



Statutory Rules

1973 No. 238

REGULATIONS UNDER THE PAPUA NEW GUINEA (STAFFING ASSISTANCE) ACT 1973.*

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Papua New Guinea (Staffing Assistance) Act 1973*.

Dated this twenty-seventh day of November, 1973.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

W. L. MORRISON
Minister of State for External Territories.

PAPUA NEW GUINEA (STAFFING ASSISTANCE) (TERMS AND CONDITIONS OF EMPLOYMENT) REGULATIONS

PART I—PRELIMINARY

- Citation.** 1. These Regulations may be cited as the Papua New Guinea (Staffing Assistance) (Terms and Conditions of Employment) Regulations.
- Commencement.** 2. These Regulations shall come into operation on the date fixed by Proclamation under section 2 of the *Papua New Guinea (Staffing Assistance) Act 1973*.
- Parts.** 3. These Regulations are divided into Parts, as follows:—
- Part I—Preliminary (Regulations 1-4)
 - Part II—Administration (Regulations 5-10)
 - Part III—Duties and Obligations of Employees (Regulations 11-28)
 - Part IV—Offences and Appeals
 - Division 1—Offences Generally (Regulation 29)
 - Division 2—Minor Offences (Regulation 30)
 - Division 3—Serious Offences (Regulation 31)
 - Division 4—Appeals (Regulations 32-35)
 - Division 5—Appeal Board (Regulations 36-44)

* Notified in the *Australian Government Gazette* on 27 November 1973.

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Division 6—Criminal Offences (Regulation 45)

Division 7—Strikes (Regulation 46)

Part V—Leave of Absence

Division 1—Preliminary (Regulation 47)

Division 2—Recreation Leave (Regulations 48-49)

Division 3—Special Provisions Relating to Certain Employees
(Regulation 50)

Division 4—Leave Passages (Regulation 51)

Division 5—Sick Leave (Regulations 52-61)

Division 6—Long Leave (Regulation 62)

Division 7—Furlough and Leave in Lieu of Furlough
(Regulations 63-66)

Division 8—Payments in Lieu of Leave (Regulation 67)

Division 9—Leave for Defence Purposes (Regulations 68-73)

Division 10—Special and Emergency Leave (Regulations 74-76)

Division 11—Other Leave (Regulations 77-80)

Part VI—Retirement (Regulations 81-83)

Part VII—Fares and Removal Expenses

Division 1—Furniture and Effects (Regulation 84)

Division 2—Fares and Removal Expenses of Employee and
Family (Regulations 85-94)

Part VIII—Transitional Provisions (Regulations 95-97)

Part IX—Miscellaneous (Regulations 98-101).

4. In these Regulations, unless the contrary intention appears—

Definitions.

“Chief Officer” means the person referred to in regulation 5;

“employee” means a person employed under Part II of the Act;

“family”, in relation to an employee, includes a spouse of the employee
and—

(a) a child of the employee or of his spouse;

(b) a child adopted by the employee or his spouse under an order
of the Supreme Court of Papua New Guinea; or

(c) a child the adoption of which by the employee or his spouse
is recognized by or under an Act, or State Act and who is
wholly dependent upon or wholly maintained by or in the
custody and control of the employee,

who is—

(d) under the age of eighteen years; or

(e) certified by a medical practitioner to be a permanent invalid;

“place of employment” means the place in Papua New Guinea at which
the employee is performing services;

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“salary” means the salary, or the salary within the range of salary, determined by the Minister under sub-section 7 (2) of the Act for the services performed by the employee and includes any allowances to which the employee is entitled by virtue of his qualifications;

“the Act” means the *Papua New Guinea (Staffing Assistance) Act 1973*.

PART II—ADMINISTRATION

Chief Officer. 5. The person for the time being holding, or performing the duties of, the office of Director (Division No. 2), Office of the Australian Development Assistance Agency, Department of Foreign Affairs is the Chief Officer for the purposes of these Regulations.

Delegation by Chief Officer. 6. (1) The Chief Officer may, by instrument in writing, delegate to a person, either generally or otherwise as provided by the instrument of delegation, all or any of his powers and functions under these Regulations.

(2) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation and, when so exercised or performed, shall, for the purposes of these Regulations, be deemed to have been exercised or performed by the Chief Officer.

(3) A delegation under this regulation is revocable at will and does not prevent the exercise of a power or the performance of a function by the Chief Officer.

Direction to perform services. 7. (1) The Chief Officer may, at any time, direct an employee to perform services for the Government of Papua New Guinea or an authority of Papua New Guinea and may give the employee instructions, not inconsistent with these Regulations, that he considers necessary or desirable for that purpose.

(2) Subject to sub-regulation (3), an employee who performs the services referred to in sub-regulation (1) may be paid salary in accordance with the rate or the scale of rates of salary determined by the Minister having regard to the value of the services.

(3) An employee who performs services referred to in sub-regulation (1) shall be entitled to salary and allowances determined under the Act in relation to those services and the terms and conditions of service provided for by these Regulations.

(4) Where the Chief Officer is satisfied that the services which an employee is performing in accordance with sub-regulation (1) are required for a continuing and indefinite period, he may certify that the rate or scale of rates payable to the employee in respect of those services shall be regarded as salary for all the purposes of the Act.

Payments to be in Australian currency. 8. All payments of salary and allowances made under these Regulations or a determination made under section 7 (2) of the Act shall be in Australian currency.

Deductions from salary. 9. (1) Where, if these Regulations had not been made, a debt or other moneys would have been due by an employee to the Administration of Papua New Guinea the amount of that debt or those moneys due may be deducted from the salary of the employee or from other moneys payable to the employee.

(2) Where a fine or pecuniary penalty is imposed upon an employee under these Regulations, the amount of the fine or pecuniary penalty may be deducted from the salary of the employee.

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(3) A deduction under sub-regulation (2) shall be made by instalments each not exceeding one-fourth of the salary that would otherwise have been payable to the employee.

(4) All fines and penalties imposed and recovered under these Regulations shall be paid into and form part of the Consolidated Revenue Fund.

(5) Where an order is made for the attachment of the salary, wages or pay of an employee and the employee fails to prove to the satisfaction of the Chief Officer that the judgment has been satisfied, the Chief Officer may direct that such sums as are in his opinion necessary to enable the judgment to be satisfied shall be deducted from any moneys due to the employee.

(6) Notwithstanding anything in this Regulation, moneys owing or a debt due by an employee or any other person to Australia under these Regulations may be recovered in a court of competent jurisdiction.

10. Notwithstanding any provision in a contract made under section 30 of the Papua New Guinea Act or section 29 of the Police Force Ordinance, an employee shall not resign unless—

Resignation.

- (a) he obtains the written consent of the Chief Officer; or
- (b) he gives to the Chief Officer three months' notice in writing of his intention to resign.

PART III—DUTIES AND OBLIGATIONS OF EMPLOYEES

11. Subject to this Part, in the execution of his duties every employee shall be responsible to and shall carry out the directions of the Papua New Guinea Government or the authority of Papua New Guinea to which his services are made available.

Responsibility of employee.

12. An employee shall promptly and correctly carry out all duties appertaining to his employment and shall, in due course and at proper times, comply with and give effect to all laws and instructions applying to or in relation to, or made or issued for his guidance in the performance of, his duties.

Carrying out of duties.

13. (1) Subject to this regulation, an employee shall obey promptly all instructions given to him by any person under whose immediate control or supervision he is placed, or by any other person who is duly authorized to give such instructions.

Instructions and appeal.

(2) If an employee considers that he has a ground of complaint arising out of an instruction, or from any other cause, he may appeal in writing to the Chief Officer, who shall consider the appeal and advise the employee in writing of his decision.

(3) If, after an appeal under sub-regulation (2) has been decided, the employee is still dissatisfied, he may appeal in writing through the Chief Officer to the Minister who shall consider the appeal and advise the employee in writing of his decision.

(4) The decision of the Minister on an appeal shall be final.

14. An employee shall acquaint himself with the provisions of these Regulations and any instructions given by the Chief Officer.

Employees to be acquainted with regulations, &c.

15. An employee shall, whenever so duly instructed, perform duty outside his normal hours of attendance or on a holiday.

Duty outside normal hours.

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Employees not
to leave place
of duty.

16. An employee shall not, without permission, leave his place of duty during normal hours of attendance except on official business, and the period of any absence, if not on official business, shall be duly recorded in a manner approved by the Chief Officer.

Absence
without
authority.

17. (1) An employee shall not, without reasonable cause, be absent from duty unless upon duly authorized leave.

(2) If an employee is prevented by illness or other emergency from attending for duty, he shall, as soon as possible, inform his immediate superior of the circumstances, and furnish any further particulars that are required of him.

(3) Without prejudice to any other action that may be taken for a breach of these Regulations, where an employee's absence from duty has not been duly authorized, he shall not receive salary or allowances for the period of his absence.

Use of
information
and public
comment.

18. (1) An employee shall not—

(a) use for any purpose, other than in the discharge of his official duties, information gained by or conveyed to him through or in connexion with those duties; or

(b) except with the consent of the Chief Officer, publicly comment upon any administrative or official action connected with his employment.

(2) Nothing in paragraph (1) (b) prevents an employee from publicly commenting upon civic affairs not connected with his employment.

Information
not to be
divulged.

19. An employee shall not, except in the course of his official duties, divulge, directly or indirectly, any information concerning public business or any matters of which he has knowledge officially.

Outside
influence.

20. An employee shall not—

(a) seek the influence or interest of any person in order to obtain advancement, transfer or other advantage; or

(b) supply to another person, for use for such a purpose, certificates or testimonials relating to official capacity or performance of official duties.

Solicitation or
acceptance of
gifts.

21. (1) Subject to sub-regulation (2) an employee shall not, directly or indirectly, solicit or accept gifts or presents from a member of the public interested, directly or indirectly, in a matter connected with the duties he is performing or in which the Papua New Guinea Government, an authority of Papua New Guinea or the Australian Government is interested.

(2) The provisions of sub-regulation (1) do not prevent the acceptance by an employee, with the consent of the Chief Officer, of a public testimonial, presented on retirement, or upon removal from the locality in which he has been employed, or a presentation from fellow employees or from an organization of employees.

Fees, rewards
and gratuities.

22. An employee shall not demand or, except with the approval of the Chief Officer or as authorized by any law, receive for his own use a fee, reward, gratuity or remuneration of any kind, other than his salary and allowances, for services performed by him.

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23. (1) An employee shall not, either as principal or agent, enter into a monetary transaction with another employee or an officer or employee of the Papua New Guinea Government or of an authority of Papua New Guinea, whereby any interest or other return in money or kind is charged or paid. Borrowing or
lending money.

(2) An employee shall not borrow any money from any other employee or any officer or employee of the Papua New Guinea Government or of an authority of Papua New Guinea.

24. (1) Subject to this regulation, except with the permission of the Chief Officer (which permission may at any time be withdrawn) an employee shall not— Simultaneous
employment,
shareholding,
&c.

- (a) accept or continue to hold an office under an Act, a State Act, an Ordinance of a Territory or a law of Papua New Guinea;
- (b) accept or continue to hold, or discharge the duties of, or be employed in, a paid office in connexion with any banking, insurance, agricultural, mining, mercantile or other commercial business, whether carried on by a corporation, firm or individual;
- (c) engage in or undertake any business referred to in paragraph (b) whether as principal or agent;
- (d) engage or continue in the private practice of any profession, occupation or trade or enter into any employment, whether remunerative or not, with any individual, firm or company who or which is so engaged; or
- (e) accept or engage in any remunerative employment other than in connexion with the duties he is performing.

(2) Paragraph (1) (a) shall not apply in respect of the office held by an employee under an Act, a State Act or an Ordinance of the Australian Capital Territory or the Northern Territory where the employee is employed under Part II of the Act on transfer or secondment.

(3) Subject to sub-regulations (4) and (5), sub-regulation (1) does not prevent an employee from becoming a member or shareholder only of any incorporated company or of any company or society registered under a law of the Commonwealth or of a State or elsewhere, but an employee shall not take any part in the conduct of the business of the company or society otherwise than by the exercise of his right to vote as a member or shareholder.

(4) An employee shall not, except with the consent in writing of the Chief Officer, whether personally or by his agent—

- (a) hold shares in any company or society operating in Papua New Guinea; or
- (b) acquire land in Papua New Guinea not being land upon which a building is or is to be erected which is or is to be occupied by him as a residence.

(5) For the purposes of sub-regulation (4), the wife of an employee shall be deemed to be the agent of her husband.

(6) Notwithstanding anything in this regulation, an employee may, with the approval of the Chief Officer (which approval may at any time be withdrawn) act as a director of a society within the meaning of the Co-operative Societies Ordinance 1965-1969 of Papua New Guinea.

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Attendance
as witness
before court.

25. (1) An employee who is summoned or called as a witness before a court shall immediately advise his immediate superior.

(2) An employee required as a witness on behalf of the Papua New Guinea Government or the Australian Government is not entitled to receive any fees as a witness but shall be granted leave with salary for the period during which he is necessarily absent from duty.

(3) Where, by reason of his attendance as a witness on behalf of the Papua New Guinea Government or the Australian Government, an employee is obliged to incur expense, he may be reimbursed for the expense to such extent as the Chief Officer approves.

(4) An employee summoned or called as a witness before a court otherwise than as a witness on behalf of the Papua New Guinea Government or the Australian Government shall be granted leave but, unless otherwise determined by the Chief Officer, the leave shall be without salary or allowances and any fees received by the employee as a witness may be retained by him.

Attendance as
witness in
arbitration
proceedings.

26. (1) An employee summoned or called as a witness in arbitration proceedings shall immediately advise his immediate superior.

(2) An employee summoned to attend arbitration proceedings on behalf of a claimant organization or a respondent employer shall be granted leave with salary and allowances for the period during which he is necessarily absent from duty subject to certification by the relevant arbitral authority that the attendance is desirable for the proper presentation of the case.

Care of official
property.

27. An employee is responsible for the careful use and preservation of all property in his possession or custody or under his care or control by virtue of his employment.

Reports of
employees
incapacitated
through use
of liquor or
drugs.

28. If an employee observes at any time that an employee under his supervision is unfit to perform his duties properly by reason of over-indulgence in intoxicating liquor or drugs, he shall suspend him from duty and immediately report the matter to his immediate superior.

PART IV—OFFENCES AND APPEALS

Division 1—Offences Generally

Offences.

29. An employee who—

- (a) commits a breach of the provisions of these Regulations;
- (b) wilfully disobeys or disregards a lawful instruction made or given by any person having authority to make or give it;
- (c) is negligent or careless in the discharge of his duties;
- (d) is inefficient or incompetent from causes within his own control;
- (e) uses intoxicating liquors or drugs to excess;
- (f) solicits or accepts a fee, reward, gratuity or gift in connexion with the discharge of his official duties (other than his official remuneration); or
- (g) is guilty of any disgraceful or improper conduct either in his official capacity or otherwise,

is guilty of an offence and is liable to be dealt with in accordance with this Part.

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Division 2—Minor Offences

30. (1) If the Chief Officer or a person authorized by the Chief Officer to deal with minor offences, has reason to believe that an employee has committed an offence specified in regulation 29 which in his opinion, would properly be dealt with under this regulation, he may call upon the employee for an explanation concerning the alleged offence, and if, on consideration of the explanation, he is of opinion that the offence has been committed, he may caution or reprimand the employee or fine him a sum not exceeding Two dollars.

*Dealing with
minor offences.*

(2) A caution, reprimand or fine administered or imposed by a person other than the Chief Officer shall be forthwith reported to the Chief Officer and, where a fine has been imposed, the employee may appeal to the Chief Officer within forty-eight hours after the notification to him of the punishment.

(3) Upon such an appeal the Chief Officer may confirm, annul or vary the punishment (but so that any fine imposed shall not exceed Two dollars) and his decision is final.

Division 3—Serious Offences

31. (1) Where there is reason to believe that an employee has committed an offence specified in regulation 29 other than an offence which may be dealt with under Division 2, the succeeding provisions of this regulation apply.

*Dealing with
serious offences.*

(2) The employee may be charged by the Chief Officer and may, if the Chief Officer considers that the charge is of such a serious nature that the employee should not continue to perform his duty, be suspended by the Chief Officer or by a person authorized by the Chief Officer for the purpose.

(3) Suspension may be effected before, at the time of, or after, the laying of a charge, and may be removed at any time by the Chief Officer pending determination of the charge, and, where the charge has not been sustained, shall be removed immediately.

(4) Where an employee has been suspended under this regulation he is entitled to receive his salary and allowances during the period of suspension unless he absconds or unless the Chief Officer orders otherwise.

(5) Upon a charge being laid against an employee, he shall forthwith be furnished with a copy of the charge and shall be directed to reply forthwith in writing, stating whether he admits or denies the truth of the charge, and to give any explanation he desires to give, and if a reply is not given by the employee within fourteen days after he is furnished with a copy of the charge he shall be deemed to have denied the truth of the charge.

(6) If the Chief Officer, after consideration of reports relating to the alleged offence and charge, the reply and explanation (if any) of the employee and any further report he considers necessary, is of opinion that the charge has been sustained, he may, subject to sub-regulation (7)—

- (a) fine the employee a sum not exceeding Forty dollars;
- (b) reduce the employee's salary;
- (c) reduce the employee to a lower salary classification and to a salary within that classification;
- (d) transfer the employee to some other duties or location or both; or
- (e) recommend to the Minister that the employee be dismissed.

(7) The Chief Officer may impose a punishment referred to in paragraph (d) in addition to a punishment referred to in paragraph (6) (a), (b) or (c).

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(8) The Chief Officer shall notify an employee of a punishment imposed or recommendation made, and where the punishment is other than the imposition of a fine not exceeding Four dollars the employee may appeal to an Appeal Board constituted under this Part.

Division 4—Appeals

**Appeal against
punishment.**

32. (1) An appeal under this Part may be made on the ground of innocence or excessive severity of the punishment and shall be made in writing in accordance with the form in the Schedule.

(2) Subject to sub-regulation (4), an appeal shall be forwarded to the Chief Officer personally or by post not later than seven days after the date on which the appellant received notice of his punishment.

(3) Subject to sub-regulation (4), no action shall be taken upon any appeal not forwarded within the time specified in sub-regulation (2).

(4) Where the Chief Officer is satisfied that owing to the location of the employee, it is not practicable for the employee to forward an appeal within the time specified in sub-regulation (2), he may permit the appeal to be forwarded within such longer period as he thinks necessary.

**Statement to
accompany
appeal.**

33. The appellant shall forward with his appeal a statement of the names of any witnesses whom he desires to be in attendance at the hearing of the appeal.

**Duties of Chief
Officer as to
appeals.**

34. Upon receipt of an appeal forwarded in accordance with regulation 32, the Chief Officer shall forthwith forward the appeal to the Appeal Board.

**Powers of
Minister where
employee does
not appeal.**

35. Where—

- (a) the Chief Officer recommends under regulation 31 to the Minister that an employee be dismissed; and
- (b) the employee does not appeal to an Appeal Board in accordance with regulation 32,

the Minister, after consideration of reports relating to the offence and charge, the reply and explanation (if any) of the employee, the recommendation of the Chief Officer and any further reports he considers necessary, may impose a punishment specified in paragraph 31 (6) (a), (b), (c) or (d) or in sub-regulation 31 (7) or may dismiss the employee.

Division 5—Appeal Board

**Constitution of
Appeal Board.**

36. For the purposes of this Part, there shall be an Appeal Board which shall consist of—

- (a) a Judge or a Stipendiary Magistrate appointed by the Minister, who shall be Chairman of the Appeal Board;
- (b) an employee appointed by the Minister; and
- (c) an employee appointed by an organization within the meaning of the *Conciliation and Arbitration Act 1904-1972*.

**Date of hearing
of appeal.**

37. (1) Upon receipt of an appeal the Appeal Board shall fix a date for the hearing of the appeal and the Chairman shall forthwith notify the Chief Officer and the appellant in writing of the date fixed.

(2) The date of hearing of an appeal shall be not less than fourteen days after the date of the notice given to the Chief Officer under sub-regulation (1).

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38. Upon receipt of notice of the date fixed for the hearing of an appeal, the Chief Officer shall forthwith make arrangements for the attendance of witnesses. Attendance of witnesses.

39. (1) A person, not being an employee within the meaning of these Regulations or an officer or employee of the Papua New Guinea Government or a witness called at the request of an appellant, who attends as a witness before an Appeal Board may, upon a certificate being given by the Board, be paid such sum in respect of travelling expenses, maintenance and loss of earnings, or recompense for attendance, as is considered reasonable by the Chief Officer. Allowance to witnesses.

(2) Except where the employee has been found to be innocent of the charge and the evidence was, in the opinion of the Board, necessary and material, any witness summoned by or on behalf of an employee appealing against a punishment imposed for an offence shall not be entitled to travelling or other expenses.

(3) The person conducting the case for the charging authority shall submit the claim made by a witness for expenses to the Appeal Board which shall, at the hearing, give a certificate as to attendance and such other particulars as are necessary to enable the Chief Officer to determine the amount to be allowed.

40. The Chief Officer shall, where practicable, furnish to the appellant, at least seven days before that date fixed for the hearing of the appeal, a copy of all documents intended to be used on the hearing of the appeal. Copies of documents to be furnished.

41. (1) An Appeal Board may, at any time—

- (a) summon any person whose evidence is, in the opinion of the Board, likely to be material to the consideration of any question which the Board has to determine under these Regulations;
 - (b) administer an oath or affirmation to any person, summoned by or appearing voluntarily before the Board; and
 - (c) require any person to produce documents within his possession or subject to his control which, in the opinion of the Board, are likely to be material to the consideration of any question which the Board has to determine under these Regulations.
- Powers of Appeal Board and Minister.

(2) A person shall not knowingly make any false or misleading statement in any evidence before a Board.

Penalty: Forty dollars.

(3) An employee who, without reasonable cause (the burden of proof of which lies upon him), neglects or fails to attend in obedience to a summons under sub-regulation (1), or to take an oath or make an affirmation or answer questions or produce documents when required to do so under that sub-regulation is guilty of an offence.

Penalty: Forty dollars.

(4) A person, other than an employee, who, after payment or tender of reasonable expenses, neglects or fails, without reasonable cause (the burden of proof of which lies upon him), to attend in obedience to a summons under sub-regulation (1), or to take an oath or make an affirmation or answer questions or produce documents when required to do so under that sub-regulation is guilty of an offence.

Penalty: Forty dollars.

(5) Nothing in this regulation renders any person compellable to answer any question which might tend to incriminate him.

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(6) In deciding an appeal on the ground of excessive severity of the punishment, the Appeal Board shall take into consideration the previous record of the employee.

(7) An Appeal Board may confirm, annul or vary the decision appealed against and, if the Board varies the decision, it may—

(a) impose a punishment specified in paragraph 31 (6) (a), (b), (c) or (d) or in sub-regulation 31 (7); or

(b) recommend to the Chief Officer that the employee be dismissed.

(8) Except where an Appeal Board recommends that an employee be dismissed, its decision is final.

(9) Except where the Appeal Board considers that an employee should be dismissed, the Board shall notify the Chief Officer of the finding, and the Chief Officer shall forthwith inform the employee in writing of the decision of the Board.

(10) Where, under this regulation—

(a) an Appeal Board recommends to the Chief Officer that an employee be dismissed; or

(b) the Chief Officer recommends to the Minister that an employee be dismissed and on appeal an Appeal Board confirms the recommendation,

the Minister may subject to sub-regulation (11), impose a punishment specified in paragraph 31 (6) (a), (b), (c) or (d) or in sub-regulation 31 (7) or may dismiss the employee.

(11) Before imposing a punishment under sub-regulation (10) the Minister shall consider the reports relating to the offence, the reply and explanation (if any) of the employee, the evidence (if any) given before the Appeal Board, and any recommendation of the Chief Officer or the Appeal Board.

Proceedings
before Appeal
Board.

42. (1) An appeal shall be heard in private, unless the Appeal Board otherwise decides.

(2) An employee, upon the hearing of an appeal by an Appeal Board in relation to a charge against him, is entitled to be represented by counsel, solicitor, attorney or agent who may examine witnesses and address the Board on his behalf.

(3) The charging authority may also be represented at such a hearing by counsel, solicitor, attorney or agent who may examine witnesses and address the Board on behalf of that authority.

(4) The Appeal Board shall make a thorough investigation without regard to legal forms or solemnities or the rules of evidence, and may inform itself on any matter in such manner as it thinks fit.

(5) Where a Board finds that a charge is not proved or allows an appeal, it may recommend that the reasonable expenses, or any part thereof, incurred by the employee in meeting the charges of prosecuting the appeal be paid, (the amount that it recommends be paid to be specified in the recommendation) and if the recommendation is approved by the Chief Officer that amount shall be paid to the employee.

(6) If an Appeal Board is of the opinion that the appellant had no reasonable grounds for appeal, or that the appeal was frivolous or vexatious, it may recommend to the Chief Officer that the employee be required to pay such amount, not exceeding the cost of the hearing, as the Board thinks proper.

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(7) The Chief Officer may order an appellant to pay an amount referred to in sub-regulation (6) or such less amount as he thinks fit, and the amount so ordered to be paid is recoverable in the manner prescribed for the recovery of fines for breaches of these Regulations.

43. (1) Where it appears to an Appeal Board that it is undesirable, by reason of the appellant being stationed in a remote locality or by reason of expense, inconvenience or delay, to require the appellant or any particular witness to attend before the Board to give evidence, the Board may, by order in writing, appoint some fit and proper person to take the evidence of the appellant or witness.

Proceedings
where employee
or witness in
remote locality.

(2) A person appointed under sub-regulation (1) to take evidence shall take the evidence of the appellant or witness on oath or affirmation, and for the purpose of so doing shall have all the powers, immunities and privileges of the Board.

(3) Any party to an appeal entitled to be represented before a Board is entitled to be represented before a person taking evidence under this regulation.

(4) Evidence taken under this regulation shall be certified under the hand of the person taking it, and forwarded to the Board, and shall be considered by the Board in connexion with the appeal.

44. (1) In the event of the address for the time being of an employee being unknown to the Chief Officer, all notices, orders or other communications to or for the employee may be posted to the last known address of the employee, and compliance with this regulation shall be deemed to be a sufficient service on the employee of the notice, order or other communication.

Procedure
where address
of employee
unknown.

(2) Where a notice, order or other communication posted to an employee in accordance with sub-regulation (1) relates to a charge made against him, then if, within a reasonable time specified in the notice, order or other communication, no answer is received by the authority which has asked whether the employee admits or denies the truth of a charge brought against him, the employee shall be deemed to have denied the truth of the charge, and the charge may be dealt with in the absence of the employee.

Division 6—Criminal Offences

45. (1) Where an employee is charged with having committed an offence against a law in force in Papua New Guinea or a part of Papua New Guinea punishable either on indictment or on summary conviction, he may be suspended by the Chief Officer or a person authorized for the purpose by the Chief Officer.

Employee
charged with
criminal offence.

(2) If an employee referred to in sub-regulation (1) is convicted of the offence by a court of competent jurisdiction the Chief Officer may (whether the employee has been suspended or not)—

- (a) dismiss him;
- (b) reduce him to a lower classification;
- (c) reduce his salary; or
- (d) reduce him to a lower classification and reduce his salary.

(3) An employee who is suspended or dismissed under this regulation shall not, unless the Chief Officer otherwise directs, receive any salary or allowances from the date upon which or for the period during which he ceased to perform the duties associated with his employment.

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(4) The Chief Officer may at any time remove the suspension of an employee suspended under this regulation, whether before or after conviction.

(5) This regulation does not prevent an employee from being dealt with under some other provision of these Regulations, but an employee shall not be punished under these Regulations twice in respect of the same offence or matter.

Division 7—Strikes

Strikes.

46. An employee who aids, abets, foment or takes part in a strike which interferes with or prevents, or is intended or calculated to interfere with or prevent, the carrying on of any part of the public services or utilities of Papua New Guinea, or attempts so to do, shall be deemed to have committed an illegal action and any such employee adjudged by the Chief Officer, after investigation and hearing, to be guilty of any such action may be summarily dismissed by the Minister, without regard to the procedure prescribed in these Regulations for dealing with offences under these Regulations.

PART V—LEAVE OF ABSENCE

Division 1—Preliminary

Right to leave.

47. An employee is entitled to the grant of leave in accordance with those provisions of this Part which are applicable to him.

Division 2—Recreation Leave

Recreation
leave.

48. (1) Subject to these Regulations, the Chief Officer may grant recreation leave—

- (a) calculated at the rate of one day's leave for each complete week of the employee's service in Papua New Guinea, not being service to which paragraph (b) applies; and
- (b) for a period or periods calculated at the rate of one and one-quarter day's leave (on a five day week basis) for each complete month of the employee's service on duty (whether before or after commencing duty in Papua New Guinea) in Australia or in a country approved by the Chief Officer for the purposes of this paragraph,

in respect of which the employee has not previously been granted recreation leave.

(2) The grant of recreation leave is dependent upon the employee's good conduct and regular attention to duty.

(3) The period of any recreation leave is exclusive of all holidays occurring during the leave of absence.

(4) In considering the grant to an employee of recreation leave, the Chief Officer shall not have regard to any period of service of the employee which occurred more than three years and twenty-six weeks before the date on which the period of absence is to commence.

(5) If an employee resumes duty at the direction of the Chief Officer before the expiration of a period of recreation leave, the unexpired portion of the period may be added to the next period of recreation leave granted to the employee.

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(6) Subject to sub-regulation (7), where, before the expiration of a period of recreation leave, an employee has applied for leave of absence from the date of the expiration of that period, the Chief Officer may, on sufficient cause being shown, grant to him leave of absence not exceeding fourteen days from that date, which shall be deducted from his next accruing recreation leave.

(7) Where an employee who has been granted leave of absence under sub-regulation (6) ceases to be an employee before the completion of a period of forty-six weeks' service commencing from the expiration of the leave of absence, an amount equivalent to the amount paid to the employee for the period of the leave of absence shall be a debt due and payable by the employee to Australia.

(8) The period of an employee's absence on recreation leave, special leave, furlough or long leave shall not be taken into account as service for the purpose of computing the amount of recreation leave which he may be granted subsequently.

49. (1) Subject to these Regulations, recreation leave may be granted only when the employee has completed a period of twenty-one months service, commencing from the date on which he first commenced duty in Papua New Guinea or the date on which he returned to duty at the expiration of his last preceding recreation leave, long leave or furlough, as the case may be.

Intervals at
which recreation
leave to be
taken.

(2) The Chief Officer may, where he considers it expedient and practicable to do so, require an employee to take accrued recreation leave annually at a time directed by the Chief Officer.

(3) Where—

- (a) a medical practitioner certifies that the state of health of an employee renders it desirable that he should have recreation leave;
- (b) an employee makes application for leave on account of urgent private business; or
- (c) an employee retires or resigns,

the Chief Officer may grant the employee recreation leave after he has completed a period of twelve months service commencing from the date on which he first commenced duty in Papua New Guinea or the date on which he returned to duty at the expiration of his last preceding recreation leave, long leave or furlough, as the case may be.

(4) Sub-regulation (1) does not apply in the case of an employee who is granted leave for defence purposes.

(5) Where an employee is on duty in Australia or in a country approved for the purposes of paragraph 48 (1) (b), the Chief Officer may at any time grant to that employee recreation leave.

Division 3—Special Provisions Relating to Certain Employees

50. (1) The provisions of this Division apply to an employee who is performing services for the Teaching Service established by the *Education (Papua and New Guinea) Ordinance 1970* of Papua New Guinea in lieu of the provisions of Division 2.

Employees
serving in
Teaching
Service.

(2) Subject to sub-regulation (3) unless the Chief Officer directs otherwise, an employee to whom this Division applies is entitled to leave on full salary throughout all school vacations applicable to the educational institution in which he is carrying out his duties.

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(3) Except with the consent of the Chief Officer, an employee to whom this Division applies is not entitled to leave on full salary unless he was on duty on the last day of duty before the commencement of the leave and is on duty on the first day of duty after the leave, and where such an employee who was granted leave on full salary is absent from duty, except with the consent of the Chief Officer, on the first day of duty after the leave he shall repay to Australia such amount, not exceeding the total amount of that salary, as the Chief Officer directs.

(4) An employee to whom this Division applies who is directed to remain on duty under sub-regulation (2) is entitled to—

- (a) an equivalent period of leave at a time determined by the Chief Officer;
- (b) salary in lieu of that equivalent amount of leave; or
- (c) a combination of leave and salary equivalent to the period he is required to remain on duty,

as approved by the Chief Officer.

Division 4—Leave Passages

Grant of
passages to
employees
proceeding on
leave.

51. (1) The Chief Officer may, subject to these Regulations, authorize payment of part of the cost of the passages of an employee and his family (if any) travelling outside Papua New Guinea on approved leave.

(2) The fares of an employee and his family (if any) located at an outstation and journeying for purposes of leave between that station and the ports or airports from which they leave and at which they arrive in Papua New Guinea, and the cost of transport of their personal effects, shall be met by Australia.

(3) A married employee may be granted first-class return passages for himself and his family (if any) between the port or airport in Papua New Guinea from which he leaves for overseas and—

- (a) in the case of an employee other than an employee to whom paragraph (b) or (c) applies—the capital city of his home State or other port in Australia of less distance and entailing less cost in travel from Papua New Guinea;
- (b) where the employee was recruited in New Zealand—Wellington, Christchurch or Auckland, whichever of those New Zealand cities is nearest to the place in New Zealand where the employee was recruited; and
- (c) where the employee is a New Zealand citizen but was not recruited in New Zealand—a place approved by the Chief Officer,

on contribution by the employee of Thirty dollars.

(4) Passages in accordance with sub-regulation (3) may be granted—

- (a) whether the family of an employee, or any of them, travel with the employee or subsequently; or
- (b) where the family, or any of them, travel before the date on which the employee travels if the employee has served a period of not less than twelve months from the date on which he first commenced duty in Papua New Guinea, or the date on which he returned to duty at the expiration of his last preceding recreation leave, long leave or furlough, as the case may be.

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(5) Where an employee's family, or any of them, travel before the date on which the employee travels, and the employee has not served the period specified in sub-regulation (4), he may, subject to sub-regulation (3), be reimbursed the cost of passages for the family, or any of them, after he has served that period.

(6) An unmarried employee or, except as provided in sub-regulations (4) or (5), a married employee travelling alone to whom passages have not been granted for his family (if any) may be granted a first-class passage between the port or airport in Papua New Guinea from which he leaves for overseas and—

- (a) in the case of an employee, other than an employee to whom paragraph (b) or (c) applies—the capital city of his home State or any other port in Australia of less distance and entailing less cost in travel from Papua New Guinea;
- (b) where the employee was recruited in New Zealand—Wellington, Christchurch or Auckland, whichever of those New Zealand cities is nearest to the place in New Zealand where the employee was recruited;
- (c) where the employee is a New Zealand citizen, but was not recruited in New Zealand—a place approved by the Chief Officer,

on contribution by the employee of Twenty-five dollars.

(7) Grant of or payments in respect of passages under this regulation shall not be made to or in respect of any employee more than once in any period of two years, except in the case of employees who are required by the Chief Officer to take recreation leave under sub-regulation 49 (2) or employees to whom Division 3 applies.

(8) The cost of a single passage or a return passage under this regulation shall not exceed an amount approved by the Chief Officer.

(9) Where a person would be entitled to a passage for travel under sub-regulation (3) or (6), and he travels outside Papua New Guinea to a place other than a place specified under either of those sub-regulations, he may be granted an amount not exceeding the cost of a first class return passage between the port or airport in Papua New Guinea from which the employee leaves and the airport at Sydney in the State of New South Wales, less a contribution by the employee of the amount prescribed in sub-regulation (3) or (6), as the case may be.

(10) For the purposes of this regulation—

“home state”, in relation to an employee, other than an employee to whom paragraph (3) (b) or (c), or paragraph (6) (b) or (c) apply, means—

- (a) the State or Territory in which his next-of-kin resides;
- (b) where he has no next-of-kin residing in a State or Territory—
 - (i) if he was residing in a State or Territory immediately before he commenced employment in Papua New Guinea, that State or Territory; or
 - (ii) if he was not residing in a State or Territory immediately before he commenced employment in Papua New Guinea, the State of New South Wales; or
- (c) where the employee satisfies the Chief Officer that special circumstances justify another State or Territory being treated as his home state for the purposes of this regulation, that State or Territory;

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“Territory” means the Australian Capital Territory or the Northern Territory.

(11) If a person in respect of whom a return passage or reimbursement for a return passage is granted under this regulation does not complete the return journey, an amount not exceeding one-half of the cost of the passage or amount granted in lieu of the cost of the passage to that employee in respect of that person shall be a debt due and payable by the employee to Australia.

Division 5—Sick Leave

Sick leave.

52. (1) The Chief Officer may, in case of illness, grant to an employee leave of absence, to be designated sick leave, not exceeding twelve months, in accordance with this regulation and regulation 53.

(2) Where in case of illness an employee who has received sick leave for twelve months is not so far recovered as to be able to resume his duties, the Chief Officer may grant the employee further sick leave for a period not exceeding six months.

(3) No salary or allowance shall be paid to an employee during any further sick leave granted under sub-regulation (2).

(4) If at the expiration of any further leave granted under sub-regulation (2), the employee is unable to resume his duties, the Minister may retire him.

(5) Sick leave shall not be reckoned as, or included in, recreation leave or long leave.

**Amount of
sick leave, &c.**

53. (1) Sick leave may be granted on the following conditions:—

(a) the basis for determining the leave which may be granted shall be ascertained by crediting the employee with the following periods of leave, which shall be cumulative:—

	Leave on full salary	Leave on half salary
	Working weeks	Working weeks
On date of commencing employment	2	2
On completion of twelve months' service	2	2
On completion of each additional twelve months' service	2	2

(b) in the event of the retirement of an employee on the ground of invalidity, the retirement shall not, except with the consent of the employee, be effected earlier than the date on which the employee's credit of sick leave on full salary is exhausted, but—

- (i) the continuous period for which an employee may be granted sick leave on full salary immediately before retirement shall not exceed twelve months;
- (ii) a further credit of sick leave shall not accrue to an employee after the date of the decision to retire him; and
- (iii) in no case shall an employee be entitled to sick leave extending beyond the day immediately preceding—

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(A) in the case of a male employee, the day on which he attains the age of sixty-five years; or

(B) in the case of a female employee, the day on which she attains the age of sixty years;

(c) subject to paragraph (d), if an employee falls sick while on recreation leave, long leave or furlough and produces at the time a satisfactory medical certificate, the Chief Officer may grant him, at a convenient time, additional leave equivalent to the period of sickness falling within the period of recreation leave, long leave or furlough, and the absence shall, subject to his sick leave credits, be recorded as sick leave; and

(d) an employee shall not be granted sick leave under paragraph (c) unless the medical certificate indicates—

(i) that during the currency of that certificate the employee would be unfit for duty; and

(ii) that the unfitness for duty would continue—

(A) in the case of sickness during a period when the employee is on recreation leave or long leave—for a period of not less than five days; or

(B) in the case of sickness during a period when the employee is on furlough—for a period of not less than two weeks.

(2) Where—

(a) an employee is granted a period of sick leave such that his credit of sick leave on full salary will not extend to the full period; and

(b) the employee has a credit of sick leave on half salary available,

the Chief Officer may approve the conversion of some or all of the employee's credit of sick leave on half salary to sick leave on full salary to the extent necessary to cover all or part of the period of leave.

(3) Unless the Chief Officer otherwise approves in any particular case sick leave on half salary shall not be converted to sick leave on full salary under sub-regulation (2) where the employee's service is less than fifteen years or the period of sick leave for which he would otherwise be entitled to only half salary is less than two weeks.

(4) In this regulation, "working week" means thirty-six and three-quarter working hours.

54. An employee shall submit himself to medical examination by a medical practitioner approved by the Chief Officer whenever required by the Chief Officer. **Medical examinations.**

55.(1) Subject to sub-regulation (2), an application for sick leave shall be supported by the certificate of a medical practitioner or other evidence of the illness to the satisfaction of the Chief Officer. **Evidence in case of sick leave.**

(2) The Chief Officer may grant to an employee sick leave without production of a medical certificate or other evidence to the extent of four days in any period of twelve months.

(3) Subject to sub-regulation (2), where sick leave is granted without the production of a medical certificate, that leave shall be without salary or allowances.

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Further
medical
examination
on sick
leave.

56. Where an employee who has been absent on account of illness for a continuous period of thirteen weeks applies for further leave, he shall be examined by a medical practitioner approved by the Chief Officer before an extension of sick leave is granted.

Certificate
of fitness to
resume duty.

57. (1) If an employee is absent from duty on account of illness and the period of his absence has extended beyond thirteen weeks, he shall not be permitted to resume duty until a medical practitioner approved by the Chief Officer has certified that he is fit to resume duty.

(2) Where an employee resumes duty after a lesser period than thirteen weeks' continuous absence due to illness, the Chief Officer may, if he is of opinion that the employee is not fit to resume duty, direct him to submit himself for examination by a medical practitioner approved by the Chief Officer, and if the examination discloses that the employee is unfit to resume duty, the Chief Officer shall grant such further sick leave as the medical report indicates as necessary.

Health of
employee
rendering him
a danger to
others.

58. (1) If the Chief Officer has reason to believe that an employee is in such a state of health as to constitute him a danger to his fellow employees or to any other person, the Chief Officer may require the employee to obtain and furnish a report as to his state of health from a medical practitioner, or may require him to submit himself for examination by a medical practitioner approved by the Chief Officer.

(2) Upon receipt of a medical report under sub-regulation (1) the Chief Officer may direct the employee to absent himself from his duties for a specified period or, if the employee is already on leave, direct him to continue on leave for a specified period, and the employee's absence or continued leave, as the case may be, shall be counted as sick leave.

Leave—
infectious
disease
contacts.

59. (1) Upon a report by a medical practitioner that, by reason of contact with a person suffering from an infectious disease and through the operation of restrictions imposed by or under any law in force in Papua New Guinea or a part of Papua New Guinea in respect of that disease, an employee is unable to attend for duty, the Chief Officer may grant the employee leave of absence.

(2) Leave of absence granted under this regulation may be counted as sick leave or, at the option of the employee, the whole or any portion of the leave may be deducted from recreation leave.

(3) Leave of absence shall not be granted under this regulation for any period beyond the earliest date at which, having regard to the restrictions imposed by law, it would be practicable for the employee to resume duty.

Illness
due to
misconduct.

60. (1) An employee shall not be granted sick leave with salary on account of physical disability or ill-health caused by his misconduct, or in any case of absence from duty without sufficient cause.

(2) Where the Chief Officer desires to satisfy himself as to the cause of any disability or illness, he may require the employee to present himself for examination by a medical practitioner at a specified time, or may make such arrangements as are necessary for his examination by a medical practitioner.

(3) If the medical practitioner's report is not favourable to the employee or if the employee is not available for examination at the appointed time, the employee is liable to pay to Australia the cost of the examination, or the visit of the medical practitioner, as the case may be.

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61. When an employee absent from his headquarters on duty is forced by illness not due to his own fault to take sick leave and he is unable to return to his own home or, in the opinion of the Chief Officer, it is inexpedient for him to do so, he may be paid an allowance to the extent of the costs established by him of such illness, but not exceeding the sum to which he would have been entitled under the determinations for travelling allowance had he been on duty for the period involved.

Employees on
duty away
from
headquarters—
allowance on
sick leave.

Division 6—Long Leave

62. (1) Subject to this regulation, the Chief Officer may from time to time grant to every employee leave of absence, to be designated long leave, calculated at the rate of one half month on full salary or one month on half salary for every completed year of service in respect of which the employee has not previously been granted long leave.

Long leave.

(2) Long leave shall not be granted until an employee has completed at least six years' service, and any further long leave shall not be granted until the employee has completed a further period of at least six years' service commencing from the expiration of his last preceding long leave.

(3) Except in the case of an employee who has retired, resigned or been retired, long leave—

- (a) shall not be granted to an employee unless he is eligible for a period of leave of absence for recreation; and
- (b) shall be taken immediately before or after a period of leave of absence for recreation.

(4) Where an employee who, before the commencement of these Regulations, was appointed to an office of cadet prescribed under the Public Service Ordinance and by virtue of that Ordinance was required to complete a course of training in Australia before commencing duty in Papua New Guinea, the service of that employee before commencing duty in Papua New Guinea shall be deemed not to be service for the purposes of this regulation.

Division 7—Furlough and Leave in Lieu of Furlough

63. This Division does not apply to a person who immediately before the prescribed date was employed in the Public Service of Papua New Guinea or the Police Force within the meaning of the Police Force Ordinance on secondment from a Public Service, Police Force or instrumentality of Australia or of a State or a person employed under sub-section 6 (2) of the Act.

Application
of Division.

64. (1) When an employee has had not less than twenty years' service, the Chief Officer may, from time to time, grant to him leave of absence, to be designated furlough, for a period not exceeding three-tenths of one month on full salary or, at the discretion of the Chief Officer, three-fifths of one month on half salary, in respect of each completed year of continuous service in respect of which he has not been granted furlough.

Furlough.

(2) Where an employee who is eligible for furlough in accordance with this regulation ceases to be an employee otherwise than by death, the Chief Officer may authorize payment to the employee of an amount not exceeding his salary equal to the period, or the sum of the periods, of leave on full salary that could have been granted under this regulation if he had not ceased to be an employee.

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(3) Upon the death of an employee who, at the date of his death, was eligible under this regulation for the grant of leave of absence or, if the Chief Officer, after consideration of all the circumstances, directs that the death of an employee be presumed and the employee was so eligible, the Chief Officer may authorize payment to the dependants of the employee of an amount equivalent to the amount which would, under this regulation, have been granted to the employee had he ceased to be an employee immediately before the date of his death, or where the Chief Officer has directed that the death of the employee be presumed, immediately before a date determined by the Chief Officer.

(4) Notwithstanding anything in this regulation, the official conduct record of an employee shall be taken into consideration in determining whether the whole or any portion of the leave of absence or salary provided for in this regulation may be granted.

Leave to
employees
not eligible for
furlough.

65. (1) The Chief Officer may grant to an employee whose period of service is not less than eight years, but is less than twenty years, immediately before the retirement or resignation of the employee, in the case of a male employee, at the age of fifty years or more or, in the case of a female employee, at the age of forty-five years or more, leave of absence on full salary as follows:—

- (a) for service of eight years or more but less than twelve years—three months;
- (b) for service of twelve years or more but less than sixteen years—four months; and
- (c) for service of sixteen years or more but less than twenty years—five months.

(2) The Chief Officer may, if he thinks fit so to do, grant to an employee leave on half salary of double the period provided for in sub-regulation (1).

(3) Where an employee who is eligible for leave in accordance with this regulation ceases to be an employee (otherwise than by death), the Chief Officer may authorize payment to the employee upon such cessation of an amount equivalent to his salary for a period of leave not exceeding that which he could have been granted under this regulation.

(4) Where an employee, not being of an age specified in sub-regulation (1) which is applicable to him, and having completed less than twenty years' service, ceases to be an employee (otherwise than by death), and satisfies the Chief Officer that such cessation is caused by physical injury sustained in the execution of duty or ill-health which is permanent but not due to misconduct or to causes within the control of the employee, the Chief Officer may, notwithstanding anything in this regulation, authorize payment to the employee of an amount equivalent to his salary for a period of leave not exceeding that for which he would have been eligible under sub-regulation (1).

(5) Where, before an employee has completed twenty years' service, and either before or after he has attained the age specified in sub-regulation (1) which is applicable to him—

- (a) the employee dies; or
- (b) the Chief Officer, after consideration of all the circumstances, directs that the death of the employee be presumed,

the Chief Officer may authorize payment to the dependants of the employee of an amount equivalent to the salary of the employee for the period of leave which

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he would have received had he been eligible under sub-regulation (1) for, and been granted, leave of absence immediately before the date of his death or, where the Chief Officer has directed that the death of the employee be presumed, immediately before a date determined by the Chief Officer.

(6) The official conduct record of an employee shall be taken into account in determining whether the whole or any portion of the leave of absence or salary provided for in this regulation may be granted.

66. (1) For the purposes of this Division, except in the event of his discharge on account of unsatisfactory service, the continuity of service of an employee shall be deemed not to be, or not to have been, broken by—

*Continuity
of service.*

- (a) any continuous period of absence that does not exceed, or has not exceeded, twelve months; and
- (b) any periods of absence that do not exceed in the aggregate one-seventh of the total number of working days and holidays occurring after the commencement of the first period of his employment which may be included in the period of service.

(2) For the purposes of this Division, a person shall be deemed not to break, or not to have broken, the continuity of his service or to not be or to not have been absent, by reason of his being—

- (a) on leave of absence with full salary or part salary; or
- (b) on leave of absence without salary, where the leave of absence is granted—
 - (i) on account of illness; or
 - (ii) for such other purposes as the Chief Officer approves.

Division 8—Payments in lieu of leave

67. (1) Where an employee ceases to be an employee otherwise than by death, the Chief Officer may authorize payment of salary in lieu of any period of recreation leave to which the employee was entitled immediately before ceasing to be an employee.

*Pro rata
leave on
ceasing
employment.*

(2) Where an employee ceases to be an employee during a period of leave of absence for recreation or long leave, the Chief Officer may revoke the grant of leave as from the date on which the employee ceases to be an employee and authorize the payment of salary in lieu of the leave of absence for recreation or long leave for the residue of the period for which it was granted.

(3) Where an employee—

- (a) retires after attaining—
 - (i) in the case of a male employee—the age of fifty-five years; or
 - (ii) in the case of a female employee—the age of fifty years; or
- (b) is retired under regulation 83,

the Chief Officer may authorize payment of salary in lieu of any period of long leave to which the employee was entitled immediately before his retirement.

(4) Where—

- (a) an employee dies; or
- (b) the Chief Officer, after consideration of all the circumstances, directs that the death of an employee be presumed,

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the Chief Officer may authorize payment to the dependants of the employee of salary in lieu of any period of recreation leave or long leave to which the employee was entitled immediately before his death or presumed death.

(5) Except as provided in sub-regulation (6), for the purposes of this regulation an employee shall be credited, in respect of any period of service in relation to which entitlement to recreation leave or long leave had not as yet accrued, with *pro rata* recreation leave or long leave, as the case may be, calculated—

- (a) in the case of recreation leave, to the nearest completed week; and
 - (b) in the case of long leave, to the nearest completed year,
- of that period of service.

(6) Sub-regulation (5) does not apply to an employee who ceases to be an employee by dismissal for any of the offences prescribed by these Regulations.

Division 9—Leave for Defence Purposes

Grant of
leave.

68. (1) The Chief Officer may grant leave of absence to an employee—

- (a) to enable the employee to engage in—
 - (i) service in time of war in the naval, military or air forces of Australia, or Papua New Guinea or the United Nations;
 - (ii) service in the naval, military or air forces of Australia which have been allotted for duty in an area in which the forces of the United Nations are engaged in warlike operations;
 - (iii) annual training required by law as a member of the Citizen Naval Forces, the Citizen Military Forces or the Citizen Air Force of Australia; or
 - (iv) attendance at a school, class or course of instruction conducted for the training of members of the Citizen Naval Forces, the Citizen Military Forces or the Citizen Air Force of Australia; or
- (b) to enable the employee to engage in work or employment which is in the interests of the defence or public safety of Australia or Papua New Guinea.

(2) In this regulation “time of war” has the same meaning as in the *Defence Act 1903-1970*.

Conditions on
which leave of
absence granted
in time of war,
&c.

69. Leave of absence to enable an employee to engage in service specified in sub-paragraph 68 (1) (a) (i) or (ii) shall be granted to the employee on full salary and allowances for the first fourteen days for which he is granted leave of absence and without salary or allowances for the remainder of the period for which he is granted leave of absence.

Period of
leave—
Citizen
Forces.

70. (1) Subject to this regulation, leave of absence to enable an employee to engage in the training specified in sub-paragraph 68(1)(a)(iii) shall not in any one year exceed—

- (a) where the employee is a member of the Citizen Naval Forces—thirteen days inclusive of Saturdays and Sundays;
- (b) where the employee is a member of the Citizen Military Forces—fourteen days inclusive of Saturdays and Sundays; or
- (c) where the employee is a member of the Citizen Air Force—sixteen days inclusive of Saturdays and Sundays,

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and the Chief Officer may grant such additional time for travelling, not exceeding fourteen days as he thinks fit.

(2) A maximum period of leave referred to in sub-regulation (1) may, in any particular case, be extended by the Chief Officer by a period not exceeding four days, inclusive of Saturdays and Sundays, if the Commanding Officer of the employee certifies, in writing, that the additional period is required for the purpose of the training referred to in that sub-regulation.

(3) Leave of absence to enable an employee to engage in the attendance specified in sub-paragraph 68 (1) (a) (iv) shall not in any one year exceed—

- (a) where the employee is a member of the Citizen Naval Forces—thirteen days inclusive of Saturdays and Sundays;
- (b) where the employee is a member of the Citizen Military Forces—sixteen days inclusive of Saturdays and Sundays; or
- (c) where the employee is a member of the Citizen Air Force—sixteen days inclusive of Saturdays and Sundays,

and the Chief Officer may grant such additional time for travelling, not exceeding fourteen days, as he thinks fit.

(4) Where the Chief Officer is satisfied that special circumstances exist which justify the grant of leave of absence to an employee to engage in the training or attendance specified in sub-paragraph 68 (1) (a) (iii) or (iv) exceeding the period specified in sub-regulation (1) or (3), as the case may be, the period for which that leave of absence may be granted shall be such period as the Chief Officer approves.

(5) Where, in the opinion of the Chief Officer, it would not, at a particular time, be in the public interest to grant to an employee leave of absence to attend at an annual training or attendance at a school, or class or course of instruction specified in sub-paragraph 68 (1) (a) (iii) or (iv), the Chief Officer shall not grant that leave of absence at that time but shall, at some other suitable time, grant leave of absence to the employee to attend at an equivalent training or at an equivalent school, class or course of instruction.

(6) In this regulation, “year” means a period commencing on a first day of July and ending on the next succeeding thirtieth day of June.

71. An employee who has been granted leave of absence to engage in training or attendance specified in sub-paragraph 68 (1) (a) (iii) or (iv) shall, at the expiration of that leave, submit to the Chief Officer a certificate by his Commanding Officer specifying the period for which he was so engaged.

Certificate of
engaging in
defence
training, &c.

72. Except as provided by these Regulations, leave of absence granted to an employee to engage in training or an attendance specified in sub-paragraph 68 (1) (a) (iii) or (iv) shall be with salary.

Pay on
defence leave.

73. The period during which an employee is absent on leave granted under this Division shall be deemed to form part of the period of service of the employee for the purposes of these Regulations.

Leave to
count as
service.

Division 10—Special and Emergency Leave

74. (1) The Chief Officer may, on sufficient cause being shown, grant to an employee special leave of absence.

Special leave.

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(2) Subject to sub-regulation (3), leave of absence granted to an employee under this regulation shall be without salary or allowances or shall be deducted from any recreation leave due or subsequently accruing to the employee, as the Chief Officer directs.

(3) Where the Chief Officer has directed that leave of absence under this regulation shall be deducted from any recreation leave due or subsequently accruing to the employee and the employee ceases to be an employee before a period of recreation leave accrues that is greater than or equal to the period of the leave of absence granted to him under this regulation, an amount equivalent to the salary paid to the employee for so much of the period of the leave of absence under this regulation as cannot be deducted from his recreation leave shall be deducted from any moneys due to the officer by Australia, or shall be a debt due by the employee to Australia.

Emergency
leave.

75. (1) The Chief Officer may grant to an employee leave of absence on full salary, not exceeding three days in any period of twelve months, for urgent personal reasons.

(2) The total amount of leave granted under this regulation and regulation 76 shall not exceed ten days in any period of twelve months.

Leave to
attend local
government
meetings, &c.

76. (1) The Chief Officer may grant leave of absence on full salary and allowances to an employee who is—

(a) a member of a Local Government Council or a Local Government Authority of Papua New Guinea; or

(b) a member of a registered industrial organization,

for the purpose of attendance at meetings of the Council, Authority or organization.

(2) The total amount of leave granted under this regulation and regulation 75 shall not exceed ten days in any period of twelve months.

Division 11—Other Leave

Leave
without pay.

77. (1) The Chief Officer may grant leave of absence without payment of salary or allowances—

(a) where the leave of absence is for the purpose of enabling the employee to pursue a course of study or undertake research work related to the services he is performing—for a period not exceeding twelve months or such further period as the Chief Officer approves; or

(b) where the leave of absence is for any other purpose—for a period not exceeding twelve months or such further period as the Chief Officer approves.

(2) The period during which an employee is absent on leave granted under this regulation shall be deemed not to effect the continuity of the employee's service but, unless otherwise approved by the Chief Officer, that period shall not, for any purpose, be included as part of the employee's period of service.

Leave of
absence
to attend
proceedings
under the
Conciliation
and
Arbitration
Act.

78. (1) The Chief Officer may grant leave of absence with salary to not more than two representatives of an organization within the meaning of the *Conciliation and Arbitration Act* 1904-1972 for the purpose of attending proceedings under the *Public Service Arbitration Act* 1920-1972.

(2) The Chief Officer may grant leave of absence without salary or allowances for a period not exceeding three months in any period of twelve months to representatives of an organization referred to in sub-regulation (1) for the purposes of the preparation of evidence for submission on behalf of the organization in any proceedings referred to in that sub-regulation.

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(3) The periods during which an employee is absent on leave granted under this regulation shall be included as part of the employee's period of service.

79. (1) Notwithstanding anything in these Regulations, where an employee sustains physical injury in the execution of his duty and the Chief Officer is satisfied that the injury is not attributable to wilful misconduct of the employee—

Accidents on duty.

- (a) the Chief Officer may grant leave of absence on full salary to the employee for a period not exceeding three months; and
- (b) if, at the end of three months, it is shown to the satisfaction of the Chief Officer that the injured employee is unable to resume duty, the Chief Officer may grant further leave of absence on such terms and conditions as he considers justified in the circumstances.

(2) The Chief Officer may authorize the payment of such transport, medical and hospital expenses incurred in consequence of the injury as he considers reasonable.

(3) Any leave granted under this section shall not be counted as sick leave.

80. Except as is otherwise provided by these Regulations, the total period of leave granted to an employee otherwise than immediately before his retirement shall not exceed twelve months, or such longer period as the Chief Officer in a particular case approves, at any one time.

Total period of continuous leave.

PART VI—RETIREMENT

81. (1) This regulation applies to an employee who, immediately before the prescribed date, was a person referred to in paragraph 6 (1) (a), (b) or (c) of the Act, other than a person who was employed under a contract made under section 30 of the Papua New Guinea Act or under section 29 of the Police Force Ordinance.

Retirement of certain employees.

(2) Subject to this regulation, an employee who has attained—

- (a) in the case of a male employee—the age of fifty years; or
- (b) in the case of a female employee—the age of forty-five years,

is entitled to retire if the employee desires so to do, but such an employee may continue as an employee until he or she attains—

- (c) in the case of a male employee—the age of sixty-five years; or
- (d) in the case of a female employee—the age of sixty years.

(3) An employee who continues as an employee after he or she has attained the age at which he or she is entitled to retire—

(a) may be retired at any time before attaining—

- (i) in the case of a male employee—the age of sixty-five years; or
- (ii) in the case of a female employee—the age of sixty years; and

(b) shall retire upon attaining—

- (i) in the case of a male employee—the age of sixty-five years; or
- (ii) in the case of a female employee—the age of sixty years.

(4) A retirement under paragraph (3) (a) shall be effected by the Minister on the recommendation of the Chief Officer.

82. (1) This regulation applies to an employee other than an employee referred to in regulation 81.

Retirement of other employees.

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(2) An employee to whom this regulation applies shall retire on the date immediately before he attains—

- (a) in the case of a male employee—the age of sixty-five years; or
- (b) in the case of a female employee—the age of sixty years.

Retirement on
account of
infirmity or
incapacity.

83. (1) If an employee appears to the Chief Officer after full investigation of the circumstances—

- (a) to be, by reason of mental or bodily infirmity or for any other reason, unfit to discharge or incapable of efficiently discharging his duties; or
- (b) to have ceased to have the necessary qualifications to discharge his duties, or to be or to have become legally disqualified from discharging those duties or legally incompetent to discharge them,

the Chief Officer may retire the employee or direct that he be transferred to other duties carrying equal or lower status and salary.

(2) The retirement of an employee under this regulation shall not be deemed to be an account of mental or bodily infirmity unless it is so stated in the instrument effecting the retirement.

(3) An employee retired or transferred under this regulation may, within twenty-eight days, appeal to the Minister against—

- (a) his retirement or transfer; and
- (b) in the case of retirement, the failure by the Chief Officer to state in the instrument effecting the retirement that the retirement was on account of mental or bodily infirmity.

(4) Until the time for appeal has expired and pending the hearing of an appeal, the employee shall be deemed to be on leave without salary or allowances unless he advises the Chief Officer that he does not intend to appeal, in which case his retirement or transfer shall take effect on the date on which he so advises the Chief Officer.

(5) Where the Chief Officer refuses to retire an employee under this regulation the employee may appeal to the Minister whose decision shall be final.

PART VII—FARES AND REMOVAL EXPENSES

Division 1—Furniture and Effects

Meaning of
“furniture and
effects”.

84. (1) In this Part, “furniture and effects” includes—

- (a) all items of normal household furniture and effects, including the usual contents of outhouses;
- (b) bicycles, garden tools, sewing machines and radios and other similar items; and
- (c) domestic pets.

(2) In the case of a dispute as to what are furniture and effects within the meaning of this Part, the decision of the Chief Officer is final.

(3) Notwithstanding the provisions of sub-regulations (1) and (2), the Chief Officer may approve that, in certain circumstances or for the purposes of certain provisions of this Part, or both, or in a particular case, certain items shall, or shall not, be deemed to be furniture and effects within the meaning of this Part.

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Division 2—Fares and Removal Expenses of Employee and Family

85. Subject to such conditions as the Chief Officer approves Australia shall pay the fares and costs of travel of an employee and his family (if any) from his place of residence to his place of employment.

Fares on
employment.

86. Subject to such conditions as the Chief Officer approves, Australia shall at the request of the employee undertake and bear the cost of the removal of the employee's furniture and effects to a maximum of two tons weight from his place of residence to his place of employment.

Removal of
furniture and
effects.

87. Where, after the prescribed date, Australia undertakes and bears the cost of the removal of furniture and effects under this Part, the Chief Officer may authorize payment of the cost of storage in Australia of the employee's furniture and effects or part of the furniture and effects.

Storage of
furniture and
effects.

88. If an employee fails to complete twelve months service from the date of commencement of his employment in Papua New Guinea (otherwise than by termination of his employment under section 14 of the Act), the amount of the fares and costs of travel for the employee and his family, if any, and for the removal of furniture and effects to Papua New Guinea paid under this Part, or such portion of that amount and those costs as the Chief Officer directs, shall be a debt due and payable by the employee to Australia.

Refund of
fares, &c.

89. (1) Where an employee is married in Australia after commencing employment in Papua New Guinea, the Chief Officer may authorize the payment of the whole or part of the fares of the employee's wife and family (if any) from Australia to his place of employment.

Fares on
marriage
overseas.

(2) Where an employee is married in Papua New Guinea after commencing employment in Papua New Guinea and the Chief Officer is satisfied that the wife travelled to Papua New Guinea for the marriage, the fares of the employee's wife and family (if any) from Australia to the employee's place of employment may, subject to such conditions as the Chief Officer approves, be reimbursed in whole or in part.

(3) Where—

(a) fares are paid or reimbursed under this regulation; and

(b) the employee fails to complete twelve months' service after the date of the marriage,

the amount of the fares, or a part of that amount that the Chief Officer determines, shall be a debt due and payable by the employee to Australia.

90. Except as provided in regulation 91, employees transferred from one locality to another at their own request shall bear the whole cost of their removal.

Transfer
expenses.

91. Where an employee is transferred within Papua New Guinea—

(a) on account of illness due to causes over which the employee has no control and in respect of which satisfactory evidence is furnished that a change in location is desirable to restore health; or

(b) on account of having served at a remote locality for at least two years or such shorter period as the Chief Officer in any particular case approves,

Payment of
costs of
transfer in
certain cases

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the Chief Officer shall authorize payment of the actual cost of transfer of the employee, his family (if any) and his furniture and effects to the place to which the employee is transferred.

Fares and
removal
expenses on
retirement or
death, &c.

92. (1) Where an employee retires, is retired, dies or ceases to be an employee on completion of an agreed period of employment the Chief Officer shall—

- (a) subject to such conditions as the Chief Officer approves, authorize payment of the fares of the employee and his family (if any) residing with him or of the employee's family (if any), as the case may be; and
- (b) on request, and subject to such conditions as the Chief Officer approves, undertake and authorize payment of the cost of the removal of the employee's furniture and effects to a maximum of two tons weight,

from the place or locality where the employee was stationed immediately before his retirement, death or ceasing to be an employee, to the capital city of his home State or such other place of less distance and entailing less cost in that State as the Chief Officer approves.

(2) The right to payment of fares and removal of furniture and effects under sub-regulation (1) shall be forfeited unless the employee and his family (if any) or the family of the deceased employee, as the case may be, leave Papua New Guinea within three months, or such further time as the Chief Officer allows, after his retirement, death or ceasing to be an employee, as the case may be.

(3) For the purposes of this regulation—

“home State”, in relation to an employee means—

- (a) the State or Territory in which his next-of-kin resides;
- (b) where he has no next-of-kin residing in Australia—
 - (i) if he resided in a State or Territory immediately before he commenced employment in Papua New Guinea, that State or Territory; or
 - (ii) if he was not residing in a State or Territory immediately before he commenced employment in Papua New Guinea, the State of New South Wales; or
- (c) where the employee satisfies the Chief Officer that special circumstances justify another State or Territory being treated as home State for the purposes of this regulation, that State or Territory;

“Territory” means the Australian Capital Territory or the Northern Territory.

Preservation
of entitlement
in certain
cases.

93. Where, immediately before the prescribed date, the terms and conditions of service that were applicable to a person referred to in paragraph 6 (1) (a), (b) or (c) of the Act provided that on completion of the full period of employment under the contract the Administration of Papua New Guinea would meet the cost of fares and removal expenses from the place of employment in Papua New Guinea to the place of engagement or to some other destination, that provision and the conditions attached to that provision shall continue to apply to that person and Australia shall meet that cost on completion of the full period of employment.

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94. (1) The succeeding provisions of this regulation apply where the Chief Officer authorizes payment of the removal of furniture and effects or the cost of storage of furniture and effects in Australia under this Part. Insurance of
furniture and
effects.

(2) Subject to compliance as far as is practicable with such conditions (whether in relation to packing, inspection, notice or otherwise) as the Chief Officer determines, the Chief Officer may authorize payment or reimbursement to an employee for any loss or damage, including breakages, to furniture and effects referred to in sub-regulation (1).

(3) The maximum amount which may be authorized by the Chief Officer under this regulation is Eight thousand dollars, for which no premium or other charge is payable by the owner of the furniture or effects.

(4) The cover provided by this regulation applies from the time the delivery of goods is accepted by the remover, during the time when the goods are in transit or store and until the time when the goods are delivered to a residence or other place specified in writing by the employee for the purpose.

(5) An employee may at his own expense, take out additional insurance to cover loss, damage or breakage in excess of the maximum amount specified in sub-regulation (3).

(6) The Chief Officer shall not authorize payment or reimbursement for loss, damage or breakage caused by the act, omission, neglect or default of the employee, a member of his family (if any) or his agent.

(7) The Chief Officer shall authorize payment or reimbursement for any loss, damage or breakage caused by the act, omission, neglect or default of Australia or an officer, employee or agent of the Australian Government.

PART VIII—TRANSITIONAL PROVISIONS

95. (1) Subject to sub-regulation (2), where, before the prescribed date, a power or function provided by or under the Public Service Ordinance or the Police Force Ordinance had been exercised or performed in accordance with that Ordinance, the exercise of that power or the performance of that function shall continue to have effect on and after the prescribed date as if the power had been exercised or the function had been performed under these Regulations. Continuance
of decisions,
&c.

(2) The effect of the exercise of a power or the performance of a function referred to in sub-regulation (1) may be varied at any time—

- (a) by the Minister in the case of a power or function exercised or performed by the Minister; and
- (b) by the Chief Officer in the case of any other power or function.

96. Service of a person—

- (a) as a person referred to in paragraph 6 (1) (a), (b) or (c) of the Act during a continuous period immediately before the prescribed date; and
- (b) which, under the Public Service Ordinance or the Police Force Ordinance was, immediately before that date, deemed to be, or was treated as, service,

shall be reckoned as service for the purposes of Part V. Prior service
reckoned as
service under
these
Regulations.

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Accrued
rights.

97. Subject to these Regulations, a person referred to in paragraph 6 (1) (a), (b) or (c) of the Act shall retain his existing and accrued rights to leave as at the date immediately before the prescribed date.

PART IX—MISCELLANEOUS

Hours of
duty.

98. The normal hours of duty of an employee shall be thirty-six and three-quarter hours per week during such hours of attendance as are fixed in relation to him by the Chief Officer.

Holidays.

99. Where a day or part of a day is appointed under a law of Papua New Guinea to be a holiday in the Public Service throughout Papua New Guinea or in a part of Papua New Guinea, that day or part of that day shall be a holiday for employees throughout Papua New Guinea or in that part of Papua New Guinea so appointed as the case may be.

Bankrupt
employee.

100. An employee who becomes bankrupt or whose estate is sequestrated either voluntarily or compulsorily for the benefit of his creditors shall—

- (a) forthwith give notice to the Chief Officer of that fact; and
- (b) furnish, as and when required so to do by the Chief Officer, such information relating to the bankruptcy, or sequestration as the Chief Officer requires.

Attachment
of salaries.

101. An order for the attachment of the salary, wages or pay of an employee may be made by any court of competent jurisdiction.

SCHEDULE

Regulation 32

NOTICE OF APPEAL

TO:
The Chief Officer,
CANBERRA.

I hereby appeal on the ground (or grounds) specified hereunder against the punishment (or recommendation made) in respect of the charge laid against me on the day of 19 , under regulation of the Papua New Guinea (Staffing Assistance) (Terms and Conditions of Employment) Regulations.

Grounds*

Dated the day of , 19 .

(Signature of appellant)
(Official position of appellant)
Address of appellant

* Here insert the grounds of appeal: i.e., either "innocence" or "excessive severity of the punishment", or both of those grounds. No other ground of appeal will be recognized.