers or employees performing duties overseas or of the officers or employees included in a class of such officers or employees.

*Officers and  
employees  
performing  
duties  
overseas.*

“(2.) Such a determination has effect notwithstanding anything contained in the regulations.

“(3.) Without limiting the generality of the power to make a determination with respect to terms and conditions of employment conferred on the Board by this section, the Board may include in such a determination terms and conditions with respect to the payment of allowances to, and the provision of residential accommodation for, officers or employees to whom the determination applies and persons who are, for the purposes of the determination, dependants of such officers or employees.

“(4.) For the purposes of this section, an officer or employee who—

- (a) is proceeding from Australia or a Territory of the Commonwealth to perform duties overseas;
- (b) is proceeding to Australia or a Territory of the Commonwealth after having performed duties overseas;  
or
- (c) is proceeding from a place overseas to perform duties at another place overseas,

shall, while he is so proceeding, be deemed to be performing duties overseas.

“(5.) For the purposes of this section—

- (a) the Island of Nauru shall be deemed to be a Territory of the Commonwealth; and
- (b) the expression ‘overseas’ means outside Australia and the Territories of the Commonwealth.”.

**Records of officers.**

7. Section twenty-one of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“(1.) The Board shall keep or cause to be kept a record of each officer, showing the date of his birth, the date of his appointment to the Commonwealth Service and—

- (a) if he is occupying an office—the Division in which his office is included and the designation and classification of that office; or
- (b) if he is an unattached officer—the Division in which he is deemed to be included and, where appropriate, his designation and salary or limits of salary.”.

**Composition of Divisions.**

8. Section twenty-four of the Principal Act is amended by omitting sub-sections (4.) and (5.) and inserting in their stead the following sub-sections:—

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

“(5.) A person appointed under section thirty-three of this Act as an unattached officer of a Division shall be deemed to be included in that Division and every other unattached officer shall be deemed to be included in the Division in which he was included immediately before he became an unattached officer.”.

**Chief Officers.**

9. Section twenty-six of the Principal Act is amended by omitting sub-section (1A.).

**Increments.**

10. Section thirty-one of the Principal Act is amended—

- (a) by omitting from sub-section (2.) the words “ An officer ” and inserting in their stead the words “ Subject to this section, an officer ”; and
- (b) by inserting after sub-section (3.) the following sub-section:—

“(3A.) An officer who has been absent on leave of absence without pay for a period that is, by virtue of this Act or a determination of the Board under this Act, to form, or to be included as, part of his period of service for all purposes or for the purpose of the granting of increments shall, for the purposes of this section, be deemed to have received his salary during that period and also to have received any increments of salary that would have been paid to him during that period under the preceding provisions of this section if he had been receiving his salary.”.

11. The heading to Division 4 of Part III. and sections thirty-three to forty-seven A (inclusive) of the Principal Act are repealed and the following heading and sections inserted in their stead:—

“ *Division 4.—Appointment and Recruitment of Officers.*

“ 33.—(1.) Subject to this Part, the Board may appoint a person to the Commonwealth Service as an officer of the Second, Third or Fourth Division. Appointments to Second, Third and Fourth Divisions.

“ (2.) A person may be appointed under this section to a particular office in, or as an unattached officer of, the Division to which he is appointed.

“ (3.) An unattached officer appointed under this section shall have such designation (being a designation corresponding to that of an office in the Division to which he is appointed) as the Board determines to be appropriate to his duties.

“ (4.) A person shall not be appointed as an unattached officer of a Division unless he is qualified for appointment to an office having a designation corresponding to his designation as an unattached officer.

“ 34. A person is not eligible for appointment to the Commonwealth Service unless— Eligibility for appointment to the Commonwealth Service.

- (a) he is a British subject;
- (b) the Board is satisfied, after he has undergone a medical examination approved by the Board, as to his health and physical fitness;
- (c) the Board is satisfied that he is a fit and proper person to be an officer of the Commonwealth Service; and
- (d) he has made and subscribed, as prescribed, an oath or affirmation in accordance with the Fourth Schedule to this Act.

“ 35. Subject to this Division, a person shall not be appointed as an officer of the Second or Third Division unless— Educational qualifications for appointment to Second or Third Division.

- (a) he has passed a qualifying examination for appointment to the Second or Third Division held by or on behalf of the Board;
- (b) he has passed, under conditions approved by the Board, in such subjects of a public examination approved by the Board as satisfy requirements determined by the Board for the purposes of this section; or
- (c) he has been admitted, or is eligible to be admitted, to a degree of an Australian University or to a degree of an overseas University, being a degree that, in the

opinion of the Board, is of a standard at least equal to the standard of a degree conferred by an Australian University.

Restriction on number of graduate appointees under section 33.

“ 36.—(1.) The Board shall, in making appointments to the Second and Third Divisions under section thirty-three of this Act, ensure, so far as is practicable, that not more than one-tenth of the total number of persons so appointed in a year otherwise than as professional or technical officers are persons appointed by virtue of possessing the qualification referred to in paragraph (c) of the last preceding section.

“ (2.) In this section—

‘ professional or technical officer ’ means a person appointed to an office referred to in the next succeeding section or a person appointed as an unattached officer to perform duties corresponding to the duties of such an office;

‘ year ’ means a period of twelve months commencing on the first day of January.

Appointments to offices, requiring professional, technical or special qualifications.

“ 37. Where the Board is of opinion that persons appointed to particular offices in the Second or Third Division should possess professional, technical or other special qualifications, a person shall not be appointed to such an office unless he possesses those qualifications and, if the Board thinks fit, a person who possesses those qualifications may be appointed to such an office notwithstanding that he does not possess the prescribed educational qualification.

Special appointments to Second and Third Divisions.

“ 38.—(1.) Subject to this section, if in a special case it appears to the Board to be desirable in the public interest to do so, the Board may, under this section, appoint to an office in the Second or Third Division a person who is not ineligible for appointment to the Commonwealth Service by reason of section thirty-four of this Act but is not qualified to be appointed to that office under any provision of this Act other than this section.

“ (2.) An appointment under this section may, if the Board thinks fit, be without probation.

“ (3.) An appointment of a person under this section to an office shall not be made unless the Board certifies, after obtaining a report from the Permanent Head of the Department concerned, that it is satisfied that there is no officer available in the Commonwealth Service who is as capable as that person of filling the office.

“ (4.) Where the Board makes an appointment under this section, it shall cause a statement containing particulars of the appointment together with a copy of the report and certificate referred to in the last preceding sub-section to be laid before each House of the Parliament within six sitting days of that House after the making of the appointment.

“ 39. Subject to this Division, a person shall not be appointed to an office in the Fourth Division unless—

- (a) he has passed a qualifying examination held by or on behalf of the Board for appointment to that office or to a class of offices in which that office is included; or
- (b) he has passed, under conditions approved by the Board, in such subjects of a public examination approved by the Board as satisfy requirements determined by the Board for the purpose of appointments to that office or to a class of offices in which that office is included.

Educational, &c. qualifications for appointment to Fourth Division.

“ 40.—(1.) Where the Board is of opinion that persons appointed to particular offices in the Fourth Division should possess technical or other special knowledge or skill, a person shall not be appointed to such an office unless he satisfies the Board that he possesses that knowledge or skill.

Appointments to offices requiring technical or special qualifications, &c.

“ (2.) Section thirty-nine of this Act does not apply in relation to the appointment of a person to an office referred to in the last preceding sub-section.

“ (3.) Where the Board is satisfied that the duties of particular offices in the Fourth Division are such that it is not necessary for occupants of those offices to possess any particular standard of education or any technical or special knowledge or skill, it may, by instrument published in the *Gazette*, specify the offices in respect of which it is so satisfied, and, while the instrument is in force, section thirty-nine of this Act does not apply in relation to the appointment of a person to an office specified in the instrument.

“ 41. Where the Board is of opinion that persons appointed to particular offices in the Second, Third or Fourth Division should undergo a course of professional, technical or other training, a person shall not be appointed to such an office unless the Board is satisfied—

Appointments to offices where occupant required to undergo course of training.

- (a) that he is willing to undergo such a course of training; and
- (b) that, having regard to his scholastic record and such other matters as the Board considers relevant, he is likely to complete the course of training to the satisfaction of the Board.

“ 42.—(1.) Subject to this Act, the Board may, from time to time, determine the age limits, if any, for any appointments to the Second, Third or Fourth Division and the date as at which the ages of applicants for appointment are to be ascertained for that purpose.

Determination of age limits.

“ (2.) The Board may—

- (a) determine different age limits in relation to appointments to different offices or classes of offices; and
- (b) determine different age limits in relation to applicants possessing different qualifications.

Determination  
of time within  
which  
educational  
qualifications  
to be obtained,  
&c.

“ 43. The Board may, from time to time—

- (a) determine, in relation to any proposed appointments to the Second, Third or Fourth Division, the period within which particular educational qualifications must have been obtained, and a date on which persons who, during that period, obtain, or have obtained, those qualifications will cease to be qualified for appointment by virtue of those qualifications;
- (b) determine, in relation to any proposed appointments to the Second, Third or Fourth Division, that only males or only females are to be appointed to particular offices or that males and females are to be appointed in particular proportions; and
- (c) determine the manner of ascertaining the order in which offers of appointment are to be made to qualified applicants, or to persons included in a class of qualified applicants, for appointment to the Second, Third or Fourth Division.

Selection Tests.

“ 44. The Board may, if it thinks fit, require applicants for appointment to the Second, Third or Fourth Division, or the applicants included in any class of such applicants, to undergo a test approved by the Board for determining their aptitude and capacity for performing duties in the Commonwealth Service of the kind that they will be required to perform if appointed and, if the Board thinks fit, for performing other duties in the Commonwealth Service, and such an applicant shall not be appointed unless he has passed that test.

Examinations.

“ 45.—(1.) The Board may, from time to time—

- (a) hold examinations, or cause examinations to be held on its behalf, for the purposes of this Division;
- (b) determine the conditions of entry for those examinations; and
- (c) appoint such examiners for the purposes of those examinations as it thinks necessary.

“ (2.) The Board may, from time to time, by notice published in the *Gazette*, specify all or any of the prescribed particulars in relation to an examination or examinations.

“ (3.) An examination shall not be held under this section unless adequate public notice has been given, by notice published in the *Gazette* or otherwise, of the intention to hold the examination and of the prescribed particulars in relation to the examination.



“ (4.) Notice of the prescribed particulars may be given by reference to a notice under sub-section (2.) of this section.

“ (5.) A notice under sub-section (3.) of this section may, if the Board thinks fit, be incorporated in a notice under the next succeeding section.

“ (6.) In this section, ‘ the prescribed particulars ’, in relation to an examination, means—

- (a) the conditions for entry for the examination;
- (b) the subjects of the examination;
- (c) the scope of, or syllabus for, those subjects; and
- (d) the subjects required to be passed at the examination.

“ 46.—(1.) The Board may, from time to time, by notice published in the *Gazette*, invite persons to apply for appointment to the Commonwealth Service. Recruitment.

“ (2.) The Board shall specify in the notice—

- (a) the Divisions and the classes of offices in respect of which applications for appointment are invited;
- (b) the salaries, or limits of salaries, that will be applicable upon appointment;
- (c) where applicable—
  - (i) the age limits for appointment;
  - (ii) the qualifications required to be possessed before appointment and the period, if any, within which the qualifications or any of them must have been obtained;
  - (iii) the date on which persons who obtain or have obtained the required qualifications during a period specified for the purposes of the last preceding sub-paragraph will cease to be qualified for appointment by virtue of those qualifications;
  - (iv) that only males or only females will be appointed or that males or females will be appointed in particular proportions; and
  - (v) that applicants, or the applicants included in a particular class of applicants, will be required to undergo a Selection Test;
- (d) the manner of ascertaining the order in which offers of appointment will be made;
- (e) the date by which applications for appointment are required to be received; and
- (f) such other matters, if any, as the Board considers desirable.

“(3.) Except in the case of appointments under section thirty-eight, forty-seven B, forty-seven C or fifty-four of this Act, a person shall not be appointed to the Commonwealth Service except from among persons who have applied for appointment in pursuance of a notice under this section.

“(4.) Offers of appointment to qualified persons who have applied for appointment in pursuance of a notice under this section shall be made in the order ascertained in accordance with the notice.

Appointments  
to be on  
probation.

“47.—(1.) Except as otherwise provided by this Act, the appointment of a person to the Commonwealth Service as an officer of the Second, Third or Fourth Division shall, in the first instance, be an appointment on probation.

“(2.) A person appointed to the Commonwealth Service on probation remains a probationer until his appointment is confirmed or annulled in accordance with this section.

“(3.) Where a person has been appointed as an unattached officer of a Division, the Board may, at any time while he is a probationer, transfer him to an office in that Division in the Department in which he is performing duties.

“(4.) The Board may, after a probationer has completed three months' service and after receiving a report from the Chief Officer of the Department in which he is performing duties, transfer the probationer to an office in, or direct him to perform duties in, another Department.

“(5.) A probationer who is an unattached officer shall not be transferred under either of the last two preceding sub-sections to an office the maximum salary applicable to which is greater than the maximum salary applicable to the probationer as an unattached officer.

“(6.) The Board may, at any time during the period of six months from the date on which a probationer commenced duties in pursuance of his appointment, annul his appointment.

“(7.) As soon as practicable after the expiration of the period of six months from the date on which a probationer commenced duties in pursuance of his appointment, the Board shall either—

- (a) confirm the appointment of the probationer;
- (b) annul his appointment; or
- (c) direct that he continue on probation for such further period as the Board thinks fit, but so that the total period of his probation does not exceed one year.

“(8.) Where the Board directs that a probationer continue on probation for a further period, it may confirm or annul his appointment at any time during that further period and, if it has not confirmed or annulled his appointment before the expiration of that period, shall do so as soon as practicable after the expiration of that period.

“(9.) The Board shall not—

- (a) confirm the appointment of a probationer;
- (b) except on the ground that it is not satisfied as to his health, annul the appointment of a probationer; or
- (c) direct that a probationer continue on probation,

unless it has received a report on the matter from the Chief Officer.

“(10.) The annulment of the appointment of a probationer takes effect from and including such date as the Board specifies.

“(11.) Where a probationer has ceased to perform his duties before the Board annuls his appointment, the date specified for the purposes of the last preceding sub-section may be any date after the date on which he ceased to perform his duties, but shall not in any other case be a date earlier than the date on which the Board annuls the appointment.

“(12.) A probationer whose appointment has been annulled is not, unless the Board otherwise determines, eligible for appointment as a probationer within twelve months from the date on which the Board annulled the appointment.

“(13.) Where the appointment of a probationer is confirmed the Board shall, if he is still an unattached officer, transfer him to an office of the class for which he was recruited or to an office the maximum salary applicable to which is not greater than that of offices of that class.

“(14.) This section extends, so far as it is capable of application, in relation to officers who were on probation at the commencement of this section.

“47A.—(1.) Where, in relation to any proposed appointments to the Commonwealth Service, an applicant who is a returned soldier and an applicant who is not a returned soldier are placed equal in the order in which offers of appointment are to be made to qualified applicants, the applicant who is a returned soldier shall be offered appointment before the other applicant.

Special provisions relating to appointment of returned soldiers.

“(2.) Notwithstanding a determination of the Board under section forty-two of this Act, a returned soldier who has not attained the age of fifty-one years is not prevented, by reason only of his age—

- (a) from entering for an examination held by or on behalf of the Board under this Division; or
- (b) from being appointed to the Commonwealth Service or to any office in the Commonwealth Service.

“(3.) Notwithstanding anything contained in this Act, a returned soldier may be appointed to the Commonwealth Service or to any office in the Commonwealth Service, although he is not free from physical defects due to service in the war, if the Board is satisfied, after such medical examination as it requires, that

the returned soldier is free from such physical defects as would incapacitate him for the efficient discharge of the duties that he would, on appointment, be required to perform.

“(4.) In this section, ‘the war’ includes the war within the meaning of section four or section one hundred and thirty-nine of the *Re-establishment and Employment Act 1945–1959*.

Re-appointment  
of retired  
officers.

“47B.—(1.) Where a person has, whether before or after the commencement of this section, retired or been retired from the Commonwealth Service, the Board may, subject to this section, re-appoint him to the Commonwealth Service under this section.

“(2.) A person may be re-appointed under this section whether or not he is within the appropriate age limits for appointment determined under this Division or possesses the prescribed educational qualification.

“(3.) A person may, if the Board thinks fit, be re-appointed under this section without probation.

“(4.) A person who has attained the age of fifty-one years shall not be re-appointed under this section unless he is a person in relation to whom section sixty-five of the *Superannuation Act 1922–1959* applies.

Re-appointment  
of persons who  
have retired  
from the  
Commonwealth  
Service to  
become  
candidates at  
elections.

“47C.—(1.) Where the Board is satisfied that—

(a) a person who was an officer—

(i) retired from the Commonwealth Service in order to become a candidate for election as a member of a House of the Parliament of the Commonwealth or of a State;

(ii) was a candidate at the election; and

(iii) failed to be elected; and

(b) the retirement took effect not earlier than one month before the date on which nominations for the election closed,

the Board may, upon application by that person within two months after the declaration of the result of the election, re-appoint him to the Commonwealth Service under this section, at the same salary as he had immediately before his retirement.

“(2.) A person may be re-appointed under this section without being required to undergo any medical examination and whether or not he is within the appropriate age limits for appointment determined under this Division or possesses the prescribed educational qualification.

“(3.) A person may, if the Board thinks fit, be re-appointed under this section without probation.

“(4.) A person re-appointed under this section shall be deemed to have continued in the Commonwealth Service as if he had not retired but had been on leave of absence without

pay during the period from the day on which his retirement became effective to and including the day immediately preceding the day on which he was re-appointed.

“(5.) The period referred to in the last preceding sub-section shall, for all purposes, be deemed to form part of the officer’s period of service.

“47D.—(1.) The Board may make arrangements with the appropriate authority of a Territory for the transfer, for a specified period, of an officer of the Commonwealth Service to an office in the Territorial Service or of an officer of the Territorial Service to an office in the Commonwealth Service and may do such things as are necessary to carry out the arrangement.

Exchange of officers between Commonwealth Service and Territorial Service.

“(2.) Where an officer of the Commonwealth Service is so transferred, the Board may declare his office to be vacant and he shall thereupon be deemed to be an unattached officer.

“(3.) An officer of the Commonwealth Service so transferred whose office has been declared to be vacant is, upon completion of the period for which he was transferred, unless he has been dismissed for misconduct or has attained the maximum age for retirement fixed by this Act, entitled to be appointed to an office in the Commonwealth Service of such status and salary as are determined by the Board, having regard to his former office and the period for which he was transferred.

“47E.—(1.) Where service of a person in the Commonwealth Service in pursuance of an appointment made after the commencement of this section is continuous with a period during which he was continuously in the service of a public employer or two or more public employers in succession, the Board may, at, or at any time after, the commencement of his service in the Commonwealth Service, determine that the whole or a part of that period is to be reckoned as a period of service in the Commonwealth Service for such purposes as the Board specifies.

Recognition of prior service.

“(2.) In this section—

‘ authority of the Commonwealth or of a State or Territory ’ means a body corporate (not being an incorporated company, society or association) incorporated for a public purpose by or under a law of the Commonwealth or of a State or Territory;

‘ public employer ’ means the Commonwealth, a State or a Territory or an authority of the Commonwealth or of a State or Territory.”.

12. Section forty-eight of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(3.) This section does not apply in relation to a person who becomes an officer by virtue of an appointment made after the commencement of section forty-seven E of this Act.”.

Prior service reckoned as Commonwealth Service.

Promotions.

**13. Section fifty of the Principal Act is amended—**

- (a) by omitting from sub-section (4.) the word “In” and inserting in its stead the words “Subject to the next succeeding sub-section, in”; and
- (b) by omitting sub-section (4A.) and inserting in its stead the following sub-sections:—

“(4A.) Where, with the approval of the Board, the Permanent Head of a Department has determined that it is desirable that this sub-section shall apply in relation to the filling of a vacancy in an office in the Department, ‘efficiency’ shall, in relation to the filling of the vacancy, be deemed to include special qualifications and aptitude for the discharge of the duties of higher offices in the Department.

“(4B.) Where a determination has been made under the last preceding sub-section in relation to the filling of a vacancy, that fact shall be stated in the notification of the promotion of an officer to fill the vacancy.”.

Retirement, &c.,  
on ground of  
inefficiency or  
incapacity, &c**14. Section sixty-seven of the Principal Act is amended by adding at the end thereof the following sub-section:—**

“(2.) In the case of the retirement of an officer on the ground that, by reason of injury or illness, he is unfit to discharge or incapable of discharging the duties of his office efficiently, the date from which he is retired may, with the consent of the officer, be a date earlier than the date on which the decision of the Board to retire him was made.”.

Leave of  
absence for  
recreation.**15. Section sixty-eight of the Principal Act is amended—**

- (a) by omitting from sub-section (4.) the words “stationed in isolated districts, or” and inserting in their stead the words “in relation to service in isolated districts or overseas, or to officers”; and
- (b) by adding at the end thereof the following sub-section:—

“(5.) In this section, ‘overseas’ has the same meaning as in section eight B of this Act.”.

Leave of  
absence to  
attend  
proceedings  
under Public  
Service  
Arbitration Act,  
&c.**16. Section sixty-nine of the Principal Act is amended by omitting sub-section (3.).**Leave of  
absence on  
account of  
illness or  
other prescribed  
cause.**17. Section seventy of the Principal Act is amended by omitting sub-sections (2.) and (3.) and inserting in their stead the following sub-section:—**

“(2.) If, at the expiration of a period of leave granted to an officer under the last preceding sub-section, the Board is satisfied that the officer is unable to resume his duties, the Board may,

if it does not retire him under section sixty-seven of this Act, grant to the officer leave of absence without pay for a period not exceeding six months.”.

18. Section seventy-one of the Principal Act is amended by omitting sub-section (2.). Leave without pay.

19.—(1.) Section seventy-two of the Principal Act is amended by inserting in sub-section (3.), after the word “deemed”, the words “, for all purposes,”. Leave for defence purposes, &c.

(2.) Section seventy-two of the Principal Act is amended by adding at the end thereof the following sub-sections:—

“ (4.) This section does not apply in relation to an employee performing duties overseas.

“ (5.) In this section, ‘overseas’ has the same meaning as in section eight B of this Act.”.

20. Section seventy-two A of the Principal Act is amended by omitting sub-section (2.). Leave of absence for service with other Governments, &c.

21.—(1.) After section seventy-two A of the Principal Act, the following section is inserted:—

“ 72AA.—(1.) Where leave of absence without pay is granted to an officer or employee under section sixty-nine, seventy, seventy-one or seventy-two A of this Act, the Board shall determine whether the period during which the officer or employee is absent on that leave is to form part of his period of service or employment under this Act for any purpose and, if so, the purposes for which it is to form part of his period of service or employment. Board to determine whether period of leave without pay under section 69, 70, 71 or 72A to count as service.

“ (2.) Subject to section seventy-five of this Act, a period during which an officer or employee is absent on leave without pay granted under any of the sections of this Act specified in the last preceding sub-section does not, unless the Board has otherwise determined under this section, form part of his period of service or employment under this Act for any purpose.”.

(2.) The provisions of sub-section (3.) of section sixty-nine, sub-section (2.) of section seventy-one and sub-section (2.) of section seventy-two A of the Principal Act continue to apply in relation to periods of leave of absence without pay granted under those sections before the day on which this Act received the Royal Assent.

22. Section seventy-six of the Principal Act is amended by omitting sub-sections (8.) and (9.) and inserting in their stead the following sub-sections:— Public holidays.

“ (8.) Notwithstanding the preceding provisions of this section, the days to be observed as holidays by an officer stationed in a Territory of the Commonwealth not forming part of the

Commonwealth or in the Island of Nauru may be such days, not exceeding in number the number of holidays that may be observed under the preceding provisions of this section, as the Board, in its discretion, determines.

“(9.) This section does not apply to—

(a) officers stationed at lighthouses or employed on lighthouse ships; or

(b) officers performing duties overseas.

“(10.) In this section, ‘overseas’ has the same meaning as in section eight B of this Act.”.

Appointment of State Officers.

23. Section eighty-one C of the Principal Act is amended by omitting sub-section (2.).

Appointment of State Officers.

24. Section eighty-one N of the Principal Act is amended by omitting sub-section (2.).

Transfer of employees of Repatriation Commission and War Service Homes Commissioner.

25. Section eighty-one Z of the Principal Act is amended by omitting sub-section (6.).

Transfer of employees.

26. Section eighty-one ZD of the Principal Act is amended by omitting sub-section (6.).

Transfer of employees.

27. Section eighty-one ZJ of the Principal Act is amended by omitting sub-section (4.).

Temporary employment.

28. Section eighty-two of the Principal Act is amended—

(a) by inserting before sub-section (1.) the following sub-section:—

“(1A.) Subject to this section, a Chief Officer of a Department may employ persons in a temporary capacity in the Department.”; and

(b) by adding at the end thereof the following sub-sections:—

“(11.) Sub-sections (2.), (7.), (9.) and (10.) of this section do not apply in relation to the employment of persons in a temporary capacity to perform duties overseas and sub-sections (3.), (4.) and (8.) of this section do not apply in relation to employees performing duties overseas.

“(12.) In relation to the employment of persons to perform duties overseas, the power of a Chief Officer under sub-section (1A.) of this section is exercisable only with the approval of the Board.

“(13.) In this section, ‘overseas’ has the same meaning as in section eight B of this Act.”.

Repeal of Division 11 of Part III.

29. Division 11 of Part III. of the Principal Act is repealed.

Application of Division.

30. Section eighty-seven of the Principal Act is repealed.



31. Section eighty-nine of the Principal Act is amended by adding at the end thereof the following sub-section:—

Rent chargeable  
for quarters.

“(6.) This section does not apply in relation to a building or residential quarters situated outside Australia and the Territories of the Commonwealth, not being a building or quarters in the Island of Nauru.”.

32. After section ninety-five of the Principal Act the following section is inserted:—

“96.—(1.) A person shall not—

Personation,  
&c., at  
examinations.

(a) personate another person at an examination held under this Act;

(b) permit another person to personate him at an examination held under this Act; or

(c) before the time at which an examination is to be held under this Act—

(i) improperly obtain possession of; or

(ii) except with proper authority, furnish to a person,

an examination paper that has been set for that examination or particulars relating to such an examination paper.

Penalty: One hundred pounds or imprisonment for six months.

“(2.) An officer who is convicted of an offence against this section may be dismissed by the Board.”.

33. Section ninety-seven of the Principal Act is amended by omitting paragraphs (e) and (p) of sub-section (1.).

Regulations.

34.—(1.) In this section, “the commencing date” means the date fixed under sub-section (3.) of section two of this Act.

Savings.

(2.) The repeal effected by section eleven of this Act does not affect any appointment to the Commonwealth Service made before the commencing date.

(3.) The provisions of sub-sections (2.) and (3.) of section forty-three of the Principal Act continue to apply in relation to an officer of the Commonwealth Service or of the Territorial Service who had been transferred in pursuance of that section before the commencing date where the period of his transfer had not been completed before that date.

(4.) The provisions of sub-section (2.) of section forty-seven A of the Principal Act continue to apply in relation to a person to whom those provisions applied immediately before the commencing date.

(5.) Nothing in sub-section (3.) of section forty-six of the Principal Act as amended by this Act prevents the appointment of a person to an office in the Commonwealth Service after the commencing date in pursuance of an application for appointment

made in accordance with a notification published under section thirty-four of the Principal Act, if the appointment is made in accordance with the order of appointment specified in the notification.

Certain  
returned soldier  
applicants to  
be deemed  
to have  
obtained  
prescribed  
educational  
qualification.

35. A returned soldier who, immediately before the date fixed under sub-section (3.) of section two of this Act—

(a) was an applicant for appointment to the Commonwealth Service; and

(b) was, by virtue of section eighty-four of the Principal Act, deemed to have obtained the educational qualifications required for appointment to any offices in the Commonwealth Service,

shall be deemed to have obtained the educational qualification required for appointment to those offices by section thirty-five or thirty-nine of the Principal Act as amended by this Act.

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