



Commonwealth Teaching Service Act 1972

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About this compilation

This compilation

This is a compilation of the *Commonwealth Teaching Service Act 1972* that shows the text of the law as amended and in force on 6 December 1988 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to establish a Commonwealth Teaching Service

Part I—Preliminary

1 Short Title

This Act may be cited as the *Commonwealth Teaching Service Act 1972*.

2 Commencement

- (1) Sections 1 and 2 shall come into operation on the day on which this Act receives the Royal Assent.
- (2) The remaining sections of this Act shall come into operation on such date as is, or on such dates as respectively are, fixed by Proclamation.

4 Interpretation

- (1) In this Act, unless the contrary intention appears:

advanced education institution means means an institution in Australia that, under an approval of the Secretary, is to be treated as an advanced education institution for the purposes of Part IV;

Commonwealth authority means;

- (a) a body corporate incorporated, whether before or after the commencement of section 11 of the *Commonwealth Teaching Service Amendment Act 1988*, for a public purpose by an Act, by regulations made under an Act or by or under a law of a Territory (other than the Northern Territory), being a body employing staff otherwise than under this Act; or
- (b) an authority or body, not being a body corporate, established, whether before or after the commencement of section 11 of the *Commonwealth Teaching Service Amendment Act 1988*, for a public purpose by, or in accordance with the provisions

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of, an Act, regulations made under an Act or law of a Territory (other than the Northern Territory), being an authority or body employing staff otherwise than under this Act;

Commonwealth school means a school conducted by the Commonwealth, by the Administration of a Territory or by a prescribed authority;

full-time student means a student included in a class of students that, under an approval of the Secretary, is to be treated as a class of students engaged in full-time study for the purposes of Part IV;

member of the Service means a person appointed as an officer, or engaged as a temporary employee, in accordance with Part III;

part-time student means a student other than a full-time student;

prescribed authority means an authority or body, whether incorporated or unincorporated, that:

- (a) is established for a public purpose by, or in accordance with the provisions of:
 - (i) an Act;
 - (ii) regulations made under an Act; or
 - (iii) a law of a Territory; and
- (b) is declared by the regulations to be a prescribed authority for the purposes of this Act;

relevant staff organisation, in relation to a position, means an organisation:

- (a) that is registered under the *Conciliation and Arbitration Act 1904*; and
- (b) for membership of which a person holding the position would be eligible;

returned soldier has the same meaning as in the *Public Service Act 1922*;

scholarship means a Commonwealth Teaching Service Scholarship provided for by Part IV;

school means a school or any similar institution at which pre-school, primary, secondary or technical or further education is provided, but does not include a higher education institution within the meaning of the *Employment, Education and Training Act 1988*;

Secretary means the Secretary to the Department;

specified defence service has the same meaning as in the *Public Service Act 1922*;

State includes the Northern Territory;

teaching duties includes:

- (a) the administration of a school; and
- (b) other duties connected with the teaching or other services provided at a school, being duties for the performance of which experience as a teacher is an advantage;

the Service means the Commonwealth Teaching Service;

University means a University in Australia, and includes:

- (a) a University College in Australia; or
 - (b) an institution that, under an approval of the Secretary, is to be treated as a University for the purposes of Part IV.
- (2) In this Act, a reference to teaching duties in a school includes:
- (a) the inspection or supervision of persons engaged in teaching duties; and
 - (b) other duties connected with the teaching or other services provided by an authority conducting two or more schools, being duties for the performance of which experience as a teacher is an advantage.

5 Application of Act

This Act applies both within and outside Australia and extends to all the Territories.

Part II—Administration

6 Object of Act

The object of this Act is to provide for the employment of persons who are to be made available for the performance of teaching duties in Commonwealth schools and certain other schools.

7 Functions of relevant authorities

- (1) The functions of the relevant authorities are to make officers and temporary employees available for the performance of teaching duties as mentioned in section 6.
- (2) The relevant authority in relation to a component of the Service may, and if so directed by the Minister shall, make an officer of, or temporary employee engaged to perform services in relation to, that component available to the Government of a country other than Australia or to an authority of such a Government for the performance of teaching duties in a school or schools conducted in that country by that Government or authority or, in the case of Papua New Guinea, by a body other than the Government or an authority of the Government.
- (3) Where a State or an authority of a State has made, or proposes to make, a person or persons available to an authority or authorities conducting a Commonwealth school or Commonwealth schools for the performance of teaching duties in that school or those schools, a relevant authority in relation to a component of the Service may, and if so directed by the Minister shall, make an officer of, or temporary employee engaged to perform services in relation to, that component available to that State or to that authority of that State for the performance of teaching duties in a school or schools conducted by that State or by that authority of that State.
- (4) A relevant authority shall not direct an officer to perform duties under subsection 7(2) or (3) unless the officer consents to perform those duties.

- (5) Where a relevant authority makes a person available to an authority that conducts two or more schools, the last-mentioned authority may make use of the services of the person in whichever of those schools that authority thinks fit.
- (6) A relevant authority has power to do all things necessary or convenient for the purposes of this section.

8 Delegation

- (1) A relevant authority may, either generally or as otherwise provided by the instrument of delegation, by instrument in writing, delegate to a person any of the powers of that relevant authority under this Act other than this power of delegation.
- (2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the relevant authority.
- (3) A delegation under this section does not prevent the exercise of a power by a relevant authority.

Part III—The Commonwealth Teaching Service

Division 1—Establishment of the Service

19 Establishment of Commonwealth Teaching Service

- (1) The Commonwealth Teaching Service established under the *Commonwealth Teaching Service Act 1972* as amended and in force immediately before the commencement of this section is continued in existence for all purposes.
- (2) The Service shall consist of the persons who were members of the Service under the *Commonwealth Teaching Service Act 1972* as amended and in force immediately before the commencement of this section (other than persons whose membership of that Service would have terminated at the expiration of the day immediately before the date of commencement of this section if Part VIII of the *Commonwealth Functions (Statutes Review) Act 1981* had not been enacted) and such persons as are appointed as officers or engaged as temporary employees after the commencement of this section in accordance with this Part.
- (3) The Commonwealth Teaching Service as continued in existence by subsection (1) is divided into the following components:
 - (a) an Australian Capital Territory Schools component;
 - (b) an Australian Capital Territory Technical and Further Education component;
 - (c) a general component; and
 - (d) such other components as are prescribed.
- (4) Each component shall consist of officers holding positions in the Service established in that component and temporary employees engaged for the purpose of performing services in relation to that component.
- (5) For the purposes of this Act, the relevant authority in relation to a component of the Service is:

- (a) in the case of the Australian Capital Territory Schools component-the person for the time being holding, or performing the duties of, the office for the time being designated for the purposes of that component by the Secretary by writing signed by the Secretary;
- (b) in the case of the Australian Capital Territory Technical and Further Education component-the person for the time being holding, or performing the duties of, an office in the Australian Public Service for the time being designated for the purposes of that component by the Secretary by writing signed by him;
- (c) in the case of the general component-the person for the time being holding, or performing the duties of, the office of Secretary or, if another office in the Australian Public Service is for the time being designated for the purposes of that component by the Secretary by writing signed by him-the person for the time being holding, or performing the duties of, that other office; and
- (d) in the case of any other component:
 - (i) in a case to which neither subparagraph (ii) nor (iii) applies-the person for the time being holding, or performing the duties of, the office of Secretary;
 - (ii) if an office in the Australian Public Service is for the time being designated for the purposes of that component by the Secretary by writing signed by him and subparagraph (iii) does not apply-the person for the time being holding, or performing the duties of, that office; or
 - (iii) if the regulations designate a particular office for the purposes of that component-the person for the time being holding, or performing the duties of, that office.

Division 2—Officers and Employees

20 Officers

- (1) The relevant authority in relation to a component of the Service shall, on behalf of the Commonwealth, appoint as officers in that component such number of persons as he thinks necessary for the purpose of achieving the object of this Act in relation to that component.
- (2) Subject to the next succeeding subsection, a person shall not be appointed as an officer by a relevant authority unless:
 - (a) he is an Australian citizen;
 - (b) he possesses such educational qualifications, and such other qualifications (if any), as are determined by the relevant authority;
 - (c) the relevant authority is satisfied as to his health and physical fitness;
 - (d) the relevant authority is satisfied that he is a fit and proper person to be an officer; and
 - (e) he makes and subscribes, before the relevant authority, a person appointed by the relevant authority or a justice of the peace, an oath or affirmation of allegiance in accordance with the form of oath or affirmation in the Second Schedule.
- (3) Where, in the opinion of the relevant authority, it is desirable to do so for the more efficient operation of the Service or it is otherwise in the public interest to do so, the relevant authority may, in writing, waive, for a specified period or otherwise, the requirements referred to in paragraphs (2)(a) and (e) in relation to:
 - (a) the appointment of a specified person to any position in the Service; or
 - (b) the appointment of any person to a specified position, or to a position included in a specified class of positions, in the Service.

- (3A) Notwithstanding subsection (3), a waiver by the relevant authority under that subsection is not effective unless and until the Minister has, in writing, approved the waiver.
- (4) Subject to this Part, officers hold office on such terms and conditions as the Public Service Board determines.
- (5) A determination under subsection (4) may make provision for or in relation to a matter by applying, adopting or incorporating, with or without modification:
 - (a) any of the provisions of a determination made under section 82D of the *Public Service Act 1922* as in force at a particular time or as in force from time to time; or
 - (b) any of the provisions of another determination made under subsection (4), or of a determination made under subsection 23(4), as in force at a particular time or as in force from time to time.
- (6) Subsections 82D(8) to (12), inclusive, and sections 82E and 82F of the *Public Service Act 1922* apply in relation to determinations made under subsection (4) of this section in like manner as they apply in relation to determinations made under section 82D of the *Public Service Act 1922*.
- (7) Officers appointed by a relevant authority shall perform duties as directed by that relevant authority.

21 Recruitment of officers

- (1) The relevant authority may, from time to time, by advertisement in the daily newspapers or elsewhere, invite persons to apply for appointment as officers.
- (2) The relevant authority shall specify in any such advertisement:
 - (a) the classes of positions in respect of which applications for appointment are invited;
 - (b) the salaries, or limits of salaries, that will be applicable upon appointment;
 - (c) where applicable:
 - (i) the age limits for appointment;

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- (ii) the qualifications required to be possessed before appointment and the period, if any, within which the qualifications or any of them must have been obtained; and
 - (iii) the date on which persons who obtained or obtain the required qualifications during a period specified for the purposes of the last preceding subparagraph will cease to be qualified for appointment by virtue of those qualifications;
 - (d) the manner of ascertaining the order in which offers of appointment will be made;
 - (e) the date by which applications for appointment are required to be received; and
 - (f) such other matters, if any, as the relevant authority considers desirable.
- (3) Offers of appointment to qualified persons who have applied for appointment in pursuance of an advertisement under this section shall be made in the order ascertained in accordance with the terms of the advertisement.
- (4) Nothing in this section prevents the appointment as an officer of a qualified person who has applied for appointment otherwise than in pursuance of an advertisement under this section.

22 Appointments to be on probation

- (1) Unless the relevant authority, in a particular case, otherwise directs, the appointment of every officer shall be on probation for a period of six months commencing on the date on which the officer commences duties in pursuance of his appointment.
- (2) A person appointed as an officer on probation remains a probationer until his appointment is confirmed or terminated in accordance with this section.
- (3) The relevant authority may, at any time during the period of six months, terminate the appointment.

- (4) As soon as practicable after the expiration of the period of six months, the relevant authority shall:
 - (a) confirm the appointment;
 - (b) terminate the appointment; or
 - (c) direct that the probationer continue on probation for such further period (not being a period exceeding six months) as the relevant authority thinks fit.
- (5) Where the relevant authority directs that a probationer continue on probation for a further period, he may confirm or terminate the appointment of the probationer at any time during that further period and, if he has not confirmed or terminated the appointment before the expiration of that period, shall do so as soon as practicable after the expiration of that period.
- (6) Where the appointment of a probationer is terminated, the relevant authority shall notify the probationer in writing of the reasons for the termination.

23 Employees

- (1) The relevant authority in relation to a component of the Service may, on behalf of the Commonwealth, engage persons as temporary employees to perform services in relation to that component.
- (4) Persons engaged as temporary employees shall be employed on such terms and conditions as the Public Service Board determines.
- (5) A determination under subsection (4) may make provision for or in relation to a matter by applying, adopting or incorporating, with or without modification:
 - (a) any of the provisions of a determination made under section 82D of the *Public Service Act 1922* as in force at a particular time or as in force from time to time; or
 - (b) any of the provisions of another determination made under subsection (4), or of a determination made under subsection 20(4), as in force at a particular time or as in force from time to time.

Part III The Commonwealth Teaching Service

Division 2 Officers and Employees

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- (6) Subsections 82D (8) to (12), inclusive, and sections 82E and 82F of the *Public Service Act 1922* apply in relation to determinations made under subsection (4) of this section in like manner as they apply in relation to determinations made under section 82D of the *Public Service Act 1922*.
- (7) Persons engaged as temporary employees by a relevant authority shall perform duties as directed by that relevant authority.

Division 3—Classifications and Promotions

25 Creation and abolition of positions

A relevant authority may create positions in the component of the Service in relation to which that authority is the relevant authority and may abolish positions in that component.

26 Reclassification

- (1) The relevant authority may, from time to time, alter the classification of a position in the Service by raising or lowering the salary, or the range of salary, applicable to the position.
- (2) Whenever the classification of a position is altered, the position shall be deemed to be vacant.
- (3) Where the relevant authority makes the same alteration of the classification of all positions having the same classification, the relevant authority may direct in writing that the last preceding subsection shall not apply and, in that case, that subsection does not apply.
- (4) Where:
 - (a) the relevant authority makes an alteration of the classification of a position in a case where there is no other position having the same classification as that position; and
 - (b) the relevant authority declares in writing that that alteration is related to an alteration in respect of which a direction is or has been given under the last preceding subsection;the relevant authority may direct in writing that subsection (2) shall not apply in relation to that first-mentioned alteration and, in that case, that subsection does not apply.
- (5) A direction given by the relevant authority under either of the last two preceding subsections shall be made known to the officers as prescribed.

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27 Filling of vacant positions

- (1) The relevant authority may appoint a person as an officer, or transfer or promote an officer, to fill a vacant position in the Service.
- (2) Where the relevant authority has determined that a position, or every position included in a class of positions, in the Service is to be filled only by an officer who possesses qualifications specified in the determination, a person shall not be appointed as an officer, or an officer shall not be transferred or promoted, to fill that position, or a position included in that class of positions, as the case may be, unless he possesses those qualifications.

28 Selection of officers for promotion or transfer

- (1) Where 2 or more officers have applied for promotion or transfer to a vacant position, the relevant authority shall, for the purpose of exercising the power under subsection 27(1) or section 31 to promote or transfer an officer to fill that vacant position, select from those officers the officer who is, in the opinion of the relevant authority, the more or most efficient of those officers.
- (2) For the purpose of forming an opinion as to the more or most efficient of the officers who have applied for promotion or transfer to a vacant position, the relevant authority shall have regard to:
 - (a) the abilities, qualifications, experience, standard of work performance and personal qualities of each officer, to the extent that the relevant authority considers that those matters are relevant to the performance of the duties of the position; and
 - (b) the potential of each officer for further career development in the Service, and the ability of each officer to perform the duties of other positions of the same or equal classification in the component of the Service in relation to which the authority is the relevant authority, to the extent (if any) that the relevant authority considers that those matters are relevant to the selection of an officer to hold the position.

- (3) For the purposes of subsection (2), an officer who is a returned soldier or who is or has been absent on specified defence service shall be treated as having the abilities, qualifications, experience, standard of work performance, personal qualities, potential for future career development in the Service, or ability to perform the duties of the positions concerned that, in the opinion of the relevant authority, the officer would have had but for the absence of the officer on active service or on specified defence service.

29 Appeals against promotions

- (1) The promotion under section 27 of an officer to a vacant position:
- (a) is provisional and without increased salary pending confirmation of the promotion;
 - (b) shall be made known to the officers as prescribed; and
 - (c) is subject to appeal as provided by this section.
- (2) Subject to subsection (3), an officer who considers that he or she should have been promoted to a vacant position in preference to the officer provisionally promoted may appeal against the provisional promotion.
- (3) Except in prescribed circumstances, an officer is not entitled to appeal against the promotion of another officer to a particular position unless the officer applied for promotion to that position.
- (3A) The only ground of appeal under subsection (2) shall be the greater efficiency of the officer making the appeal.
- (3B) Where an appeal or appeals are made under subsection (2) in respect of a promotion, a Promotions Appeal Board specified by the relevant authority shall make such inquiries as it considers necessary to enable it to form an opinion as to the more or most efficient of the officers concerned, namely the officer promoted and the officer or officers who have appealed.
- (3C) For the purpose of forming an opinion as to the more or most efficient of the officers concerned, the Promotions Appeal Board shall have regard to:

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- (a) the abilities, qualifications, experience, standard of work performance and personal qualities of each officer, to the extent that the Board considers that those matters are relevant to the performance of the duties of the position; and
 - (b) if and only if the relevant authority who made the promotion has indicated that, for the purpose of forming an opinion under section 28, the relevant authority had regard to the potential of officers for further career development in the Service, or the ability of officers to perform the duties of other positions of the same or equal classification in the component of the Service in relation to which the authority is the relevant authority-that matter.
- (3D) For the purposes of subsection (3C), an officer who is a returned soldier or who is or has been absent on specified defence service shall be treated as having the abilities, qualifications, experience, standard of work performance, personal qualities, potential for future career development in the Service, or ability to perform the duties of the positions concerned that, in the opinion of the Promotions Appeal Board, the officer would have had but for the absence of the officer on active service or on specified defence service.
- (3E) Where the Promotions Appeal Board has formed an opinion as to the more or most efficient of the officers concerned, the Board shall:
 - (a) unless paragraph (b) applies-allow or disallow the appeal or appeals so as to give effect to its opinion; or
 - (b) if the Board has formed the opinion that none of the officers concerned is capable of efficiently performing the duties of the office-disallow the appeal or appeals and the relevant authority shall cancel the promotion.
- (3F) A Promotions Appeal Board shall refuse to consider or further consider an appeal if each member of the Board is satisfied that the appeal is frivolous or vexatious or was not made in good faith.
- (3G) Where a Promotions Appeal Board refuses to consider or further consider an appeal, the appeal shall thereupon be deemed to have been withdrawn.

- (4) Where an appeal is allowed, the relevant authority shall cancel the provisional promotion and promote the appellant to the vacant position.
- (5) Where, in respect of a provisional promotion, no appeal is duly made or an appeal has, or appeals have, been duly made but the appeal, or each of the appeals, has been disallowed or has become inoperative, the relevant authority shall confirm the provisional promotion.
- (6) If, after notification has been made of a provisional promotion to a vacant position but before the promotion has been confirmed, the relevant authority is satisfied that the position is unnecessary or can be filled by the transfer of an excess officer, or that the notification or further notification of the vacancy in the position is desirable, the relevant authority may cancel the provisional promotion.
- (7) The relevant authority may cancel a provisional promotion in accordance with the last preceding subsection whether or not there has been an appeal against the provisional promotion, and, where the relevant authority so cancels a provisional promotion, any appeal proceedings in respect of the promotion shall be discontinued.
- (8) For the purposes of this section, an appeal shall be taken to become inoperative if:
 - (a) the appeal is withdrawn;
 - (b) the appellant ceases to be an officer; or
 - (c) the appellant ceases, by reason of the confirmation of his promotion to another position or for any other reason, to be eligible for promotion to the position concerned.

30 Promotions Appeal Boards

- (1) For the purposes of this Division, the relevant authority shall, from time to time, arrange for the constitution of such Promotions Appeal Boards as are required.
- (2) A Promotions Appeal Board shall consist of:
 - (a) a Chairman appointed by the Minister;

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- (b) an officer appointed by the relevant authority; and
 - (c) an officer nominated, as provided by the regulations, to represent the officers of the Service.
- (3) The Chairman of a Promotions Appeal Board shall be paid such remuneration as is determined by the Remuneration Tribunal.
- (3A) The Chairman of a Promotions Appeal Board shall be paid such allowances as are prescribed.
- (3B) Subsections (3) and (3A) have effect subject to the *Remuneration Tribunals Act 1973-1975*.
- (3C) The Chairman of a Promotions Appeal Board holds office on such terms and conditions, other than terms and conditions relating to remuneration and allowances, as the Minister determines.
- (7) A member of a Promotions Appeal Board shall, before commencing to perform his duties as a member of that Board, make and subscribe an oath or affirmation in accordance with the form of oath or affirmation in the Third Schedule.
- (8) An oath or affirmation under the last preceding subsection shall be made and subscribed:
 - (a) in the case of an oath or affirmation by the Chairman-before the relevant authority, a person appointed by the relevant authority or a justice of the peace; and
 - (b) in any other case-before the Chairman.
- (9) Where, at a meeting of a Promotions Appeal Board, the members are divided in opinion on a question, that question shall be decided according to the decision of the majority.

Division 4—Joint Selection Committees

31 Transfer or promotion on advice of Joint Selection Committee

- (1) Subject to subsection (5), a relevant authority may, instead of transferring or promoting an officer to fill a vacant position under section 27, transfer or promote an officer to fill the vacant position under this section.
- (2) A transfer or promotion of an officer under this section shall be a transfer or promotion made in accordance with the advice of a Joint Selection Committee constituted under section 32.
- (3) Subject to subsection (4), where a relevant authority proposes that a vacant position be filled by a transfer or promotion under this section, the relevant authority shall give notice in writing of the proposal to the organisation that is the relevant staff organisation in relation to the position.
- (4) Where more than one organisation is a relevant staff organisation in relation to the position, the relevant authority shall ascertain which of those organisations has the greater or the greatest number of members occupying positions of the class of the vacant position and shall give notice in writing of the proposal to that organisation.
- (5) Where the relevant staff organisation to which a notice has been given under subsection (3) or (4) consents to the proposal, the relevant authority shall:
 - (a) cause notification of the vacancy, being a notification indicating that the relevant authority proposes that the vacancy be filled by a transfer or promotion under this section, to be given in the Gazette; and
 - (b) arrange for the establishment of a Joint Selection Committee for the purpose of giving advice to the relevant authority with respect to the filling of the vacancy.

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32 Joint Selection Committee

- (1) Subject to subsection (2), a Joint Selection Committee shall be constituted for the purposes of this Division by:
 - (a) a Chairperson appointed by the Minister; and
 - (b) not fewer than 2 and not more than 3 other persons appointed by the relevant authority.
- (2) A person shall not be appointed under paragraph (1)(b) unless the relevant authority and the relevant staff organisation have first agreed that the person is suitable for appointment.
- (3) Where:
 - (a) a Joint Selection Committee has been constituted under subsection (1) for the purpose of giving advice to the relevant authority with respect to the filling of a vacancy under section 31; and
 - (b) before the Committee gives such advice, a member of the Committee ceases to take part in the deliberations of the Committee;the Committee shall be reconstituted by the remaining members and another member appointed in accordance with subsection (1).
- (4) Where the members of a Joint Selection Committee are divided in opinion as to the advice to be given to a relevant authority with respect to the filling of a vacancy under section 31:
 - (a) if a majority of members are of the same opinion-the advice of the majority shall be deemed to be the advice of the Committee;
 - (b) if the members are equally divided in opinion-the advice of the Chairperson shall be deemed to be the advice of the Committee; and
 - (c) if 2 members only are of the same opinion and the remaining members are divided in opinion-the advice of the first-mentioned 2 members shall be deemed to be the advice of the Committee.
- (5) The Chairperson may be referred to as the Chairman or the Chairwoman, as the case requires.

33 Procedure of Joint Selection Committee

- (1) A Joint Selection Committee established for the purpose of giving advice to a relevant authority with respect to the filling of a vacant position under section 31 shall assess the claims of the applicants for promotion or transfer to the office in such manner as the Committee considers necessary to establish their relative efficiency.
- (2) A Joint Selection Committee shall conduct its proceedings with as little formality and technicality, and as quickly, as a proper consideration of the applications permits.
- (3) Where a Joint Selection Committee is reconstituted under subsection 32(3), the Committee as reconstituted may have regard to the evidence given, the argument adduced and the reasons for any decision given during proceedings before the Committee as previously constituted.
- (4) A transfer or promotion made under section 31 is not invalidated by a defect or irregularity in connection with the nomination of a member of the Joint Selection Committee.
- (5) A member of a Joint Selection Committee, while acting as such, is not subject to direction by any other person or by any body or authority other than a court.

34 Arrangements where no Joint Selection Committee or where advice of Committee not accepted

If, for any reason, a relevant authority:

- (a) is unable to arrange for the establishment of a Joint Selection Committee for the purpose of giving advice to the relevant authority with respect to the filling of the vacancy; or
- (b) having arranged for the establishment of a Joint Selection Committee for such a purpose, is unwilling to transfer or promote an officer in accordance with the advice of the Committee;

the relevant authority may transfer or promote an officer to fill the vacancy under section 27.

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34A Promotion and transfer on advice of Joint Selection Committee not subject to appeal

- (1) The promotion of an officer under section 31 in accordance with the advice of a Joint Selection Committee:
 - (a) shall be notified in the Gazette as a promotion made in accordance with the advice of a Joint Selection Committee; and
 - (b) is not subject to appeal.
- (2) An officer who is transferred under this Division shall be given notice in writing of the transfer.

Division 5—Forfeiture of Office

34B Forfeiture of office

- (1) Where an officer is absent from duty without permission, and has been so absent for a continuous period of not less than 4 weeks, the relevant authority may send by security post to the officer, at the officer's address last known to the relevant authority, a notice informing the officer that unless, within a period of 2 weeks from and including the day on which the notice was sent, the officer:
 - (a) returns to duty; or
 - (b) explains his or her absence and seeks the permission of the relevant authority for any further period of absence that may be necessary having regard to that explanation;the officer will be deemed to have retired from the Service at the end of that period of 2 weeks.
- (2) Where:
 - (a) an officer to whom a notice under subsection (1) has been sent does not comply with the requirements of the notice; and
 - (b) the notice has not been revoked under subsection (5);the officer shall be deemed to have retired from the Service on the day following the end of the period of 2 weeks specified in the notice.
- (3) Where a notice has been sent to an officer under subsection (1) and, within the period of 2 weeks after that notice was so sent, the officer explains his or her absence and seeks the permission of the relevant authority for a further period of absence, the relevant authority shall, as soon as practicable, consider the matter and may, by notice in writing sent by security post to the officer at the officer's address last known to the relevant authority, inform the officer:
 - (a) that he or she has been granted leave of absence for such period and on such conditions as are specified in the notice; or

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- (b) that he or she is required to return to duty and that, unless he or she returns to duty within a specified period (being a period of at least 2 weeks from and including the date on which the notice is sent) he or she will be deemed to have retired from the Service at the end of the period so specified.
- (4) Where:
 - (a) an officer who is required by a notice under subsection (3) to return to duty does not return to duty within the period specified in the notice; and
 - (b) the notice is not revoked under subsection (5);the officer shall be deemed to have retired from the Service on the day following the end of that period.
- (5) The relevant authority may, at any time before an officer is to be deemed to have retired from the Service under this section, by notice in writing sent by security post to the officer at the officer's address last known to the relevant authority, revoke a notice previously sent to the officer under this section, and the notice has no effect.
- (6) In this section, *officer* includes a temporary employee engaged under section 23.

34C Re-appointment of officers and temporary employees deemed to have retired under section 34B

- (1) A person who is deemed to have retired from the Service in accordance with subsection 34B(2) or (4) may apply to the relevant authority, in writing, for re-appointment to the Service.
- (2) A relevant authority to whom an application is made under subsection (1) shall:
 - (a) if the relevant authority is satisfied that the applicant had, in all the circumstances, reasonable grounds for being absent, re-appoint the applicant to the Service to fill:
 - (i) the position occupied by the applicant immediately before the applicant was deemed to have retired from the Service, or an equivalent position;

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- (ii) if such a position is not available-an available position as nearly as possible equivalent to the position occupied by the applicant as mentioned in subparagraph (i); or
 - (iii) with the consent in writing of the applicant-another position; or
 - (b) if the relevant authority is not so satisfied-refuse the application.
- (3) Where a relevant authority refuses an application
 - (a) the relevant authority shall notify the applicant in writing accordingly, and furnish to the applicant the reasons for the refusal; and
 - (b) the applicant may apply in the prescribed manner for review of the decision of the relevant authority to refuse the application.
- (4) Where a person who is deemed to have retired from the Service in accordance with subsection 34B(2) or (4) is re-appointed to the Service under this section:
 - (a) the person shall be deemed, during the period commencing on the day immediately following the day on which the person is so deemed to have retired from the Service and ending on the day immediately preceding the day on which the person was so re-appointed, to have continued in the Service and to have been absent from duty on leave of absence without pay; and
 - (b) the relevant authority shall determine whether that period, or any part of that period, is to form part of the officer's period of service for any purposes under this Act or any other Act (other than the *Superannuation Act 1976*) and, if so, the purposes for which it is to form part of the officer's period of service.
- (5) In this section, **officer** includes a temporary employee engaged under section 23.

Division 5A—Attachment of Salaries

34D Attachment of salaries of officers

- (1) Where judgment has been given by a court against an officer for the payment of a sum of money, the person in whose favour judgment was given (in this section called the “judgment creditor”) may serve on the paying officer of the component of the Service in which the officer is employed:
 - (a) a copy of the judgment, certified under the hand of the Registrar or other appropriate officer of the court; and
 - (b) a statutory declaration that:
 - (i) states that the judgment has not been satisfied by the officer; and
 - (ii) sets out the amount due by the officer under the judgment.
 - (2) The paying officer shall, as soon as practicable after service of the copy of the judgment and the statutory declaration, by notice in writing given to the officer:
 - (a) inform the officer of the service on the paying officer of the copy of the judgment and the statutory declaration; and
 - (b) require the officer:
 - (i) to inform the paying officer, in writing, within such time as is specified in the notice, whether the judgment has been satisfied; and
 - (ii) to furnish to the paying officer:
 - (A) if the officer claims that the judgment has been satisfied-evidence in support of the claim; or
 - (B) if the officer admits that the judgment has not been satisfied-a statement of the amount then due under the judgment.
 - (3) If the officer:
 - (a) fails, within the time specified for the purpose in the notice, to satisfy the paying officer that the judgment has been satisfied; or
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- (b) admits that the judgment has not been satisfied;
the paying officer shall, subject to subsection (12), cause to be deducted from the salary payable to the officer on each pay-day in relation to the officer:
- (c) an amount equal to the normal deduction in relation to the officer in relation to the pay-day; or
 - (d) such lesser amount as is, in the opinion of the paying officer, sufficient to satisfy the amount then due under the judgment.
- (4) The paying officer shall, subject to subsection (6), cause an amount equal to each amount deducted under subsection (3) to be paid to the judgment creditor.
- (5) There is payable to the Commonwealth by the judgment creditor an administration fee, calculated at the prescribed rate, in respect of the making of deductions under subsection (3) in relation to the judgment debt.
- (6) Where an amount is deducted under subsection (3) and the whole or a part of the administration fee payable in respect of the making of deductions in relation to the judgment debt has not been paid by the judgment creditor, the paying officer shall:
- (a) apply, in or towards payment of the administration fee or the part of the administration fee that remains unpaid, the amount of the deduction or so much of the amount of the deduction as is equal to the administration fee or that part of the administration fee; and
 - (b) if the whole of the amount of the deduction is not applied in accordance with paragraph (a), pay an amount equal to the balance to the judgment creditor.
- (7) Where an amount (in this subsection called “the relevant amount”), being the whole or a part of an amount deducted under subsection (3) from the salary of the officer on a pay-day, is applied in accordance with subsection (6) in or towards payment of the administration fee payable by the judgment creditor:
- (a) the judgment creditor shall be deemed to have paid the relevant amount to the Commonwealth in satisfaction or partial satisfaction, as the case requires, of the administration fee;
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- (b) an amount equal to the relevant amount shall be deemed to have been paid by the Commonwealth to the officer on account of the salary of the officer on that pay-day; and
 - (c) an amount equal to the relevant amount shall also be deemed to have been paid by the officer to the judgment creditor in respect of the judgment debt.
- (8) Upon payment being made to the judgment creditor under subsection (4) or (6) of an amount (in this subsection called the “relevant amount”) that is equal to the whole or a part of the amount deducted under subsection (3) from the salary of the officer on a pay-day:
 - (a) an amount equal to the relevant amount shall be deemed to have been paid by the Commonwealth to the officer on account of the salary of the officer on that pay-day; and
 - (b) an amount equal to the relevant amount shall also be deemed to have been paid by the officer to the judgment creditor in respect of the judgment debt.
- (9) If the amounts deemed, by virtue of paragraphs (7)(c) and (8)(b), to have been paid by the officer to the judgment creditor exceed, in the aggregate, the amount due under the judgment, the excess is repayable by the judgment creditor to the officer, and, in default of repayment, may be recovered, by action in a court of competent jurisdiction, as a debt due by the judgment creditor to the officer.
- (10) When the judgment debt has been satisfied, the judgment creditor shall forthwith notify the paying officer accordingly.

Penalty: \$1,000 or imprisonment for 6 months, or both.
- (11) Where a paying officer has been served under subsection (1) with copies of 2 or more judgments given against an officer, the paying officer shall take such action as is necessary under this section to satisfy the judgment debts payable by the officer in the order in which the copies of the judgment debts were served on the paying officer.
- (12) Where an officer ceases to be employed in a component of the Service after a copy of a judgment given against the officer has been served on the paying officer of that component or has been

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forwarded to the paying officer under a previous application of this subsection and before the paying officer of that component has been notified that the judgment debt has been satisfied:

- (a) the paying officer shall forthwith inform the judgment creditor, in writing, of the fact that the officer has ceased to be so employed and the date on which the officer ceased to be so employed; and
 - (b) if the officer, upon ceasing to be employed in that component of the Service, becomes employed in another component of the Service:
 - (i) the paying officer shall also inform the judgment creditor of the component in which the officer has become employed, of the fact that deductions will be made, in respect of the judgment debt, by the paying officer of that component, and of the address of the paying officer in order that the judgment creditor may comply with any obligation imposed by subsection (10); and
 - (ii) the paying officer of the first-mentioned component shall forward to the paying officer of the other component all documents held by him or her in relation to the judgment debt, together with a statement containing particulars of the deductions (if any) made in relation to the judgment debt.
- (13) Where documents relating to a judgment given against an officer are forwarded to the paying officer of a component (in this subsection called the “relevant paying officer”) in accordance with subsection (12):
- (a) if the time specified in the notice given to the officer under subsection (2) in respect of the judgment had expired before the documents were so forwarded and the officer had failed, within that time, to satisfy the paying officer concerned at that time that the judgment debt had been satisfied:
 - (i) the relevant paying officer shall, subject to subsection (14), cause to be deducted from the salary payable to the officer on each pay-day in relation to the officer an amount equal to the normal deduction in respect of the officer and the pay-day or such lesser

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amount as is, in the opinion of the relevant paying officer, sufficient to satisfy the balance of the judgment debt; and

- (ii) subsections (4), (5), (6), (7) and (8) apply to those deductions in the same manner as they apply to deductions made in accordance with subsection (3); or
 - (b) in any other case-subsections (3), (4), (5), (6), (7) and (8) apply as if the copy of the judgment and the statutory declaration concerned had been served on the relevant paying officer and any notice given to the officer in relation to that judgment under subsection (2) had been given by the relevant paying officer.
- (14) If, under subsection (12), copies of 2 or more judgments given against an officer are, together with the relevant statutory declarations, forwarded to the paying officer of a component of the Service, the paying officer forwarding them shall indicate to the paying officer to whom they are forwarded the order in which they were served under this section, and, for the purposes of subsection (9), they shall be treated as if they had been served upon the first-mentioned paying officer in that order.
- (15) If the paying officer is satisfied that the deduction of the amount that the paying officer would, but for this subsection, be required to deduct from the salary payable to the officer on a pay-day would cause severe hardship to the officer, the paying officer may deduct a lesser amount in relation to the pay-day.
- (16) Subsections (1) to (15) (inclusive) do not apply to an officer:
- (a) who is a bankrupt; or
 - (b) in relation to whom a deed of assignment, a deed of arrangement or a composition is in force under the *Bankruptcy Act 1966*.
- (17) In this section, unless the contrary intention appears:

judgment does not include an order made under the *Family Law Act 1975*;

net salary, in relation to an officer and to a pay-day, means the amount of salary payable by the Commonwealth to the officer on

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the pay-day after deductions have been made from his or her salary:

- (a) under Division 2 of Part VI of the *Income Tax Assessment Act 1936*;
- (b) under Part IV of the *Superannuation Act 1976*; and
- (c) for any prescribed purposes;

normal deduction, in relation to an officer and to a pay-day, means an amount equal to 20% of the net salary of the officer on that pay-day or such greater amount as the officer has, by instrument in writing delivered to the paying officer, specified as the normal deduction for the purposes of this section;

officer includes a temporary employee engaged under section 23;

pay-day, in relation to an officer, means a day on which salary becomes payable to the officer;

paying officer, in relation to a component of the Service, means such officer as the relevant authority of that component appoints as paying officer for the purposes of this section;

salary, in relation to an officer, means any money payable by the Commonwealth to the officer by way of salary or wages, and includes any money payable by the Commonwealth to the officer by way of an allowance that is a prescribed allowance for the purposes of this definition, but does not include any money payable to the officer by way of a weekly payment of compensation under the *Compensation (Commonwealth Government Employees) Act 1971*.

Division 6—Dismissals and Punishments

35 Disciplinary action for misconduct

- (1) Where, after inquiry as directed by the relevant authority, it is found that an officer has been guilty of misconduct, the relevant authority may:
 - (a) caution or reprimand him;
 - (b) fine him a sum not exceeding Forty dollars;
 - (c) if he occupies a position to which a range of salary is applicable and he is in receipt of a salary other than the minimum salary of that range—reduce his salary to a lower salary within that range;
 - (d) if he occupies a position to which a range of salary is applicable and he is in receipt of a salary other than the maximum salary of that range—determine that he be not granted, or be not granted until the expiration of a specified period, the whole, or such part as the relevant authority specifies, of a specified increase in salary within that range that would otherwise be granted to him;
 - (e) reduce him to a lower position and salary; or
 - (f) dismiss him from the Service.
- (2) In an inquiry for the purposes of the last preceding subsection, a formal hearing is not required but the officer shall be informed of the nature of the alleged misconduct and given an opportunity of furnishing a statement in relation to the matters alleged to constitute the misconduct.
- (3) Where:
 - (a) an inquiry is being held into alleged misconduct by an officer; or
 - (b) an officer has been charged with having committed an offence against the law of the Commonwealth, of a State or of a Territory, punishable either on indictment or on summary conviction, and it appears to the relevant authority

that the act or omission alleged to constitute the offence is such as to constitute misconduct by the officer;
the relevant authority may suspend the officer from duty.

- (4) Subject to the next succeeding subsection and to subsection (8), where the relevant authority suspends an officer from duty under the last preceding subsection, the officer shall not be paid his salary in respect of the period of the suspension.
- (5) The relevant authority may, in his discretion, determine that the officer:
- (a) be paid his salary in respect of the period of the suspension;
 - (b) be paid his salary in respect of such part of the period of the suspension as the relevant authority specifies; or
 - (c) be paid such part of his salary as the relevant authority specifies in respect of the period of the suspension or in respect of such part of that period as the relevant authority specifies.
- (6) Where the relevant authority has suspended an officer from duty under subsection (3), the relevant authority may at any time remove the suspension.
- (7) Where:
- (a) after an inquiry has been held into alleged misconduct by an officer who has been suspended from duty under subsection (3), the relevant authority is not satisfied that the officer has been guilty of misconduct; or
 - (b) upon the hearing by a court of the charge against an officer referred to in paragraph (b) of subsection (3) who has been suspended from duty under that subsection the officer does not plead guilty, and is not found guilty, of the offence with which he was charged or of another offence that appears to the relevant authority to be such as to constitute misconduct by the officer, or the charge against such an officer is not proceeded with;
- the relevant authority shall, if he has not already done so, remove the suspension.
- (8) Where:
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- (a) an officer has been suspended from duty under subsection (3);
 - (b) an amount of salary that would otherwise have been paid to the officer in respect of the period of the suspension was not paid to him; and
 - (c) the relevant authority removes the suspension;
- the officer shall, subject to the next succeeding subsection, be paid that amount of salary.
- (9) Where the relevant authority is satisfied that an officer to whom the last preceding subsection applies has engaged in paid employment or work during the period of his suspension, the amount payable to him under that subsection shall be reduced by an amount equal to the total of the amounts of the earnings that the relevant authority is satisfied were received or are receivable by him in respect of that employment or work.
- (10) For the purposes of this section, an officer shall be taken to have been guilty of misconduct if, and only if:
- (a) he wilfully disobeys, or wilfully disregards, a direction given by a person having authority to give the direction, being a direction with which it is his duty as an officer to comply;
 - (b) he is inefficient or incompetent for reasons or causes within his own control;
 - (c) he is negligent or careless in the discharge of his duties;
 - (d) he engages in improper conduct as an officer;
 - (e) he engages in improper conduct otherwise than as an officer, being conduct that affects adversely the performance of his duties or brings the Service into disrepute;
 - (f) he contravenes or fails to comply with:
 - (i) a provision of this Act or of the regulations, being a provision that is applicable to him; or
 - (ii) the terms and conditions upon which he is employed; or
 - (g) he has, whether before or after becoming an officer, wilfully supplied to the Commonwealth Teaching Service Commissioner, a relevant authority, a person acting on behalf of the Commonwealth Teaching Service Commissioner or of a relevant authority, or any other officer of the Service,

incorrect or misleading information in connection with his appointment to the Service.

36 Appeals

- (1) Where, under section 34 or subsection (1) of section 35:
 - (a) an officer is fined a sum exceeding Four dollars, has his salary or position reduced or is retired or dismissed; or
 - (b) a determination is made that an officer be not granted, or be not granted until the expiration of a specified period, the whole or a part of an increase in salary;the officer may appeal to the Disciplinary Appeal Board.
- (2) On the hearing of an appeal under this section, the Disciplinary Appeal Board may take evidence on oath or affirmation.
- (3) The regulations may prescribe the manner in which, and the time within which, appeals may be made under this section and the manner in which the hearing of appeals so made shall be conducted and may include provision for or in relation to the summoning of witnesses, the production of documents, the taking of evidence on oath or affirmation and the administering of oaths or affirmations.
- (4) The Disciplinary Appeal Board shall hear each appeal submitted to it, under this section and may confirm, vary or set aside the decision against which the appeal is made.
- (5) The decision of the Disciplinary Appeal Board is final and the relevant authority shall take such action as is necessary to give effect to the decision.

37 Disciplinary Appeal Board

- (1) For the purposes of this Division, there shall be a Disciplinary Appeal Board.
- (2) The Disciplinary Appeal Board shall consist of:
 - (a) a Chairman appointed by the Minister;
 - (b) an officer appointed by the relevant authority; and

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- (c) an officer nominated, as provided by the regulations, to represent the officers of the Service.
- (3) The Chairman of the Disciplinary Appeal Board shall be paid such remuneration as is determined by the Remuneration Tribunal.
- (3A) The Chairman of the Disciplinary Appeal Board shall be paid such allowances as are prescribed.
- (3B) Subsections (3) and (3A) have effect subject to the *Remuneration Tribunals Act 1973-1975*.
- (3C) The Chairman of the Disciplinary Appeal Board holds office on such terms and conditions, other than terms and conditions relating to remuneration and allowances, as the Minister determines.
- (7) A member of a Disciplinary Appeal Board shall, before commencing to perform his duties as a member of that Board, make and subscribe an oath or affirmation in accordance with the form of oath or affirmation in the Third Schedule.
- (8) An oath or affirmation under the last preceding subsection shall be made and subscribed:
- (a) in the case of an oath or affirmation by the Chairman-before the relevant authority, a person appointed by the relevant authority or a justice of the peace; and
 - (b) in any other case-before the Chairman.
- (9) Where, at a meeting of the Disciplinary Appeal Board, the members are divided in opinion on a question, that question shall be decided according to the decision of the majority.

Division 10—Transfer of certain members to the Teaching Service of the Northern Territory

43R Interpretation

- (1) In this Division, unless the contrary intention appears:

appropriate authority of the Northern Territory means a person authorized by a law of the Northern Territory, or by a delegation given under such a law, to appoint persons to be officers of the Teaching Service of the Northern Territory;

transferred employee means a temporary employee of the Commonwealth Teaching Service who is transferred to the Teaching Service of the Northern Territory under section 43T;

transferred officer means an officer of the Commonwealth Teaching Service who is transferred to the Teaching Service of the Northern Territory under section 43T.

- (2) A person who becomes a transferred officer upon being transferred to the Teaching Service of the Northern Territory under section 43T continues to be a transferred officer for the purposes of this Division until he ceases to be employed in the Teaching Service of the Northern Territory.

43S Minister to be satisfied as to form of Northern Territory law

- (1) Where the Minister is satisfied that the laws of the Northern Territory relating to the terms and conditions of service of persons appointed to be officers, or engaged as employees, of the Teaching Service of the Northern Territory make provision as set out in subsection (2), the Minister may, by notice published in the Gazette, declare that he is satisfied that the laws of the Northern Territory comply with the requirements of this section.
- (2) The provision to be made for the purposes of subsection (1) is provision:

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- (a) for a transferred officer to be deemed, by virtue of his transfer, to have been duly appointed, on the date of his transfer, to be an officer of the Teaching Service of the Northern Territory:
- (i) except where subparagraph (ii) applies-without probation; or
 - (ii) if his appointment as an officer of the Commonwealth Teaching Service has not been confirmed before that date-upon probation;

upon terms entitling him to continue to be employed in the Northern Territory Teaching Service otherwise than for a term of years;

- (b) for a transferred officer, other than a transferred officer referred to in paragraph (c), to be entitled, upon his transfer, to be paid salary at a rate not less than the rate at which salary was payable to him in respect of the position held by him in the Commonwealth Teaching Service immediately before the date of his transfer;
- (c) for a transferred officer who is, on the date of his transfer, performing duty for an authority, body or person by reason of his having been authorized to do so under this Act:
- (i) to be entitled to continue, on and after that date, to perform duty for that authority, body or person for the remainder of the period for which he has been authorized to do so as if he had been authorized to do so in accordance with the terms and conditions of his service in the Teaching Service of the Northern Territory and upon terms and conditions similar to the terms and conditions upon which he was authorized to do so under this Act;
 - (ii) to be deemed to have been granted, on the date of his transfer, leave of absence without pay from the Teaching Service of the Northern Territory for the period commencing on that date and ending on the last day of the period for which he is to be treated as authorized to perform duty for that authority, body or person; and

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- (iii) to be entitled, upon the termination of the leave of absence referred to in subparagraph (ii), to be paid salary at the rate that the appropriate authority of the Northern Territory determines to be the appropriate rate having regard to the rate at which salary was payable to him in respect of the position held by him in the Commonwealth Teaching Service immediately before he commenced to perform duty for that authority, body or person and the period during which he performed that duty;
- (d) for a transferred employee to be deemed, by virtue of his transfer, to have been engaged, on the date of his transfer, as an employee of the Teaching Service of the Northern Territory on terms entitling him to continue to be employed in that Service:
 - (i) for such period only as the appropriate authority of the Northern Territory determines having regard to the work ordinarily performed, or last performed, by the employee in the Commonwealth Teaching Service and to the period during which the employee was likely to continue to be a temporary employee; and
 - (ii) at such a salary as the appropriate authority of the Northern Territory determines to be the appropriate salary for the employee having regard to the nature of the work performed by the employee during the period, or the last period, of his temporary employment in the Commonwealth Teaching Service, or, if that period was in excess of 3 months, during the period of 3 months immediately preceding the date of his transfer;
- (e) for a transferred officer or a transferred employee to retain such rights (if any) in respect of:
 - (i) recreation leave; and
 - (ii) leave on the ground of illness;as had accrued to him as an officer of, or employee in, the Commonwealth Teaching Service immediately before the date of his transfer;

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- (f) for the entitlement of a transferred officer or transferred employee to long service leave in respect of his service in the Teaching Service of the Northern Territory to be determined:
 - (i) in accordance with a rate of accrual of long service leave that is not less than the rate of accrual of long service leave that was applicable to him, immediately before his transfer, in respect of his service in the Commonwealth Teaching Service under the law of the Commonwealth relating to long service leave; and
 - (ii) in respect of a period of service that is not less than the period ascertained by aggregating the period of his service in the Teaching Service of the Northern Territory after his transfer and the period that was, immediately before his transfer, the period of his service for the purposes of the law of the Commonwealth relating to long service leave;
- and for the amount of pay in lieu of long service leave payable to, or in relation to, a transferred officer or transferred employee to be calculated in a like manner;
- (g) for a transferred officer or a transferred employee to whom leave of absence has been granted from the Commonwealth Teaching Service for a period commencing on or before the date of his transfer and ending after that date to be deemed to have been granted leave of absence for the purpose for which that leave was granted for the period commencing on the day of his transfer and ending on the last day of the first-mentioned period; and
 - (h) for the probationary service in the Commonwealth Teaching Service of a transferred officer who is deemed to have been appointed to the Teaching Service of the Northern Territory on probation to be treated as probationary service in the Teaching Service of the Northern Territory.
- (3) Where, while a notice under subsection (1) is in force, a change occurs in the laws of the Northern Territory relating to the terms and conditions of service of employees of the Teaching Service of the Northern Territory, the Minister shall, by notice published in the Gazette, revoke that notice if it appears to him that the laws of that Territory no longer make provision as set out in subsection (2).
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- (4) Subject to subsection (5), paragraph (2) (c) does not apply to or in relation to a transferred officer who is, on the date of his transfer, performing teaching duties in a Commonwealth school in the Australian Capital Territory or the Territory of Christmas Island or in a school conducted by the Government of the Northern Territory.
- (5) Where a transferred officer who is, on the date of his transfer, performing teaching duties in a Commonwealth school in the Territory of Christmas Island was, immediately before he commenced, or last commenced, to perform teaching duties in Commonwealth schools in that Territory, performing teaching duties in a Commonwealth school in the Northern Territory or in a school conducted by the Government of the Northern Territory, paragraph (2)(c) applies to and in relation to that transferred officer and, for the purpose of the application of that paragraph accordingly, he shall be deemed to be performing, on the date of his transfer, duty for the Commonwealth in Commonwealth schools in the Territory of Christmas Island by reason of his having been authorized to do so under this Act.

43T Minister may transfer members to Teaching Service of Northern Territory

- (1) Where a declaration under section 43S is in force, the Minister may, upon recommendation made to him by the Secretary after the Secretary has consulted with the appropriate authority of the Northern Territory, by instrument under his hand, transfer to the Teaching Service of the Northern Territory:
 - (a) a specified member of the Commonwealth Teaching Service;
 - (b) the members of the Commonwealth Teaching Service occupying positions included in a specified class of positions in that Service; or
 - (c) the members of the Commonwealth Teaching Service included in a specified class of members of that Service;on a day specified in the instrument.
- (2) An instrument under subsection (1) does not apply to a person specified or referred to in the instrument if he ceases, otherwise

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than by virtue of subsection (3), to be a member of the Commonwealth Teaching Service before the day on which he would, but for this subsection, be transferred to the Teaching Service of the Northern Territory.

- (3) Where a person is transferred to the Teaching Service of the Northern Territory under subsection (1), the person ceases to be a member of the Commonwealth Teaching Service on the expiration of the day immediately preceding the date of his transfer.

43U Right to re-enter Commonwealth Teaching Service by way of transfer or promotion

- (1) Sections 27, 28 and 29 apply, subject to this section and to such modifications (if any) as are prescribed, in relation to a transferred officer as if:
- (a) he were an officer of the Commonwealth Teaching Service; and
 - (b) he were the holder of a position in the Commonwealth Teaching Service having a classification equivalent, or as nearly as possible equivalent, to the classification of the position held by him immediately before his transfer to the Teaching Service of the Northern Territory.
- (2) Subject to subsection (6), where a transferred officer commences to perform the duties of a position in the Commonwealth Teaching Service to which he has been transferred or promoted:
- (a) he shall be deemed to have been re-appointed to the Commonwealth Teaching Service as an officer on the day on which he commences to perform those duties;
 - (b) he shall be deemed to have been so re-appointed to the Commonwealth Teaching Service without probation unless the Secretary, by instrument in writing, otherwise determines; and
 - (c) he is entitled to be paid salary and allowances as the holder of the position from and including that day, and not otherwise.

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- (3) Subject to subsections (4) and (5), where a transferred officer who has been transferred or promoted to a position in the Commonwealth Teaching Service:
- (a) does not commence to perform the duties of that office within the period of 30 days after notice of the transfer or promotions is published in the Gazette; or
 - (b) notifies the Secretary, in writing, before the expiration of that period, that he declines the transfer or promotion;
- the transfer or promotion, as the case may be, is of no force or effect.
- (4) Where a transferred officer is transferred or promoted to a position in the Commonwealth Teaching Service, the Secretary may, on application made by the person before the expiration of the period of 30 days after notice of the transfer or promotion is published in the Gazette, determine that subsection (3) shall have effect in relation to the transfer or promotion as if the reference in that subsection to a period of 30 days were a reference to such longer period as is specified in the determination.
- (5) Where:
- (a) a transferred officer is transferred or promoted to a position in the Commonwealth Teaching Service;
 - (b) at the time when notice of the transfer or promotion is published in the Gazette, the person is absent from his employment in the Teaching Service of the Northern Territory on leave granted before that time; and
 - (c) the Secretary has not made a determination under subsection (4) in relation to the transfer or promotion;
- references in subsection (3) to the period of 30 days after notice of the transfer or promotion is published in the Gazette shall be read as references to the period of 30 days after the expiration of the period of the leave so granted to him.
- (6) Where:
- (a) a transferred officer:
 - (i) has, under section 27, in its application to him by virtue of subsection (1), been provisionally promoted to fill a

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vacant position in the Commonwealth Teaching Service; or

- (ii) has under section 29, in its application to him by virtue of that subsection, appealed against the provisional promotion of another person to fill such a position; and

- (b) the officer ceases to be a transferred officer before the provisional promotion is confirmed or cancelled;

then, subject to subsection (7):

- (c) the preceding provisions of this section continue to apply to and in relation to the promotion or appeal as if he had not ceased to be a transferred officer; and

- (d) if he commences to perform the duties of the position as a result of his having been promoted to the position, or of his provisional promotion to the position having been confirmed:

- (i) he shall be deemed to have been re-appointed to the Commonwealth Teaching Service as an officer on the day immediately following the day on which he ceased to be a transferred officer and to have been absent from the Commonwealth Teaching Service on leave of absence without pay from the day on which he is to be deemed to have been so re-appointed until he commences to perform the duties of the position; and

- (ii) the period during which he is to be deemed to have been absent from the Commonwealth Teaching Service on leave of absence without pay shall form part of his period of service under this Act for all purposes of this Act and of the *Long Service Leave (Commonwealth Employees) Act 1976*.

- (7) Subsection (6) does not apply to a person who ceased to be a transferred officer upon the termination of his employment by reason of:

- (a) his resignation, invalidity or misconduct;
- (b) the annulment of his appointment while he was a probationary employee; or
- (c) his having attained the age of 65 years.

43V Application for re-appointment to Service

- (1) Where a prescribed condition of re-appointment is fulfilled in respect of a transferred officer, he may, while he is a transferred officer or, subject to subsection (3), after he ceases to be a transferred officer, make application to the Secretary for re-appointment to the Commonwealth Teaching Service on the ground that that condition has been so fulfilled.
- (2) Each of the following conditions is a prescribed condition of re-employment in respect of a transferred officer or former transferred officer:
 - (a) that his employment in the Teaching Service of the Northern Territory is to be, or has been, terminated otherwise than on the ground of his invalidity or by reason of his resignation;
 - (b) that, in a case where his employment in the Teaching Service of the Northern Territory has been terminated by reason of his having been found by a court to have committed a criminal offence:
 - (i) the finding of the court has been nullified; and
 - (ii) he has made application for re-appointment to that Service but has been refused re-appointment;
 - (c) that:
 - (i) he is employed, and has at all times since he became employed, in the Teaching Service of the Northern Territory continued to be employed, in that Service; and
 - (ii) his career in that Service has been adversely affected by reason of a reduction or reductions in, or an alteration or alterations to, the activities of that Service.
- (3) A transferred officer is not entitled to make application under subsection (1) on the ground that a prescribed condition of re-appointment has been fulfilled in relation to him:
 - (a) if he has attained the age of 65 years;
 - (b) if his employment in the Teaching Service of the Northern Territory is to be terminated and he will attain the age of 65 years on or before the day on which that employment is to be terminated; or

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- (c) if his employment in the Teaching Service of the Northern Territory is to be, or has been, terminated by reason of his resignation or on the ground of his invalidity.
- (4) Where a transferred officer:
 - (a) has made an application under subsection (1); and
 - (b) attains the age of 65 years while continuing to be employed in the Teaching Service of the Northern Territory;the application lapses.
- (5) An application by a transferred officer under subsection (1):
 - (a) shall be in writing;
 - (b) shall be made:
 - (i) if his application is on the ground that the prescribed condition of re-appointment referred to in paragraph (a) of subsection (2) has been fulfilled in relation to him-before, or within the period of 30 days, or such further period as the Secretary allows, after, the day on which his employment in the Teaching Service of the Northern Territory is terminated; or
 - (ii) if his application is on the ground that the prescribed condition of re-appointment referred to in paragraph (c) of subsection (2) has been fulfilled in relation to him-within the period of 30 days, or such further period as the Secretary allows, after the day on which the reduction or last reduction in, or the alteration or last alteration to, the activities of the Teaching Service of the Northern Territory occurs;
 - (c) shall specify the prescribed condition of re-appointment that he alleges has been fulfilled in relation to him and, if he specifies the prescribed condition of re-appointment referred to in paragraph (a) of subsection (2), state whether his employment is to be terminated, or was terminated, on the ground of his misconduct;
 - (d) shall specify the kind of employment in the Commonwealth Teaching Service in which he seeks to be engaged; and
 - (e) shall, in a case where:

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- (i) he had been provisionally promoted to fill a vacant office in the Commonwealth Teaching Service, or had appealed against the provisional promotion of another person to fill such an office, before the day on which his employment in the Teaching Service of the Northern Territory is terminated; and
 - (ii) the provisional promotion had not been confirmed or cancelled before that day;
- set out particulars of the provisional promotion or of the appeal, as the case may be.
- (6) The Secretary shall refer an application made to him under subsection (1) to a Re-appointments Review Committee.
 - (7) The Re-appointments Review Committee to which an application under subsection (1) is referred shall inquire into the application and:
 - (a) if it is satisfied that a prescribed condition of re-appointment has been fulfilled in relation to the applicant:
 - (i) determine that the applicant is eligible for re-appointment to the Commonwealth Teaching Service with a specified designation, and at a specified salary, or at a specified salary within specified limits of salary;
 - (ii) determine whether, having regard only to the period of the applicant's service in the Commonwealth Teaching Service and in the Teaching Service of the Northern Territory, the applicant should, in its opinion, be re-appointed on probation; and
 - (iii) if that prescribed condition is the condition referred to in paragraph (b) of subsection (2) -determine whether the period that commenced on the day immediately following the day on which his employment in the Teaching Service of the Northern Territory was terminated and ending on the day immediately preceding the day on which he reports for duty in the Commonwealth Teaching Service or, if he furnishes a notification under paragraph (b) of subsection (4) of section 43W, on the day on which he attains the age of 65 years, or any part of that period, is to form part of his

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period of service for any purposes under this Act or any other Act (other than the *Superannuation Act 1976*) and, if so, the purposes for which it is to form part of his period of service; and

- (b) if it is not so satisfied-determine that the applicant is not eligible for re-appointment to the Commonwealth Teaching Service.
- (8) Where the Re-appointments Review Committee that inquires into an application under subsection (1) is satisfied that the employment of the applicant was terminated on the ground of his misconduct, it shall not determine that he is eligible for re-appointment to the Commonwealth Teaching Service unless it is satisfied that, if the applicant had committed that misconduct while employed as an officer of the Commonwealth Teaching Service, it is likely that he would not have been dismissed from that Service.
- (9) The Re-appointments Review Committee that inquires into an application under subsection (1) by an applicant whose employment in the Teaching Service of the Northern Territory is to be, or has been, terminated in consequence of the annulment, for any reason, of his appointment while he is or was a probationer shall not determine that the applicant is eligible for re-appointment to the Commonwealth Teaching Service unless it is satisfied that, if the applicant had been serving as an officer in the Commonwealth Teaching Service on probation, it is likely that his appointment to the Commonwealth Teaching Service would not have been annulled for that reason.
- (10) In making a determination under subsection (7), the Re-appointments Review Committee shall have regard to:
- (a) the designation applicable to the applicant; and
 - (b) the salary, or limits of salary, applicable to the applicant; immediately before he ceased, or last ceased, to be an officer of the Teaching Service of the Northern Territory and to all other relevant matters.
- (11) The Re-appointments Review Committee that inquires into an application referred to it under subsection (6) may, under subsection (7), determine that the applicant is eligible for
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re-appointment to the Commonwealth Teaching Service whether or not the applicant is eligible for re-appointment to that Service under subsection (2) of section 20.

- (12) A determination of a Re-appointments Review Committee shall be reduced to writing, and the copy of the determination shall be furnished to the Secretary.
- (13) Where a Re-appointments Review Committee determines, under subsection (7), that an applicant is not eligible for re-appointment to the Commonwealth Teaching Service, the Secretary shall, as soon as practicable after he receives a copy of the determination, furnish a copy of the determination to the applicant.

43W Re-appointment to Service

- (1) Where a Re-appointments Review Committee determines, under subsection (7) of section 43V, that an applicant is eligible for re-appointment to the Commonwealth Teaching Service, the Secretary shall, as soon as practicable after he receives a copy of the determination, furnish a copy of the determination to the applicant together with a notice, in writing, informing the applicant that he is eligible for re-appointment to the Commonwealth Teaching Service with the designation and at the salary, or at a salary within the limits of salary, specified in the determination.
- (2) A notice given by the Secretary under subsection (1) shall specify:
 - (a) the place at which the applicant should report for duty; and
 - (b) the nature of the duties on which he will be engaged upon commencing to perform duty in the Commonwealth Teaching Service.
- (3) Where a person who has made application under subsection (1) of section 43V:
 - (a) has received a notice under subsection (1) of this section; and
 - (b) attains the age of 65 years while still employed in the Teaching Service of the Northern Territory;he ceases to be entitled to be re-appointed to the Commonwealth Teaching Service upon his attaining that age.

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- (4) Subject to subsection (3), where, within the period of 21 days, or within such further period as the Secretary allows, after a person receives a notice under subsection (1), the person:
- (a) if he has not attained the age of 65 years-reports for duty at the place specified in the notice; or
 - (b) if he has attained, or will, within that period or further period, attain the age of 65 years-notifies the Secretary, in writing, that he wishes to be re-appointed to the Commonwealth Teaching Service in accordance with the notice;
- the person shall be deemed:
- (c) to have been re-appointed to the Commonwealth Teaching Service under this section on the day (in this subsection referred to as the “day of appointment”) immediately following the day on which his employment in the Teaching Service of the Northern Territory was terminated or ceased;
 - (d) to have been so re-appointed with the designation and at the salary, or at the salary within the limits of salary, specified in the notice; and
 - (e) to have been absent from the Commonwealth Teaching Service on leave of absence without pay during the period (if any) from and including the day of re-appointment to and including the day immediately preceding the day on which he reports for duty in the Commonwealth Teaching Service, or attains the age of 65 years, as the case may be.
- (5) A person who has made application under subsection (1) of section 43V and is deemed to have been re-appointed to the Commonwealth Teaching Service under this section shall be deemed to have been so re-appointed without probation unless the Re-appointments Review Committee that inquired into his application has determined that the applicant should be re-appointed on probation.
- (6) Where a person is, under subsection (4), to be deemed to have been re-appointed to the Commonwealth Teaching Service on an application made under section 43V on the ground that a prescribed condition of re-appointment, other than the condition referred to in paragraph (b) of subsection (2) of section 43V, had been fulfilled in relation to him, the period during which he is, by
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virtue of subsection (4) of this section, to be deemed to have been absent from the Commonwealth Teaching Service on leave of absence without pay, shall form part of his period of service under this Act for all purposes of this Act and the *Long Service Leave (Commonwealth Employees) Act 1976*.

- (7) A person who receives a notice under subsection (1) ceases to be entitled to be re-appointed to the Commonwealth Teaching Service under this section if he does not report for duty or notify the Secretary in accordance with subsection (4).

43X Rights of officers upon re-appointment

- (1) This section applies to a person who is deemed to have been re-appointed to the Commonwealth Teaching Service under section 43W.
- (2) There shall be ascertained, in the manner determined, in writing, by the Secretary, with the approval of the Public Service Board, the period (if any) of leave of absence for recreation and the periods (if any) of leave of absence on account of illness that are applicable to a person to whom this section applies on his re-appointment and, if such a period is applicable to him, he shall be credited with that period.

43Y Constitution of, and inquiries by, committees

- (1) A Re-appointments Review Committee to inquire into an application under subsection 43V(1) shall consist of:
- (a) a Chairman appointed by the Secretary;
 - (b) a member of the Commonwealth Teaching Service appointed by the Secretary; and
 - (c) a member of the Commonwealth Teaching Service appointed by the Secretary on the nomination of an industrial or professional organization that the applicant would be eligible to join if he were engaged in the kind of employment in which he seeks to be engaged.
- (2) The Chairman of a Re-appointments Review Committee shall be:

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- (a) if the Committee is established to inquire into an application by an applicant whose employment has been, or, in the opinion of the Secretary, may have been, terminated on the ground of his misconduct-a person who holds the office of Chairman of a Disciplinary Appeal Board referred to in section 37; or
 - (b) in any other case-a person who holds the office of Chairman of a Promotions Appeal Board referred to in section 30.
 - (3) In subsection (1) a reference to an industrial organization shall be construed as a reference to an organization within the meaning of the *Industrial Relations Act 1988*.
 - (4) The Chairman of a Re-appointments Review Committee, while acting as such, is not subject to direction by any person or authority under this Act.
 - (5) A decision of the majority of the members of a Re-appointments Review Committee shall be deemed to be a decision of the Committee.
 - (6) An officer of the Commonwealth Teaching Service shall be granted leave of absence from his normal duties without loss of pay while acting as a member of a Re-appointments Review Committee.
 - (7) On an inquiry by a Re-appointments Review Committee into an application referred to it under subsection (6) of section 43V:
 - (a) the procedure of the Committee is, subject to this Act and the regulations, within the discretion of the Committee;
 - (b) the proceedings shall be conducted with as little formality and technicality, and with as much expedition, as the requirements of this Act, and a proper consideration of the matter before the Committee, permit; and
 - (c) the Committee is not bound by rules of evidence.
 - (8) An inquiry by a Re-appointments Review Committee shall be conducted in private.
 - (9) At an inquiry by a Re-appointments Review Committee, the applicant may:
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- (a) appear personally or be represented by any person, other than counsel, a solicitor or a paid agent;
- (b) make such oral or written submissions as he desires; and
- (c) tender certificates, documentary evidence and statutory declarations.

PART IV—Commonwealth Teaching Service Scholarships

44 Commonwealth Teaching Service Scholarships

Scholarships, to be known as Commonwealth Teaching Service Scholarships, may, subject to and in accordance with the regulations, be granted by the Commissioner to persons who are undertaking or propose to undertake, as full-time students or part-time students at Universities or advanced education institutions, any course of study or instruction approved by the Commissioner for the purposes of this Part.

45 Benefits to be by way of financial assistance

- (1) Benefits under a scholarship shall be by way of the provision by the Commonwealth, in accordance with the last preceding section, of financial assistance to, or for the benefit of, the holder of the scholarship.
- (2) The financial assistance to be provided shall consist of:
 - (a) the payment by the Commonwealth of amounts equal to fees of a prescribed kind paid or payable by or in respect of the holder of the scholarship;
 - (b) where a living allowance is payable to the holder of the scholarship under the regulations—the payment by the Commonwealth of such an allowance at such rate as is determined in accordance with the regulations; and
 - (c) the payment by the Commonwealth in respect of fares payable by or in respect of the holder of the scholarship of such amounts as are determined in accordance with the regulations.

46 Payment of benefits under scholarships

Benefits under a scholarship shall be paid at such times, in such manner and to such person, or to a person included in such class of persons, as the Commissioner determines.

47 Tenure of scholarship

The regulations may make provision for and in relation to the suspension and termination of scholarships.

48 Benefits to be paid out of moneys appropriated by Parliament

Benefits under a scholarship shall be paid out of moneys appropriated by the Parliament for the purpose.

49 Information to be furnished in relation to scholarships

The regulations may make provision for and in relation to the furnishing of information by applicants for scholarships and the holders of scholarships.

Part V—Miscellaneous

50 Delegation

- (1) The Secretary may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to a person any of his powers under Division 10 of Part III or under Part IV.
- (2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Secretary.
- (3) A delegation under this section does not prevent the exercise of a power by the Secretary.

50A Transfer of persons where functions to be performed by Commonwealth authority

- (1) Where the Minister certifies in writing that a function that has been performed by persons appointed or engaged under this Act is to be performed by a Commonwealth authority, the Secretary to the Department of Industrial Relations may, by declaration in writing published in the Gazette, declare that officers specified in the declaration are in the employment of the Commonwealth authority.
- (2) An officer specified in a declaration under subsection (1):
 - (a) on the day specified in the declaration for the purposes of this subsection, ceases to be an officer; and
 - (b) from and including that day, is employed by the Commonwealth authority specified in the declaration.
- (3) For the purpose of facilitating a transfer of persons into the employment of a Commonwealth authority, the Commonwealth authority may, notwithstanding anything in any other law (other than an industrial award), determine any special terms and conditions of employment that are to apply to the persons.

- (4) In this section, “officer” includes a temporary employee engaged under section 23.

51 Approvals

- (1) An approval under this Act may be varied or revoked by the person by whom, or by the authority by which, the approval was given.
- (2) A person who, or authority which, gives, varies, or revokes an approval under this Act shall make such arrangements as the person or authority thinks proper for giving public notice of the giving of the approval or of the variation or revocation of the approval.

52 Annual report

- (1) The Secretary shall, as soon as practicable after each thirty-first day of December, prepare and furnish to the Minister a report on the operation of this Act during the year that ended on that thirty-first day of December.
- (3) The Minister shall cause a copy of each report furnished to him under this section to be laid before each House of the Parliament within fifteen sitting days of that House after the receipt of the report by the Minister.

53 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular:

- (b) providing for penalties, not exceeding a fine of One hundred dollars, for offences against the regulations.

The Schedules

Second Schedule

Sections 20 and 23

OATH

I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law.

SO HELP ME GOD!

AFFIRMATION

I, A.B., do solemnly and sincerely promise and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law.

The Schedules

Third Schedule

Sections 30 and 37

OATH

I, A.B., do swear that I will faithfully and impartially perform the duties of the office of Chairman (or member) of a Promotions Appeal Board (or Disciplinary Appeal Board).

SO HELP ME GOD!

AFFIRMATION

I, A.B., do solemnly and sincerely promise and declare that I will faithfully and impartially perform the duties of the office of Chairman (or member) of a Promotions Appeal Board (or Disciplinary Appeal Board).

Endnotes

Endnote 1—Legislation history

Endnotes

Endnote 1—Legislation history

This endnote sets out details of the legislation history of the *Commonwealth Teaching Service Act 1972*.

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Commonwealth Teaching Service Act 1972	13, 1972	17 Apr 1972	(s 1, 2): Royal Assent s 3—43 and 50—53: 1 June 1972 (see gaz 1972, No 43, p. 3) Part IV (ss. 44—49)	
Commonwealth Teaching Service Act 1973	98, 1973	14 Sept 1973	s 3(1) and 5: (a) Remainder: Royal Assent	—
as amended by				
Commonwealth Teaching Service Act 1976	23, 1976	13 Apr 1976	13 Apr 1976	—
A.C.T. Self-Government (Consequential Provisions) Act 1988	109, 1988	6 Dec 1988	s 32 (in part): 11 May 1989 (see gaz 1989, No. s164)(b)	—
Statute Law Revision Act 1973	216, 1973	19 Dec 1973	31 Dec 1973	s 9(1) and 10
Commonwealth Teaching Service Act 1976	23, 1976	13 Apr 1976	13 Apr 1976	s 4(2), 5(2), 6(3) and 9(2)
Commonwealth Teaching Service Amendment Act 1977	26, 1977	5 May 1977	1 Apr 1977	—
Public Service and Statutory Authorities Amendment Act 1980	177, 1980	17 Dec 1980	Part V (s 54—56): Royal Assent (c)	—
Commonwealth Teaching Service Amendment Act 1981	5, 1981	13 Mar 1981	13 Mar 1981	s 5

Endnote 1—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law Revision Act 1981	61, 1981	12 June 1981	s 115: Royal Assent (<i>d</i>)	—
Commonwealth Functions (Statutes Review) Act 1981	74, 1981	18 June 1981	s 158—165, 169, 171 and 174—176: 10 Aug 1981 (see Gaz 1981, No. s 161) s 166 and 170: 1 July 1983 (see Gazette 1983, No. s 129) s 167 and 168: 14 June 1982 (see Gazette 1982, No. s 116) s 172 and 173:	s 164(2), 176 and 264
Statute Law (Miscellaneous Amendments) Act (No. 1) 1982	26, 1982	7 May 1982	s 80-82: 4 June 1982 (<i>e</i>) s 83: 10 Aug 1981 (<i>e</i>)	—
Public Service and Statutory Authorities Amendment Act 1983	92, 1982	22 Nov 1983	22 Nov 1983	—
Conciliation and Arbitration Amendment Act (No. 2) 1983	115, 1983	16 Dec 1983	(<i>f</i>) s 41: 1 June 1984 (see Gaz 1984, No S201)	—
Public Service Reform Act 1984	63, 1984	25 June 1984	s 153: 1 Nov 1984 (see Gaz 1984, No. S383) (<i>g</i>)	—
Statute Law (Miscellaneous Provisions) Act (No. 2) 1984	165, 1984	25 Oct 1984	s 3: 22 Nov 1984 (<i>h</i>)	s 6(1)
Commonwealth Teaching Service Amendment Act 1988	21, 1988	11 May 1988	s 1-3, 4(2) and 5—11: 25 May 1988 (see Gaz 1988, No. S144) s 4(1): (<i>i</i>)	s 5(2) and 6 (2)

Endnotes

Endnote 1—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
A.C.T. Self-Government (Consequential Provisions) Act 1988	109, 1988	6 Dec 1988	s 32 (in part): 11 May 1989 (see Gaz 1989, No. S164) (j)	—
Commonwealth Employees' Rehabilitation and Compensation Act 1988	75, 1988	24 June 1988	s 1 and 2: Royal Assent s 4(1), 68-97, 99 and 100: 1 July 1988 (see Gaz 1988, No. S196) Remainder: 1 Dec 1988 (see Gaz 1988, No S196)	s 3
Employment, Education and Training Act 1988	80, 1988	24 June 1988	1 July 1988 (see Gaz 1988, No S190)	—
Industrial Relations (Consequential Provisions) Act 1988	87, 1988	8 Nov 1988	s 1 and 2: Royal Assent Remainder: 1 Mar 1989 (see s 2(2) and Gaz 1989, No S53)	s 7(4)
A.C.T. Self-Government (Consequential Provisions) Act 1988	109, 1988	6 Dec 1988	s 32 (in part): 11 May 1989 (see Gaz S1989, No S164)	—

- (a) Subsection 3(1) of the *Commonwealth Teaching Service Act 1973* was repealed by section 32 of the *A.C.T. Self-Government (Consequential Provisions) Act 1988* before a date was fixed for its commencement. Section 5 of the *Commonwealth Teaching Service Act 1973* was repealed by subsection 6(2) of the *Commonwealth Teaching Service Act 1976* before a date was fixed for its commencement.
- (b) The *Commonwealth Teaching Service Act 1973* was amended by section 32 only of the *A.C.T. Self-Government (Consequential Provisions) Act 1988*, subsection 2(3) of which provides as follows:
- (3) The remaining provisions of this Act (including the amendments made by Schedule 5) commence on a day or days to be fixed by Proclamation.

Endnote 1—Legislation history

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- (c) The *Commonwealth Teaching Service Act 1972* was amended by Part V (sections 54-56) only of the *Public Service and Statutory Authorities Amendment Act 1980*, subsection 2(1) of which provides as follows:
- (1) Sections 1, 2, 3 and 4, subsections 5(2) and 7(2), (5), (6) and (7), sections 8, 9, 10, 11, 12, 13, 16, 17, 18 and 19, subsections 21(1) and 37(5), sections 38, 43 and 44, subsections 45(10) and sections 46 to 66 (inclusive) shall come into operation on the day on which this Act receives the Royal Assent.
- (d) The *Commonwealth Teaching Service Act 1972* was amended by section 115 only of the *Statute Law Revision Act 1981*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (e) The *Commonwealth Teaching Service Act 1972* was amended by sections 80-83 only of the *Statute Law (Miscellaneous Amendments) Act (No. 1) 1982*, subsections 2(4) and (12) of which provide as follows:
- (4) Section 83 shall be deemed to have come into operation on 10 August 1981.
- (12) The remaining provisions of this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.
- (f) The *Conciliation and Arbitration Amendment Act (No. 2) 1983* was repealed by section 3 of the *Industrial Relations (Consequential Provisions) Act 1988*.
- (g) The *Commonwealth Teaching Service Act 1972* was amended by section 153 only of the *Public Service Reform Act 1984*, subsection 2(4) of which provides as follows:
- (4) The remaining provisions of this Act shall come into operation on such day as is, or on such respective days as are, fixed by Proclamation.
- (h) The *Commonwealth Teaching Service Act 1972* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (i) Subsection 4(1) of the *Commonwealth Teaching Service Amendment Act 1988* was repealed by section 32 of the *A.C.T. Self-Government (Consequential Provisions) Act 1988* before a date was fixed for its commencement.
- (j) The *Commonwealth Teaching Service Amendment Act 1988* was amended by section 32 only of the *A.C.T. Self-Government (Consequential Provisions) Act 1988*, subsection 2(3) of which provides as follows:
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Endnotes

Endnote 1—Legislation history

- (3) The remaining provisions of this Act (including the amendments made by Schedule 5) commence on a day or days to be fixed by Proclamation.

Endnote 2—Amendment history

Endnote 2—Amendment history

Provision affected	How affected
s 2	am No 98, 1973
s 3	am No 98, 1973
	rep No 216, 1973
s 4	am No 98, 1973; No 216, 1973; No 23, 1976; No 74, 1981; No 21, 1988; No 80, 1988
Part II	
s 6	rs No 74, 1981
s 7	rs No 74, 1981
s 8	am No 98, 1973;
	rs No 23, 1976; No 74, 1981
s 9	rep No 74, 1981
s 10	rep No 74, 1981
s 11	rep No 74, 1981
s 12	rep No 74, 1981
s 13	rep No 74, 1981
s 14	am No 98, 1973
	rep No 74, 1981
s 15	am No 98, 1973
	rep No 74, 1981
s 16	am No 216, 1973; No 23, 1976
	rep No 74, 1981
s 17	am No 23, 1976
	rep No 74, 1981
s 18	am No 5, 1981
	rep No 74, 1981
s 19	am No 98, 1973
	rs No 74, 1981
	am No 21, 1988 (as am by No 109, 1988); No 109, 1988
s 20	am No 98, 1973; No 74, 1981; No 26, 1982; No 63, 1984
s 21	am No 74, 1981

Endnotes

Endnote 2—Amendment history

Provision affected	How affected
s 22	am No 74, 1981
s 23	am No 98, 1973; No 74, 1981; No 26, 1982; No 63, 1984
s 23A.....	ad No 177, 1980
	am No 61, 1981; No 74, 1981
	rep No 92, 1983
s 23B.....	ad No 177, 1980
	rep No 92, 1983
s 24	am No 216, 1973
	rep No 74, 1981
s 25	rs No 74, 1981; No 165, 1984
s 26	am No 98, 1973; No 74, 1981; No 165, 1984
s 27	am No 74, 1981
s 28	am No 74, 1981
	rs No 21, 1988
s 29	am No 74, 1981; No 21, 1988
s 30	am No 98, 1973; No 23, 1976; No 74, 1981; No 26, 1982
Part III	
Division 4	
s 31	am No 74, 1981
	rep No 74, 1981
	ad No 21, 1988
s 32	am No 98, 1973; No 74, 1981
	rep No 74, 1981
	ad No 21, 1988
Division 5	
s 33	rep No 23, 1976
s 34A.....	ad No 21, 1988
s 34B.....	ad No 21, 1988
s 34C.....	ad No 21, 1988
Division 5A	
s 34D.....	ad No 21, 1988;
s 34	am No 74, 1981

Endnote 2—Amendment history

Provision affected	How affected
	rep 74, 1981
s 35	am No 98, 1973; No 74, 1981
s 36	am No 98, 1973; No 74, 1981
s 37	am No 98, 1973; No 23, 1976; No 74, 1981
Division 7	
Division (heading)	am No 23, 1976
	rep No 87, 1988
s 38	am No 74, 1981; No 115, 1983
	rep No 87, 1988
s 39	am No 98, 1973; No 216, 1973; No 177, 1980; No 92, 1983; No 115, 1983; No 75, 1988
	rep No 87, 1988
s 40	rep No 115, 1983
s 41	am No 115, 1983
	rep No 87, 1988
s 42	am No 115, 1983
	rep No 87, 1988
s 43	am No 23, 1976; No 74, 1981; No 115, 1983
	rep No 87, 1988
Division 8	
s 43A.....	ad No 98, 1973
	am No 216, 1973
	rep No 21, 1988
s 43B.....	ad No 98, 1973
	rep No 21, 1988
s 43C.....	ad No 98, 1973
	rep No 21, 1988
s 43D.....	ad No 98, 1973
	rep No 21, 1988
s 43E.....	ad No 98, 1973
	rep No 21, 1988
s 43F	ad No 98, 1973

Endnotes

Endnote 2—Amendment history

Provision affected	How affected
	rep No 21, 1988
s 43G.....	ad No 98, 1973
	rep No 21, 1988
s 43H.....	ad No 98, 1973
	rep No 21, 1988
s 43I.....	ad No 98, 1973
	rep No 21, 1988
s 43J.....	ad No 98, 1973
	rep No 21, 1988
s 43K.....	ad No 98, 1973
	rep No 21, 1988
s 43L.....	ad No 98, 1973
	rep No 21, 1988
s 43M.....	ad No 98, 1973
	rep No 21, 1988
s 43N.....	ad No 98, 1973
	am No 216, 1973
	rep No 21, 1988
Division 9	
Division 9	ad No 23, 1976
	rep No 109, 1988
s 43P.....	ad No 23, 1976
	am No 26, 1977
	rep No 109, 1988
s 43Q.....	ad No 23, 1976
	am No 26, 1977
	rep No 109, 1988
Division 10	
Division 10.....	ad No 5, 1981
s 43R.....	ad No 5, 1981
s 43S.....	ad No 5, 1981
s 43T.....	ad No 5, 1981

Endnote 2—Amendment history

Provision affected	How affected
	am No 74, 1981
s 43U.....	ad No 5, 1981
	am No 74, 1981; No 21, 1988
s 43V.....	ad No 5, 1981
	am No 74, 1981
s 43W.....	ad No 5, 1981
	am No 74, 1981
s 43X.....	ad No 5, 1981
	am No 74, 1981; No 21, 1988
s 43Y.....	ad No 5, 1981
	am No 74, 1981; No 87, 1988
s 50	am No 98, 1973; No 216, 1973; No 23, 1976
	rs No 74, 1981
s 50A.....	ad No 21, 1988
s 51	rs No 74, 1981
s 52	am No 216, 1973; No 74, 1981
s 53	am No 74, 1981
The Schedules	
First Schedule	rep No 74, 1981