

Public Service (No. 2)

No. 115 of 1967

An Act to amend the Law relating to the Public Service with respect to certain Leave.

[Assented to 17 November 1967]

BE it enacted by the Queen'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 *Public Service Act (No. 2) 1967*.

(2.) The *Public Service Act 1922–1966*,* as amended by the *Public Service Act 1967*,† is in this Act referred to as the Principal Act.

Short title and citation.

*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; Nos. 45 and 46, 1934; No. 72, 1936; No. 41, 1937; No. 72, 1939; No. 88, 1940; No. 5, 1941; No. 19, 1943; Nos. 11, 29 and 43, 1945; No. 16, 1946; Nos. 1, 38, 52 and 84, 1947; Nos. 35 and 75, 1948; Nos. 51 and 80, 1950; Nos. 46 and 48, 1951; No. 22, 1953; No. 63, 1954; No. 18, 1955; Nos. 13 and 39, 1957; No. 11, 1958; Nos. 17 and 105, 1960; Nos. 2 and 75, 1964; and Nos. 47 and 85, 1966.

†Act No. 2, 1967.

(3.) Section 1 of the *Public Service Act* 1967 is amended by omitting sub-section (3.).

(4.) The Principal Act, as amended by this Act, may be cited as the *Public Service Act* 1922–1967.

Commence-
ment.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Interpretation.

3. Section 68F of the Principal Act is amended by omitting from the definition of “ salary ” in sub-section (1.) the words “ section seventy-five ” and inserting in their stead the words “ sub-section (1.) of section seventy-three ”.

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

4. Section 72A of the Principal Act is amended—

(a) by omitting from sub-section (1.) all the words from and including the words “ the Board ” to the end of the sub-section and inserting in their stead the words “ the Board may, subject to the next succeeding sub-section, on the application of the officer, grant to him leave of absence without pay for that purpose, and may, from time to time, extend the leave of absence so granted to him.”; and

(b) by inserting after sub-section (1.) the following sub-section:—

“ (2.) The Board shall not exercise its powers under the last preceding sub-section so that an officer is authorized to be absent on leave for a period, or for successive periods, exceeding three years unless the Board considers it is in the public interest to do so.”.

5. Section 75 of the Principal Act is repealed and the following section inserted in its stead:—

Interpretation.

“ 75.—(1.) The regulations may provide that allowances of specified kinds are to be included in salary for the purposes of either of the last two preceding sections.

“ (2.) The regulations may prescribe the conditions subject to which, or specify the extent to which, payments in accordance with either or both of the last two preceding sections are to include amounts by way of, or in respect of, an allowance of a kind specified in the regulations referred to in the last preceding sub-section, including conditions having effect after the time at which leave of absence commences.

“ (3.) For the purposes of the last two preceding sections, the service of an officer in the Commonwealth Service shall be deemed to include, in addition to any service that, by virtue of this Act, is reckoned for the purposes of those sections as service in the Commonwealth Service, any service (not being so reckoned) that would, if the officer were a Commonwealth employee within the meaning of the *Commonwealth Employees' Furlough Act* 1943–1967, be reckoned as part of his period of service for the purposes of that Act.”.

6.—(1.) Where, before the date on which this Act received the Royal Assent, a period of employment in the service of a person, authority, institution or body had been taken into account for the purposes of reckoning the period of service of an officer for the purposes of sections 73 and 74 of the Principal Act and, if the officer had been a Commonwealth employee within the meaning of the *Commonwealth Employees' Furlough Act* 1943, or that Act as amended at any time, the taking into account of that period would have been deemed to have been lawful by reason of sub-section (1.) of section 11 of the *Commonwealth Employees' Furlough Act* 1967, that period of service shall be deemed to have been lawfully taken into account. Validation.

(2.) The regulations made under the Principal Act for the purposes of sections 73 and 74 of that Act and in force, or purporting to be in force, immediately before the date on which this Act received the Royal Assent have, on and from that date, the same force and effect that they would have had if they had been made under the Principal Act as amended by this Act.
