

15 GEO. VI. No. 3, 1950. *Public Service Acts Amendment Act.*

PORT DUES REVISION.

See SHIPPING.

PRICKLY-PEAR.

See LAND.

PUBLIC SERVICE.

- (1) *Public Service Acts Amendment Act of 1950* 15 *Geo. VI. No. 3*
- (2) *Statutory Salaries and Allowances Act of 1950* 14 *Geo. VI. No. 29*

An Act to Amend "The Public Service Acts, 1922 to 1948," in certain particulars.

15 GEO. VI.
NO. 3.
THE
PUBLIC
SERVICE
ACTS
AMENDMENT
ACT OF
1950.

[ASSENTED TO 13TH DECEMBER, 1950.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) This Act may be cited as "*The Public Service Acts Amendment Act of 1950*," and shall be read as one with *"*The Public Service Acts, 1922 to 1948*," herein referred to as the Principal Act. Short title and construction of Act.

(2.) The Principal Act and this Act may collectively be cited as "*The Public Service Acts, 1922 to 1950*." Collective title.

†2. Except as herein otherwise provided, this Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*. Commencement of Act.

Amendments of the Principal Act.

3. Section three of the Principal Act is amended— Amendments of s. 3.

(a) By repealing the definition of the term "Commissioner" and by inserting, in lieu of that repealed definition, the following definition, namely:—

" "Commissioner"—The person who, pursuant to this Act, holds the office of Public Service Commissioner and includes in respect of any Commissioner.

* 13 G. 5 No. 31 and amending Acts.

† Commenced on 1st February, 1951. (See Proclamation published in *Gazette* of 1st February, 1951, p. 269).

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time when the powers, functions, and duties of that office are required by this Act to be exercised, performed, and discharged by a Deputy Public Service Commissioner or by another person, that deputy or, as the case requires, other person ;”.

(b) By inserting after the definition of the term “Departmental Minister” the following definition, namely :—

Deputy
Commis-
sioner.

“ “Deputy Commissioner”—A Deputy Public Service Commissioner and includes any person who is performing and exercising for the time being the powers, functions, and duties of the office of a Deputy Public Service Commissioner ;”.

(c) By repealing the definition of the term “Permanent head” and by inserting, in lieu of that repealed definition, the following definition, namely :—

P rmanent
head.

“ “Permanent head”—The person defined by the regulations under this Act to be the permanent head in respect of the officer, person, department, matter, or thing in connection with whom or which the term is used ;”.

Amendments
of s. 4.

4. The proviso to section four of the Principal Act is amended—

(a) By repealing paragraph (ii.) and by inserting, in lieu of that repealed paragraph, the following paragraph, namely :—

“ (ii.) Judges of the Supreme Court ; Associates to those Judges ; Members of the Industrial Court ; Associates to those Members ;”.

(b) By repealing paragraph (viii.) thereof.

(c) By repealing paragraph (ix.) thereof.

(d) By adding to paragraph (x.) thereof the words “ who have the right of private practice or whose whole time is not required to be engaged in the Public Service”.

(e) By renumbering paragraphs (x.), (xi.), (xii.), (xiii.), (xiv.), and (xv.) thereof to be respectively paragraphs (viii.), (ix.), (x.), (xi.), (xii.), and (xiii.).

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5. The following section is inserted after section 4A of the Principal Act, namely :—

New s. 4b
inserted.

“ [4B.] (1.) Notwithstanding anything contained in the provisions of this Act in force immediately prior to the date (hereinafter in this section referred to as “ the said date”) of the coming into operation of **“ The Public Service Acts Amendment Act of 1950,”* and notwithstanding any action taken under those provisions or any of them before the said date, each and every one of the persons hereinafter in this section specified shall, on and from the said date, be a person employed in his respective capacity in the Public Service of the State of Queensland, be comprised in the said Public Service accordingly, and, without further or other appointment under this Act, hold the office in which he is employed at the said date under, subject to, and in accordance with this Act.

Certain
officers
included in
the Public
Service.

(2.) (a) The provisions of subsection (a) of this section shall apply and extend to and with respect to all persons, including the secretary and chief engineer, who, having been appointed before the said date under the provisions of †*“ The Main Roads Acts, 1920 to 1943,”* are employed on the said date to assist in the execution of that Act, except the following, that is to say :—

- (i.) The Commissioner of Main Roads ;
- (ii.) Any and every person employed under those Acts temporarily or for a specified term ; and
- (iii.) Any other employee or other employees of a class of employees in the Department of Main Roads excluded by the Governor in Council from the operation of this section, it being hereby declared that the Governor in Council may, upon the recommendation of the Public Service Commissioner, so exclude that employee or employees of that class of employees.

(b) For the purposes of this Act the Commissioner of Main Roads and his officers and employees for the time being—

- (i.) To whom this Act applies and extends on and from the said date by virtue of this section ; or

* This Act.

† 10 G. 5 No. 26 and amending Acts.

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- (ii.) Who are appointed under this Act on or after the said date,

shall constitute a department under the name of the "Department of Main Roads" and the said Commissioner shall, notwithstanding that he does not hold office under this Act, be the permanent head of that department unless and until another person is defined by the regulations to be that permanent head.

(3.) (a) The provisions of subsection one of this section shall apply and extend to and with respect to all persons, including the secretary to the State Electricity Commission, who, having been appointed before the said date under the provisions of **"The State Electricity Commission Acts, 1937 to 1950,"* are employed on that date for purposes of that Act, except the following, that is to say:—

- (i.) The Commissioner for Electricity Supply ;
- (ii.) Any and every person employed for a purpose of that Act temporarily or for a specified term ; and
- (iii.) Any other employee or other employees of a class of employees in the Department of Electricity Supply excluded by the Governor in Council from the operation of this section, it being hereby declared that the Governor in Council may, upon the recommendation of the Public Service Commissioner, so exclude that employee or employees of that class of employees.

(b) For the purposes of this Act the State Electricity Commission and its officers for the time being—

- (i.) To whom this Act applies and extends on and from the said date by virtue of this section ; or
- (ii.) Who have been appointed under this Act on or after the said date,

shall constitute a department under the name of the "Department of Electricity Supply" and the Commissioner for Electricity Supply shall, notwithstanding that he does not hold office under this Act, be the permanent head of that department unless and until another person is defined to be that permanent head.

* 1 G. 6 No. 26 and amending Acts.

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(4.) (a) The provisions of subsection one of this section shall apply and extend to and with respect to all persons, including the Secretary to the Commissioner for Transport, who, having been appointed before the said date under the provisions of **“The State Transport Facilities Acts, 1946 to 1947,”* are employed on that date for the administration of that Act, except the following, that is to say:—

- (i.) The Commissioner for Transport ;
- (ii.) Any and every person employed for the administration of that Act temporarily or for a specified term ;
- (iii.) Any member of the Police Force employed under the direction of the Commissioner for Transport upon duties connected with the administration of the Acts last hereinbefore mentioned ; and
- (iv.) Any other employee or other employees of a class of employees in the Department of Transport excluded by the Governor in Council from the operation of this Act, it being hereby declared that the Governor in Council may, upon the recommendation of the Public Service Commissioner, so exclude that employee or employees of that class of employees.

(b) For the purposes of this Act the Commissioner for Transport and his officers and employees for the time being—

- (i.) To whom this Act applies and extends on and from the said date by virtue of this section ; or
- (ii.) Who have been appointed under this Act on or after the said date,

shall constitute a department under the name of the “Department of Transport” and the Commissioner for Transport shall, notwithstanding that he does not hold office under this Act, be the permanent head of that department, unless and until another person is defined to be that permanent head.

* 11 G. 6 No. 17 and amending Act.

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(5.) (a) Subject to paragraph (b) of this subsection—

(i.) Service before the said date in terms of their appointments under **“The Main Roads Acts, 1920 to 1943,”* †*“The State Electricity Commission Acts, 1937 to 1950,”* and ‡*“The State Transport Facilities Acts, 1946 to 1947,”* respectively, by persons to whom this Act applies and extends on and after the said date by virtue of this section shall count in determining both the rights as at the said date and the rights accruing thereafter under this Act of those persons ; and

(ii.) Where any other service has been taken into account or allowed for the purpose of determining existing and accruing rights connected with service pursuant to an appointment under any of the abovementioned Acts, that other service shall, for the purposes of this subsection, be deemed to have been service pursuant to that appointment.

(b) For the purposes of seniority every person to whom this Act extends and applies, on and after the said date, by virtue of this section shall be deemed to have occupied the office in the one of the three departments constituted by this section held by him on the said date from such date earlier than the said date as the Governor in Council, upon the recommendation to the Commissioner, determines in his case.

(6.) Any—

(i.) Vacancy occurring after the said date in an office in any one of the three departments constituted by this section held, at the said date, by a person to whom this Act applies and extends by virtue of this section ; and

* 10 G. 5 No. 26 and amending Acts.

† 1 G. 6 No. 28 and amending Acts.

‡ 11 G. 6 No. 17 and amending Acts.

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- (ii.) New office created after the said date in any one of those departments (being a new office which is not excluded from the operation of this Act),

shall, notwithstanding any provision relating to the appointment of officers or employees contained in **“The Main Roads Acts, 1920 to 1943,”* †*“The State Electricity Commission Acts, 1937 to 1950,”* or ‡*“The State Transport Facilities Acts, 1946 to 1947,”* respectively, be filled by appointing or promoting a person to fill that vacancy or new office (and be held by the person so appointed or promoted) under, subject to, and in accordance with the provisions of this Act.”

6. (1.) Subsection one of section six of the Principal Act is repealed and, in lieu of that repealed subsection, the following subsection is inserted, namely :—

Amendment
of s. 6.

“(1.) The Commissioner shall be paid a salary at such rate, not exceeding the rate of two thousand three hundred pounds per annum, as the Governor in Council may from time to time determine.”

(2.) This section shall come into operation on the date of the passing of this Act.

7. Subsection three of section seven of the Principal Act is repealed and the following subsection is inserted in lieu thereof, namely :—

Amendment
of s. 7.

“(3.) (a) The Commissioner, with the approval of the Minister, may, in relation to any officer or to officers of any class of officers, at any time and from time to time assign to a person or to persons (whether or not that person or those persons, or any of them, is or are subject to this Act) all or any of the powers, functions, and duties of the Commissioner so that the person or persons to whom any power, function, or duty of the Commissioner is so assigned shall, subject to this Act and to the instrument of assignment, exercise or perform that power, function, or duty in relation to the officer or to officers of the class of officers specified in the instrument of assignment.

(b) Where the Commissioner has assigned any of his powers, functions, or duties to a permanent head, that permanent head, with the approval of the Minister and of the Commissioner, may, in relation to the officer

* 10 G. 5 No. 26 and amending Acts.

† 1 G. 6 No. 26 and amending Acts.

‡ 11 G. 6 No. 17 and amending Acts.

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specified by the Commissioner or, if the assignment by the Commissioner relates to a class of officers, in relation to officers (or to any one or more officers) of that class, at any time and from time to time, assign to another person or to other persons (whether or not that other person or those other persons, or any of them, is or are subject to this Act) any power, function, or duty so assigned to that permanent head so that the person or persons to whom that permanent head has assigned that power, function, or duty shall, subject to this Act and to the respective instruments of assignment made by the Commissioner and by that permanent head, exercise or perform that power, function, or duty in relation to the officer, or to officers (or to any one or more) of the class of officers, specified in the instrument of assignment made by that permanent head.

(c) Where under this Act the exercise or performance of any power, function, or duty by the Commissioner is dependent upon the opinion, belief, or state of mind of the Commissioner in relation to any matter or thing, that power, function, or duty may be exercised or performed by a person or persons to whom the exercise or performance of that function, power, or duty has, under this subsection, been assigned by the Commissioner or by a permanent head upon the opinion, belief, or state of mind of that person or of those persons.

(d) An assignment under this subsection may be for a specified period of time or without limit of time.

(e) An assignment under this subsection may be to the holder of an office without naming him and, in every such case, while that assignment continues in force, each successive holder of that office shall during his continuance in that office be deemed to be the assignee of the Commissioner under that assignment.

In this paragraph the term "holder of an office" includes any person appointed to act temporarily in an office and any person who is carrying out for the time being the duties of an office.

(f) Every assignment under this subsection made by the Commissioner shall be revocable at his will and every assignment under this subsection made by a permanent head shall be revocable by the Commissioner or at the will of that permanent head.

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(g) An assignment under this subsection, whether made by the Commissioner or by a permanent head, shall not prevent the Commissioner from exercising or performing any power, function, or duty thereby assigned, and an assignment under this subsection made by a permanent head shall not prevent that permanent head from exercising or performing any power, function, or duty thereby assigned.

(h) For the purposes of this section a class of officers may be designated by reference to office, salary, classification, locality of employment, or in any other manner sufficient to identify the officers comprising the class of officers in question.”

8. Section ten of the Principal Act is repealed and the following section is inserted in lieu thereof, ^{Repeal of and new s. 10.} namely:—

“[10.] (1.) The Governor in Council may, by ^{Acting Commissioner.} notification published in the *Gazette*, appoint a person to act temporarily as the Commissioner during any absence from duty, suspension from office, or vacancy in the office of the Commissioner.

(2.) If, at the time of any absence from duty, or suspension from office, or vacancy in the office of the Commissioner, there is not a person appointed under subsection one of this section and available to act as the Commissioner, then—

(a) The Deputy Commissioner ; or

(b) If there are two Deputy Commissioners, the one of them thereunto appointed by the Governor in Council by notification published in the *Gazette*,

shall act temporarily as the Commissioner during the period of that absence from duty, suspension from office, or vacancy in the office of the Commissioner in respect of which a person shall not have been appointed under subsection one of this section or, if so appointed, shall not be available to act as the Commissioner.

(3.) An appointee under subsection one of this section may be either a Deputy Commissioner or some other person, and any such appointment or any appointment of a Deputy Commissioner under subsection two of this section may be made generally or in respect of a particular absence from duty, suspension from office, or vacancy in the office of the Commissioner.

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(4.) An appointment under subsection one or subsection two of this section, if made generally, shall continue at the pleasure of the Governor in Council and the appointee shall act temporarily as the Commissioner—

(a) In the case of a general appointment under subsection one of this section, during any and every absence from duty, suspension from office, or vacancy in the office of the Commissioner occurring during the continuance of his appointment ; or

(b) In the case of a general appointment under subsection two of this section, during the period of any and every absence from duty, suspension from office, or vacancy in the office of the Commissioner in respect of which a person shall not have been appointed under subsection one of this section or, if so appointed, shall not be available to act as the Commissioner.

(5.) While acting temporarily as the Commissioner by virtue of a general or particular appointment under subsection one or subsection two of this section, the appointee shall have, exercise, and perform all of the powers, functions, and duties of the Commissioner.

(6.) The fact that a Deputy Commissioner or some other person has exercised or performed any power, function, or duty of the Commissioner shall, until the contrary is proved, be conclusive evidence that that Deputy Commissioner or, as the case may be, other person lawfully exercised or performed that power, function, or duty.”

9. Section eleven of the Principal Act is repealed and the following section is inserted in lieu thereof, namely :—

“ [11.] (1.) The Governor in Council may from time to time, on the recommendation of the Commissioner, appoint—

(a) Not more than two Deputy Public Service Commissioners ;

(b) A secretary to the Commissioner ;

(c) Such other officers as may be necessary to assist the Commissioner in the administration of this Act.

Repeal of
and new
s. 11.

Deputy
Commis-
sioners,
secretary,
and other
officers.

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(2.) A Deputy Commissioner, the secretary, and all such other officers shall, subject to this Act, respectively exercise and perform all such functions and duties as the Commissioner shall from time to time direct or require.”

10. Subsection three of section twelve of the Principal Act is amended by inserting after the word “Commissioner” the words “a Deputy Commissioner”.

Amendment
of s. 12 (3).

11. Section twenty-three of the Principal Act is amended—

Amendments
of s. 23.

(i.) By repealing the words “any officer employed in the department in which such vacancy occurred or new office was created who considers” where those words appear in the first paragraph of that section and by inserting, in lieu of those repealed words, the words “any officer employed or deemed, in pursuance of the first proviso to this section, to be employed in the department in which that vacancy occurred or new office was created who applied for that vacant office or new office within the time for the receipt of applications for the filling thereof stated in, and otherwise in compliance with, the advertisement notifying that vacancy or new office and inviting applications for the filling thereof published in the *Gazette* or otherwise, and who considers”.

(ii.) By inserting after the first paragraph of that section the following paragraph, namely :—

“An advertisement as aforesaid in relation to a vacant office or new office which further states that any vacancy consequential on the filling of that vacant office or new office may also be filled without further advertisement shall for the purposes of this section be deemed to be an advertisement notifying that consequential vacancy and inviting applications for the filling thereof.”

(iii.) By repealing the first, second, and third provisos to that section (being all words from and including the words “Provided that” to and including the words “in the Service under this Act”) and by inserting, in lieu of those repealed provisos, the following provisos, namely :—

“Provided that for the purposes of appeals under and subject to the foregoing provisions of this section against the promotion of an officer to fill a vacancy or a new office created in the office of—

(a) Stipendiary magistrate ;

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- (b) Mining warden ;
- (c) Clerk of petty sessions ;
- (d) Mining registrar ;
- (e) Any other classified office in the office establishment of a clerk of petty sessions or of a mining registrar,

every stipendiary magistrate, mining warden, clerk of petty sessions, mining registrar, and every other officer employed in the office establishment of a clerk of petty sessions or mining registrar shall be deemed to be employed in the department in which that vacancy occurred or new office was created :

Provided further that, notwithstanding anything hereinbefore contained in this section, an appeal as aforesaid shall not lie—

- (a) (Where it is prescribed that appeals shall not lie against a promotion to fill any vacancy in an office or new office or shall not lie against promotions to fill vacancies in offices of any class of offices or against promotions to fill new offices of any class of offices) against a promotion to fill a vacancy in the office or the new office so prescribed or, as the case may be, against a promotion to fill a vacancy in an office or a new office of the class so prescribed ;
- (b) Where, consequent on the success of his appeal, an appellant is promoted to fill the vacancy in an office or the new office the subject of his appeal, unless the appeal against his promotion is made by another officer whose appeal against the promotion first made to fill that vacant office or new office also succeeded, or unless subsequent to the determination of the appeal made by the appellant first mentioned in this paragraph (b), an advertisement notifying that vacancy or new office and inviting applications for the filling thereof is published in the *Gazette* or otherwise ; or
- (c) By an officer who, having attained the age of sixty-five years, has been continued in the Public Service under this Act.”

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12. The second paragraph of section twenty-five of the Principal Act, being the paragraph commencing with the words "A contributor" and ending with the words "that Act," is repealed. Amendment of s. 25.

13. Section twenty-eight of the Principal Act is amended— Amendments of s. 28.

(a) By adding to subsection one of the said section the words "or by the Commissioner".

(b) By adding to subsection two of the said section the following paragraph, namely:—

"Notwithstanding any Act or law to the contrary, if an officer is summarily convicted for an indictable offence the conviction shall, for the purposes of this subsection, be a conviction for an indictable offence."

14. Section twenty-nine of the Principal Act is repealed and the following section is inserted in lieu thereof, namely:— Repeal of and new s. 29.

"[29.] (1.) (a) If, except upon leave duly granted as prescribed, an officer absents himself from duty for fourteen or more consecutive days, the Commissioner may require him to show cause why he should not be dismissed from the Public Service, and if, within a time to be specified in the notice requiring him to show cause as aforesaid, that officer fails to furnish the Commissioner with satisfactory reasons for such absence, the Governor in Council may, on the recommendation of the Commissioner— Officers absent without leave.

(a) Dismiss him from the Public Service;

(b) Reduce his salary but so that such reduced salary shall not be less than the minimum classification of the office held by him according to the value of the work thereof; or

(c) Transfer him to some other office of lower classification and salary or either of them, whether in the same locality or in another locality, or reprimand or otherwise punish him.

(b) An officer who so absents himself from duty may be suspended from office by the permanent head or by the Commissioner.

That officer may be so suspended prior to, or at the time of, or after requiring him to show cause why he should not be dismissed from the Public Service and that suspension may be removed at any time by the Commissioner or by the permanent head.

The suspended officer shall not, unless otherwise ordered by the Governor in Council, be entitled to receive salary for the period during which he did not perform or from the date on which he ceased to perform the duties of his office.

Medical
examination
in certain
cases.

(2.) The Commissioner may appoint a medical practitioner or medical practitioners to examine and report upon the mental, or physical, or mental and physical condition of an officer who, except upon leave duly granted as prescribed, absents himself from duty, and that officer shall submit himself for medical examination by that medical practitioner or those medical practitioners as directed by the Commissioner."

Amendment
of s. 32 (3).

15. Section thirty-two of the Principal Act is amended as follows:—

(a) Subsection two thereof is amended by repealing the words "where the offence has been punished by a deduction from salary".

(b) Paragraph (i.) of subsection three thereof is amended by repealing the words "or, in emergent cases, by any officer prescribed as having power to suspend officers in the department or locality in which such officer is employed" and by inserting, in lieu of the words so repealed, the words "or by the Commissioner".

(c) Paragraph (v.) of the said subsection three is amended by repealing the words "the Commissioner may" and by inserting, in lieu of the words so repealed, the words "the Commissioner, taking into consideration the previous record of the officer charged, may".

(d) Paragraph (vi.) of the said subsection three is repealed and the following new paragraphs numbered (vi.), (vii.), and (viii.) are inserted in lieu thereof, namely:—

"(vi.) Notwithstanding anything contained in either paragraph (iv.) or paragraph (v.) of this subsection, if the Commissioner, taking into consideration the reports relating to the alleged offence and the reply and explanation, if any, of the officer charged, is of opinion that the alleged offence is a minor offence only, the Commissioner may remit the matter to the permanent head with his decision to that effect and thereupon the provisions of subsection two of this section shall apply excepting that

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the permanent head shall determine the matter upon the reports relating to the alleged offence and the reply and explanation, if any, of the officer charged remitted to that permanent head by the Commissioner and shall not call upon the officer charged for any further reply or explanation ;

- (vii.) If the Commissioner is of opinion that it is desirable that the charge should be inquired into by some person or persons specially appointed for the purpose, he may appoint, in writing, a person or persons to so inquire. The person or persons so appointed shall make a full and complete inquiry with respect to the allegations made in the charge and for that purpose may summon witnesses, require the production of documents, and take evidence on oath.

After making and completing the inquiry that person or persons shall report to the Commissioner upon the result thereof including his or their findings upon the allegations made in the charge.

- (viii.) The officer concerned shall be advised by the permanent head as to the nature of the punishment which the Commissioner has imposed or recommended, and the officer may, within the prescribed time, appeal against the decision or recommendation of the Commissioner to an Appeal Board constituted as hereinafter prescribed :

Right of
appeal.

Provided that an appeal which, in the opinion of the Governor in Council, is frivolous or vexatious may be dismissed by the Governor in Council without referring such appeal to an Appeal Board, and the decision of the Governor in Council shall be final and without appeal to any court or tribunal whatsoever."

16. Subsection one of section thirty-five of the Principal Act is amended—

Amendments
of s. 35 (1).

(a) By repealing the words " police magistrate " where those words appear in paragraph (a) of the said subsection and by inserting, in lieu of those repealed words, the words " stipendiary magistrate ".

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(b) By repealing paragraph (c) thereof (being all words in the said subsection commencing with the letter, brackets, and words “(c) An officer’s representative” and ending with the words “representation on the Board”) and by inserting, in lieu of that repealed paragraph, the following paragraph, namely :—

“(c) An officer’s representative appointed in each case by—

- (i.) If the appellant is a member of a union of employees, that union ;
- (ii.) If the appellant is not a member of a union of employees, a union of employees of which the appellant is, in the opinion of the Commissioner, entitled to become a member ;
- (iii.) If there is no union of employees as aforesaid or if the aforesaid union of employees fails to appoint a representative not later than fourteen days before the date of hearing, the Governor in Council.

In the case of an appointment as aforesaid by the Governor in Council, the appointee shall be an officer.

For the purposes of this paragraph (c) the following shall be unions of employees, namely :—

- (i.) The Stipendiary Magistrates and Wardens’ Association, Union of Employees ;
- (ii.) The Queensland State Service Union of Employees ;
- (iii.) The Queensland Government Professional Officers’ Association Union of Employees ;
- (iv.) The Queensland Teachers’ Union of Employees ;
- (v.) The Hospital Employees’ Union of Employees of Queensland ;
- (vi.) Any other association of officers of the Public Service whose employment is subject to this Act, which association is duly registered under **“The Industrial Conciliation and Arbitration Acts, 1932 to 1948,”* as an industrial union of employees, and which association the Governor in Council is

* 23 G. 5 No. 36 and amending Acts.

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satisfied should, having regard to the objects of this paragraph (c), be deemed to be a union of employees for the purposes of this paragraph.”

17. Section thirty-six of the Principal Act is ^{Amendment} amended by adding thereto the following subsection, _{of s. 36.} namely :—

“(9.) Where, consequent on the recommendation of the Appeal Board and the final decision of the Governor in Council, an appellant is appointed to fill the vacancy or new office the subject of the appeal in question, that appellant shall be deemed to have been appointed to fill that vacancy or new office as on and from the date of the appointment thereto of the officer against whose promotion the appeal was made but any increase in salary payable to that appellant in respect of his appointment as aforesaid shall not be payable for any period before the date upon which he commences to undertake the duties of the office to which he has been so appointed.”

18. Subsection two of section forty-two of the Principal Act is ^{Amendment} amended by repealing the words “ as _{of s. 42.} soon as practicable after the thirtieth day of June in each year ” and by inserting, in lieu of those repealed words, the words and brackets “ biennially (and so that there shall not be a period longer than two years between the respective dates of the publication in the *Gazette* of a list hereinafter in this subsection referred to and the next succeeding such list) ”.

19. Section forty-four of the Principal Act is ^{Amendment} amended by adding thereto the following paragraph, _{of s. 44.} namely :—

“ The Commissioner may appoint a medical practitioner or medical practitioners to examine and report upon the mental, or physical, or mental and physical condition of an officer who whilst on duty is considered by the Commissioner or by the permanent head to be incapable of performing the duties of his office efficiently, and that officer shall submit himself for medical examination by that medical practitioner or those medical practitioners as directed by the Commissioner.”

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Amendment
of s. 51.

20. Subsection one of section fifty-one of the Principal Act is amended by inserting the following new paragraphs, numbered (xvii.A) and (xvii.B), after paragraph (xvii.) thereof, namely :—

Permanent
head.

“(xvii.A) Defining whether by name or by official designation or in any other manner whatsoever sufficient for the purposes of identification the persons who shall be permanent heads and specifying the departments, sub-departments, branches, or sections of the Public Service of which those persons shall respectively be permanent heads ;

Oath of
allegiance.

(xvii.B) Requiring persons engaged or about to engage in the employment of the Crown to make and subscribe an oath of allegiance, prescribing the form of that oath (which form may be prescribed so as to differ in respect of different persons or classes of persons as aforesaid), providing for and regulating the making and subscribing thereof, permitting the making and taking of an affirmation or declaration of allegiance in lieu of that oath, specifying when that affirmation or declaration may be so made and taken, prescribing the consequences of the failure or refusal by a person thereunto required by the regulations under this paragraph to make and subscribe the required oath of allegiance or, if permitted in his case, affirmation or declaration in lieu of that oath and the consequences of the breach by any person aforesaid of the oath, affirmation, or declaration made and subscribed or taken as required in his case.

The power to make regulations under this paragraph shall include power to make those regulations either so that they shall apply generally to all persons engaged or about to engage in the employment of the Crown or so that they shall be limited in their application to persons engaged or about to engage in prescribed employments of the Crown :

Provided that regulations under this paragraph limited in their application as aforesaid may be extended at any time and from time to time so as to apply to any other employments of the Crown ;”.