

STATISTICS (ARRANGEMENTS WITH STATES).

No. 17 of 1956.

An Act relating to arrangements with the States in connexion with Statistics.

[Assented to 12th May, 1956.]

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

1. This Act may be cited as the *Statistics (Arrangements with States) Act 1956*. Short title.
2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.
3. In this Act, unless the contrary intention appears— Definitions.
 - “ State employee ” means a person—
 - (a) who is, at the date on which an arrangement is entered into under this Act with the Governor of a State, employed either permanently or temporarily in the State Public Service ; and
 - (b) who is, at that date, performing, or has performed, in the State Public Service, duties in the Department or office of the State Public Service administering matters relating to statistics ;

“ the Board ” means the Public Service Board constituted under the Public Service Act ;

“ the Public Service Act ” means the *Public Service Act* 1922–1955 ;

“ the Public Service of the Commonwealth ” includes persons temporarily employed under the Public Service Act ;

“ the State Public Service ”, in relation to a State, means the Public, Railway or other Service of the State, and includes the service of an authority (other than a local governing authority) constituted by or under the law of the State which is specified by the Board by regulation under the Public Service Act.

**Incorporation
with Public
Service Act.**

4. The provisions of this Act relating to the appointment of persons to, or the employment or service of persons in, the Public Service of the Commonwealth are incorporated and shall be read as one with the Public Service Act.

**Arrangements
between
Commonwealth
and States.**

5.—(1.) The Governor-General may enter into an arrangement with the Governor of a State with respect to the collection and publication of statistics, and the supply of statistical information, for the purposes of both the Commonwealth and the State.

(2.) Without prejudice to the generality of the last preceding sub-section, an arrangement under that sub-section may provide for—

(a) the transfer of State employees to the Public Service of the Commonwealth ;

(b) the appointment of the one person to hold a specified office in the Public Service of the Commonwealth and a specified office in the Public Service of the State or otherwise under the law of the State ;

(c) the supply of statistical information by the Commonwealth to the State or to Departments or authorities of the State ; and

(d) the publication by the Commonwealth of statistical information required for the purposes of the State.

(3.) An arrangement under this section with the Governor of one of the States may provide that the person first appointed, after the date of the arrangement, as Commonwealth Statistician under section four of the *Census and Statistics Act* 1905–1949 shall be the person holding office, at the date of the appointment, as Government Statistician of that State, and that the person so appointed may continue to hold his State office.

(4.) The arrangement referred to in the last preceding sub-section, or a supplementary arrangement, may provide for the amounts to be paid by the Commonwealth or the State, or both, as remuneration to the person appointed as Commonwealth Statistician, and for

payments by the Commonwealth to the State by way of reimbursement of amounts so paid by the State, and for any other matters incidental to the matters arranged by virtue of that sub-section.

(5.) The *Commonwealth Employees' Furlough Act 1943-1953* does not apply to a person appointed as Commonwealth Statistician in accordance with a provision included in an arrangement by virtue of sub-section (3.) of this section in respect of the period during which he continues to hold office as Government Statistician of the State.

(6.) A person referred to in the last preceding sub-section shall be deemed to be an employee within the meaning of the *Commonwealth Employees' Compensation Act 1930-1954*.

(7.) Nothing in this section affects the operation of any other law providing for the making of arrangements between the Governor-General and the Governor of a State.

(8.) Notwithstanding section ninety-one of the Public Service Act, an officer of the Public Service of the Commonwealth may, in pursuance of an arrangement under this section, accept or continue to hold an office in the Public Service of a State or otherwise under the law of a State.

6.—(1.) The Board may request a State employee to elect, by writing addressed to the Board, within the period of twenty-one days after being so requested or within such further period as the Board within the first-mentioned period allows, to be appointed to, or engaged for employment in, the Public Service of the Commonwealth.

Election by
State
employees.

(2.) A request under this section shall include particulars of the proposed appointment or employment.

7.—(1.) Where a State employee to whom a request is made under the last preceding section, not being a person employed in a temporary capacity, elects, in accordance with that section, to be appointed under this Act, the Board may appoint that employee to the Public Service of the Commonwealth.

Appointment
of State
employees.

(2.) Such an appointment shall be without examination and without probation and, if the Board so determines, the provisions of paragraph (c) of section thirty-three, or of section forty, of the Public Service Act shall not apply in relation to the appointment.

8.—(1.) Where a State employee to whom a request is made under section six of this Act, being a person employed in a temporary capacity, elects, within the prescribed period, to be engaged under this Act, the Board may engage that employee for temporary employment in the Public Service of the Commonwealth.

Employment
of State
temporary
employees.

(2.) Section eighty-two of the Public Service Act, but not including sub-sections (1.) and (2.) of that section, applies in relation to the employment of such an employee.

Certain provisions for preference not to apply.

9. Division 2 of Part II. of the *Re-establishment and Employment Act 1945-1955* does not apply in relation to the appointment or engagement of State employees under this Act.

Rate of remuneration.

10.—(1.) Subject to this section and to sections twenty, fifty-five, fifty-six, sixty-two and sixty-seven of the Public Service Act and to any law providing for a reduction in the remuneration payable to officers of the Public Service of the Commonwealth generally, the rate of remuneration of a State employee appointed or engaged under this Act shall, while he continues in the Public Service of the Commonwealth, be not less favourable than that to which, in the opinion of the Board, he would have been entitled in respect of the normal position which he occupied in the State Public Service immediately before his appointment or engagement under this Act.

(2.) Where, by virtue of the last preceding sub-section, the remuneration to which a person is entitled would or might be increased by reason of an increment of salary in respect of the normal position which he occupied in the State Public Service, his entitlement to the increase is subject to the provisions which, under sub-sections (4.), (5.) and (6.) of section thirty-one of the Public Service Act, apply to increments of salary referred to in sub-section (1.) of that section.

(3.) For the purposes of this section, “remuneration” means salary or pay, and includes such allowances as, in the opinion of the Board, should be regarded as having formed part of the salary or pay of the officer or employee in his normal position in the State Public Service.

Prior service reckoned as Commonwealth service.

11. Where a State employee is appointed or engaged under this Act and his service in the Public Service of the Commonwealth is continuous with permanent service or temporary service, as the case may be, of that employee in the State Public Service (including any service deemed under the law of the State to have been continuous service) that service in the State Public Service shall be reckoned, for the purposes of the Public Service Act, as service in the Public Service of the Commonwealth.

Accrued recreation leave.

12. A State employee appointed or engaged under this Act preserves his eligibility for the grant of leave of absence for recreation which had accrued immediately prior to his being so appointed or engaged.

Preservation of sick leave credits.

13. A State employee shall, upon his being appointed or engaged under this Act, be credited with the eligibility for sick leave for which he would have been eligible if he had been continuously employed as a permanent officer in the Public Service of the Commonwealth for the period of his continuous service (both permanent and temporary)

in the State Public Service (including any service deemed under the law of the State to have been continuous service) or in the service of the State and of the Commonwealth, less any leave of absence on account of illness granted since the commencement of that period or since the nineteenth day of July, One thousand nine hundred and sixteen, whichever is the later.

14.—(1.) Where a State employee was, immediately before his being appointed or engaged under this Act, entitled to, or eligible for, the grant of furlough or pay in lieu of furlough (including pay to his dependants on his death) after a period of continuous service specified in the law of the State in which he was employed, he or his dependants, as the case may be, shall, after the expiration of that period of continuous service, be entitled to, or eligible for, a grant by the Public Service Board of furlough or pay in lieu of furlough for a period equal to the period to or for which he would have been entitled or eligible if he had continued to be employed in the State Public Service and his service with the Commonwealth were reckoned as service in the State Public Service. **Furlough.**

(2.) A State employee is not entitled, under the last preceding sub-section, to so much of a period of furlough, or to pay in lieu of so much of a period of furlough, as, together with any period or periods for or in respect of which he has been granted furlough or pay in lieu of furlough under the law of the State or under a law of the Commonwealth, would exceed twelve months.

(3.) Where a State employee is granted furlough or pay in lieu of furlough as provided in sub-section (1.) of this section or has been, before being so appointed or engaged under this Act, granted furlough or pay in lieu of furlough under the law referred to in that sub-section, the period of the furlough so granted, or the period in respect of which the pay is or was granted, as the case may be, shall be deducted from any period of leave for which he is eligible or in respect of which payment may be authorized under the provisions of section seventy-three or seventy-four of the Public Service Act or of section seven or eight of the *Commonwealth Employees' Furlough Act 1943-1953*.

(4.) Where a State employee is granted leave, or pay in lieu of leave, under the provisions of section seventy-three or seventy-four of the Public Service Act or of section seven or eight of the *Commonwealth Employees' Furlough Act 1943-1953*, the period of leave so granted, or the period in respect of which the pay is granted, as the case may be, shall be deducted from any period of furlough to the grant of which he is entitled or eligible, or from any period in respect of which he is entitled to or eligible for pay in lieu of furlough, under sub-section (1.) of this section.

(5.) Where a State employee, being a female, has received or become entitled to an allowance under section forty-nine of the Public Service Act upon retirement from the Commonwealth Service upon her marriage, any period of furlough to or for the grant of which she is entitled or eligible under sub-section (1.) of this section, or any period in respect of which she is, under that sub-section, entitled to or eligible for a grant of pay in lieu of furlough, shall be deemed to be reduced by a period equal to the period by reference to her salary for which the allowance was or is to be calculated.

(6.) Calculations for the purposes of this section shall be made on the basis of furlough on full salary, and any period of furlough on half salary shall be treated as a period of furlough on full salary equal to half that period.

(7.) For the purposes of this section, "furlough" includes long leave of absence, long service leave, extended leave and any other leave of absence in the nature of furlough.

Preservation
of gratuity
rights.

15.—(1.) Where a State employee appointed under this Act would, if he had continued in the State Public Service until retirement from that service and had so retired in any particular circumstances, have been entitled under a law of the State enacted prior to the commencement of this Act to receive an amount by way of gratuity, he is entitled to receive from the Commonwealth that amount by way of gratuity upon his retirement from the Public Service of the Commonwealth in corresponding circumstances.

(2.) In the event of the death of such a State employee before retirement, such amount as would have been payable to any other person under the provisions relating to gratuities of that law of the State is payable by the Commonwealth to that other person.

Superannuation
rights.

16.—(1.) In the case of a State employee appointed or engaged under this Act who was, immediately before his appointment or engagement, a contributor to a State Fund as defined by section sixty AN of the *Superannuation Act 1922-1955*—

(a) section sixty AV of that Act does not apply ;

(b) Part IV D. of that Act, but not including sub-section (4.) of section sixty AO, applies as if he were a State employee for the purposes of that Part and, for that purpose, section sixty AO shall be deemed to have no application in relation to reserve units of pension in respect of which the State employee was contributing to the State Fund ; and

(c) if he is a State employee engaged under this Act for temporary employment, he may make an election and payment under section sixty AO of that Act as if he had become an employee

upon the date of that engagement and, upon making such an election and payment, he shall be deemed to have become an employee upon the date of that engagement.

(2.) Where a State employee makes an election and payment in accordance with section sixty 40 of the *Superannuation Act 1922-1955*, the following provisions apply :—

- (a) if the State employee has, at the date on which he is appointed or engaged under this Act, attained the age of forty years and was contributing to the State Fund for the maximum pension for which he could have been so contributing, he shall be deemed to be a contributor to whom paragraph (a) of sub-section (4.) of section thirteen of the *Superannuation Act 1922-1955* applies ;
- (b) if the State employee has attained the age of forty years at that date and was not contributing to the State Fund for the maximum pension for which he could have been so contributing, he shall be deemed to be a contributor to whom paragraph (b) of sub-section (4.) of section thirteen of the *Superannuation Act 1922-1955* applies and, if he does not elect under sub-paragraph (i) or (ii) of that paragraph, he shall be deemed to be a contributor to whom paragraph (c) of that sub-section applies ;
- (c) for the purposes of the provisions applied by the preceding paragraphs of this sub-section, the salary of the employee upon his appointment or engagement under this Act shall be deemed to be his increased salary ; and
- (d) if the State employee has not, on the date on which he is appointed or engaged under this Act, attained the age of forty years, he shall make such contributions as will, together with those which he is liable to make under sub-section (1.) of section sixty 40 of the *Superannuation Act 1922-1955*, provide units of pension to the number specified in column two of the scale contained in sub-section (1.) of section thirteen of the *Superannuation Act 1922-1955* opposite to the salary-group within which his salary, upon appointment or engagement under this Act, falls.

(3.) Where a person is engaged under this Act for temporary employment, the period of his service in the State Public Service that is continuous with his service in the Public Service of the Commonwealth shall, for the purposes of sub-section (5.) of section four of the *Superannuation Act 1922-1955*, be deemed to have been a period of employment by the Commonwealth otherwise than in a permanent capacity.