
COMMONWEALTH PUBLIC SERVICE.

No. 72 of 1936.

An Act to amend the *Commonwealth Public Service Act 1922-1934*.

[Assented to 7th December, 1936.]

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

1.—(1.) This Act may be cited as the *Commonwealth Public Service Act 1936*. Short title and citation.

(2.) The *Commonwealth Public Service Act 1922-1934** is in this Act referred to as the Principal Act. °

(3.) The Principal Act, as amended by this Act, may be cited as the *Commonwealth Public Service Act 1922-1936*.

2. Section eleven of the Principal Act is amended by inserting in sub-section (1.), after the word “persons”, the words “, to be called the Public Service Board”. Appointment of Public Service Board.

* Act No. 21, 1922, as amended by No. 46, 1924 ; No. 41, 1928 ; No. 19, 1930 ; No. 21, 1931 ; No. 72, 1932 ; No. 38, 1933 ; and Nos. 45 and 46, 1934.

Alterations of
Staff.

3. Section twenty-nine of the Principal Act is amended by omitting from sub-section (1.) the words “, after obtaining a report from the Permanent Head” and inserting in their stead the words “after the Board has obtained a report from the Permanent Head”.

4. Section forty-two of the Principal Act is repealed and the following section inserted in its stead:—

Appointment
without
examination.

“42. If the Board is satisfied that it is desirable in the interests of the Commonwealth that the appointment be made, the Board may appoint to any office in the Commonwealth Service, without examination or probation, any officer of the Territorial Service or the Commonwealth Railway Service, or any member of the Police Force of the Territory for the Seat of Government.”.

Appointment
of persons
from outside
Commonwealth
service.

5. Section forty-seven of the Principal Act is amended by omitting from sub-section (1.) the words “upon report from the Permanent Head” and inserting in their stead the words “after the Board has obtained a report from the Permanent Head”.

Prior service
reckoned as
Commonwealth
service.

6. Section forty-eight of the Principal Act is amended by adding, at the end of paragraph (b) of sub-section (1.), the words “, or in the Police Force of the Territory for the Seat of Government”.

Officer found
guilty of
criminal offence.

7. Section sixty-two of the Principal Act is amended—

- (a) by inserting in sub-section (1.), after the word “State”, the words “or of a Territory of the Commonwealth”; and
- (b) by omitting from sub-section (2.) the words “the officer is convicted of the offence by any Commonwealth or State Court” and inserting in their stead the words “, upon the hearing of the charge by any court, the officer is found guilty of the offence”.

Leave without
pay.

8. Section seventy-one of the Principal Act is amended by omitting from sub-section (1.) the words “, for any period not exceeding twelve months.” and inserting in their stead the following paragraphs:—

- “(a) where the leave of absence is for the purpose of enabling the officer to pursue a course of study or undertake research work related to the duties of his office—for any period not exceeding three years; or
- (b) where the leave of absence is for any other purpose—for any period not exceeding twelve months:”.

Furlough.

9. Section seventy-three of the Principal Act is amended—

- (a) by inserting in sub-section (3.), after the word “absence”, the words “, or, if the Board, after consideration of all the circumstances, directs that the death of an officer so eligible be presumed”; and
- (b) by adding at the end of that sub-section the words “, or, in any case where the Board has directed that the death of the officer be presumed, a date determined by the Board.”.

10. Section seventy-four of the Principal Act is amended by omitting sub-section (4.) and inserting in its stead the following sub-section :—

Extended leave or pay in lieu to officers not entitled to furlough.

“(4.) Where, before an officer has completed twenty years’ service in the Commonwealth Service and either before or after he has attained the age of sixty years—

(a) the officer dies ; or

(b) the Board, after consideration of all the circumstances, directs that the death of the officer be presumed,

the Board may authorize payment to the dependants of the officer of a sum equivalent to the salary for the period of leave which the officer would have received had he, under sub-section (1.) of this section, been eligible for, and been granted, leave of absence at the date of his death, or, in any case where the Board has directed that the death of the officer be presumed, at a date determined by the Board.”.

11. Section eighty-four of the Principal Act is amended by omitting paragraph (c) of sub-section (9.) and inserting in its stead the following paragraph :—

Permanent appointment of returned soldiers.

“(c) returned soldiers who have not passed the prescribed examination but—

(i) have been temporarily employed continuously for not less than two years ; or

(ii) since becoming returned soldiers, and prior to the date of commencement of the *Commonwealth Public Service Act 1936*, were temporarily employed continuously for not less than two years,

and in respect of whom the Chief Officer certifies that their duties have been, or were, performed in a satisfactory manner :

Provided that any such appointment shall be to a position the duties of which are similar to those which the returned soldier has been performing or performed ; and ”.

12. Section ninety-seven of the Principal Act is amended by omitting from sub-section (2.) all the words from and including the words “ both Houses of the Parliament ” and inserting in their stead the words “ each House of the Parliament within fifteen sitting days of that House after the approval of the regulations by the Governor-General ”.

Regulations for Commonwealth Service.

13. Section one hundred and eight of the Principal Act is amended by omitting from sub-section (2.) all the words from and including the words “ both Houses of the Parliament ” and inserting in their stead the words “ each House of the Parliament within fifteen sitting days of that House after the approval of the regulations by the Governor-General ”.

Regulations for Provisional Service.