



ANNO TRICESIMO SEPTIMO ET TRICESIMO OCTAVO
VICTORIÆ REGINÆ.
A.D. 1874.

No. 3.

An Act to regulate the Civil Service.

[Assented to, 12th August, 1874.]

BE it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows: Preamble.

1. This Act shall be divided into ten parts, namely— Parts of Act.

PART I.—Repeal of Act No. 9 of 1865-6:

PART II.—Limitation of Act:

PART III.—Classification:

PART IV.—Non-classified officers:

PART V.—Appointments:

PART VI.—Promotion:

PART VII.—Removal and dismissal from office:

PART VIII.—Leave of Absence:

PART IX.—Allowance on Retirement or Death:

PART X.—Miscellaneous.

PART I.—Repeal of Act No. 9 of 1865-6:

PART I.

2. "An Act to amend the Law relating to the retirement of Officers in the Civil Service, and for other purposes," being No. 9 of 1865-6.

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1865-6, is hereby repealed, except as to any matter or thing lawfully done under the said Act previously to the coming into operation of this Act, provided that no Act or part of an Act by the said Act repealed shall be hereby revived.

PART II.—Limitation of Act:

Limitation of Act.

3. Nothing in this Act shall apply to any Responsible Minister of the Crown, to any Judge of the Supreme Court, to the Private Secretary and Aide-de-Camp, to His Excellency the Governor, to any honorary officer, to any officer wholly remunerated by fees or commission, to any person temporarily employed in the Service of the Government, or to any officer or class of officers to whom or to which the Governor shall declare that the provisions of this Act are not intended to apply.

PART III.

PART III.—Classification:

Division of Service.

4. The Civil Service for the purposes of this Act, shall be taken to consist of two divisions, that is to say the "Professional Division," and the "Ordinary Division."

Professional Division.

5. The Professional Division shall include all those offices, whether now existing or hereafter to be created, which require for their exercise, some skill or knowledge usually acquired only in some profession, or other pursuit different from the ordinary and clerical routine of the Civil Service.

Ordinary Division.

6. The Ordinary Division shall include all those offices, whether now existing or hereafter to be created, which are not comprised in the Professional Division.

Classes.

7. The Civil Service shall consist of six classes, and non-classified officers mentioned in the Second Schedule hereto.

Salaries of officers of first class.

8. Until the Governor shall otherwise determine under the provisions hereof, the officers mentioned in the First Schedule to this Act shall be officers of the first class, in the Professional or the Ordinary Division respectively, and (except in the case of officers paid by virtue of any Act now or which hereafter shall be in force), shall have attached to them respectively, but subject to such alterations as are herein provided for, the several salaries granted to them by the Act for the appropriation of the revenue for the year ending the thirtieth day of June, one thousand eight hundred and seventy-five.

Salaries of officers in remaining classes.

9. Every class in each division as aforesaid, except the first class, shall have a minimum and a maximum limit of salary; and every

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every officer therein shall be entitled to receive an annual increase, that is to say, for officers of the

	Minimum.	Maximum.	Annual Increase.
Second class	£350	£425	£15
Third class	£280	£330	£10
Fourth class	£220	£270	£10
Fifth class	£160	£210	£10
Sixth class	£100	£150	£10

Provided that every officer in the Professional Division engaged in the performance of strictly professional duties shall be entitled to receive ten per centum per annum on the salaries above mentioned: Provided also, that no officer in the ordinary division shall in any year receive a salary higher than the maximum limit of his class; and no officer in the Professional Division shall in any year receive a salary higher than the maximum limit of his class, and ten per centum thereon: Provided also, that in no case shall any annual increase be granted except upon satisfactory proof of the industry and general good conduct of the officer.

10. If at the time of this Act coming into operation any officer is in receipt of a salary within the limits assigned by this Act to the class in which the Governor places him, but above the minimum salary of that class, such officer shall continue to receive such salary and the annual increases provided for in clause 9 of this Act until he shall have reached the maximum therein provided.

Annual increases:
when to commence.

11. Before the transmission of the Message accompanying the Estimates in any financial year, the Governor may recommend by Message to the House of Assembly, a reduction or increase, if any such be required, according to a specified rate, in or to the salaries of the officers, or to the salary of any officer, of the first class (except in the case of officers paid by virtue of any Act now or which shall hereafter be in force), and also a maximum and a minimum limit of salary for each class, except the first, and the rate of such reduction or increase (if any), and the limits of salary thereupon adopted by the House of Assembly for such officers or officer, and for each such class, shall be the rate of reduction or increase, and the limits of salary, as the case may be, for those officers or officer, or for that class during the financial year, but in every lower class the maximum limit of salary shall be less than the minimum limit of salary in the class next above such lower class: Provided that nothing herein contained shall prevent any rateable reduction by the House of Assembly without such message.

Limits of salary, how defined.

12. As soon as conveniently may be after the passing of this Act, the Governor shall determine the number of offices of each Division, and each class aforesaid, that are required for the efficient working of each Department and shall classify the officers of the Civil Service according to the arrangement of offices so determined; and a statement of such classification shall be published in the *Government Gazette*,

Offices to be classified.

Classification to be published annually.

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Gazette ; and in the month of July in every year afterwards, a list of all officers in the Civil Service, classified as aforesaid, with the date of their first appointment, shall be published in the *Government Gazette* ; and such published list shall be conclusive evidence of the character of the office and of the rank and length of service of every officer therein named. When any officer thinks that in any classification he has been placed in a class lower than that in which, from the nature of the services he performs he ought to have been placed, he may (if the Responsible Minister in charge of the Department consent in writing) within one month from the date of classification apply to the Governor, who shall thereupon appoint three or more competent persons to hear and report thereon, and may confirm or alter such classification, and such classification as confirmed or altered shall be final: Provided that the Governor may, for special reasons—such as length of service, special duty, or otherwise—rate any officer in a higher class than that for which his salary shall be voted or recommended.

Decision of Governor to be final.

13. Where any question arises respecting the rights or obligations under this Act of any officer, or class of officers, the Governor may decide the same, and such decision shall be final.

Number of officers may be altered.

14. The Governor may from time to time diminish the total number and alter the distribution of the officers in the Civil Service in each department as circumstances may require: Provided that in case of retrenchment, the Governor may appoint any officer, whose office would thereby be abolished, to a lower class in the Service, without dispensing with his services altogether.

PART IV.

PART IV.—Non-classified officers:

Non-classified officers.

15. Persons who have been in the provisional and temporary employment of the Government for a period of five years continuously at the time of the passing of this Act, or who shall be and remain for the like period in the temporary employment of the Government, and whether remunerated by daily or weekly wages or salary, shall be non-classified officers of the Civil Service, and rank in the second schedule hereto. Every non-classified officer shall be eligible for promotion to that class of the fixed establishment, whether in the professional or ordinary division, to which his salary, if calculated by the year, would entitle him if he were a classified officer: Provided that the provisions of this Act, unless when otherwise expressly mentioned, shall not apply to non-classified officers.

PART V.

PART V.—Appointments:

Appointment and pay of Cadets.

16. Persons of the full age of sixteen and not exceeding eighteen years may be employed in the Civil Service as Cadets on probation, provided that such Cadets shall have first passed such an examination as may be provided for by any Regulations that may be made by the

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the Governor; and for the first three months shall serve without pay, and, at the discretion of the Responsible Minister controlling the Department, may continue as Cadets at a salary of Fifty Pounds per annum for the first year, Sixty-five Pounds for the second, and Eighty Pounds for the third and subsequent years, until appointed to the sixth class of the Civil Service.

17. Except as by this Act provided, and except as to Cadets and persons previously employed in the Civil Service, no person shall be appointed to any office, or be allowed to enter such Service, who shall not be of the full age of eighteen years.

Age upon entering service.

18. Every person entering the Civil Service within the provisions of this Act, not being a Cadet and save as hereinafter provided, shall be conditionally appointed to the lowest class in that Division of the Service to which he is attached, at the minimum salary of such class; and before any person shall be appointed as aforesaid, he shall produce such evidence as to his age, health, and moral character as the Governor may consider sufficient.

Persons entering Service to enter lowest class conditionally, and produce evidence of age, health, and character.

19. When any person has been conditionally appointed upon probation in any office in the Civil Service, at the expiration of three months from the date of such appointment, if the Head of the Department in which the probationer has served recommends him in writing as a suitable person to become an officer in the Civil Service, the Governor may make such appointment absolute, in which case the length of service of such officer, for the purposes of this Act, shall be calculated from the date of his conditional appointment.

Appointments upon probation when made absolute.

20. The Governor may summarily dismiss any probationer who is incompetent to discharge the duties required of him, or may transfer him to some other Department in which he may be competent to serve, but no appointment shall be made absolute until the probationer has served the full period of three months in one office, and obtained the recommendation of the Head of his Department.

Dismissal or transfer and appointment of probationer.

PART VI.—Promotion:

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21. When in the Professional Division any vacancy occurs, if it be expedient to fill up such vacancy, and if the Governor be of opinion that there is any officer of lower rank in the Department wherein such vacancy has occurred, or in that Division of the Service, competent to discharge the duties of the vacant office, he shall appoint such officer, but if there be no such officer, then he may appoint, with or without probation, and irrespective of age, such person as he may think fit, although not previously engaged in the Civil Service.

Promotion in the Professional Division.

22. When in the Ordinary Division any vacancy occurs, if it be expedient to fill up such vacancy, the Governor shall promote to such

Promotion in the Ordinary Division.

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such vacancy that officer, being qualified, and most deserving of promotion, who shall stand next in rotation on the classified list of that Division of the Service, and such promotion shall be made as far as possible from the Department wherein such vacancy has occurred: Provided that nothing in this clause shall prevent the Governor from appointing any properly qualified non-classified officer to such vacancy, pursuant to clause 15 of this Act, or any other properly qualified person, although not previously engaged in the Civil Service, in any case where he shall think any special circumstances may render it necessary so to do.

Departmental reports.

23. Every Head of a Department shall furnish to the Responsible Minister controlling the same, once in each year, and at such other times as the Governor may direct, reports upon the conduct and efficiency of each and every officer employed in his Department.

PART VII.

PART VII.—Removal and dismissal from office:

Board to be appointed to try charges against officers.

24. When any officer is reported as guilty of a breach of the regulations to be made under the authority of this Act, or of any conduct rendering him unfit to remain in the Civil Service, he shall thereupon be suspended by the Responsible Minister controlling the Department and be furnished with a written copy of the charge; and if he deny the truth of such report, and demand in writing an inquiry, the Governor shall appoint a Board to inquire as to the truth of such charge, and such Board shall have authority to hear, receive, and examine evidence; and shall, after fully hearing the case, report to the Governor thereon; and the Governor may restore such officer to his office, or may dismiss him from his office, or inflict such other penalty provided by this Act, according to the nature of the offence, as he may deem advisable.

Dismissal or reduction of rank for breach of regulations.

25. If any officer be guilty of any breach of the regulations aforesaid, the Governor may, according to the nature of the offence, dismiss him from the Service, or reduce him to a lower rank therein, or to a lower salary within his class, or deprive him of such future annual increase as he would otherwise have been entitled to receive, or of any part thereof, or of his leave of absence, during such time as the Governor may think fit.

Forfeiture of office in certain cases.

26. If any officer be convicted of felony, or take the benefit of any Act now or hereafter to be in force for the relief of insolvent debtors, he shall, on proof thereof, be deemed to have forfeited his office.

Insolvent officer may be reinstated in the absence of fraud.

27. When any such officer has forfeited his office by reason of pecuniary embarrassment, if he prove to the satisfaction of the Governor that such embarrassment has not been caused or attended by any fraud, gambling, extravagance, or dishonorable conduct, the Governor may reinstate such officer in his former position in the Service.

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28. The Governor may require any officer, who has become incapacitated for the performance of his duties, to resign his office, and, in the event of non-compliance, may remove such officer, who shall thereupon be entitled to the compensation provided by this Act.

PART VII.

Certain officers may be required to resign.

PART VIII.—Leave of Absence:

PART VIII.

29. The Responsible Minister of any Department may at such times as he may deem convenient, grant to any officer leave of absence for recreation, not exceeding in the whole three weeks in each year; and in cases of illness or other pressing necessity, such extended leave not exceeding three months, and on such terms as he may think fit.

Leave for recreation not more than three weeks; in case of sickness not more than three months.

30. The Governor may grant to any officer in the Civil Service, of at least ten years' continuous service, not exceeding twelve months' leave of absence on half salary, or, at his option, six months' leave of absence on full salary, or if of twenty years' continuous service, twelve months' leave of absence on full salary; and in cases of illness or other pressing necessity, such extended leave, on such terms as he may think fit: Provided that nothing herein contained shall prevent the Governor, in case of pressing necessity, from granting leave of absence to any officer of lesser period of service for any time not exceeding six months.

Officer of not less than ten years' service may have leave for twelve months.

31. The following days shall be observed as Holidays in the Public Offices:—New Year's Day, Good Friday, Easter Monday, the Anniversary of Her Majesty's Accession or that of Her successors, the Anniversaries of the Birthday of Her Majesty or that of Her successors, of His Royal Highness the Prince of Wales, and of His Royal Highness the present Duke of Edinburgh, Christmas Day, the Anniversary of the Proclamation of the Colony, and any other day appointed in the *Government Gazette* as a Public Holiday: Provided that nothing in this Act shall authorise the closing of any Government office required by law to be kept open on any of such days, nor prevent the Responsible Minister in charge of a Department from requiring the services of any of the officers of such Department during any such Holiday in case of emergency; but if any of the above-mentioned Holidays shall fall on a Saturday, the Monday following shall be observed as a Holiday in lieu thereof.

Holidays.

PART IX.—Allowance on retirement or death:

PART IX.

32. The legal personal representative of every officer in the Civil Service who may hereafter die while in such Service, although his death may have occurred or may occur during the absence of such officer on leave, and every officer in the Civil Service on being removed from, or on being permitted to resign, his office on account of illness, infirmity, age, abolition of office, or any other cause whatever, except misconduct, or pecuniary embarrassment, shall, with the consent

Officers on death, removal, or resignation from office to receive one month's salary for every year they have been in the service.

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Not to resign without medical certificate, unless sixty years of age or twenty years in service.

consent of the Governor, be entitled to and shall be paid by the Treasurer a sum equal to one month's salary for every year, and a proportionate sum for any period less than a year, that any such officer may have served in the Civil Service; and the average salary received by any such officer during the three years next preceding such death, resignation, or removal from office, shall be taken as the salary of such officer for the purpose of calculating the amount to be paid by the said Treasurer as aforesaid: Provided that this clause shall not apply to any officer who shall be permitted to resign his office, except upon a medical certificate of illness or infirmity, before he shall have attained the age of sixty years, or have been twenty years in the Civil Service.

Officer not to assign any sum of money he may be entitled to under this Act.

33. It shall not be lawful for any officer in the Civil Service to assign, transfer, make over, or otherwise part with (either by way of mortgage or absolutely, except by his last will and testament), any sum of money which he may be positively entitled to or have in expectancy under the provisions of this Act; and any deed or instrument (other than a last will and testament) purporting to assign, transfer, make over, or part with any such sum of money as aforesaid, shall be void both at law and in equity; nor shall any sum of money to which any such officer shall be so entitled as aforesaid pass to the creditors of, or be in any way liable to or chargeable with the payment of any of the debts, liabilities, or engagements of, any such officer, or to be levied, or attached, or taken in execution by virtue of any process.

Deed purporting to assign same void.

Money not to pass to officer's creditors.

All questions as to allowances decided by Governor.

34. All questions as to allowances arising out of this part of this Act shall be decided finally by the Governor.

To apply to non-classified officers.

35. The provisions of this part of the Act shall apply to non-classified officers: Provided that no person, availing himself of this Act, shall be entitled to any gratuity or retiring allowance from any other retiring fund, established or to be established under any other Act of Parliament or Regulation.

PART X.

PART X.—Miscellaneous:

Regulations may be made for the Civil Service.

36. The Governor may from time to time make and publish in the *Government Gazette* regulations, and repeal or vary the same, concerning the duties to be performed by officers of the Civil Service, and the discipline to be observed in the performance of such duties, and may affix to breaches of such regulations, according to the nature of the offence, the penalties therein set forth: Provided always, that no such regulations shall in any manner alter or affect duties which by any Act now or hereafter to be in force are or shall be required to be performed.

No claim for compensation if Act altered.

37. No officer in the Civil Service shall be deemed to be entitled to any compensation by reason of any reduction of his salary, or on any alteration of the limits of salary of his class as hereinbefore provided

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provided, or by reason of any alteration in the scale of retiring allowances which may be made by any Act amending or repealing this Act.

38. If, for the interest of the Public Service, any office be made political, the Governor may recommend to Parliament the payment to the officer then holding the appointment, of a fair and just compensation for his retirement therefrom, independent of any retiring allowance to which he may then be entitled under this Act.

If office made political.

39. Nothing herein contained shall be taken to prevent the Governor from recommending to Parliament any addition to any retiring allowance or gratuity, in consideration of any special services rendered by any officer.

Bounty of Parliament not restrained.

40. All notices of appointments, retirements, removals, and dismissals shall be inserted in the *Government Gazette*, and every such notice shall be deemed and taken to be conclusive evidence of every such appointment, retirement, removal, or dismissal, respectively.

Notices to be inserted in *Government Gazette*.

41. This Act may be cited for all purposes as the "Civil Service Act, 1874."

Short title.

In the name and on behalf of Her Majesty, I hereby assent to this Act.

A. MUSGRAVE, Governor.

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FIRST SCHEDULE.

Clerk of the Legislative Council
Clerk of the House of Assembly

Under Secretary (Civil List)
Auditor-General (Civil List)
Commissioner of Police
Sheriff
Postmaster-General and Superintendent of Telegraphs
Colonial Surgeon
President Board of Health
Chairman Destitute Poor Board

Crown Solicitor (Civil List)
Secretary Attorney-General
Master of Supreme Court
Stipendiary and Police Magistrates
Commissioner of Insolvency
Registrar-General of Deeds
Solicitors Lands Titles Commissioners

Under Treasurer
Agent-General
Collector of Customs
President Marine Board

Secretary Commissioner Crown Lands and Immigration
Surveyor-General
Inspector and Valuator of Lands
Director of Botanic Garden

Secretary Commissioner Public Works
Engineer-in-Chief

Secretary to Sixth Minister
Government Resident, Northern Territory

Assistant Auditor-General
Registrar-General Births, Deaths, and Marriages
Government Printer
Inspector Postal and Telegraph Services
Senior House Surgeon, Hospital

Registrar, Supreme Court
Official Assignee
Deputy Registrar-General of Deeds
Assistant Agent-General

Deputy Surveyor-General
Chief Inspector of Sheep

Chief Assistant Engineer
Architect
Locomotive Superintendent of Railways
Secretary, Central Board of Main Roads
Superintending Surveyors, Central Board of Main Roads
Vaccination Officer

And such other Officers as the Governor may by Proclamation in the *Government Gazette* direct to be placed on this Schedule.

SECOND SCHEDULE.

Non-classified officers, as defined in clause 15 of this Act