

## PUBLIC SERVICE ACT 1890.

54 VICTORIA,  
No. 1133.

An Act to consolidate the Laws relating to the Public Service of Victoria.

[10th July, 1890.]

"The Public  
Service Act  
1883."

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title  
commencement  
and division.

1. This Act may be cited as the *Public Service Act 1890*, and shall come into operation on the first day of August One thousand eight hundred and ninety, and is divided into Parts and Divisions as follows:—

PART I.—Public Service Board ss. 5–14.

PART II.—	{	Division 1.—Classification and Salaries ss.
Officers		15–31.
Generally.	{	Division 2.—Appointments and Promotions
		ss. 32–63.
PART III.—	{	Division 1.—Classification ss. 64–81.
State Schools		Division 2.—Temporary Unclassified Schools
and Teachers.		ss. 82–86.
		Division 3.—Appointment &c. of Teachers
		ss. 87–105.

PART IV.—Pensions ss. 106–108.

PART V.—Oaths of Office ss. 109–114.

PART VI.—Miscellaneous ss. 115–145.

Repeal.  
First Schedule.

2. The Acts mentioned in the First Schedule to this Act to the extent to which the same are thereby expressed to be repealed are hereby repealed. Provided that such repeal shall not affect any appointment registration transfer rule regulation inspection or examination made, or any certificate or notice given, or any return furnished, or any classification determined or published, or any list prepared, or any record kept, or any exemption granted, or any agreement signed, or any election held, or any compensation due under the said Acts or any of them before the commencement of this Act.

1b, s. 2.

Provided also that such repeal shall not affect any matters or things done under the Act No. 160, or any privileges or rights existing at the

commencement of "*The Public Service Act 1883*" or thereafter accruing of or to any person then subject to the provisions of the said Act No. 160 save in so far as such rights or privileges may have been altered or taken away by any Act amending "*The Public Service Act 1883*;" and every such person shall in every other respect be subject to the provisions of this Act in the same way and to the same extent as if he had been appointed after the passing hereof, save and except as to being required to pass any examination.

Provided further that where under any of the Acts repealed by the Acts enumerated in the Second Schedule to the *Acts Interpretation Act 1890* any appointment or removal was directed or authorized to be made or effected subject to the provisions of "*The Public Service Act 1883*," such appointment or removal shall continue to be made or effected under the corresponding provisions of the Acts so enumerated subject to this Act, whether this Act be expressly mentioned in such corresponding provisions or not.

3. Except where otherwise expressly provided nothing in this Act shall apply to any judge of the Supreme Court or to the chief clerk assistant chief clerk or master thereof or to any judge of any inferior court or to the Master-in-Equity or to the Chief or to any other Commissioner of Insolvent Estates or to the Commissioner of Titles or to any prosecuting barrister, or to persons under the *Police Regulation Act 1890* or under the *Defences and Discipline Act 1890* or under the *Railways Act 1890* or to any honorary officer or to any officer the right to appoint whom is not vested in the Governor in Council or to any officer remunerated by fees allowances or commission only or to any officer or class of officers to whom or to which the Governor in Council upon the recommendation of the Board declares that the provisions of this Act shall not apply.

Provided that nothing in this section contained shall affect the provisions of Part V. of this Act.

4. Unless inconsistent with the subject-matter or context the words following shall have the meanings hereinafter respectively assigned to them (that is to say):—

- "Board" shall mean the Public Service Board: Interpretation.  
"*The Public Service Act 1889*" s. 3.
- "Lunatic asylum" shall include any receiving-house established under the authority of any Act relating to lunatics: "Board."  
"Lunatic asylum."
- "Married woman" shall not include a widow: "Married woman."
- "Minister" shall mean the responsible Minister of the Crown for the time being administering the department in which the officer in connexion with which the term is used is employed: "Minister."
- "Officer" shall mean and include all persons employed in any capacity in the public service: "Officer."  
"*The Public Service Act 1883*" s. 1.
- "Permanent head" shall mean the permanent head of the department in which the officer in connexion with which the term is used is employed: "Permanent head."  
"*The Public Service Act 1889*" s. 3.
- The "permanent heads" of the several departments shall be the persons for the time being holding the several offices mentioned in the Second Schedule hereto or any office which may be hereafter added to the First division of the public service. "Permanent heads."  
"*The Public Service Act 1883*" s. 1.  
Second Schedule.

## PART I.—PUBLIC SERVICE BOARD.

"The Public Service Act 1883" s. 4.  
Public Service Board.

5. For the better carrying out of the provisions of this Act there shall be a Public Service Board to consist of three persons who shall be appointed by the Governor in Council, and such persons may be removed from office as members of the Board in the same way as the Railway Commissioners under the *Railways Act 1890*.

The Public Service Board created under "*The Public Service Act 1883*" shall be the Public Service Board under this Act.

Two members of the Board a quorum.  
"The Public Service Act 1889" s. 4.

6. Any two members of the Board shall have and from the time of the coming into force of "*The Public Service Act 1883*" shall be deemed to have had power to exercise and perform any of the duties of the Board.

Governor in Council may fill vacancy in Board.  
"The Public Service Act 1883" s. 5.

7. The Governor in Council may from time to time in case any vacancy occur in the office of member of the Board appoint some person to fill such vacancy and may in case of the absence continued illness or inability of any member of the Board to perform his duties appoint some person to act as substitute for such member.

No action or suit against members of Board.  
*Ib.* s. 6.

8. No action or suit shall be brought or maintained against any person who is or shall have been a member of the Board for any non-feasance or misfeasance in connexion with the duties imposed upon him by this Act, nor shall any action or suit lie nor any costs be payable in respect of any proceeding before the Board.

Recompense to members of Board.  
*Ib.* s. 7.

9. Each of the three persons forming the Board shall receive in each and every year the sum of Fifteen hundred pounds as and by way of recompense, and such several sums of Fifteen hundred pounds payable respectively to the said persons shall be a charge upon and be paid out of the consolidated revenue a special appropriation from which is hereby made for that purpose.

Secretary to the Public Service Board.  
*Ib.* s. 8.

10. The Board may select from time to time some fit and proper officer from any department with the consent of the permanent head thereof to be secretary to the Board, who shall keep the minutes of the proceedings of the Board and perform such duties and keep such records as he may be from time to time directed to do by order of the Board.

Board to investigate when required.  
*Ib.* s. 92.

11. The Board may at any time and shall whenever requested so to do by the Minister administering any department investigate the efficiency economy and general working of such department and report to that Minister the result of such investigation.

Powers conferred upon Board in conducting investigation.  
*Ib.* s. 93.

12. The Board shall for the purpose of conducting such or any other investigation or inquiry deemed necessary in the administration of this Act have all the powers conferred upon a Board appointed by the Governor in Council under sections twelve and thirteen of the *Evidence Act 1890*.

Board to report on state of public service to Governor in Council.  
*Ib.* s. 94.

13. The Board shall furnish to the Governor in Council once in each and every year a report on the condition and efficiency of the public service and shall make such suggestions for its improved working as may appear desirable.

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

*"The Public Service Act 1883."*

14. Where any provision empowers the Board to make regulations for any purpose such provision shall also be taken to empower the Board to from time to time repeal alter and amend such regulations or any of them.

Power to alter regulations.  
*"The Public Service Act 1889" s. 5.*

All regulations to be made by the Board and any repeal alteration or amendment of the same shall as soon as the same have been approved by the Governor in Council and published in the *Government Gazette* (but not before) have full force and effect, and such regulations shall be laid as soon as may be before both Houses of Parliament.

Regulations to be approved by Governor in Council and published.

## PART II.—OFFICERS GENERALLY.

### DIVISION 1.—CLASSIFICATION AND SALARIES.

15. The public service shall for the purposes of this Act consist of four divisions, that is to say, the "First division" the "Professional division" the "Clerical division" and the "Non-clerical division."

Division of public service.  
*"The Public Service Act 1883" s. 9.*

16. The "First division" shall include all persons now holding the offices mentioned in the Second Schedule hereto and also all persons who may be hereafter appointed to any of such offices or to any of the offices which may be hereafter added to such division.

First division.  
*Ib. s. 10.*  
Second Schedule.

17. The Board may whenever it may be deemed advantageous to the public service so to do certify to the Governor in Council that it is expedient to add to the First division some other office in addition to those mentioned in the Second Schedule or to abolish any of the offices therein mentioned, and the Governor in Council may upon such certificate but not otherwise add any office to the said First division or abolish any office mentioned in such schedule as aforesaid. Provided that no such office shall be so added or abolished unless the addition of such office thereto or the abolition thereof has been previously authorized by Parliament.

Increase or abolition of offices in First division.  
*Ib. s. 11.*  
Second Schedule.

18. The "Professional division" shall include all persons holding those offices whether now existing or hereafter to be created which require for their exercise some skill usually acquired only in some profession or other pursuit different from that required in the Clerical or Non-clerical division and also the persons holding the offices of inspector-general assistant inspector-general inspectors and teachers in the Education Department as now existing or hereafter to be created.

Professional division.  
*Ib. s. 12.*

19. The "Clerical division" shall include all officers belonging at the commencement of this Act to such division, and all officers hereafter appointed to such division in accordance with the provisions of this Act.

Clerical division.  
*Ib. s. 13.*

20. The "Clerical division" shall be divided into five classes; the First Second and Third classes shall be called the higher classes, and the Fourth and Fifth classes shall be called the lower classes.

Number of classes in Clerical division.  
Higher and lower classes.  
*Ib. s. 14.*

"The Public Service Act 1888" s. 15.

Non-clerical division.

"The Public Service Act 1889" s. 23.

Salaries—First division.

"The Public Service Act 1888" s. 16.

Salaries—Other divisions

*Ib.* s. 17.

Annual Appropriation Act.

Third Schedule.

Governor in Council may fix salary of an officer.

*Ib.* s. 18.

Increment to depend upon good conduct.

*Ib.* s. 19.

"The Public Service Act 1889" s. 33.

Operating messengers in Telegraph Department.

*Ib.* s. 16.

Board to increase or diminish the number of persons.

"The Public Service Act 1888" s. 24.

Record of particulars of public service to be kept.

*Ib.* s. 25.

21. The "Non-clerical division" shall include all persons belonging at the commencement of this Act to such division and all persons whose appointment may hereafter be determined by priority of registration combined with fitness in accordance with regulations made as hereinafter provided.

22. The officers in the "First division" except in the case of officers paid by virtue of any Act now or which hereafter shall be in force shall be paid such emoluments salaries and allowances as may be provided in the annual Appropriation Act.

23. In the "Professional division" and the "Non-clerical division" the officers shall be paid such emoluments salaries allowances and wages in accordance with a fixed amount or a scale determined by regulation and as may be provided in the annual Appropriation Act.

In the "Clerical division" each of the five classes shall have the minimum and maximum salary and the annual increment thereto mentioned in the Third Schedule to this Act.

24. The Governor in Council may upon the recommendation of the Board from time to time notwithstanding anything contained in this Act fix the amount of salary to be paid to an officer at any sum within the maximum and minimum limits of the class of such office as determined under the provisions of this Act, and such sum shall be the salary attached to such office without annual increment.

25. No annual increment shall accrue to any salary until the officer in receipt of such salary has received the same for a period of twelve months. The right to receive such increment in any year shall depend upon the good and diligent conduct of the officer to whose salary such increment is attached, and if in the opinion of the permanent head the officer is not entitled thereto he may issue an order to deprive such officer of such increment, which shall in that case not be paid. Provided that the Board shall on appeal of such officer confirm or disallow such order.

26. Operating messengers engaged at the time of the passing of "The Public Service Act 1889" in the Telegraph Department who joined the public service before the thirty-first day of December One thousand eight hundred and eighty-four shall be entitled to be classified in one of the lower classes of the Clerical division as telegraph operators, but no such operator so classified shall be paid a sum of more than three hundred pounds a year as salary and such sum shall for the purposes of section twenty-four of this Act be taken to be the maximum salary of any such operator in the Fourth class.

27. The Board may with the consent of the Governor in Council from time to time whenever it may appear necessary increase or diminish the total number of persons to be employed or alter the distribution of the officers in any department.

28. The Board shall keep a record of all persons in the public service, and shall record therein the divisions in which such persons are respectively included; and with regard to the First division Professional division except teachers in the Education Department and the Non-clerical division shall record therein a general description of the several duties of the persons included in those divisions, their length of service salaries and such other particulars as may be deemed necessary;

and with regard to the Clerical division shall record therein with respect to the persons therein included in addition to the information as aforesaid the classification of the work severally performed by such persons, and shall from time to time cause entries to be made in such records of deaths dismissals resignations promotions and reductions, and shall in the month of January in each and every year publish in the *Government Gazette* a list of persons then employed in the public service except teachers in the Education Department and the particulars with regard to such persons recorded as aforesaid.

*"The Public Service Act 1883."*

29. If the Board find that a greater number of persons are employed than they have determined to be necessary for the efficient working of any department, such persons as are in excess shall be from time to time as required transferred to some other department which in the opinion of the Board requires further assistance. And no appointments or promotions shall be made to any department or from one class to another in any department until by retirement resignation dismissal or death the number of persons in such department or class is reduced below the number determined to be necessary for the efficient working of such department.

Persons in excess of the requirements of any department to be transferred.  
*Ib. s. 29.*

30. If the Board find that any person employed in any division doing work in any branch or department at the time of the passing of "*The Public Service Act 1883*" is in the receipt of a greater salary than the maximum of the class assigned to that work by the Board, such person shall be transferred if practicable to some other branch or department in which he can be employed upon work equivalent to the amount of his salary; if such person be unclassified and be found unfit for such higher work, his salary shall be reduced to the maximum of the said class to which such lower office shall have been assigned, and he shall receive as compensation for the reduction in his income a sum amounting to one-twelfth of such reduction for each year of service and a proportionate sum for any additional time less than a year.

Where officer is in receipt of salary greater than that attached to the work he performs.  
*Ib. s. 27.*  
*"The Public Service Act 1883" s. 33.*

31. Any officer who at the time of the passing of "*The Public Service Act 1883*" was classified under the Act No. 160 and receiving a greater salary than the maximum assigned to the same class of the Clerical division shall continue to receive such greater salary so long as he continues in that class anything to the contrary in this Act notwithstanding.

Salary of officers in service at passing of "*The Public Service Act 1883*."  
*"The Public Service Act 1883" s. 28.*

#### DIVISION 2.—APPOINTMENTS AND PROMOTIONS.

32. No new appointment shall be made except on the request of a permanent head of a department to the Minister and then only upon a certificate from the Board that such an appointment is required.

How appointments are to be made.  
*Ib. s. 30.*

The Board in giving such certificate shall name the person entitled under the provisions of this Act to such appointment and the Governor in Council may appoint such person, and such appointment shall be on probation only and except as is in this Act otherwise provided for a period of six months.

After the period of such probation and upon the recommendation of the permanent head and upon the production of a certificate from the Board that all the provisions of this Act have been complied with the appointment may be confirmed by the Governor in Council.

"The Public Service Act 1889" s. 7.  
New appointment to professional division to be upon probation.  
Probationers to insure.

33. Whenever any person from outside the public service is appointed to any office in the Professional division such appointment shall be upon probation only for a period of three months, and the provisions of section thirty-seven of this Act shall apply to every person so appointed.

Provided that whenever a vacancy occurs in any office in the professional division the Governor in Council may on the recommendation of the Board if he thinks fit order that any person appointed to fill such vacancy shall be appointed permanently in the first instance and shall not be required to insure his life.

Appointment of professional or other skilled persons.  
"The Public Service Act 1889" s. 74.

34. All appointments whether on the occurrence of any vacancy or otherwise to any office in the First division or in the Professional division other than to the office of teacher or pupil teacher in the Education Department shall be made by the Governor in Council upon a certificate from the Board naming some person already in the public service who is duly qualified for such an appointment; but if in the opinion of the Board there be no such person, then the Governor in Council may appoint some person outside the public service but only on a certificate from the Board that such person is a fit and proper person and duly qualified to fill such office.

Appointments, Clerical division.  
Id. s. 31.

35. All new appointments to the Clerical division shall be made to the Fifth class.

Age of appointees.  
"The Public Service Act 1889" s. 26.

36. No person shall be appointed to the Clerical division of the public service whose age at his last birthday previous to appointment was less than sixteen or more than thirty years unless such person be at the time of appointment already in the public service.

No person shall be appointed to the Non-clerical division of the public service whose age at his last birthday previous to appointment was less than sixteen or (except as hereinafter provided) more than forty years unless such person be at the time of his appointment already in the public service. In cases of special duties the Governor in Council may however on the recommendation of the Board extend the age from forty to forty-five years.

But nothing in this section contained shall be taken to prevent the appointment of persons of any age to be message boys in the Telegraph Department, sewing mistresses, truant officers, students in training, or junior messengers.

Appointee to effect an insurance on his life.  
"The Public Service Act 1889" s. 32.

37. No probationer shall have his appointment confirmed until he have effected with some life assurance company carrying on business in Victoria an insurance on his life providing for the payment of a sum of money at his death should it occur before the age of retirement from the public service or if he survive till that age of a sum of money or annuity on the date of such retirement. Such insurance shall be continued and the amount thereof fixed and increased from time to time in accordance with regulations made as herein provided in that behalf and no policy of insurance so effected shall be during the time such person remains in the public service assignable either at law or in equity.

Temporary employment.  
"The Public Service Act 1889" s. 24.

38. The Board shall from time to time in pursuance of regulations made under the authority of sub-section ten of section fifty-nine of this Act cause to be enrolled in a register to be kept for that purpose

by the Board the names of fit and proper persons desirous of employment in any temporary work in any department, and shall also record the kind of work desired by each of such persons.

*"The Public Service Act 1890."*

Whenever in the opinion of the Minister the prompt despatch of the business of any department renders temporary assistance necessary the Board shall at the request of the permanent head select from the persons whose names are upon such register such person as to the Board appears best qualified for such work.

Such person may be employed to perform such work for any period not exceeding three months and if necessary such person may with the sanction of the Board be employed at the end of such period for any further period not exceeding three months but no such person shall be so employed for more than three periods of three months each successively.

No person who has been temporarily employed in any department shall on the termination of his employment be eligible for temporary employment in the public service during the six months next following such termination.

Notwithstanding the provisions hereinbefore contained the Governor in Council may upon the recommendation of the Board in the case of temporary work in the carrying out of any public work or scheme undertaken by the Public Works Department (if the Board certify to him that it is for the public interest that the provisions hereinbefore in this section contained should not apply to such work or scheme) order that the temporary employment upon such work or scheme shall be until the completion of the same, and may upon the like certificate order that any person employed on any such public work or scheme as clerk of works may be again temporarily employed in the public service on any one or more other such works or schemes without any interval between the periods of employment on such respective works or schemes, and any person may with the sanction of the Board be temporarily employed in the Government Printing Office or in the Government Shorthand Writer's Office or in the preparation of the Census Returns for such time as may be necessary.

*Provision as to Public Works and other departments.*

The Governor in Council may upon the recommendation of the Board at any time dismiss or remove any person temporarily employed in the public service.

39. Notwithstanding anything in any Act of Parliament contained no person shall be appointed to the office of police magistrate—

*Qualification of police magistrates.  
Ib. s. 11.*

(1) Unless he be at the time of such appointment of the full age of thirty-five years or upwards and be willing to reside permanently within the district in which he is appointed to act;

(2) Nor unless such person—

(a) be an officer of one of the higher classes of the public service and be or have been a clerk of petty sessions or clerk of courts and have acted in one or other of such capacities for at least ten years and unless appointed to the public service before the year One thousand eight hundred and sixty-two have passed the examination in law directed under section eighteen of the Act No. 160 or the examination prescribed by regulations to be made as in the next following section provided; or



"The Public Service Act 1889."

(b) be a barrister or a solicitor of the Supreme Court and have been at the time of appointment practising for a period of at least five years.

Board to make regulations for examination of candidates for police magistrates.

*Ib.* s. 12.

40. The Board shall make regulations for prescribing the subjects for and the nature and standard of the examination to be undergone by persons who desire to be appointed police magistrates; and who under the provisions of the last preceding section are required to pass such an examination before appointment.

Person appointed clerk of certain courts may act as clerk of any such court where directed.

*Ib.* s. 27.

41. Every appointment of any person to be a clerk of the peace, clerk of petty sessions, clerk of licensing courts, principal or assistant clerk of courts of mines, a chief clerk of the court of insolvency, warden's clerk under the *Mines Act* 1890 or registrar or assistant registrar of county courts shall be taken to authorize such person without any further or other appointment to act as a clerk of the peace, clerk of petty sessions, clerk of licensing courts, principal or assistant clerk of courts of mines, a chief clerk of the court of insolvency, warden's clerk, registrar or assistant registrar of county courts (as the case may be) for each and every court district or place in Victoria at or in which he may from time to time be directed by the Minister to act.

Regulations for appointment of women.

*Ib.* s. 13.

42. The Board may make regulations for facilitating the employment of women in those departments or branches of the public service in which it may seem desirable to employ them; and such regulations may determine the salary or wages to be paid to women employed in any particular class or on any particular work, and may provide generally for all matters relating to the examination of female candidates for employment.

Married women not eligible for appointment, and female officers to retire on marriage.

*Ib.* s. 14.

43. Notwithstanding anything in this Act contained no married woman shall be eligible for appointment to any office in the public service.

Every woman employed in the public service who marries after the passing of this Act shall immediately upon her marriage retire from the public service, and any right which at the date of her marriage any woman so retiring may have to be paid any superannuation or retiring allowance compensation or gratuity on retirement at or from such date shall be preserved to her and continued notwithstanding that her retirement takes place under the provisions of this section in consequence of her marriage.

The Governor in Council may nevertheless at any time and from time to time, upon the recommendation of the Board, exempt from the disqualification contained in this section the office of sewing mistress in any State school or that of matron female warder or attendant in any penal establishment or gaol or lunatic asylum or reformatory receiving depôt or other public institution of a similar character.

Female sorters in Postal Department.

*Ib.* s. 15.

44. Whereas certain female officers were appointed as female assistants in the Post and Telegraph Department before the thirty-first day of December One thousand eight hundred and eighty-four, and whereas such officers were formerly eligible for appointment to various other offices for which they have since the passing of "*The Public Service Act* 1883" been ineligible by reason of their having been

classified in the Non-clerical division: Be it therefore enacted that any such female officers appointed before the day aforesaid who prove their fitness for transfer to the Clerical division to the satisfaction of the Board shall be eligible for transfer or promotion to any office in the lower classes of the Clerical division without passing the examination prescribed for candidates for appointment to the lower classes of the Clerical division.

*"The Public Service Act 1889."*

45. The Governor in Council on the recommendation of the Board may from time to time notwithstanding anything contained in this Act fix the amount of salary to be paid to the officer in charge of any post and telegraph office at any sum within the maximum and minimum limits of the class of such office as determined under the provisions of this Act, and such sum shall be the salary attached to the office without annual increment.

Governor in Council to fix salary of officer in charge of any post and telegraph office.  
*"The Post Office Act 1889" s. 14.*

No order shall be made so as to diminish the salary received by the occupant of any such office at the time of the making of such order.

46. The Governor in Council on the recommendation of the Board shall have power to promote persons from one department to another and to transfer persons from time to time either temporarily or permanently from one department to another as the requirements of the public service may necessitate, but no new appointments shall be made to fill any vacancy unless the Board certifies that there is no person available and fit in the public service to be promoted or transferred to fill such vacancy, and all such appointments with the reasons therefor shall be published in the *Government Gazette* within one month after the making thereof, otherwise such appointments shall be null and void.

Promotions and transfers.  
*"The Public Service Act 1889" s. 34.*

47. Whenever any vacancy occurs in any office in the First division or in the Professional division or in the First Second or Third class of the Clerical division if it be expedient to fill such vacancy the Governor in Council may upon the recommendation of the Board—

As to promotions to First division Professional division and to upper classes of Clerical division.

Appoint thereto any officer of the department in which such vacancy occurs to fill such office regard being had to the seniority (as amongst themselves) and fitness respectively of the officers of such department if it appear that such appointment would result in the duties of such office being more efficiently performed than by selecting an officer from any other department; or

*"The Public Service Act 1889" s. 6.*

Appoint thereto any officer from any other department whom (on the ground of seniority combined with fitness) it appears desirable so to appoint.

"Fitness" hereinbefore in this section shall mean special qualifications and aptitude for the discharge of the duties of the office to be filled.

No promotion shall be made under this section except from the Fourth to the Third class, or from the Third to the Second class, or from the Second to the First class, or from the First class or from an office in the Professional division, the position of which is equivalent to or higher than a first class office to the First division; but persons may be promoted from any class to an equivalent position in the Professional

"*The Public Service Act 1889.*"

division or to any office in the Professional division the maximum salary attached to which does not exceed the maximum salary of the class next higher than that in which the person promoted is in immediately before his promotion; and nothing in this section contained shall be taken to affect the provisions of section thirty-four of this Act.

Promotions in Fourth class of Clerical division.  
"*The Public Service Act 1883*" s. 35.

48. When any vacancy occurs in the Fourth class in the Clerical division, if it be expedient to fill such vacancy, the Governor in Council may subject to the provisions of this Act promote thereto an officer next entitled by seniority and merit combined, such seniority and merit to be determined and certified to by the Board and such person shall receive the minimum of the class to which he is so promoted.

Transfer of certain officers to Clerical division.  
"*The Public Service Act 1889*" s. 9.

49. All officers who were appointed to the permanent staff of any department of the public service before the thirty-first day of December One thousand eight hundred and eighty-four and who had before that date passed the examination directed under section eighteen of the Act No. 160 to be passed by candidates for admission to the ordinary division of the civil service shall be eligible for transfer or promotion to any office in the Clerical division in any department of the public service, and the service of such officer on the permanent staff of such first-mentioned department shall be equivalent to service in the Clerical division. The relative seniority with officers of the Clerical division of any such officer so transferred or promoted shall be determined by the Governor in Council on the recommendation of the Board, and such determination shall be final.

Transfer or promotion of certain officers under Act No. 160.  
*Ib.* s. 10.

50. The transfer or promotion of any officer who was in the Fifth or Fourth class under the provisions of Act No. 160 to the Fourth or Third class or to a position equivalent thereto under "*The Public Service Act 1883*" shall nevertheless entitle such officer to the salary and increments of salary to which such officer would have been entitled if he had been promoted under the provisions of Act No. 160 to the Fourth or Third class.

Lockers and weighers.  
*Ib.* s. 17.

51. Any officer of the Non-clerical division employed as a locker or weigher in the Department of Trade and Customs who has been transferred to the Clerical division under the provisions of section seventeen of "*The Public Service Act 1889*" shall continue after such transfer to hold the office of locker or weigher (as the case may be) until appointed to some other office; and such transfer shall not diminish the salary which any officer was receiving at the time of transfer.

Conditions upon which persons may be transferred from Non-clerical to Clerical division.  
*Ib.* s. 22.

52. The Governor in Council may if he think fit upon the recommendation of the Board from time to time transfer from the Non-clerical division to the Fifth class of the Clerical division any person who has served for two years in the Non-clerical division and who has passed the required standard at the examination prescribed for candidates for appointment to the lower classes of the Clerical division.

Notwithstanding anything in this Act contained no person who has served for two years in the Non-clerical division shall be required to cast lots or ballot previously to undergoing any such examination, and any regulations for limiting the number of candidates to be examined shall not apply to any such persons as aforesaid nor for the purpose of

such regulations shall such persons be counted, but they shall be examined in addition to the full number of candidates (if so many there be) specified in such regulations. "The Public Service Act 1889."

Every person so transferred shall so far as seniority for promotion is concerned be placed at the bottom of the class to which he is transferred, but he shall be entitled to the same salary as that which he received immediately before such transfer and after a period of twelve months' service in the Clerical division he shall be entitled (if such salary be less than the maximum of the class to which he has been so transferred) to receive the ordinary annual increments of such class until the maximum has been reached.

53. There shall be two separate examinations for employment in the Clerical division, one for the higher classes and one for the lower classes. It shall not be compulsory for candidates for the lower classes to pass a higher standard of examination than will be necessary to insure reasonable efficiency in the work assigned to such classes by the Board, but no such person shall afterwards be eligible for promotion to the higher classes unless he have passed the examination prescribed for admission to those classes and be at the time of examination an officer of the Fourth class. Provided always that all unclassified persons who at the time of the passing of "*The Public Service Act 1883*" had held offices in any department of the public service for at least a period of ten years, and all officers employed at the passing of the said Act who had previously passed the examination prescribed for admission to the civil service under the Act No. 160 shall not be required to pass any examination for promotion to the higher classes. Examinations for higher and lower classes. "The Public Service Act 1883" s. 36. Officers appointed before passing of "The Public Service Act 1883."

54. Notwithstanding anything in this Act contained officers in the lower classes of the Clerical division who have graduated in the Melbourne University or in some university recognised by the University of Melbourne or who were classified on the thirty-first day of December One thousand eight hundred and eighty-four shall be eligible for promotion to the higher classes without passing the examination prescribed for admission to those classes. Graduates of universities eligible for promotion to higher classes without examination. "The Public Service Act 1889" s. 3.

55. The Governor in Council may appoint as many fit persons as may be required to be examiners to conduct the examinations in pursuance of the regulations made as herein provided in that behalf; and any person so appointed he may remove and from time to time as vacancies occur in the office of examiners may appoint other persons to fill such vacancies. Governor in Council to appoint examiners. "The Public Service Act 1883" s. 37.

56. Whenever it may appear necessary, the Board shall cause competitive examinations to be held by the examiners appointed as herein provided, and the names of the persons who have passed the required standard of examination shall be registered by the Board in a book kept for that purpose in the order of their merit; and no appointments to the Clerical division shall be made except from the persons whose names are so registered and in the order of such registration, taking the name first registered and following in regular sequence. Competitive examinations. *Ib.* s. 38.

57. The Board shall publish as part of the notice (hereinafter required) of any such examination the number of persons to be selected for appointments thereat, and the successful competitors shall be Publication of notice of examination and registry of competitors. *Ib.* s. 39.

"The Public  
Service Act  
1883."

registered as before provided in the order of merit up to but not beyond the published number, if so many are found by the examination to be qualified for appointments in the public service.

Selection of  
persons for Non-  
clerical division.  
*Ib. s. 40.*

58. The selection of persons to be appointed to the Non-clerical division shall be determined by competitive examination as hereinbefore provided for the Clerical division in all cases except in regard to such appointments or classes of appointments as to which the Board shall before the commencement of this Act have reported or shall hereafter report to the Governor in Council that the system of competition could not be advantageously applied.

Regulations.  
*Ib. s. 41.*

59. The Board shall make regulations, which shall have full force and effect as soon as approved by the Governor in Council, and may subject to such approval from time to time repeal alter and amend the same—

Classification of  
Professional  
division.

(I.) For the arrangement of the Professional division into as many classes as the Board consider expedient or desirable, and for the determination of the order of promotion therein and of the amount to be paid to each of the persons in each of such classes, which in the opinion of the Board will be a fair equivalent for the work to be performed by such persons:

Examinations  
for Clerical  
division.

(II.) For determining the nature or character and standard of examinations or tests according to the requirements of the higher and lower classes of each department which candidates for employment or promotion in the Clerical division shall undergo:

Candidates.

(III.) For limiting by lot the number of candidates to be examined to a number not less than three times the number of persons to be appointed, and for the examination of such persons and the granting of certificates to them:

Clerical division.

(IV.) For determining the grounds upon which the Board will certify to the promotion of a person to a superior class in the Clerical division. Provided that one of such grounds shall be that the permanent head of the department has stated in writing to them that in his opinion the person proposed to be promoted is fully qualified to perform the duties which will be required of him in such superior class, and provided further that if such permanent head decline to recommend such promotion an appeal shall lie to the Board:

Appointments to  
Non-clerical  
division.

(V.) For the examination so often as it becomes necessary to make any appointment to the Non-clerical division of persons applying to be recorded for appointment in such division:

Mode of  
registration.

(VI.) For determining the mode of registration of such persons who have after examination been declared qualified for such appointment:

Appointment to  
Non-clerical  
division.

(VII.) For providing for the appointment of such persons according to priority of registration combined with fitness in each case for the particular office to be filled:

"The Public  
Service Act  
1889" s. 23.  
Salaries—Non-  
clerical division.

(VIII.) For determining a scale or amount to be paid to the persons employed in the different departments included in the Non-clerical division which in the opinion of the Board

will be a fair equivalent for the work to be performed by such persons: "The Public Service Act 1889" s. 41.

- (ix.) For regulating and determining the scale on which officers shall insure their lives or for the payment to them of a sum of money or annuity at the date of their attaining the age of retirement from the public service: and Insurance.
- (x.) For regulating and determining who are fit and proper persons to be employed in temporary employment and for causing the names of such persons desiring employment to be enrolled in a register to be kept for that purpose. Temporary employment.

Before any examination is held for the lower classes of the Clerical division and for the Non-clerical division under regulations made as herein provided, the Board shall give public notice to persons desiring employment as aforesaid to present themselves for examination.

The standard of such examinations shall be such only as to insure reasonable efficiency in the work to be performed by persons appointed to the said divisions.

60. The Board with the consent of the Governor in Council may from time to time (notwithstanding anything in this or any other Act of Parliament contained) make alter and repeal regulations—

For facilitating and securing the better selection of suitable persons for appointment and promotion as officers in the Public Library Museums and National Gallery and as officers wardens and attendants in penal establishments and gaols and reformatory schools probationary schools and receiving depôts and lunatic asylums or any of them; and Regulations as to officers in the Public Library Museum and National Gallery and in penal establishments gaols reformatory schools &c. and lunatic asylums. "The Public Service Act 1889" s. 18.

For retaining the services of those of such persons as are found most fit, and

For providing for the services of those not so retained being either dispensed with or transferred to another department or branch of the public service as may be thought desirable.

But no regulations made under this section shall apply to or affect any person employed at the time of the passing of "*The Public Service Act 1889*" as officer in the Public Library Museums or National Gallery or as officer warder or attendant in any penal establishment gaol reformatory school probationary school receiving depôt or lunatic asylum.

No person shall be permanently appointed to any office in any penal establishment or gaol or reformatory school probationary school or receiving depôt whether he be already an officer in the public service or not unless and until he have served for twelve months on probation as an officer of some penal establishment or gaol or reformatory school probationary school or receiving depôt; and no person shall be permanently appointed to any office in any lunatic asylum whether he be already an officer in the public service or not unless and until he have served for twelve months on probation as an officer of some lunatic asylum.

61. The Board may make regulations for the admission into the public service in special cases to be indicated in such regulations and upon such terms and conditions as may be therein prescribed of supernumeraries employed in the Government Printing Office of apprentices in such office in the last year of their apprenticeship and of pupil draughtsmen in the last year of their pupilage. Regulations for appointment of supernumeraries and apprentices in Printing Office and pupil draughtsmen. Ib. s. 20.

"*The Public Service Act 1888*" s. 21.  
Regulations for selection of truant officers.

62. The Board may make regulations for the better selection of persons of special fitness for the position of truant officers.

Subject to such regulations the Governor in Council may on the recommendation of the Board appoint any person whether already in the public service or not to the position of truant officer.

Persons living in the country to have opportunity of competing there.  
"*The Public Service Act 1888*" s. 42.

63. It shall be the duty of the Board to so arrange the times and places when and where candidates are to comply with the conditions of employment provided in this Act, and to present themselves for examination by the examiners appointed, that persons living in country districts shall have reasonable facility in the district in which they reside for competing for such employment without the necessity of attendance in Melbourne.

### PART III.—STATE SCHOOLS AND TEACHERS.

#### DIVISION 1.—CLASSIFICATION.

Regulations under Act No. 447 to be applied.  
*Ib.* s. 43.

64. All regulations made under the provisions of "*The Education Act 1872*" so far as they can be applied and are not inconsistent with the provisions of this Act shall be applied by the Classifiers hereinafter mentioned in the exercise of the powers hereby conferred upon them, and all regulations made hereafter under the authority of the *Education Act 1890* shall be in accordance with the provisions of this Act and the schedules hereto so far as the same may be applicable.

Committee of Classifiers.  
*Ib.* s. 44.

65. There shall be a committee of Classifiers (hereinafter called the "Classifiers") to consist of three persons, that is to say, of the person for the time being filling the office of Inspector-General of the Education Department, of the head teacher of a State school with an average attendance exceeding four hundred children under the said Education Department elected by the certificated teachers in State schools, and of some one other fit and proper person not being an officer to be appointed in that behalf by the Governor in Council who shall have power to remove any person so appointed and fill such office whenever a vacancy therein may occur by death resignation removal or absence from Victoria. Any two of the members of the committee of Classifiers may perform the duties of and exercise the powers conferred upon the Classifiers by this Act. The names of the Classifiers shall be published in the *Government Gazette*.

The committee of Classifiers acting immediately before the commencement of this Act shall be the committee of Classifiers under this Act.

Election of State school teacher.  
*Ib.* s. 45.

66. The said State school teacher shall be elected by ballot in accordance with regulations to be made by the Board with the approval of the Governor in Council, and shall hold office for a period of three years from the date of his election, when he shall retire, but he shall be eligible for re-election. If a vacancy sooner occur by death resignation removal or absence from Victoria, it shall then be filled in the same way as if such teacher had continued to hold office for the full term of three years.

How State school teacher appointed classifier to be paid.  
*Ib.* s. 46.  
"*The Education (Teachers) Act 1888*" s. 14.

67. The said State school teacher when elected to the office of Classifier shall continue in charge of his school being assisted as occasion may require in the discharge of his school duties by a relieving teacher and shall be paid an annual salary of Six hundred and fifty pounds. But nothing in this section hereinbefore contained shall affect the salary

of the State school teacher holding the office of Classifier at the time of the passing of the Act No. 1001 so long as he continues to be a Classifier. "The Public Service Act 1883."

After the expiration of the three years for which period such State school teacher was elected as aforesaid, he shall if not re-elected a Classifier and even though not a first-class teacher be paid the salary of a first-class teacher and if he be not in charge of a first-class school shall be appointed to the first vacancy in the first class notwithstanding anything in this Act to the contrary contained.

68. The Classifiers may from time to time make and repeal alter and amend regulations which shall have full force and effect as soon as approved by the Governor in Council for all or any of the following purposes:— Regulations concerning appointments and district training schools. *Ib.* s. 47.

- (i.) For determining the conditions to be fulfilled by candidates for the position of student in training pupil teacher or sewing mistress and for determining by competitive examination the persons to be appointed to any such position when there are more candidates than vacancies to be filled; and for holding any such competitive examination:
- (ii.) For determining which schools shall be district training schools and for allotting the studentships therein.

69. The Classifiers shall from time to time as new schools are opened classify such schools and shall place each of such schools in one of the several classes mentioned in the Fourth Schedule hereto. Classification of new State schools. *Ib.* s. 48. Fourth Schedule.

70. Every school teacher and every pupil teacher employed in a State school at the time of the passing of "The Public Service Act 1883" shall be deemed to have been entitled to be classified as in the said Act provided, and when a class has been assigned to each he shall be entitled to have his name recorded on the classified roll of State schools and school teachers hereinafter called the "Classified Roll" in such class and in such relative position in point of order and precedence with respect to the names of other teachers or pupil teachers in the same class as in this Act provided. Teachers and pupil teachers to be classified and their names recorded on Classified Roll. *Ib.* s. 49.

71. All qualified candidates for employment as teachers pupil teachers or sewing mistresses or for studentships in training or as teachers of singing drawing drill or gymnastics shall be entitled to have their names from time to time recorded in an employment register and in such relative position in point of order and precedence with respect to the names of other such candidates for employment as is provided in the Fifth Schedule hereto. The said employment register shall be in the form set out in the said schedule and shall be prepared by the Classifiers in accordance with the provisions therein contained. Applicants for employment and for training to be entered in employment register. *Ib.* s. 50. Fifth Schedule.

72. If the Secretary for Public Instruction certify to the Classifiers that any person who would otherwise have been entitled to have his or her name recorded in an employment register under the provisions of the last preceding section has been guilty of misconduct or is unfit for employment the name of such person shall not be placed upon such employment register until the Classifiers have determined whether such unfitness or misconduct exists. Names of unfit persons not to be recorded in employment register. "The Education (Teachers) Act 1883" s. 3.

73. There shall be a Classified Roll of every classified State school and of the classified teachers and pupil teachers thereof showing the determination of the relative position in point of order and precedence Classified Roll to be published. "The Public Service Act 1883" s. 51.



"The Public Service Act 1883."  
Fourth Schedule.

in their respective classes of each of such teachers and pupil teachers. The said Classified Roll shall be in the form set out in the Fourth Schedule hereto and shall be prepared by the Classifiers in accordance with the provisions therein contained and shall be certified under their hands as being correct, and shall be and continue to be in force for the period of three years then next ensuing from the date of the last publication thereof in the *Government Gazette* or until the publication of the next revised Classified Roll.

Classification of teachers.  
*Ib.* s. 52.

74. If any teacher who at the time of the passing of "*The Public Service Act 1883*" was classified under the provisions of section fifty-two of the said Act in a higher class than that of his then present school or his position therein and shall continue at the commencement of this Act to hold such school or position therein he shall receive the salary attached thereto until a vacancy occurs in the class in which he has been placed, when he shall be transferred to fill such vacancy, and if there be several such teachers to be transferred to such class they shall be so transferred in their order of record on the transfer list hereinafter mentioned.

Teachers in receipt of special salaries at the time the first Classified Roll was prepared shall be deemed to have been entitled to be classified in accordance with the position they held prior to being paid special salaries.

Teacher may waive his right to transfer.  
"*The Education (Teachers) Act 1888*" s. 4.

75. Any teacher who is entitled to be transferred from his school or position to fill a vacancy in the class in which he has been placed under the provisions of the last preceding section may by writing under his hand addressed to the Secretary for Public Instruction waive his right to be so transferred, in which case he shall not be entitled to transfer by virtue of the provisions of that section or by reason of his name having been entered in the transfer list for transfer on the ground of his receiving a salary for a lower class than that in which he is placed.

Mode of determining position of teachers in a class.  
"*The Public Service Act 1883*" s. 53.

76. In determining the relative positions in order of precedence of teachers in each class, the Classifiers shall divide each class except the first-class into three sub-classes, and shall place in the first of such sub-classes the names of all teachers whom they decide to have prior claims to promotion on account of—

- (i.) General conduct;
- (ii.) Proved teaching and in the case of head teachers organizing ability;
- (iii.) Literary qualifications; and
- (iv.) Length of service;

and shall place in the second sub-class the names of all teachers who stand next for promotion to the first sub-class; and shall arrange the names of the teachers in each sub-class in order of seniority as set forth in the Fourth Schedule hereto. Provided that teachers previously placed in the first sub-class of any class and at any triennial revision of the Classified Roll again placed in such sub-class shall retain their former order of precedence for appointment.

Fourth Schedule.

Supplementary Classified Rolls.  
*Ib.* s. 54.  
Sixth Schedule.

77. The Classifiers shall twice a year after the publication of the Classified Roll cause to be prepared and published in the *Government Gazette* a supplementary roll in the form set out in the Sixth Schedule hereto and in accordance with the provisions therein contained showing the changes that have been made by the establishment discontinuance or re-classification of schools by deaths resignations and dismissals and

by the appointments promotions and reductions made since the publication of the Classified Roll or last supplementary roll, and shall if all the teachers in the first sub-class of any class have been promoted enter in such sub-class additional names from the second sub-class. Such supplementary rolls shall be read with and as part of the Classified Roll until the next triennial revision thereof.

*"The Public Service Act 1883."*

78. The Classifiers shall at the end of each triennial period commencing from the publication of the first Classified Roll as provided under *"The Public Service Act 1883"* revise the Classified Roll in regard to the classification of schools of teachers and of pupil teachers and the relative position of teachers in their several classes; and for the purposes of such revision the Classifiers shall have placed before them the records of the Education Department with respect to each teacher during such triennial period, and shall record any changes in classification which have occurred since the last revision, and shall re-arrange the sub-classes in each class, and may if they think fit and proper so to do place any teacher in a higher or lower sub-class in his class or record him for reduction to a lower class.

Revision of Classified Rolls every three years.  
*Id. s. 55.*

The Classified Roll when so revised at the end of each such triennial period shall be and continue to be in force for the period of three years then next ensuing from the date of such revision or until the publication of the next revised Classified Roll.

79. Notwithstanding anything in this Act contained, the Classifiers may in their discretion whenever and as often as the head-mastership of any classified school becomes vacant re-classify such school, and such re-classification shall be entered upon the Classified Roll in force at the time of such re-classification, and shall unless such school be sooner again re-classified remain in force until the end of the triennial period of the Classified Roll in which such re-classification has been so entered. Provided that if on any such re-classification the class of such school be reduced the provisions of section ninety-four of this Act shall apply to the assistant teachers of such school upon the publication of the next supplementary roll or Classified Roll whichever first occurs as though such school had been then re-classified; but until such publication the provisions of the said section shall not apply.

Classifiers may re-classify a State school when a vacancy occurs in the head-mastership.  
*"The Education (Teachers) Act 1883" s. 5.*

80. If any teacher feels aggrieved at the decision of the Classifiers with respect to the classification of his school or the class or sub-class in which he is placed on the Classified Roll, or with respect to being recorded for reduction to a lower class at any revision of the Classified Roll, he may within fourteen days from the day on which he has been notified by the Classifiers appeal from such decision to the Board, who are hereby empowered to hear and determine such appeal and to amend the Classified Roll or to confirm it with respect to and so far as it affects such appellant, and the decision of the Board shall be final.

Teacher may appeal to Board if dissatisfied with classification.  
*"The Public Service Act 1883" s. 56.*

81. If at any time any teacher appears to have been guilty of conduct which though not calling for dismissal would render him unfit for promotion or justify his reduction, the Secretary of the Education Department shall inform the Classifiers thereof, and the Classifiers may upon proof that such teacher has been notified to appear before them proceed to hear and determine the matter whether he be present or not, and may reduce such teacher in his class from one sub-class to another or may record him for reduction to a lower class; in every such case the

Reduction in rank of teachers.  
*Id. s. 57.*  
*"The Education (Teachers) Act 1883" s. 2.*

"The Public Service Act 1883."

Appeal and rights of appellant.

teacher may within fourteen days after receipt of notice from the Classifiers of such proposed reduction appeal to the Board, who may confirm alter or reverse the action of the Classifiers, and the decision of the Board shall be final. Any teacher appealing to the Board under the provisions of this Act shall for the purpose of such appeal be entitled to inspect the records of the Education Department relating to him, and to take copies thereof.

#### DIVISION 2.—TEMPORARY UNCLASSIFIED STATE SCHOOLS.

Temporary unclassified schools may be established in thinly-peopled districts.

"The Education (Teachers) Act 1888" s. 19.

82. Subject to regulations to be made by the Governor in Council as hereinafter in this Division of this Part provided, the Minister of Public Instruction may from time to time establish in thinly-peopled districts where an average attendance of less than twenty children is probable and where it may not be deemed to be practicable or desirable to establish classified part-time schools temporary unclassified schools; such schools shall except as to qualifications salary and allowances of the teachers and the selection of buildings for the use of such schools be subject to the same regulations as those which apply to classified State schools.

Minister may appoint any one not on classified roll to temporary school.

*Ib.* s. 20.

83. Subject to such regulations to be made as hereinafter in this Division of this Part provided, the said Minister may from time to time appoint any person whose name does not appear upon the Classified Roll to be a teacher for any such temporary unclassified school and may at any time dismiss any such teacher. If any such temporary unclassified school becomes a classified State school, then a teacher whose name appears upon the Classified Roll shall be appointed to such school. Provided that if any person so appointed to be a teacher of any unclassified State school is in receipt of any pension superannuation or retiring allowance from the Crown such pension superannuation or retiring allowance shall not merge in or be affected by the remuneration or allowance paid to such teacher.

Conversion of temporary unclassified school into classified school.

*Ib.* s. 21.

84. If any such temporary unclassified school maintains for a period of six consecutive months an average attendance of twenty children or more the Minister shall in accordance with regulations to be made as hereinafter in this Division of this Part provided direct that such temporary unclassified school shall become a classified State school, and the same shall become a classified State school accordingly.

Classified school on falling off of children may be declared temporary unclassified school.

*Ib.* s. 22.

85. If during any period of six consecutive months any classified State school has not maintained an average attendance of at least twenty children the Minister may in accordance with regulations to be made as hereinafter in this Division of this Part provided direct that such classified State school shall become a temporary unclassified school, and the same shall become a temporary unclassified school accordingly and be subject to the regulations prescribed for such schools. Provided that the teacher of such school may elect to remain in such school, and shall whilst remaining there be temporarily subject to the regulations relating to teachers of temporary unclassified State schools, including those relating to the remuneration or allowance to be paid him, but shall retain his classification and shall remain on the Classified Roll and a member of the Professional Division of the public service, and shall not be dismissed save in accordance with the law relating to the dismissal of other teachers in the public service.

**86.** The Governor in Council may from time to time make regulations for the purposes following and may at any time repeal alter and amend the same:—

For determining the qualifications to be possessed by and the salaries and allowances to be paid to teachers of temporary unclassified schools.

For determining the nature of the buildings which may be used or erected for temporary unclassified schools.

For determining the conditions under which temporary unclassified schools may be converted into classified State schools.

*"The Education (Teachers) Act 1883" s. 23.*

Power to make regulations for temporary unclassified school.

### DIVISION 3.—APPOINTMENT ETC. OF TEACHERS.

**87.** The powers conferred upon the Governor in Council by section five of the *Education Act 1890* for the appointment and removal of a Secretary Inspector-General teachers and such other officers as may be deemed necessary in the Education Department shall not be exercised except in accordance with the provisions and under the restrictions imposed by this Act.

Appointments in the Education Department under Education Act.

*"The Public Service Act 1883" s. 58.*

**88.** No appointment or promotion shall be made to the office of teacher in the Education Department or to any position mentioned on the Classified Roll except on request to the Minister by the secretary and then only upon a certificate from the Board that such an appointment or promotion is required. The Board in giving such certificate shall name the person whose name appears on the Classified Roll or the employment register as the case may be as the person next entitled to such appointment or promotion.

How appointments and promotions are to be made.

*Ib. s. 59.*

*"The Education (Teachers) Act 1883" s. 2.*

In this section the word "appointment" is hereby declared to mean the first appointment of any person to the office of teacher or to any position on the classified roll but shall not include transfers from one school to another in the same class.

Meaning of "appointment."

*Ib. s. 6.*

**89.** Every person on his first appointment to any position mentioned in the Classified Roll shall be appointed on probation for one year, and no such person so appointed to any position in Part II. of the Classified Roll or to the position of singing master or drawing master shall have his appointment confirmed, and no pupil teacher or student in training shall be appointed to any position in Part II. of the Classified Roll, until such person or pupil teacher or student in training as the case may be have effected in some life assurance company carrying on business in Victoria an insurance on his life providing for the payment of a sum of money on his death should it occur before the age of retirement from the public service, or if he survive till that age of a sum of money or annuity at the date of such retirement. Such insurance shall be continued and the amount thereof fixed and increased from time to time in accordance with regulations to be made by the Board in that behalf and approved by the Governor in Council. And no policy of insurance so effected shall be during the time such person remains in the public service assignable either at law or in equity.

Teachers to be appointed on probation and to insure.

*"The Public Service Act 1883" s. 60.*

**90.** Every school of each class shall except as in this Act provided be under the charge of a head teacher of the corresponding class, and every vacancy in the head teachership of a school at which the average

Staff of schools

*Ib. s. 61.*

"The Public Service Act 1883."

Seventh Schedule.

Mode of appointment in certain cases.  
Ib. s. 62.

Eighth Schedule.

attendance exceeds fifty pupils or which is carried on as a part-time school shall be filled by the appointment of a male head teacher. Assistant teachers pupil teachers and sewing mistresses shall be allotted as provided in the Seventh Schedule hereto.

91. After the publication of the Classified Roll, when any vacancy occurs for a head teacher assistant teacher or relieving teacher it shall be filled according as the vacancy is for a male or a female by the male or the female teacher as the case may be who is entered first on a transfer list to be from time to time prepared by the Classifiers in the manner prescribed in the Eighth Schedule hereto of teachers recorded for reduction or transfer to such school or position; but if there be no person so recorded for reduction or transfer to fill such vacancy, then the person on the Classified Roll or on the employment register as the case may be next in order of precedence for appointment shall be appointed.

Effect on staff of the classification of school being raised.  
Ib. s. 64.

92. When at any triennial revision of the Classified Roll or at any publication of a supplementary roll a school is placed in a higher class, each of the teachers thereof shall if he possess the prescribed certificates remain in the school, but notwithstanding anything herein contained he shall not receive the salary of any higher class to which the new classification of the school would entitle him until he have in regular course attained the maximum salary of his previous class.

Should he not possess the prescribed certificates, he shall be allowed twelve months after such re-classification of his school to obtain them, and failing to do so shall then be recorded for transfer when a vacancy occurs to a position corresponding to that which he held before the classification of his school was raised.

Salaries of certain teachers on school being placed in a higher class at a triennial revision.  
"The Education (Teachers) Act 1888" s. 9.

93. When at the triennial revision of the Classified Roll or at any publication of a supplementary roll a school is placed in a higher class each of the teachers thereof who is in the first sub-class of his class shall notwithstanding anything in the last preceding section contained be entitled at once to receive the salary of the class next higher than that in which he was immediately before such publication or revision, and where at any time subsequent to the passing of "The Public Service Act 1883" and before the passing of "The Education (Teachers) Act 1888" a school has been at the triennial revision of the Classified Roll or at any publication of a supplementary roll placed in a higher class each of the teachers thereof who was at that time in the first sub-class of his class shall be entitled as from the passing of "The Education (Teachers) Act 1888" to receive the salary of the class next higher than that in which he was immediately before such publication or revision.

Effect on staff of reduction in classification of school.  
"The Public Service Act 1883" s. 65.

94. When at any triennial revision of the Classified Roll or at any publication of a supplementary roll a school is placed in a lower class, each of the teachers shall retain his former class and salary but without further increment until an offer can be made to him of a position corresponding to that which he held under the former classification of his school. Should he refuse to avail himself of such offer, he shall from the first day of the month succeeding that in which the offer is made receive the maximum salary attached to his position under the reduced classification of the school.

95. Notwithstanding anything in the last preceding section contained if it appear to the Secretary for Public Instruction that a school has been reduced in classification through or in consequence of the fault of any of the teachers, the said Secretary may certify the same to the Classifiers, who may thereupon reduce such teacher or teachers to the class corresponding to that of his or their position under the reduced classification of the school. Any teacher so reduced shall be entitled within one month of the notification to him of such reduction to appeal against the same to the Board, who shall proceed to hear such appeal and to take evidence therein if required to do so either by the said Secretary or by such teacher, and the Board may either confirm such reduction or disallow the same, in which latter case such teacher shall be restored to the position held by him before his reduction.

*"The Education (Teachers) Act 1883" s. 11.*  
Teacher causing reduction in class of his school may be reduced.

96. All transfers of teachers whether male or female from one school to another shall be made by the Governor in Council upon the recommendation of the Secretary for Public Instruction made in accordance with the transfer list. If any teacher other than junior assistants or pupil teachers object to be transferred, then unless the said Secretary and the Inspector-General jointly report that such transfer is required in the public interest such teacher shall not be transferred; but if the said Secretary and Inspector-General jointly report that such transfer is required in the public interest, then the teacher so objecting shall accept such transfer and in the event of his refusal his services shall be dispensed with.

Transfers how to be made.  
Id. s. 7.

97. When there is no applicant on the transfer list for any vacancy or vacancies the Board may by a registered post letter require any one or more teachers whose names are on the Classified Roll or candidates whose names are on the employment register and which teachers or candidates are respectively eligible for appointment to fill such vacancy or vacancies to signify whether they are willing to fill any of such vacancies whatsoever or any of them which such teachers or candidates may respectively specify. No such teacher or candidate shall be appointed to fill any such vacancy unless and until he have signified that he is willing to be so appointed.

Provision for filling vacancy when no applicant on the transfer list.  
Id. s. 10.

Every such teacher or candidate may by letter signify to the Board that he is willing to fill such vacancies or any of them he may specify, but such letter shall reach the office of the Board not later than fourteen days after the posting of the registered post letter sent to him by the Board. Provided that if at any time before the expiration of such period of fourteen days an answer is received from any such teacher or candidate by the Board refusing to fill any of such vacancies or signifying that he is willing to be appointed to fill any of such vacancies whatsoever or any of them by him specified, then the Board may so far as such teacher or candidate is concerned treat such period of fourteen days as having expired at the time at which such answer is received.

If any teacher or candidate is not forthwith upon the expiration of such period of fourteen days appointed to fill one of such vacancies specified in such registered post letter which he would have been appointed to fill if he had signified that he was willing he shall be

"The Education  
(Teachers) Act  
1883."

held to have waived his right of appointment to all vacancies occurring within six months from the expiration of such period of fourteen days.

Of such teachers or candidates as signify that they are willing to be appointed to fill any such vacancy each shall have precedence in appointment to fill the same according to the position his name occupies on the Classified Roll or employment register (as the case may be), and notwithstanding anything contained in sections eighty-eight and ninety-one of this Act every such teacher or candidate may in his answer to the Board express his order of preference for the various vacancies notified to him and shall be appointed to fill that vacancy the appointment to which he most prefers and to fill which some other person has not been appointed under the authority of this section.

Effect of refusal  
to accept  
appointment to  
junior  
assistantship.  
Ib. s. 8

98. If any person holding the position of junior assistant who has been appointed to such position after the first day of November One thousand eight hundred and eighty-three and has held such position for not less than one year refuse an appointment to a fifth-class school, or if after the first day of January One thousand eight hundred and eighty-nine any pupil teacher who has been appointed after the first day of November One thousand eight hundred and eighty-three and has been classified as a first-class pupil teacher for not less than two years refuse an appointment to a junior assistantship or a fifth-class school, the services of such junior assistant or pupil teacher (as the case may be) shall be dispensed with, unless such junior assistant or pupil teacher be a female and satisfy the Board that the vacancy is one which it would not be fit and proper for her to accept.

Temporary  
appointments.  
"The Public  
Service Act  
1883" s. 67.

"The Education  
(Teachers) Act  
1883" s. 12.

99. Nothing herein contained shall prevent the Minister on the request of the Secretary from appointing as temporary head teacher or assistant or pupil teacher or sewing mistress during the absence from duty of any head teacher or assistant or pupil teacher or sewing mistress or until a vacancy for an head teacher or assistant or pupil teacher or sewing mistress can be filled as provided by this Act any person on the Classified Roll or the employment register. Provided that any salary paid to such person shall not exceed the minimum salary payable for the position to be filled and that the classification of any such person temporarily employed and his order on the Classified Roll or on the employment register shall not be thereby affected.

Salaries of  
classified  
teachers.  
"The Public  
Service Act  
1883" s. 68.  
Fourth  
Schedule.

100. Subject to the provisions of this Act all teachers shall retain the positions and classification held by them at the commencement of this Act and shall be paid the salaries specified in the Fourth Schedule hereto subject to the following conditions (that is to say):—Teachers in receipt of a salary higher than the maximum salary assigned by the said schedule to fully qualified teachers in such positions shall receive such maximum salary. Provided that no teacher shall be paid less than nine-tenths of the salary which he was receiving at the passing of "The Public Service Act 1883." Teachers in receipt of salary less than the maximum salary assigned by the said schedule to fully qualified teachers in such positions shall continue to receive such lower salary, provided that those fully qualified for their positions under "The Public Service Act 1883" shall be deemed to have proceeded to the next higher salary of the class on the first day of July One

thousand eight hundred and eighty-four, and shall be deemed to have proceeded and shall proceed so on annually until they shall have reached the highest salary provided for their class; and those not fully qualified for their positions under "*The Public Service Act 1883*" and "*The Education (Teachers) Act 1888*" shall not be deemed to have been entitled to receive and shall not receive any increment until the first day of the month of July subsequent to their obtaining the prescribed qualification.

Teachers in receipt of special salaries at the passing of "*The Public Service Act 1883*" shall be paid according to their classification as hereinbefore provided and subject to the conditions herein stated in regard to other teachers.

101. Teachers whose salaries at the passing of "*The Public Service Act 1883*" exceeded the maximum salary assigned to their position under the said Act shall receive as compensation for the reduction in their income a sum amounting to one-twelfth of such reduction for each year of service and a proportionate sum for any additional time less than a year unless they have already received such compensation.

102. Section one hundred and seven shall extend and apply to all officers of the Education Department and teachers in any State school in the same way and to the same extent as but not further or otherwise than the said section applies to officers in any other department of the public service.

103. Female teachers may retire from the service either at the age of fifty years or after thirty years of service, and any teacher so retiring may if she would have been entitled to any superannuation or retiring allowance compensation or gratuity on attaining the age of sixty years be entitled on retirement under the provisions of this section to superannuation or retiring allowance compensation or gratuity computed upon her period of service.

104. The whole of the period of service of any teacher in or under the Education Department (whether such period of service has been continuous or not) shall be taken to be time spent in the public service for the purpose of section one hundred and thirty-four of this Act.

105. The Minister of Public Instruction may if he thinks fit and if the Secretary for Public Instruction certify that it is for the interests of any State school require any teacher assistant teacher pupil teacher or sewing mistress of such State school to reside in the immediate neighbourhood of his or her school. Any such teacher upon receiving a notice to that effect in writing from the said Secretary shall from the time specified in such notice reside within such distance of his or her school as may be therein mentioned.

#### PART IV.—PENSIONS.

106. No pension or superannuation or retiring allowance or compensation or gratuity for loss of office or on death or on reduction of salary or other like payment shall be paid either directly or indirectly out of the consolidated revenue to any person who shall have been after the passing of the Act No. 710 or shall hereafter be appointed either permanently or temporarily to any public office whatsoever or to his family or representatives.



*Act No. 710 s. 2.*  
Section not to  
apply to  
Supreme Court  
judges or police  
&c.

This section shall not apply to any judge of the Supreme Court nor to any officer or member of the police force nor to any person employed in the public service at the time of the passing of the Act No. 710, nor to any person entitled to any pension superannuation retiring allowance compensation or gratuity under the provisions of any Act passed since the passing of the Act No. 710 and before the commencement of this Act.

Persons entitled  
to superannua-  
tion or retiring  
allowance  
compensation or  
gratuity.  
"The Public  
Service Act  
1883" s. 99.

**107.** All persons classified or unclassified holding offices in any department of the public service at the time of the passing of "*The Public Service Act 1883*" except persons appointed since the passing of the Act No. 710 shall be entitled to superannuation or retiring allowance compensation or gratuity to be computed under the provisions of Act No. 160, but save as aforesaid nothing in this Act shall in any way affect alter or vary the enactment in the last preceding section so as to give any person appointed under "*The Public Service Act 1883*" or hereunder any claim to any pension superannuation or other allowance.

As to computa-  
tion of retiring  
allowances.  
"The Public  
Service Act  
1889" s. 37.

**108.** In computing any superannuation or retiring allowance compensation or gratuity to which any officer may be entitled under the Act 160 or under this Act or any of them the word "salary" in Part VI. of the Act No. 160 shall be taken to mean and comprise all the pecuniary emoluments received by any officer in the public service from the Crown in his capacity as such officer whether as salary or as allowances other than such payments as may be made for overtime or be otherwise of a temporary character or be made for travelling allowance.

#### PART V.—OATHS OF OFFICE.

Oaths abolished.  
*Act No. 45 s. 1.*

**109.** From and after the passing of Act No. 45 in every case where but for the passing of the said Act or this Part of this Act it would be necessary for any person to take the oaths of allegiance supremacy and abjuration or any of them or the oath prescribed by the Act of Parliament commonly called "*The Roman Catholic Relief Act*" or to make the declaration prescribed by the Act of Parliament passed in the ninth year of the reign of King George the Fourth chapter seventeen, it shall be sufficient for such person to take in lieu of the said oaths and declaration the oath set forth in the Ninth Schedule to this Act, anything in the said Acts or in any other Statute Act or law to the contrary notwithstanding.

Ninth Schedule.

Oath of public  
officer.  
*Ib. s. 2.*

**110.** The oath of office to be hereafter taken by persons who shall accept any office or place in the public service of Victoria (in lieu of the oath in that behalf previously to the passing of Act No. 45 taken) shall be the oath set forth in the Tenth Schedule hereto.

Tenth Schedule.

Reigning  
Sovereign to be  
named in oath.  
*Ib. s. 3.*  
21 & 22 Vict.  
c. 48 s. 2.  
Affirmation in  
lieu of oath.  
*Ib. s. 4.*  
*Ib. s. 3.*  
Eleventh  
Schedule.

**111.** In case of the demise of Her Majesty (whom may God long preserve) the name of Her Majesty's successor for the time being shall be substituted in the form of oath instead of the name of Her Majesty.

**112.** If any person shall be unwilling from alleged conscientious motives to be sworn, it shall be lawful for such person instead of being sworn to make his solemn affirmation in the form contained in the Eleventh Schedule to this Act; which solemn affirmation shall be of the same force and effect as if such person had taken an oath in the form hereinbefore prescribed in that behalf.

113. Every oath and affirmation taken and made under this Part of this Act may be taken and made at any hour of the day.

*Act No. 45 s. 5.*  
Time of swearing  
or affirming.

114. Every oath or affirmation taken or made under this Part of this Act in which the name of Her Majesty or any of Her successors is or shall be mentioned shall be valid and sufficient, notwithstanding the demise of Her Majesty, if such demise shall not have been proclaimed in Victoria.

Oath or affirmation  
to be valid  
notwithstanding  
demise of  
Sovereign.  
*Id. s. 6.*

#### PART VI.—MISCELLANEOUS.

115. No person whether mentioned in section three of this Act or not, being in the employment whether permanent or temporary of the Government of Victoria, receiving salary or remuneration payable to him out of the Treasury of Victoria for his services, who shall perform by virtue of his office or of any commission, or who by rule or order of any court now existing or which may hereafter exist in Victoria, or of any judge of or other person presiding in such court, shall be directed to perform any act or duty relative to any proceeding of any nature depending in any court or relating to the administration of justice or of any other nature whatsoever, shall directly or indirectly take or receive for his own use any fee commission perquisite or emolument for performing such act or duty over and above his accustomed salary, any statute law custom or usage to the contrary notwithstanding; and if any such person shall perform any such act or duty by himself or by a deputy and shall by himself or by such deputy receive any fee or sum of money payable or to be paid by the person for whom or at whose instance or request or for whose benefit the same is performed, he shall within the space of one calendar month pay the same into the Treasury of Victoria; and every such person who shall wilfully fail to comply with the conditions herein contained shall be deemed guilty of embezzlement of the public revenue of Her Majesty, and shall be liable to be tried for such offence before any court having competent jurisdiction and if found guilty to be punished accordingly.

No fees &c. to be  
taken for their  
own use by  
salaried officers.  
*Act 15 Viet.*  
*No. 6 s. 1.*

116. Except with the express permission of the Governor signified by Order in Council published in the *Government Gazette* which permission may be at any time by Order in Council withdrawn no officer shall after the first day of January One thousand eight hundred and eighty-nine accept or continue to hold or discharge the duties of or be employed in any paid office in connexion with any banking insurance mining mercantile or other commercial business, whether the same be carried on by any corporation company firm or individual; nor except as aforesaid shall any officer himself engage in or undertake any such business whether as principal or agent; nor engage or continue in the private practice of any profession; nor accept or continue to hold any office in or under any municipal or any other corporation whatsoever, nor accept or engage in any employment other than in connexion with the duties of his office or offices under the Crown. Provided that nothing herein contained shall be deemed to prevent any officer from becoming a member only of any incorporated company or of any company or society of persons registered under any Act of Parliament.

No officer in the  
Public Service to  
engage in duties  
unconnected  
with his office.  
*Act No. 984 s. 2.*

In this section "officer" shall mean any officer to whom this Act applies and shall include members of the Board appointed to carry out this Act.

Meaning of  
"officer."

"The Public Service Act 1883" s. 71.  
Provision for rateable reduction or increase in the maximum and minimum limits of salary.

117. Before the transmission of the message accompanying the Estimates in any financial year, the Governor may recommend by message to the Legislative Assembly a rateable reduction or increase if any such be required, according to a specified rate, in the salary for each person in each class of the Clerical division; and if such rate of reduction or increase be adopted by the Legislative Assembly, then the maximum and minimum limits of salary of the respective classes shall be reduced or increased as the case may be according to that rate and a proportionate reduction or increase of increment attached thereto, and such maximum and minimum limits of salary and of increment shall remain at such reduced or increased sum until another recommendation be made by the Governor in accordance with the provisions herein contained.

Officers leaving the public service and re-entering to insure.

"The Public Service Act 1890" s. 25.

118. If any person who would have been entitled on retirement from the public service at the age of sixty (or before that age on the ground of ill health) to any superannuation or retiring allowance compensation or gratuity leave the public service after the passing of this Act before attaining the age of sixty on any other ground than that of ill health he shall forfeit his right to any superannuation or retiring allowance compensation or gratuity.

Any such person shall if he re-enter the public service immediately or at any subsequent time enter the same as a probationer, and the provisions of this Act relating to the insurance of probationers and of officers shall apply to such person.

Service in Department of Railways to count if officer joins public service.  
"The Public Works Statute 1865" s. 23.

119. Whenever and as often as any officer of the Department of Railways is transferred or admitted to any branch of the public service, the length of service or employment of such officer in the said department shall be taken into account in favour of such officer with reference to the privileges and advantages of any Act now or hereafter in force for regulating the public service in Victoria, in like manner as if such officer had been from the date of his appointment to or employment in the said department appointed to a department not declared to be temporary within the meaning of any such Act.

Services of probationer may be dispensed with.

"The Public Service Act 1883" s. 75.

"The Public Service Act 1889" s. 33.

No officer to be dismissed except under this Act.

"The Public Service Act 1883" s. 76.

120. The Board on the recommendation of the permanent head of any department may at any time during probation dispense with the services of any probationer from such department.

121. After the passing of this Act no officer in the public service shall be dismissed therefrom or suffer any other penalty in respect thereof except for the causes and in the manner set forth in this Act; but nothing herein contained shall be taken to prevent the Board with the consent of the Governor in Council reducing the number of officers in any department or dispensing with the services of any officers<sup>(a)</sup> or amalgamating two or more departments.

(a) It was held, under section seventy-six of "The Public Service Act 1883" herein re-enacted, that officers of the Civil Service appointed under the Act No. 160 were not affected by the said seventy-sixth section, and that the modes and causes for dismissing and dispensing with the services

of such officers were still governed by section 27 of Act No. 160.—*Browne v. The Queen*, 12 V.L.R., 397. This decision was given before the passing of "The Public Service Act 1889," section 29 (re-enacted as section 123 of this Act).

122. Where in or by any Act of Parliament Order in Council rule regulation by-law contract or agreement any duty obligation right or power is imposed or conferred upon any officer in Her Majesty's service (other than a Responsible Minister of the Crown) in his capacity as such officer, such duty obligation right or power may be performed or exercised by any other officer whom the Governor in Council may have directed to perform and exercise the duties obligations rights and powers of such first-mentioned officer during his temporary absence or incapacity, in the same manner and to the same extent in all respects as the same might have been respectively performed or exercised by such first-mentioned officer, and everything so done under the provisions of this section shall be as good and effectual for all purposes and against all persons whatsoever as if done by such first-mentioned officer.

*"The Public Service Act 1889" s. 23.*  
Performance of duties and powers of officer in his absence.

123. The Board may make regulations concerning the duties to be performed by officers in the public service whether appointed before or after the passing of "*The Public Service Act 1883*" and the discipline to be observed in the performance of such duties, and may subject to the provisions of this Act affix to breaches of such regulations penalties according to the nature of the offence.

Regulations as to duties and discipline.  
*Ib. s. 29.*

No such regulations shall in any manner alter or affect duties which are at any time required by any Act to be performed.

All regulations in force at the time of the passing of this Act made and published under section seventy-seven of the "*The Public Service Act 1883*" shall continue in force and extend to officers in the public service at whatever time appointed as though such regulations had been made under this section.

124. If any officer—

be guilty of any breach of the regulations made under the provisions of this Act; or

be guilty of any misconduct; or

be negligent or careless in the discharge of his duties; or

be inefficient or incompetent and such inefficiency or incompetency appear to arise from causes within his own control; or

be guilty of any disgraceful or improper conduct;

then such officer shall be guilty of an offence. Any officer charged with the commission of any such offence may be dealt with in one of the modes following:—

Punishment of offences.  
*Ib. s. 30.*

- (1.) The permanent head, if he be of opinion that the alleged offence is not of so serious a nature that a report thereof should in the course of his duty be made to the Minister, but after hearing such officer in his defence if he think that such offence has been committed by such officer, may either reprimand or caution such officer only or he may in addition to such reprimand or caution impose a penalty not exceeding Five pounds upon such officer. Provided that the Minister may on the appeal of the officer so reprimanded cautioned or fined confirm or disallow the action of such permanent head, and the decision of the Minister shall be final and without appeal.

"*The Public Service Act 1889.*"

(II.) The permanent head, if he think the offence is of so serious a nature that a report thereof should in the course of his duty be made to the Minister, may suspend such officer and forthwith report the officer so offending to the Minister who may then if he think fit lay the matter before the Board, and if such officer do not in writing admit the truth of the charges made against him the Board shall inquire as to the truth of such charges, or if the Board be of opinion that it is desirable that any such charges should be inquired into by some persons specially appointed for the purpose it may communicate its opinion to the Minister, and the Governor in Council may thereupon appoint three or more persons to inquire as to the truth of such charges. Any such persons so appointed for such purpose shall have authority to hear receive and examine evidence upon oath, and shall after fully hearing the case report to the Board their opinion thereon.

If any such charges be admitted as aforesaid or be found by the Board or by persons appointed as aforesaid to be proved, the Board may according to the nature of the offence reduce such officer to a lower rank in the public service or to a lower salary or deprive him of any future annual increment he would otherwise have been entitled to receive or any part thereof or of his leave of absence during such time as the Board thinks fit, or with the consent of the Governor in Council dismiss such officer from the public service or dispense with his services or request him to resign, and unless the Board otherwise orders such officer shall forfeit all salary or wages except such as may have been due before his suspension.

If such charges be found by the Board or by persons appointed as aforesaid not to be proved the suspension shall be immediately removed.

Right of officers to be represented by counsel.  
*Ib.* s. 31.

125. All officers upon the hearing by the Board or by any persons appointed under the authority of the last preceding section of any charge against them which is punishable by dismissal from the public service, shall be entitled (if they so desire) to be represented by counsel attorney or agent, who shall be at liberty to examine witnesses and address the Board or such persons (as the case may be) in their behalf. The Board and all such persons so appointed shall when inquiring as to the truth of any such charges inquire as to the truth of the same without regard to legal forms and solemnities, and shall direct itself or themselves by the best evidence it or they can procure or that is laid before it or them whether the same be such evidence as the law would require or admit in other cases or not, and it shall be lawful for the Board or such persons (as the case may be) to receive or reject as it or they may deem fit any evidence that may be tendered.

Forfeiture of office in certain cases.  
"The Public Service Act 1883" s. 70.

126. If any officer be convicted of any felony or infamous offence or become insolvent or apply to take the benefit of any Act now or hereafter to be in force for the relief of insolvent debtors or by any deed or other writing compound with his creditors or make an assignment of

his salary for their benefit, he shall be deemed to have forfeited his office, and shall thereupon cease to perform his duties and to receive his salary.

127. When any such officer has forfeited his office by reason of any such pecuniary embarrassment as aforesaid, if he prove to the satisfaction of the Board that such embarrassment has not been caused or attended by any fraud extravagance or dishonourable conduct, the Governor in Council on a certificate from the Board may reinstate such officer in his former position in the public service but no uncertificated insolvent shall be so reinstated.

Governor may reinstate insolvent officer in the absence of fraud.  
*Id.* s. 80.

128. No person who is proved to the satisfaction of the Board to be habitually using intoxicating beverages to excess shall be appointed to or retained in the public service.

Excessive use of intoxicating liquors.  
*Id.* s. 81.

129. If any officer is guilty of any conduct which in the opinion of the Board renders him unfit to continue in the public service, such officer upon proof thereof to the satisfaction of the Board may be dismissed from the public service by the Governor in Council.

Officer guilty of improper conduct may be dismissed.  
*Id.* s. 82.

130. The Inspector-General of Penal Establishments and Gaols, and every governor of a penal establishment or gaol who is authorized by the Minister, and the Inspector of Lunatic Asylums, and every superintendent of a lunatic asylum who is authorized by the Minister shall have the same power with regard to breaches of discipline and offences committed by officers of such penal establishment gaol or lunatic asylum (as the case may be) and the punishment of the same as the permanent head has under any Act or regulations for the time being in force. Any such authority so given by the Minister may be by him at any time withdrawn.

Breaches of discipline on the part of officers in penal establishments gaols and lunatic asylums.  
"The Public Service Act 1889" s. 19.

131. If any officer in the public service be at any time found to be unfit to discharge or incapable of discharging the duties of his office, or to be inefficient in the prompt and effective discharge of such duties, and such unfitness incapacity or inefficiency appears likely to be of a permanent character, and either has arisen from injury sustained in the discharge of his duties or has not arisen from actual misconduct on the part of such officer or from causes within his own control, the Governor in Council may on the recommendation of the Board dispense with the services of such officer. Provided that if it be proved to the satisfaction of the Board that such unfitness incapacity or inefficiency has arisen from injury sustained whilst in the discharge of his duties, the Board may recommend to the Governor in Council that compensation be granted to him.

Services of incapable officer may be dispensed with.  
*Id.* s. 82.

132. The Treasurer on receiving notice of any pecuniary penalty imposed under the authority of this Act shall deduct the amount thereof from the salary or next payment made by him on account of salary to the officer incurring such penalty.

Fines to be stopped from salary.  
"The Public Service Act 1889" s. 85.

133. The responsible Minister of every department may at such times as may be convenient grant to every officer leave of absence for recreation for any period or periods not exceeding in the whole three weeks in each year, and in cases of illness or other pressing necessity

Leave of absence for recreation.  
*Id.* s. 86.

"The Public Service Act 1883."

grant such extended leave not exceeding twelve months, and on such terms as may be fixed by regulations to be made by the Board and approved by the Governor in Council and such regulations may subject to such approval be from time to time repealed altered or amended.

Furlough.  
*Ib.* s. 37.

**134.** If any officer have continued in the public service of Victoria at least twenty years and have not been reduced for misconduct or deprived of leave of absence under this Act, the Governor in Council may grant to him on the recommendation of the Board leave of absence for a period not exceeding twelve months, six months on full pay and six months on half pay; but for such period of absence such officer shall not be entitled to receive any annual increment.

Holidays.  
*Ib.* s. 38.

**135.** The following days shall be observed as holidays in the public offices:—New Year's Day Christmas Day and the following day Good Friday and the following Saturday and Monday the Birthday of Her Majesty and of the Prince of Wales. Whenever any of such days falls upon a Sunday, the next following Monday shall be a holiday in lieu of such day. The Governor in Council may also by proclamation in the *Government Gazette* appoint in addition to the days hereinbefore named any other day or days to be kept as public holidays. Provided that nothing in this Act shall prevent the responsible Minister in charge of a department from requiring the services of any officers of such department during any such holiday in case of emergency; but in that case such officer shall be entitled in lieu thereof to a holiday upon such other occasion as shall not interfere with public business.

"The Public Service Act 1889" s. 33.

The provisions of this section shall extend and apply to all officers in the public service whether appointed before or after the passing of "*The Public Service Act 1883*."

Rent may be charged to officers residing in Government buildings.  
"The Public Service Act 1883" s. 39.

**136.** If any officer not entitled to quarters is allowed to use for the purpose of residence any building belonging to the Government, the Governor in Council may direct that a fair and reasonable sum as rent thereof be deducted from such officer's salary, and the amount of such sum shall be fixed by the Board.

No claim for compensation if salary reduced or services dispensed with.  
*Ib.* s. 40.

**137.** No officer except as in this Act provided in the public service shall be deemed to be entitled to any compensation by reason of any reduction of his salary or annual increment nor in consequence of his services being dispensed with as herein provided.

Money voted for one class may if unexpended be applied to a lower class.  
*Ib.* s. 41.

**138.** When any money has been appropriated by Parliament in any year for the payment of the salaries of the officers in any division or in any class, if during the year for which such appropriation has been made any vacancy occur in any such division or class and be not filled up, the Governor in Council may apply the money appropriated to such vacant office or any part thereof to the payment of any other officers in a lower position of the same division.

Power to make regulations with respect to inspection of stores &c.  
*Ib.* s. 45.

**139.** The Board shall with the approval of the Governor in Council make regulations as to the mode of procuring stores and for the inspection of all stores and other material required for the public

service in the various departments and may subject to such approval from time to time repeal alter and amend the same, and in such regulations shall designate the officers whose duty it is to take delivery of all such stores and material in each of such departments and to inspect and compare such stores and material with the sample or quality contracted for by the persons who tender delivery thereof and to keep all accounts as directed by such regulations. Such officer shall have power conferred upon him by such regulations to refuse delivery when such stores and material are not in his opinion equal to the quantity or quality contracted for, or if he has taken delivery to return the same to such contractor so soon as he discovers any deficiency or defect therein.

*"The Public Service Act 1883."*

140. The Board shall with the approval of the Governor in Council select some fit and proper person who is already in the public service to be an inspector of officers in charge of stores and material, who shall once at least in every year inspect the books and accounts of every officer whose duty it is to receive stores and material and also all stores and material in stock and under the control of such officer, and shall take stock thereof and also investigate and examine all contracts accounts invoices requisitions books bills of parcels and vouchers in anywise relating to or concerning the same and shall ascertain whether the stores and material received by such officer have been duly accounted for and also whether the stores and material in stock are in quality and description in accordance with the contract for the supply of the department. Such inspector shall forthwith after such investigation and examination in regard to each officer in charge report the result thereof to the Minister administering the department in which such officer is, and a copy of that report shall be sent by such Minister to the Board.

*Inspection of stores books accounts &c. how made. Ib. s. 96.*

141. The permanent head of any department may if he thinks fit certify that in his opinion any officer in the public service in his department is entitled to a gratuity or to a payment for overtime work, but no gratuity or payment for such work shall be paid upon such certificate without the authority of the Board.

*Gratuities and overtime payments. Ib. s. 97.*

142. If any officer certify to any account for the payment of any sum of money not authorized by law, such sum of money so certified for shall be deemed and taken to be money paid by Her Majesty to the use of such officer at his request, and he shall be personally liable for such money, and the Treasurer on receiving notice thereof from the Board shall deduct the amount of such sum of money from the salary of such officer.

*Officer certifying to any account not authorized by law to be personally liable. Ib. s. 98.*

143. Every officer in the public service whether appointed before or after the passing of "*The Public Service Act 1883*" or of this Act and whether he have attained the age of sixty years before or after the passing of this Act shall be entitled, if he desires so to do, having attained the age of sixty years, to retire from the public service; but any such officer may (unless called upon to retire as hereinafter provided) continue in the public service until he attains the age of sixty-five years. If any such officer continue in the public service after he have attained the age of sixty years he may at any time before he

*Officers between sixty and sixty-five years of age entitled or may be called upon to retire. "The Public Service Act 1883" s. 34.*



"*The Public Service Act 1889.*"

attain the age of sixty-five years be called upon by the Governor in Council acting upon the recommendation of the Board to retire; and every such officer so called upon to retire shall retire accordingly.

Officers on attaining the age of sixty-five to retire unless called upon to continue.

*Ib. s. 35.*

144. Every officer whether appointed before or after the passing of "*The Public Service Act 1883*" if he attain the age of sixty-five years after the passing of this Act shall retire immediately on attaining that age unless he is required notwithstanding his age to continue to perform his duty in the public service as hereinafter provided and is willing so to do. Provided that warders and attendants in penal establishments gaols and lunatic asylums shall not be retained beyond the age of sixty years, unless the permanent head shall certify that they are not incapacitated by age for the discharge of their duties.

Officers of age of sixty-five may be continued in public service by Governor in Council.

*Ib. s. 36.*

145. The Governor in Council may notwithstanding that any officer has attained the age of sixty-five years (if the Board certify that in the interests of the public service it is desirable that such officer should continue in the performance of the duties of his office or of any office in the public service to which he may be appointed and if such officer be able and willing to do so) from time to time direct such officer to continue in the service for such fixed time not exceeding twelve months (as the Governor in Council in each case directs) or during pleasure.

## SCHEDULES.

### FIRST SCHEDULE.

Section 2.

Date of Act.	Title of Act.	Extent of Repeal.
15 Vict. No. 6 ...	" <i>An Act to Abolish the Taking of Fees for their own use by Officers in the Public Service of Victoria</i> "	The whole.
21 Vict. No. 45 ...	" <i>An Act to Assimilate and Simplify the Oaths of Qualification for Office</i> "	The whole.
29 Vict. No. 239 ...	" <i>The Public Works Statute 1865</i> " ...	Section 23.
45 Vict. No. 710 ...	" <i>An Act to Abolish the Payment of Pensions or Superannuation or other Allowances in the case of Persons hereinafter entering the Public Service</i> "	The whole.
47 Vict. No. 773 ...	" <i>The Public Service Act 1883</i> " ...	So much as is not already repealed.
52 Vict. No. 984 ...	" <i>An Act to Restrain Persons employed in the Public Service from accepting or holding any office or employment other than in connexion with the duties of their offices in the Public Service</i> "	The whole.
52 Vict. No. 1001 ...	" <i>The Education (Teachers) Act 1888</i> " ...	The whole.
53 Vict. No. 1024 ...	" <i>The Public Service Act 1889</i> " ...	The whole.
53 Vict. No. 1042 ...	" <i>The Post Office Act 1889</i> " ...	Section 14.

## SECOND SCHEDULE.

Sections 4, 16,  
and 17.

Clerk of the Executive Council.  
Under-Secretary.  
Under-Treasurer.  
Secretary Public Instruction.  
Secretary to the Law Department.  
Secretary for Lands.  
Secretary for Public Works.  
Secretary for Trade and Customs.  
Secretary for Post and Telegraph Department.  
Secretary for Mines.  
Secretary for Defence.  
Chairman of the Board of Public Health.

## THIRD SCHEDULE.

Section 23.

Class.	Minimum.	Maximum.	Increment.
	£	£	
First ...	610	750	Seven annual increments of £20 each
Second ...	500	600	Five annual increments of £20 each
Third ...	360	450	Six annual increments of £15 each
Fourth ...	210	350	Nine annual increments of £10 each, with two further increments of £25 each for long service at intervals of 5 years, subject to recommendation of permanent head and Board
Fifth ...	On entrance at age of 19 years or upwards £30, and £10 less for every year below 19 years of age	200	£10 per annum up to £100, and £20 per annum up to £200

## FOURTH SCHEDULE.

Sections 69,  
76, and 100.

## CLASSIFIED ROLL OF STATE SCHOOLS AND SCHOOL TEACHERS.

## PART I.

## CLASSIFICATION OF SCHOOLS.

*First-class Schools.*

Namely, schools with an average attendance exceeding 700 pupils.

Roll Number.	Name.

*Second-class Schools.*

Namely, schools with an average attendance exceeding 400 but not exceeding 700 pupils.

Roll Number.	Name.

## FOURTH SCHEDULE—continued.

*Third-class Schools, Subdivision A.*

Schools with an average attendance exceeding 250 but not exceeding 400 pupils.

Roll Number.	Name.

*Third-class Schools, Subdivision B.*

Schools with an average attendance exceeding 150 but not exceeding 250 pupils.

Roll Number.	Name.

*Fourth-class Schools.*

Namely, schools with an average attendance exceeding 50 but not exceeding 150 pupils.

Roll Number.	Name.

*Fifth-class Schools.*

Namely, schools with an average attendance not exceeding 50 pupils.

Roll Number.	Name.

NOTE.—When the attendance at a school is slightly above or below the maximum attendance of any class as stated herein, the Classifiers may place such school either in that class or in the next higher class, as may to them seem just on consideration of all the circumstances of the case.

The classification of schools will not be altered until the triennial revision unless in exceptional cases. Where the attendance at a school has increased considerably beyond the maximum attendance of the class in which it has been placed, or where its attendance has fallen greatly below the minimum of the class, and where such increase or decrease appears likely to be permanent, the Classifiers may raise or lower the class of such school.

FOURTH SCHEDULE—*continued.*

## PART II.

## CLASSIFICATION AND PAYMENT OF HEAD TEACHERS AND ASSISTANT TEACHERS.

## FIRST-CLASS TEACHERS.

That is, male teachers who are certificated and are classified in First Honours or hold a Degree of the University of Melbourne, and also are in charge of first-class schools. Minimum fixed salary, £280 per annum, rising by five annual increments of £10 to a maximum of £330.

Record No.	Name.	Certificates held.	School.		Order of Seniority.	Remarks.
			Name.	No.		

## SECOND-CLASS TEACHERS.

That is, male teachers who are certificated and are classified in Second Honours, and also are in charge of second-class schools; also certificated female teachers who are first assistants in first-class schools and are classified in First or Second Honours or hold a degree of the University of Melbourne. Minimum fixed salary for males, £220 per annum, rising by five annual increments of £10 to a maximum of £270. Minimum fixed salary for females, £176 per annum, rising by five annual increments of £8 to a maximum of £216.

*First Sub-class—Males.*

Record No.	Name.	Certificates held.	School.		Date of Appointment.		Order of Precedence for Appointment to First Class.	Remarks.
			Name.	No.	To Class.	To Service.		
597	Smith, John ..	1st Hon. ..	Windsor	278	Oct., 1894	Jan., 1861	1	
1209	Jones, Robert	2nd Hon. ..	Sandhurst	1203	Feb., 1895	Feb., 1862	2	Certificate for 1st class dispensed with.
1537	Robinson, Hy.	Cert. Drawing C. Science C.	E. Melb.	231	Mar., 1895	Apr., 1863	3	Certificate for 1st class dispensed with.
1970	Green, Charles	Cert. B.A. Melb.	Ballarat	1192	Jan., 1896	May, 1862	4	Left the service for two years.

*Second Sub-class—Males.*

Record No.	Name.	Certificates held.	School.		Date of Appointment.		Order of Seniority.	Remarks.
			Name.	No.	To Class.	To Service.		
347	Black, James ..	Cert. .	Collingwd.	123	Feb., 1894	July, 1862	1	Certificate for 1st class dispensed with.
2086	White, Thomas	1st Hon. .	White Flat	1939	Jan., 1895	Aug., 1867	2	
2097	Clark, John ..	2nd Hon. .	Quartz Rf.	1769	Oct., 1895	Jan., 1868	3	Certificate for 1st class dispensed with.
5016	Adams, William	Cert. .	Black Hole	1263	Nov., 1895	June, 1869	4	Certificate for 1st class dispensed with.



FOURTH SCHEDULE—*continued.**Third Sub-class.*

Record No.	Name.	Certificates held.	Position.	School.		Date of Appointment.		Order of Seniority.	Remarks.
				Name.	No.	To Class.	To Service.		

## FOURTH-CLASS TEACHERS.

That is, teachers who are certificated, and also are in charge of fourth-class schools, or hold positions as first male assistants in second-class schools, or as first female assistants of third-class schools. Minimum fixed salary for males, £144 per annum, rising by three annual increments of £8 to a maximum of £168.

Minimum fixed salary for females, £89 12s., rising by four annual increments of £6 8s. to a maximum of £115 4s.

*First Sub-class.*

Record No.	Name.	Sex.	Certificates held.	Position.	School.		Date of Appointment.		Order of Precedence for Appointment to 3rd Class.	Remarks.
					Name.	No.	To Class.	To Service.		

*Second Sub-class.*

Record No.	Name.	Sex.	Certificates held.	Position.	School.		Date of Appointment.		Order of Seniority.	Remarks.
					Name.	No.	To Class.	To Service.		

*Third Sub-class.*

Record No.	Name.	Sex.	Certificates held.	Position.	School.		Date of Appointment.		Order of Seniority.	Remarks.
					Name.	No.	To Class.	To Service.		

## FOURTH SCHEDULE—continued.

#### FIFTH-CLASS TEACHERS.

That is, teachers who are licensed to teach, and also are in charge of fifth-class schools, or hold other assistantships than those specified above, or act as relieving teachers. Fixed salary for teachers employed otherwise than as junior assistants under Seventh Schedule :—

**Males**—Minimum, £88, rising by six annual increments of £8 to a maximum of £136.

*Females*.—Minimum, £64, rising by three annual increments of £6 8s. to a maximum of £83 4s.

**Fixed salary for teachers employed as junior assistants under Seventh Schedule:—**

*Males*—£80 per annum, without increment.

*Females*—£64 per annum, without increment.

HEAD TEACHERS AND ASSISTANTS OTHER THAN JUNIOR ASSISTANTS.

*First Sub-class.*

Record No.	Name.	Sex.	Certificates held.	Position.	School.		Date of Appointment.		Order of Precedence for Appointment to 4th Class.	Remarks.
					Name.	No.	To Class.	To Service.		
5603	Johnson, Saml.	M.	T.T.C. ..	Head Teacher	White Hill	2117	..	Feb., 1877	1	
5802	Blake, Ann ..	F.	Cert. Drawing	2nd Asst.	Fitzroy ..	1836	..	June, 1877	2	
5806	Cooper, Danl.	M.	T.T.C. ..	1st Asst.	Northcote	17	..	Jan., 1878	3	
6001	Gray, Lucy ..	F.	Cert. ..	Head Teacher	Deep Creek	1740	..	July, 1878	4	Registered for 5th class assistant-ship.

*Second Sub-class.*

[illegible]

*Third Sub-class.*

[illegible]

## FOURTH SCHEDULE—continued.

## JUNIOR ASSISTANTS.

(Names to be entered in order of seniority of appointment as Head Teacher or Assistant.)

Record No.	Name.	Sex.	Certificates.	School.		Date of Appointment.	Order of Precedence for Appointment to 5th-class Schools and for Relieving Teacher.	Remarks.
				Name.	No.			
6302	Thompson, Abel	M.	T.T.C. ..	Windsor..	270	Jan., 1881	1	Registered for position of relieving teacher.
6306	Jackson, Jane ..	F.	Cert. ..	Ballarat ..	1993	Mar., 1881	2	
6310	Groves, Joshua.	M.	Cert., Singing	Sandhurst	2013	May, 1881	3	

In the first Classified Roll the order of seniority in each sub-class shall be determined by length of service as head teacher or assistant teacher. Provided that in the case of teachers who have been pupil-teachers any period in excess of one year during which such teachers have been paid as first-class pupil-teachers shall count as service, and in the case of trained teachers the second year of training shall so count.

In the revised Classified Rolls the order of seniority in each sub-class shall be determined by the length of service in the class, and when the length of service in the class is the same the order of seniority shall be determined as provided in preparing the first Classified roll.

The literary qualification for any class shall be held to include that for each lower class.

In the case of certificated teachers who, on the passing of "The Public Service Act 1883" were thirty years of age and upwards, and who had been then employed for ten years, and who, in the opinion of the Classifiers, had exhibited special ability, the certificate required for promotion to any class might be dispensed with. In the case of assistant teachers who had passed the examination for certificate of competency in all subjects except time-table, who complied with the conditions stated herein for fully certificated teachers, and who before the publication of the first Classified Roll passed an examination in time-table, the certificate required for promotion to any class might be dispensed with; and in the case of licensed teachers who, on the passing of the said Act, were thirty years of age and upwards, and who had been then employed for ten years, during one or more of which they had been in charge of a school whose average attendance exceeded fifty pupils, and who in the opinion of the Classifiers exhibited special ability as teachers and organizers, the certificate required for promotion to the fourth class might be dispensed with. The fact that any such qualification had been dispensed with was to be stated opposite to the name of each such teacher on the first "Classified Roll," and no additions to such names were to be made subsequently. When a teacher had been placed in a class the certificate for which, had in his case been dispensed with as herein provided, such teacher was to be held to be fully qualified for his position and was to receive any increments to which he would have been entitled under the said Act if he had held the certificate prescribed for such position in this schedule.

In addition to the fixed salary, a sum equal to one-half the amount of such salary shall be obtainable by way of results. Relieving teachers shall be paid an amount equal to one-half the amount of the fixed salary in lieu of results.

Upon the certificate of the inspector of the district or of the board of advice, countersigned by the permanent head of the department, the annual increment may be withheld on account of unfavorable reports on a teacher either as regards his general conduct or his discharge of his school duties. An appeal against the withholding of the annual increment on either of the above grounds shall lie to the Board, whose decision shall be final and without appeal.

Male teachers employed at the passing of "The Public Service Act 1883," and who were certificated at the time of its coming into operation, shall be eligible for promotion to any class though not possessing the literary qualification therefor, and male licensed teachers employed at the passing of "The Public Service Act 1883" shall be eligible for promotion to the fourth class and to third class assistantships, and female teachers employed and licensed at the passing of the said Act shall be eligible for promotion to any class though not possessed of the literary qualification therefor, and all female teachers and male certificated teachers as aforesaid shall be entitled to the privileges accruing under section ninety-two of this Act to teachers the class of whose school is raised, and all licensed teachers as aforesaid shall be entitled to the same privileges when their schools are raised to the fourth class but not to a higher class, unless the Minister, on the recommendation of the Secretary and Inspector-General, certify that in any such case any such teacher is not deserving of such privileges.

## PART III.

## PUPIL TEACHERS, SEWING MISTRESSES, AND STUDENTS IN TRAINING.

(i.) Names of Pupil Teachers according to their Classes.

CLASS I.—Salary, Males, £50; Females, £40 per annum.

(To be entered in order of Seniority.)

Record No.	Name.	Sex.	School.		Date of—		Remarks.
			Name.	No.	Appointment.	Promotion to Class.	



## FOURTH SCHEDULE—continued.

## CLASS II.—Salary, Males, £40; Females, £32 per annum.

(To be entered in order of Seniority.)

Record No.	Name.	Sex.	School.		Date of—		Remarks.
			Name.	No.	Appointment.	Promotion to Class.	

## CLASS III.—Salary, Males, £30; Females, £24 per annum.

(To be entered in order of Seniority.)

Record No.	Name.	Sex.	School.		Date of—		Remarks.
			Name.	No.	Appointment.	Promotion to Class.	

## CLASS IV.—Salary, Males, £20; Females, £16 per annum.

(To be entered in order of Seniority.)

Record No.	Name.	Sex.	School.		Date of—		Remarks.
			Name.	No.	Appointment.	Promotion to Class.	

The classification of pupil teachers shall be determined by the results of annual examinations, as prescribed by regulations.

Pupil teachers will be liable to dismissal, on recommendation of the Classifiers, for misconduct or failure to pass the annual examination.

## (ii.) Names of Sewing Mistresses in order of Seniority.

Salary of Sewing Mistresses, £30 per annum.

Record No.	Name.	School.		Date of Appointment.
		Name.	No.	

The services of sewing mistresses may be dispensed with at any time should the average attendance at the school fall below 30 or exceed 75 pupils.

## (iii.) Students in Training.

Record No.	Name.	School where Trained.		Date of Appointment.
		Name.	No.	

## FOURTH SCHEDULE—continued.

## PART IV.

## TEACHERS OF NIGHT SCHOOLS.

*Salary.*

	Fixed Annual Payment.	Maximum obtainable for Results.
In schools where the average attendance is not less than 30 but under 40 ..	£40	£20
In schools where the average attendance is not less than 40 but under 50 ..	£50	£25
In schools where the average attendance is not less than 50 but under 60 ..	£60	£30
and so on.		

Record No.	Name.	Name of School.	Date of Appointment.

## TEACHERS OF SINGING.

Names of Singing Masters to be entered before those of Teachers on the ordinary school staff, and to be arranged in order of precedence as determined by the Classifiers.

Salaries from £10 to £400 per annum, in accordance with a scale to be fixed by regulations of the Board.

Name.	Certificate.	School or District employed in.	Order of Precedence of Singing Masters for Promotion.

## TEACHERS OF DRAWING.

Names of Drawing Masters to be entered before those of Teachers on the ordinary school staff, and to be arranged in order of precedence as determined by the Classifiers.

Salaries from £10 to £400 per annum, in accordance with a scale to be fixed by regulations of the Board.

Name.	Certificate.	School or District employed in.	Order of Precedence of Drawing Masters for Promotion.

## TEACHERS OF DRILL AND GYMNASTICS.

Results obtainable from £10 to £15 per annum.

Name.	Certificate.	School employed in.	
		Name.	No.

Section 71.

## FIFTH SCHEDULE.

## EMPLOYMENT REGISTER.

## PART I.

## CANDIDATES FOR EMPLOYMENT AS HEAD TEACHERS OR ASSISTANT TEACHERS OR RELIEVING TEACHERS.

	Record Number.	Name.	Sex.	Certificates held.	Date of obtaining Certificate.	Date of completing Course.	Order of precedence for Appointment.	Remarks.
Holders of trained teachers' certificates entered first.	7053	Adams, Thomas ..	Male	T.T.C. & Singing ..	Dec., 1883	Dec., 1883	1 A	
	7039	Walters, Alice ..	Female	T.T.C. & Drawing ..	Dec., 1883	Dec., 1883	2 A	
	7084	Barker, Jane ..	Female	T.T.C. & Science ..	Dec., 1883	Dec., 1883	3 A	
	7042	Smith, George ..	Male	T.T.C. .. ..	Dec., 1883	Dec., 1883	4 A	
Provisionally certificated pupil teachers	7061	Black, Robert ..	Male	T.T.C. .. ..	Dec., 1883	Dec., 1883	19 A	
	0880	McDonlad, Mary ..	Female	L.T. Cert. pending	Dec., 1882	Dec., 1881	1 B	
	0900	O'Regan, Ann ..	Female	L.T. Cert. pending	Dec., 1882	April, 1882	2 B	
	7006	White, James ..	Male	L.T. Cert. pending	Dec., 1882	Dec., 1882	75 B	
Other qualified candidates.	7052	Green, Lucy ..	Female	Certificate .. ..	June, 1881	..	1 C	
	7040	Brown, John ..	Male	L.T. on pupil teacher's course	Dec., 1881	Dec., 1881	2 C	

The order of precedence for appointment of candidates for employment of each qualification shall be determined by the Classifiers.

Additional names shall be from time to time entered in the following order :—

(i.) Names of persons who have obtained trained teachers' certificates in order of precedence after those already on the register.

(ii.) Names of provisionally certificated pupil teachers who have completed their course in order of precedence after those already on the register.

(iii.) Names of other qualified candidates in order of precedence after those already on the register.

No such candidate shall be appointed to any position other than that of junior assistant so long as there is a junior assistant to take it.

## PART II.

## QUALIFIED CANDIDATES FOR EMPLOYMENT AS PUPIL TEACHERS.

School for which application is made.		Name of Candidate.	Order of Precedence for Appointment determined by competitive examination when there are more candidates than vacancies.	Remarks.
Roll No.	Name.			
76	Thomastown .. ..	Robinson, John .. ..	1	Only candidate.
1307	Plenty River .. ..	Henry, Jane .. ..	1	
		Jackson, Richard .. ..	2	
		Black, Edward .. ..	2	

## FIFTH SCHEDULE—continued.

## QUALIFIED CANDIDATES FOR EMPLOYMENT AS SEWING MISTRESSES.

School of Locality for which application is made.		Name of Candidate.	Order of Precedence for appointment determined by competitive examination when there are more candidates than vacancies.	Remarks.
Roll No.	Name.			

## QUALIFIED CANDIDATES FOR STUDENTSHIPS IN TRAINING.

Record Numbers (if any).	Name of Candidate.	Order of Precedence for Appointment.	Remarks.

Candidates for any of the above-named positions under this Part must fulfil the conditions prescribed by regulations as to age, health, character, literary knowledge, and aptitude for teaching. Names of candidates will be struck off the register after one year, unless they signify their desire to be kept on the register, and in the case of candidates for appointment as pupil teachers, produce a certificate that they are still attending school. In the case of candidates for the position of pupil teacher, the names of not more than three shall be entered for each school, and qualified candidates from the school in which there is a vacancy shall have precedence over others.

The order for appointment to studentships in training shall be as follows:—

- (i.) Pupil teachers who have completed their course. If at any time there are more pupil teachers candidates than there are studentships to be allotted, the order of precedence shall be determined by competitive examination.
- (ii.) Other qualified candidates in order of precedence determined by competitive examination.

## QUALIFIED CANDIDATES FOR EMPLOYMENT IN NIGHT SCHOOLS.

School or Locality for which Application is made.		Name of Candidate.	Order of Precedence for Appointment.	Remarks.
Roll No.	Name.			
1850 ..	Melbourne .. .. .	Brown, John .. .. Smith, Edward ..	1 2	Assistant at No. 1850. H.T. of 1870.

The names of candidates shall not be entered unless they are reported to be qualified to conduct a night school.

The names shall be entered in the following order under each school:—

- (i.) The name of the head teacher of the day school.
- (ii.) The names of assistant teachers in the day school in the order in which their names appear on the classified roll.
- (iii.) The names of other head teachers or assistant teachers in the like order.

## QUALIFIED CANDIDATES FOR EMPLOYMENT AS TEACHERS OF SINGING.

School or Locality for which Application is made.	Name of Candidate.	Position in School, if any.	Qualification for Teaching Singing.	Order of Precedence for Appointment.	Remarks.
Geelong District ..	White, James ..	..	Cert.	1	
	Thompson, William	..	Cert.	2	
	McIntosh, Duncan	..	L.T.	3	
Collingwood, No. 1777	Walker, William ..	1st Asst.	Cert.	1	
	Jackson, Mary ..	3rd Asst.	L.T.	2	

## FIFTH SCHEDULE—continued.

## QUALIFIED CANDIDATES FOR EMPLOYMENT AS TEACHERS OF DRAWING.

School or Locality for which Application is made.	Name of Candidate.	Position in School, if any.	Qualification for Teaching Drawing.	Order of Precedence for Appointment.	Remarks.

## QUALIFIED CANDIDATES FOR APPOINTMENT TO TEACH DRILL OR GYMNASTICS.

School or Locality for which Application is made.	Name of Candidate.	Position in School, if any.	Qualification for Teaching Drill or Gymnastics.	Order of Precedence for Appointment.	Remarks.

In the case of candidates for employment as teachers of singing, drawing, drill, or gymnastics, when the salary is an allowance of £10 or £15 paid to a teacher of the school, candidates' names shall be entered in the following order :—

(i.) Name of head teacher of school, subject to proviso hereunder.

(ii.) Names of assistants according to qualification, and if qualifications are equal then according to rank on the staff.

Where the salary exceeds £15, or is paid for teaching at several schools, the order in which the names shall be entered shall be determined by the Classifiers.

No head teacher of a school whose average attendance exceeds 250 pupils shall be appointed as a teacher of singing or drawing.

## Section 77.

## SIXTH SCHEDULE.

## SUPPLEMENTARY ROLL.

## PART I.

## CLASSIFICATION OF SCHOOLS.

Roll No.	Name.	Class to which School is added.	Class from which School is removed.	Remarks.
2570	South Melbourne..	I.	..	Opened January, 1884.
1739	West St. Kilda ..	..	II.	Closed December, 1883.
1973	Black Swamp ..	IV.	V.	Raised from Class V. under proviso hereunder.
2370	Spring Gully ..	V.	..	Opened December, 1883.

In exceptional cases, where the attendance at a school has increased considerably beyond the maximum attendance of the class in which it has been placed, or where its attendance has fallen greatly below the minimum of the class, and where such increase or decrease appears likely to be permanent, the Classifiers may raise or lower the class of such school.

## SIXTH SCHEDULE—continued.

## PART II.

## CLASSIFICATION OF HEAD TEACHERS AND ASSISTANT TEACHERS.

Record Number.	Name.	Certificates.	School transferred from—			School transferred to—			Date of Transfer.	Class.		Order on Classified Roll in former Class.	Order on Classified Roll in present Class.	Remarks.
			Position.	Name.	Number.	Position.	Name.	Number.		Transferred from	Transferred to			
763	White, James	1st Hon.	H.T.	Ballarat	973	H.T.	S. Melh...	2570	Jan. 1884	II.	I.	1	25	
956	Green, Charles	Cert.	H.T.	Geelong	1999	..	..	..	Feb. 1884	IV.	..	13	..	Resigned.
6503	Johnson, John	T.T.C.	R.T.	..	..	1st A.	W. Fitzroy	2390	Mar. 1884	V.	IV.	3	400	
6669	Campbell, Mary	Cert.	..	..	..	Jnr. A.	Richmond	2301	Apr. 1884	..	V.	..	2000	First appointment

In entering the "Order in present class" the numbers in each class follow in order of appointment, and the first number is the next consecutive number to the last on the Classified Roll.

## PART III.

## .. NAMES OF PUPIL TEACHERS AND SEWING MISTRESSES.

(i.) *Pupil Teachers.*

Record No.	Name.	Sex.	School.		Class Promoted to.	Class on Classified Roll.	Remarks.
			Name.	No.			
7560	Jones, Tom ..	Male	Melbourne	2540	I.	II.	
7690	Green, Mary ..	Female	Ballarat	973	I.	III.	

Names to be entered under each "Class promoted to," beginning with the first class.

(ii.) *Sewing Mistresses.*

Record No.	Name.	School.		Appointed or Resigned.	Date.	Remarks.
		Name.	No.			
3080	Black, Jane ..	Green Hill	.. 1580	Resigned ..	April, 1884	
5630	Smith, Ann ..	Deep Creek	.. 1790	Appointed ..	May, 1884	

Names to be entered in order of date of appointment or resignation.

*Students in Training.*

Record No.	Name.	Where being Trained.		Entered or left Training.	Date.	Remarks.
		School Name.	No.			

## SIXTH SCHEDULE—continued.

## PART IV.

## TEACHERS OF NIGHT SCHOOLS.

Record No.	Name.	Name of School.	Appointed or Resigned.	Date.

## TEACHERS OF SINGING.

Name.	Certificate.	School or District Employed in.	Appointed or Resigned.	Date.

## TEACHERS OF DRAWING.

Name.	Certificate.	School or District Employed in.	Appointed or Resigned.	Date.

## TEACHERS OF DRILL AND GYMNASTICS.

Name.	Certificate.	School Employed in.		Appointed or Resigned.	Date.
		Name.	No.		

Names in this part to be entered in order of date of appointment or resignation.

## Section 90.

## SEVENTH SCHEDULE.

## STAFF OF SCHOOLS.

Assistant teachers in State schools shall be appointed as under :—

To schools with an average attendance exceeding 75, but not exceeding 150 pupils, one assistant teacher.

To schools with an average attendance exceeding 150, but not exceeding 250 pupils, two assistant teachers.

To schools with an average attendance exceeding 250, but not exceeding 350 pupils, three assistant teachers.

And so on, at the rate of one assistant teacher for each additional 100 pupils in average attendance.

The assistant teachers appointed shall be of the following rank :—

In first-class schools, a first female assistant teacher of the second class, a first male assistant teacher of the third class, a second male assistant teacher of the fifth class, a second female assistant teacher of the fifth class, and junior assistant teachers, of whom the first three shall be females, the next a male, and the rest females.

In second-class schools, a first female assistant teacher of the third class, a first male assistant teacher of the fourth class, a second female assistant teacher of the fifth class, and junior assistant teachers, of whom the first shall be a female, the second a male, and the rest females.

In third-class schools—

*Subdivision A.*

A first female assistant teacher of the third class, first male assistant teacher of the fifth class, and female junior assistant teachers.

*Subdivision B.*

A first female assistant teacher of the fourth class and a female junior assistant teacher.

In fourth-class schools where the average attendance exceeds 75, but does not exceed 150 pupils, a female assistant teacher of the fifth class.

## SEVENTH SCHEDULE—continued.

Pupil teachers shall be appointed as under :—

To schools with an average attendance exceeding 50, but not exceeding 75 pupils, or with an average attendance exceeding 100, but not exceeding 125 pupils, one pupil teacher.

To schools with an average attendance exceeding 125, but not exceeding 200 pupils, two pupil teachers.

To schools with an average attendance exceeding 200, but not exceeding 300 pupils, three pupil teachers.

To schools with an average attendance exceeding 300, but not exceeding 400 pupils, four pupil teachers.

And so on, at the rate of one pupil teacher, for each additional 100 pupils in average attendance.

Sewing mistresses shall be appointed to schools which have an average attendance exceeding 30, but not exceeding 75 pupils.

## EIGHTH SCHEDULE.

Section 91.

## TRANSFER LIST.

Order in which Teachers shall be transferred under each class :—

First.—Teachers whose schools have been closed, and assistant teachers who are in excess of the staff allowed under the Seventh Schedule.

Second.—Teachers recorded for reduction.

Third.—Teachers recorded for transfer in the same class—

(1) in the public interest ; or

(2) on the ground of ill-health, attested by satisfactory medical evidence.

But not more than one-third of the whole number of teachers transferred in any year shall be transferred on these grounds numbered (1) and (2).

Fourth.—Teachers receiving salary for the class, though their positions would not entitle them to such salaries under the Fourth Schedule.

Fifth.—Teachers receiving salary for a lower class than that in which they are placed.

Sixth.—Teachers recorded for transfer on account of their schools being raised to a higher class and their failing within the prescribed time to obtain the certificates required for the higher class.

Seventh.—Teachers applying for advertised vacancies in the same or a lower class.

The Classifiers shall arrange the names of all applicants in order of seniority as they appear on the Classified Roll, and shall transmit the list to the Secretary. The applicant whose name appears first on the list shall be nominated to the vacancy, unless the Classifiers certify in writing that there are good grounds for departing from this rule in any particular case.

## NINTH SCHEDULE.

Section 108.

## OATH OF ALLEGIANCE.

I A.B. do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria Her heirs and successors lawful Sovereigns of the United Kingdom of Great Britain and Ireland and of this colony of Victoria.

So help me God.

## TENTH SCHEDULE.

Section 109.

I A.B. do sincerely promise and swear that as a judge of the Supreme Court of Victoria or as a justice of the peace for the colony of Victoria, or the city town or district or municipal district [or as the case may be] in the colony of Victoria I will at all times and in all things do equal justice to the poor and to the rich and discharge the duties of my office according to law and to the best of my knowledge and ability without fear favour or affection [or if the officer is not a judicial one omitting the words "do equal justice to the poor and the rich and" and then proceeding as above to the end].

So help me God.

## ELEVENTH SCHEDULE.

Section 111.

I A.B. do solemnly sincerely and truly affirm and declare that the taking of any oath is according to my religious belief unlawful and I do also solemnly sincerely and truly promise affirm and declare that [the remainder of this affirmation is to be in the form in the Ninth or Tenth Schedule as the case may be after the word "that" but omitting the words "So help me God"]].