

## DEFENCE (CIVIL EMPLOYMENT.)

## No. 17 of 1918.

An Act relating to Civil Employment in the  
Department of Defence.

[Assented to 19th June, 1918.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate,  
and the House of Representatives of the Commonwealth of  
Australia, as follows :—

1. This Act may be cited as the *Defence (Civil Employment)* Short title  
*Act 1918.*
2. This Act shall commence on a day to be fixed by Commencement.  
proclamation.
3. This Act shall continue in force for the duration of the war Duration of Act.  
and twelve months thereafter, and no longer, but the expiration of  
this Act shall not affect any right accrued under sub-section (2.) of  
section thirteen or sub-section (2.) of section sixteen of this Act.
4. In this Act, unless the contrary intention appears— Definitions.
  - “civil office in the Defence Force” means an office occupied or  
to be occupied by a person employed in a civil capacity  
in connexion with the Defence Force ;
  - “person employed in a civil capacity in connexion with the  
Defence Force” means a person employed in a civil  
capacity for a purpose in connexion with the Defence  
Force, within the meaning of section sixty-three of the  
*Defence Act 1903-1917.*
  - “public servant” means an officer of the Public Service of  
the Commonwealth ;
  - “public servant employed permanently in the Department of  
Defence” means a public servant who is an officer of  
the Department of Defence ;
  - “public servant employed temporarily in the Department of  
Defence” means a public servant who is an officer of a  
department other than the Department of Defence, and  
whose services are lent to the Department of Defence ;
  - “public service office” means an office in the Public Service of  
the Commonwealth.

Effect of commencement of Act upon employment in Department of Defence.

5. Upon the commencement of this Act—

- (a) all public service offices in the Department of Defence shall, notwithstanding anything contained in the *Commonwealth Public Service Act 1902-1917*, or the *Defence Act 1903-1917*, cease to be public service offices, and become civil offices in the Defence Force; and
- (b) all public servants employed permanently in the Department of Defence, and, subject to the next succeeding section, all public servants employed temporarily in that Department, shall cease to be subject to the *Commonwealth Public Service Act 1902-1917* except Part IV. thereof and the regulations relating to that Part, and become and be deemed to be persons employed in a civil capacity in connexion with the Defence Force.

Application of Act to public servants employed temporarily in Department of Defence.

6.—(1.) Any public servant employed temporarily in the Department of Defence may, within fourteen days after the commencement of this Act, or within fourteen days after the commencement of his employment in that Department (whichever last happens), notify the Secretary to the Department of Defence in writing that he does not desire to become a person employed in a civil capacity in connexion with the Defence Force, and thereupon he shall remain subject to the *Commonwealth Public Service Act 1902-1917*.

(2.) If the public servant does not so notify the Secretary to the Department of Defence, he shall, while employed in that Department, but only so long as this Act remains in force, cease to be subject to that Act except Part IV. thereof and the regulations relating to that Part, and shall become and be deemed to be a person employed in a civil capacity in connexion with the Defence Force.

Return of public servant whose services have been lent to the Department of Defence.

7. A public servant employed temporarily in the Department of Defence who, by virtue of this Act, becomes and is deemed to be a person employed in a civil capacity in connexion with the Defence Force, may, with the consent in writing of the Minister, be returned during the continuance of this Act to the public service office in which he was employed immediately prior to his temporary employment in the Department of Defence.

Transfer from Defence Department during continuance of Act.

8.—(1.) A public servant who by virtue of this Act becomes and is deemed to be a person employed in a civil capacity in connexion with the Defence Force shall remain as eligible for transfer or promotion to a public service office as he would have been if he had remained subject to the *Commonwealth Public Service Act 1902-1917*.

(2.) If any such transfer or promotion takes place, the officer shall nevertheless continue to be employed in a civil capacity in connexion with the Defence Force until the Minister in writing consents to his ceasing to be so employed.

Upon transfer, &c., officer to become subject to *Commonwealth Public Service Act 1902-1917*

9. If during the continuance of this Act a public servant, who by virtue of this Act becomes and is deemed to be a person employed in a civil capacity in connexion with the Defence Force, is returned,

transferred or promoted to, a public service office, he shall upon such return, transfer, or promotion, as the case may be, again become subject to the *Commonwealth Public Service Act* 1902-1917, and the salary payable to him shall not be less than the salary which would have been payable to him if this Act had expired at the time of his return, transfer, or promotion.

10.—(1.) During the continuance of this Act no public service office shall be created in the Department of Defence, but in lieu of the creation of any such office there may be created a civil office in the Defence Force.

Employment in  
Department of  
Defence during  
continuance  
of Act.

(2.) Any person appointed to any such office which in the opinion of the Governor-General would but for this Act have been a public service office, shall be required to comply with the provisions of Part IV. of the *Commonwealth Public Service Act* 1902-1917 and the regulations relating to that Part as if he were subject to that Act.

11. Public servants who by virtue of this Act become and are deemed to be persons employed in a civil capacity in connexion with the Defence Force, and officers appointed to civil offices in the Defence Force which in the opinion of the Governor-General would, but for this Act, have been public service offices, shall be treated in the matter of increments as nearly as practicable on equal terms and conditions with officers of similar status in the Public Service.

Increments to  
officers  
appointed under  
or subject to this  
Act.

12. In the event of any officer being employed on work, not of a permanent nature, arising out of the war, any increased remuneration granted to him therefor, other than by way of increment in pursuance of the last preceding section, shall be payable solely in the form of an allowance.

Allowance to  
officers  
performing  
higher duties.

13.—(1.) The period of service in the Public Service of a public servant who by virtue of this Act becomes a person employed in a civil capacity in connexion with the Defence Force shall, for the purpose of determining any rights to which he is entitled under the Regulations relating to the employment of persons in a civil capacity in connexion with the Defence Force which are based on the length or nature of his employment in that capacity, be included as if that period were part of his period of employment in that capacity.

Prior service  
to count for  
purposes of  
computation of  
rights of officers.

(2.) The period during which a person, who has been employed under this Act in a civil capacity in connexion with the Defence Force and becomes a public servant, has been so employed shall, for the purpose of determining any rights to which he is entitled under that Act which are based on the length or nature of his service as a public servant, be included as if that period were part of his service as a public servant.

14. Upon the expiration of this Act—

(a) all offices in the Department of Defence which by virtue of this Act ceased to be public service offices shall again become public service offices in that Department;

Effect of  
expiration of  
Act upon  
employment  
in Department  
of Defence.

- (b) all officers employed in the Department of Defence who by virtue of this Act ceased to be subject to the *Commonwealth Public Service Act* 1902-1917 shall again become subject to that Act in like manner as if this Act had not been passed;
- (c) all civil offices in the Defence Force created during the continuance of this Act, which, in the opinion of the Governor-General, would but for this Act have been public service offices in the Department of Defence, shall be deemed to be public service offices in that Department;
- (d) all persons occupying the offices mentioned in the last preceding paragraph shall become public servants in like manner as if the offices had been public service offices and they had been appointed to those offices in pursuance of that Act; and
- (e) the salary to be paid under the *Commonwealth Public Service Act* 1902-1917 to any officer who becomes subject to that Act shall not be less than the salary paid to him, under the Regulations for the employment of persons in a civil capacity in connexion with the Defence Force, immediately prior to his becoming subject to that Act.

Military staff  
clerks.

15.—(1.) Upon the commencement of this Act all military staff clerks shall cease to be subject to such of the provisions of the *Defence Act* 1903-1917 and the Regulations made thereunder as relate to the Permanent Military Forces, and shall become and be deemed to be persons employed in a civil capacity in connexion with the Defence Force.

(2.) During the continuance of this Act no person shall be appointed as a military staff clerk, but in lieu thereof persons may be appointed to civil offices in the Defence Force.

(3.) Any military staff clerk who becomes and is deemed to be a person employed in a civil capacity in connexion with the Defence Force shall, during the continuance of this Act, retain such of the rights and privileges, to which he would have been entitled had he continued to be a member of the Permanent Military Forces, as are specified by Regulations made under the *Defence Act* 1903-1917.

(4.) Upon the expiration of this Act any member of the Permanent Military Forces who, by virtue of this section, became and was deemed to be a person employed in a civil capacity in connexion with the Defence Force, shall again become a military staff clerk and subject to such of the provisions of the *Defence Act* 1903-1917 and the Regulations made thereunder as relate to the Permanent Military Forces.

Computation of  
service under  
this Act and in  
the Permanent  
Military Forces  
in connexion  
with rights of  
officers.

16.—(1.) The period of service of a person who has been a member of the Permanent Military Forces and is deemed by this Act to be a person employed in a civil capacity in connexion with the Defence Force shall, for the purpose of determining any rights to which he is entitled under the Regulations relating to the

employment of persons in a civil capacity in connexion with the Defence Force which are based on the length or nature of his employment in that capacity, be included as if that period were part of his period of employment in a civil capacity.

(2.) The period during which a person, who has been employed under this Act in a civil capacity in connexion with the Defence Force, and becomes a member of the Permanent Military Forces, has been so employed shall, for the purpose of determining any rights to which he is entitled as a member of those Forces which are based on the length or nature of his service as a member, be included as if that period were part of his service as a member.

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