PUBLIC SERVICE.

**No. 13 of 1957.**

An Act to amend the *Public Service Act* 1922–1955, and for other purposes.

[Assented to 25th May, 1957.]

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

**Short title and citation.**

**1.**—(1.) This Act may be cited as the *Public Service Act* 1957.

(2.) The *Public Service Act* 1922–1955 is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Public Service Act* 1922–1957.

**Commencement.**

**2.**—(1.) Subject to the next succeeding sub-section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2.) Sections four, seven, fourteen, twenty-three and twenty-four of this Act shall come into operation on a date to be fixed by Proclamation.

**3.** Section three of the Principal Act is repealed and the following section inserted in its stead:—

**Parts.**

“3. This Act is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1–9).

Part II.—Composition and Administration of the Public Service (Sections 10–22).

Part III.—The Commonwealth Service.

Division 1.—Divisions (Sections 23–26).

Division 2a.—Creation and Abolition of Offices (Section 29).

Division 3.—Salaries of Officers (Sections 30–32).

Division 4.—Entrance Examinations and Appointments (Sections 33–49).

Division 5.—Promotions and Transfers (Sections 50–54).

Division 6.—Offences (Sections 55–66).

Division 8.—Leave of Absence and Holidays (Sections 68–76).

Division 9.—Reciprocal Services of Commonwealth and State Officers (Sections 77–81).

Division 9a.—Appointment and Employment of Certain State Employees (Sections 81a–81k).

Division 9b.—Appointment and Employment of Certain State Taxation Employees (Sections 81l–81x).

Division 9c.—Transfer of Employees of Repatriation Commission and War Service Homes Commissioner (Sections 81y–81zb).

Division 9d.—Transfer to the Commonwealth Service of certain Employees of the Commonwealth (Sections 81zc–81zg).

Division 9e.—Transfer to the Commonwealth Service of certain employees of the Commonwealth Council for Scientific and Industrial Research (Sections 81zh–81zl).

Division 10.—Temporary Employment (Sections 82–82b).

Division 11.—Returned Soldiers (Section 84).

Division 12.—Retirement of Officers (Sections 85–87).

Division 13.—Miscellaneous (Sections 88–97).”.

**Definitions.**

**4.** Section seven of the Principal Act is amended by omitting the definition of “Chief Officer” and inserting in its stead the following definition:—

“‘Chief Officer’, in relation to an officer or employee, means a Chief Officer who, by virtue of sub-section (2.) of section twenty-six of this Act, may exercise and perform powers, authorities and duties in relation to that officer or employee;”.

**5.** Section eight of the Principal Act is repealed and the following sections are inserted in its stead:—

**Operation of Act.**

“7b. This Act applies both within and without the Commonwealth and extends to all the Territories of the Commonwealth.

**Act not to apply to certain persons.**

“8. This Act does not apply to—

(*a*) a person employed in an honorary capacity; or

(*b*) a person remunerated by fees, allowances or commission only.”.

**Delegation by Board.**

**6.**—(1.) Section sixteen of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“(1.) The Board may, by instrument in writing, delegate to a member of the Board or to an officer, either generally or to the extent provided in the instrument of delegation, all or any of

its powers and functions under this Act (except this power of delegation) so that the delegated powers and functions may be exercised and performed by the delegate in accordance with the instrument of delegation.”.

(2.) An instrument of delegation issued under section sixteen of the Principal Act and in force immediately before the commencement of this section shall, after the commencement of this section, have effect as if it had been issued under section sixteen of the Principal Act as amended by the last preceding sub-section.

**Chief Officers.**

**7.** Section twenty-six of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-section:—

“(2.) A Chief Officer of a Department shall have and may exercise and perform, in relation to such officers or class of officers of, or performing duties in, the Department, and such employees or class of employees employed in the Department, as the Board determines, such powers, authorities and duties as are prescribed and such other powers, authorities and duties as the Permanent Head of the Department determines.”.

**Creation, &c., of offices.**

**8.** Section twenty-nine of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(5.) Where—

(*a*) the Board makes an alteration of the classification of an office in a case where there is no other office having the same designation and classification as that office; and

(*b*) the Board declares, by notice published in the *Gazette,* that that alteration is related to an alteration in respect of which a notice is or has been published under the last preceding sub-section,

the Board may, in that first-mentioned notice, direct that subsection (3.) of this section shall not apply in relation to that first-mentioned alteration and, in that case, that sub-section does not apply.”.

**Increments.**

**9.** Section thirty-one of the Principal Act is amended by omitting from paragraph (*b*) of sub-section (3.) the words “subsection (4.) of section twenty-nine” and inserting in their stead the words “sub-section (4.) or (5.) of section twenty-nine”.

**Eligibility of members of permanent Naval Forces for appointment.**

**10.** Section thirty-eight of the Principal Act is amended by omitting the words “Department of Trade and Customs” and inserting in their stead the words “Department of Customs and Excise”.

**Offences.**

**11.** Section fifty-five of the Principal Act is amended—

(*a*) by omitting from sub-section (2.) the words “Five shillings” and inserting in their stead the words “Ten shillings”; and

(*b*) by omitting from sub-paragraph (i) of paragraph (*d*) of sub-section (3.) the words “Five pounds” and inserting in their stead the words “Twenty pounds”.

**Proceedings where officer or witness outside Australia or in remote locality.**

**12.** Section fifty-nine of the Principal Act is amended by omitting from sub-section (1.) the words “in a remote locality” and inserting in their stead the words “outside Australia or in a remote locality in Australia”.

**Attachment of salaries of officers.**

**13.** Section sixty-four of the Principal Act is amended—

(*a*) by omitting from sub-section (1.) the words “of the Commonwealth or Provisional Service”; and

(*b*) by omitting from sub-section (8.) the words “of the Commonwealth or Provisional Service”.

**Leave of absence for recreation.**

**14.** Section sixty-eight of the Principal Act is amended by omitting sub-section (3.).

**Leave for defence purposes, &c.**

**15.** Section seventy-two of the Principal Act is amended by omitting from sub-section (1.) the words “King’s dominions” and inserting in their stead the words “Queen’s dominions”.

**Leave of absence for service with other Governments, &c.**

**16.** Section seventy-two aof the Principal Act is amended by omitting from sub-section (1.) the words “King’s dominions” and inserting in their stead the words “Queen’s dominions”.

**Appointment of State officers.**

**17.** Section eighty-one c of the Principal Act is amended by omitting from sub-section (2.) the words “paragraph (*b*) of sub-section (1.) of section thirty-three” and inserting in their stead the words “paragraph (*c*) of section thirty-three”.

**Remuneration to be not less favourable than State remuneration.**

**18.** Section eighty-one f of the Principal Act is amended by inserting in sub-section (1.), after the words “‘State employee’”, the words “in section eighty-one aof this Act”.

**Prior service reckoned as Commonwealth service.**

**19.** Section eighty-one g of the Principal Act is amended by inserting in paragraph (*b*), after the words “‘State employee’” the words “in section eighty-one aof this Act”.

**Appointment of State officers.**

**20.** Section eighty-one n of the Principal Act is amended by omitting from sub-section (2.) the words “paragraph (*b*) of sub-section (1.) of section thirty-three” and inserting in their stead the words “paragraph (*c*) of section thirty-three”.

**Temporary employment.**

**21.**—(1.) Section eighty-two of the Principal Act is amended by omitting sub-sections (4.) and (5.) and inserting in their stead the following sub-section:—

“(4.) Subject to sub-section (7.) of this section, the continuous employment of a person in a temporary capacity, whether in one Department or in more than one Department, shall not extend beyond the end of the first or any succeeding year of that employment unless the Board certifies in writing that the continued employment of that person beyond the end of that first or succeeding year is necessary.”.

(2.) A person who, immediately before the commencement of this section, was employed in a temporary capacity shall, after the commencement of this section, continue in that employment subject to the provisions of the Principal Act as amended by this Act.

**Dismissal of temporary employees.**

**22.** Section eighty-two aa of the Principal Act is amended—

(*a*) by omitting paragraph (*c*) of sub-section (2.) and inserting in its stead the following paragraph:—

“(*c*) subject to the next succeeding sub-section, the officer who, by virtue of paragraph (*c*) of sub-section (5.) of section fifty-five of this Act, would be the appropriate elected officer to be a member of an Appeal Board under that section in the case of an appeal under that section by an officer—

(i) included in the Division in which an officer performing duties similar to those which the appellant was required to perform would be included; and

(ii) performing his duties in the place in which the appellant was required to perform his duties.”; and

(*b*) by omitting sub-section (2a.) and inserting in its stead the following sub-section:—

“(2a.) In the case of the illness, absence or suspension of the elected officer referred to in paragraph (*c*) of the last preceding sub-section, or where there is no such elected officer or the Board is of opinion that, by reason of the elected officer being personally interested in, or affected by, a matter which is the subject of the appeal, it is undesirable that he should act as a member of the Appeal Board, the Board may appoint an officer of the appropriate Division to act temporarily as a member of the Appeal Board in lieu of an elected officer.”.

**Permanent appointment of returned soldiers.**

**23.** Section eighty-four of the Principal Act is amended by omitting sub-sections (4.), (5.) and (6.) and inserting in their stead the following sub-sections:—

“(1.) A returned soldier who—

(*a*) has passed a prescribed public examination; or

(*b*) has, within a period not longer than such period as is prescribed, passed at a prescribed public examination in such subjects as are required by the regulations to be passed for the purposes of this paragraph,

shall, for the purposes of this Act, be deemed to have obtained the educational qualifications required for appointment to any office in the Commonwealth Service, other than an office, or an office included in a class of offices, in respect of which the Board has made a determination under sub-section (1.) of section fifty-three of this Act.

“(2.) In the last preceding sub-section, ‘public examination’ means an examination conducted by a University or other public examining body in Australia or any other part of the Queen’s dominions.

“(3.) A returned soldier who has not attained the age of fifty-one years is not prevented, by reason only of his age—

(*a*) from entering for an examination conducted by or on behalf of the Board for appointment to an office in the Third Division; or

(*b*) from being appointed to an office in the Commonwealth Service.

“(4.) Section thirty-four d of this Act does not apply to a returned soldier who has not attained the age of fifty-one years.”.

**Regulations for Commonwealth Service.**

**24.** Section ninety-seven of the Principal Act is amended—

(*a*) by inserting after paragraph (*m*) of sub-section (1.) the following paragraph:—

“(*ma*) for providing for forfeiture of salary or pay of officers or employees in respect of periods of absence not authorized by or under this Act or the regulations;”; and

(*b*) by omitting paragraph (*q*)of sub-section (1.) and inserting in its stead the following paragraph:—

“(*q*) for providing for the notification to the Board of punishments imposed on officers under sections fifty-five and fifty-six of this Act and for the keeping, for such periods as are specified in the regulations, of records of punishments so imposed;”.

**Second and Third Schedules.**

**25.** The Second and Third Schedules to the Principal Act are repealed and the following Schedules inserted in their stead:—

SECOND SCHEDULE. Sections 7 and 10.

Departments.

The Department of the Senate.

The Department of the House of Representatives.

The Department of the Parliamentary Library.

The Department of the Parliamentary Reporting Staff.

The Joint House Department.

The Prime Minister’s Department.

The Department of the Treasury.

The Attorney-General’s Department.

The Department of the Interior.

The Department of Defence.

The Department of the Navy.

The Department of the Army.

The Department of Air.

The Department of Customs and Excise.

The Department of Trade.

The Department of External Affairs.

The Postmaster-General’s Department.

The Department of Health.

The Department of Territories.

The Department of Social Services.

The Department of Works.

The Department of Immigration.

The Department of Civil Aviation.

The Department of Supply.

The Department of Defence Production.

The Department of Labour and National Service.

The Department of Shipping and Transport.

The Department of National Development.

The Repatriation Department.

The Department of Primary Industry.

THIRD SCHEDULE. Section 25.

Permanent Heads of Departments.

The Clerk of the Senate.

The Clerk of the House of Representatives.

The Parliamentary Librarian.

The Principal Parliamentary Reporter.

The Secretary of the Joint House Department.

The Secretary to the Prime Minister’s Department.

The Secretary to the Department of the Treasury.

The Secretary to the Attorney-General’s Department.

The Secretary to the Department of the Interior.

The Secretary to the Department of Defence.

The Secretary to the Department of the Navy.

The Secretary to the Department of the Army.

The Secretary to the Department of Air.

The Comptroller-General of Customs.

The Secretary to the Department of Trade.

The Secretary to the Department of External Affairs.

The Director-General of Posts and Telegraphs.

The Director-General of Health.

The Secretary to the Department of Territories.

The Director-General of Social Services.

The Director-General of Works.

The Secretary to the Department of Immigration.

The Director-General of Civil Aviation.

The Secretary to the Department of Supply

The Secretary to the Department of Defence Production.

The Secretary to the Department of Labour and National Service.

The Secretary to the Department of Shipping and Transport.

The Secretary to the Department of National Development.

The Chairman of the Repatriation Commission.

The Secretary to the Department of Primary Industry.

**Fourth Schedule.**

**26.** The Fourth Schedule to the Principal Act is amended by omitting the word “King” (wherever occurring) and inserting in its stead the word “Queen”.

**Fifth and Sixth Schedules.**

**27.** The Fifth and Sixth Schedules to the Principal Act are amended by omitting the words “our Sovereign Lord the King” (wherever occurring) and inserting in their stead the words “our Sovereign Lady the Queen”.

**Regulations.**

**28.** Regulations for the purposes of section eighty-four or paragraph (*ma*) or (*q*)of sub-section (1.) of section ninety-seven of the *Public Service Act* 1922–1957 may be made before the date fixed by Proclamation under sub-section (2.) of section two of this Act, but regulations so made shall not have any force or effect before that date.