**Public Service Act (No. 2) 1973**

**No. 71 of 1973**

**AN ACT**

To amend the *Public Service Act* 1922–1972 as amended by the *Public Service Act* 1973

[*Assented to 18 June 1973*]

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

**Short title and citation.**

**1.** (1) This Act may be cited as the *Public Service Act* (*No.* 2) 1973.

(2) The *Public Service Act* 1922–1972, as amended by the *Public Service Act* 1973, is in this Act referred to as the Principal Act.

(3) Section 1 of the *Public Service Act* 1973 is amended by omitting sub-section (2).

(4) The Principal Act, as amended by this Act, may be cited as the *Public Service Act* 1922–1973.

**Commencement.**

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

**Performance of duties of officer in absence.**

**3.** Section 88 of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(2) Where an office referred to in sub-section (1) is an office in a Department, an officer temporarily performing the duties of that office under this Act may perform or exercise any duty, obligation, right or power that he would have been able to perform or exercise if the Governor-General had given a direction to him under sub-section (1) in relation to that office.”.

**Second and Third Schedules.**

**4.** The Second and Third Schedules to the Principal Act are repealed and the Schedules set out in Schedule 1 are substituted.

**Formal amendments.**

**5.** The Principal Act is amended as set out in Schedule 2.

SCHEDULE 1 Section 4

SCHEDULES TO BE INSERTED IN THE PRINCIPAL ACT

SCHEDULE 2 Sections 7 and 10

**Departments**

The Department of the Senate

The Department of the House of Representatives

The Department of the Parliamentary Library

The Department of the Parliamentary Reporting Staff

The Joint House Department

The Department of Aboriginal Affairs

The Department of Air

The Department of the Army

The Attorney-General’s Department

The Department of the Capital Territory

The Department of Civil Aviation

The Department of Customs and Excise

The Department of Defence

The Department of Education

The Department of the Environment and Conservation

The Department of External Territories

The Department of Foreign Affairs

The Department of Health

The Department of Housing

The Department of Immigration

The Department of Labour

The Department of the Media

The Department of Minerals and Energy

The Department of the Navy

The Department of Northern Development

The Department of the Northern Territory

The Department of Overseas Trade

The Postmaster-General’s Department

The Department of Primary Industry

The Department of the Prime Minister and Cabinet

The Repatriation Department

The Department of Science

The Department of Secondary Industry

The Department of Services and Property

The Department of Social Security

The Department of the Special Minister of State

The Department of Supply

The Department of Tourism and Recreation

The Department of Transport

The Department of the Treasury

The Department of Urban and Regional Development

The Department of Works

Schedule 1—*continued*

SCHEDULES TO BE INSERTED IN THE PRINCIPAL ACT—*continued*

SCHEDULE 3 Section 25

**Permanent Heads of Departments**

The Clerk of the Senate

The Clerk of the House of Representatives

The Parliamentary Librarian

The Principal Parliamentary Reporter

The Secretary of the Joint House Department

The Secretary to the Department of Aboriginal Affairs

The Secretary to the Department of Air

The Secretary to the Department of the Army

The Secretary to the Attorney-General’s Department

The Secretary to the Department of the Capital1 Territory

The Director-General of Civil Aviation

The Comptroller-General of Customs

The Secretary to the Department of Defence

The Secretary to the Department of Education

The Secretary to the Department of the Environment and Conservation

The Secretary to the Department of External Territories

The Secretary to the Department of Foreign Affairs

The Director-General of Health

The Secretary to the Department of Housing

The Secretary to the Department of Immigration

The Secretary to the Department of Labour

The Secretary to the Department of the Media

The Secretary to the Department of Minerals and Energy

The Secretary to the Department of the Navy

The Secretary to the Department of Northern Development

The Secretary to the Department of the Northern Territory

The Secretary to the Department of Overseas Trade

The Director-General of Posts and Telegraphs

The Secretary to the Department of Primary Industry

The Secretary to the Department of the Prime Minister and Cabinet

The office under the *Repatriation Act* 1920–1973 of Chairman of the Repatriation Commission

The Secretary to the Department of Science

The Secretary to the Department of Secondary Industry

The Secretary to the Department of Services and Property

The Director-General of Social Services

The Secretary to the Department of the Special Minister of State

The Secretary to the Department of Supply

The Secretary to the Department of Tourism and Recreation

The Secretary to the Department of Transport

The Secretary to the Department of the Treasury

The Secretary to the Department of Urban and Regional Development

The Director-General of Works

SCHEDULE 2 Section 5

FORMAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting any number expressed in words that is used, whether with or without the addition of a letter or letters, to identify a section of that Act or of another Act, and substituting that number expressed in figures:—

Sections 7(1) (definitions of “Chief Officer”, “National Service”, “Returned Soldier”, “Selection Test”, “The Commonwealth Service” and “the prescribed educational qualification”), 24(5), 25(4a), 31(3), 36(1), 38(1), 40(2) and (3), 46(3), 47a(2) and (4), 47aa, 47b(4), 48(3), 48aa(1), 50(7a), 53a(1), 53b(5), 53c(5), 54b(6) and (7), 54c, 68(3) and (12), 68d, 68e(1), 68f(1), 70(2), 72(5), 72aa, 75a(1), 76(10), 81a (definition of “State employee”), 81d(2), 81f(1), 81g, 81j, 81k(2), 81l (definition of “State employee”), 81p(2), 81r(1), 81v(2), 81y (definition of “employee”), 81z(1), 81zc (definition of “employee”), 81zd(1) and (2), 81zg(1) and (4), 81zh (definitions of “classified office”, “employee”, “the date of transfer” and “transferred work”), 81zj(1), 82(13), 82aa(1), (2) and (8), 82a and 97(1)(q).

2. The following provisions of the Principal Act are amended by omitting the words “of this Act”, “to this Act”, “of this section” or “of this sub-section” (wherever occurring):—

Section 7(1)(definitions of “Chief Officer”, “Selection Test”, “The Commonwealth Service” and “the prescribed educational qualification”), 8a(3), 9(8), 24(5), 25(7), 29(5), 31(3), 36(1), 40(2) and (3), 45(4) and (5), 46(3), 47a(2), 47aa, 48(3), 50(5), (7a), (8d), (8f) and (13), 53a(1) and (3), 53b(4) and (5), 53c(4) and (5), 54(4), (5), (6), (7) and (8), 54b(3), (4) and (7), 54c, 55(5)(c), (8) and (9a), 68(8) and (12), 68e(1), 68f (definition of “salary”), 70(2), 72(5), 72aa(1), 73(2), 74(3a) and (4), 76(3) and (10), 81d(2), 81f(1), 81j, 81k(2), 81p(2), 81r(1), 81y (definition of “employee”), 81zc (definition of “employee”), 81zg(1) and (5), 82(4), (11) and (13), 82aa(2), (3) and (5) and 97(1)(q).

Schedule 2—*continued*

3. The Principal Act is further amended as set out in the following table:—

|  |  |
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| Provision | Amendment |
| Section 4 | Omit “the First Schedule to this Act substitute “Schedule 1”. |
| Section 7(1) (definition of “Department”) | Omit “the Second Schedule to this Act”, substitute “Schedule 2”. |
| Section 7(1) (definition of “Returned soldier”) | Omit “the eleventh day of November, One thousand nine hundred and eighteen”, substitute “11th November, 1918,”. |
| Section 7(1) (definition of “The War”) | Omit “the fourth day of August, One thousand nine hundred and fourteen”, substitute “4th August, 1914”. |
| Section 7a | Omit “the Second Schedule” (wherever occurring), substitute “Schedule 2”. |
| Section 10 | Omit “the Second Schedule to this Act”, substitute “Schedule 2”. |
| Section 25(1) | Omit “the Third Schedule to this Act”, substitute “Schedule 3”. |
| Section 34(d) | Omit “the Fourth Schedule to this Act”, substitute “Schedule 4”. |
| Section 50(6c) | Omit “the Sixth Schedule to this Act”, substitute “Schedule 6”, |
| Section 55(1)(g) | Omit “the Fourth Schedule to this Act”, substitute “Schedule 4”. |
| Section 55(7) | Omit “the Fifth Schedule to this Act”, substitute “Schedule 5”. |
| Section 68(6) | Omit “the first day of January, One thousand nine hundred and sixty-seven,”, substitute “1st January, 1967,”. |
| Section 68(7) | Omit “the first day of January, One thousand nine hundred and sixty-six,”(wherever occurring), substitute “1st January, 1966,”. |
| Section 68a(1) | Omit “the first day of January, One thousand nine hundred and sixty-seven,” (wherever occurring), substitute “1st January, 1967,”. |
|
| Section 71a(4) | Omit “the thirtieth day of June, One thousand nine hundred and sixty-five”, substitute “30th June, 1965”. |
| Section 75a(1) | Omit “the twelfth day of June, One thousand nine hundred and forty-one,”, substitute “12th June, 1941,”. |
| Section 81a (definition of “State employee”) | Omit “the thirty-first day of January, One thousand nine hundred and forty-two”, substitute “31st January, 1942”. |
| Section 81j | Omit “the nineteenth day of July, One thousand nine hundred and sixteen,”, substitute “19th July, 1916,”, |
| Section 81l (definition of “State employee”)(a)(iii) | (a) Omit “the first day of September, One thousand nine hundred and forty-two”, substitute “1st September, 1942”, |
|  | (b) Omit “the thirty-first day of August, One thousand nine hundred and forty-two,”, substitute “31st August, 1942,”. |
| Section 81r | Omit “the first day of July, One thousand nine hundred and forty-six,”, substitute “1st July, 1946.”. |
| Section 82(9) and (10) | Omit “the Fourth Schedule to this Act”, substitute “Schedule 4”. |
| Schedules | (a) Omit “SCHEDULES.”. |
|  | (b) Omit “FIRST SCHEDULE.”, substitute “SCHEDULE 1”. |
|  | (c) Omit “FOURTH SCHEDULE.”, substitute “SCHEDULE 4”. |
|  | (d) Omit “FIFTH SCHEDULE.”, substitute “SCHEDULE 5”. |
|  | (e) Omit “SIXTH SCHEDULE.”, substitute “SCHEDULE 6”. |