

Public Service and Statutory Authorities Amendment Act 1980

No. 177 of 1980

TABLE OF PROVISIONS

PART I—PRELIMINARY

Section	
1.	Short title
2.	Commencement

PART II—AMENDMENTS OF PUBLIC SERVICE ACT

3.	Principal Act
4.	Interpretation
5.	Exempt officers and employees
6.	Officers and employees performing duties overseas
7.	Officers of the Parliament
8.	Appointment of Public Service Board
9.	Repeal of section 15 and substitution of new section— 15. Termination of appointment
10.	Delegation by Board
11.	Permanent Heads
12.	Chief Officers
13.	Division heading
14.	Salaries of officers
15.	Repeal of section 31 and substitution of new section— 31. Increments
16.	Insertion of new sections in Division 3 of Part III— 32A. No work as directed—no pay 32B. Declarations to prevail over awards
17.	Eligibility for appointment to the Service
18.	Educational qualifications for appointment to Second or Third Division
19.	Appointments to be on probation
20.	Repeal of sections 47E, 48 and 48AA
21.	Transfers, promotions and appeals
22.	Temporary performance of duties
23.	Meaning of failure to fulfil duty as officer
24.	Interpretation
25.	Division Heading
26.	Leave of absence for recreation
27.	Adjustment of credit in certain cases
28.	Payment in lieu of recreation leave for certain officers
29.	Payment to dependants on death
30.	Payment in respect of additional recreation leave under Public Service Arbitration Act
31.	Repeal of section 68E and substitution of new section— 68E. Liability of officers in respect of excess recreation leave in certain cases
32.	Interpretation
33.	Leave of absence on account of illness
34.	Other leave of absence
35.	Public holidays

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

Section **TABLE OF PROVISIONS—continued**

- 36. Rate of remuneration
- 37. Temporary employment
- 38. Insertion of new Division—

Division 10A—Determination of Certain Terms and Conditions of Employment

- 82C. Interpretation
- 82D. Determinations
- 82E. Determination of matters by reference to other instruments
- 82F. Tabling, disallowance, & c., of determinations
- 82G. Evidence
- 39. Restrictions on prescription of public authorities, & c.
- 40. Officers engaged in eligible public employment
- 41. Preservation of rights in respect of leave
- 42. Application for re-instatement as person to whom Division applies
- 43. Payments to officers
- 44. Insertion of new section—
 - 90A. Staff Suggestions Scheme
- 45. Regulations
- 46. Schedules 2 and 3
- 47. Savings
- 48. Application of certain amendments

**PART III—AMENDMENTS OF THE BROADCASTING AND TELEVISION
ACT**

- 49. Principal Act
- 50. Preservation of certain awards, & c.
- 51. Insertion of new sections—
 - 44. No work as directed—no pay
 - 44A. Declarations to prevail over awards

PART IV—AMENDMENT OF THE COMMONWEALTH BANKS ACT

- 52. Principal Act
- 53. Insertion of new sections—
 - 89A. No work as directed—no pay
 - 89B. Declarations to prevail over awards

**PART V—AMENDMENT OF THE COMMONWEALTH TEACHING
SERVICE ACT**

- 54. Principal Act
- 55. Insertion of new sections—
 - 23A. No work as directed—no pay
 - 23B. Declarations to prevail over awards
- 56. Settlement of industrial disputes and determination of industrial matters in respect of the Service

**PART VI—AMENDMENTS OF THE OVERSEAS TELECOMMUNICATIONS
ACT**

- 57. Principal Act
- 58. Insertion of new sections—
 - 33AA. No work as directed—no pay
 - 33AB. Declarations to prevail over awards

PART VII—AMENDMENTS OF THE POSTAL SERVICES ACT

- 59. Principal Act
- 60. Insertion of new sections—

Public Service and Statutory Authorities Amendment Act 1980

No. 177 of 1980

An Act to amend the *Public Service Act 1922* and certain other Acts

[Assented to 17 December 1980]

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

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Public Service and Statutory Authorities Amendment Act 1980*.

Commencement

2. (1) Sections 1, 2, 3 and 4, sub-sections 5 (2) and 7 (2), (5), (6) and (7), sections 8, 9, 10, 11, 12, 13, 16, 17, 18 and 19, sub-sections 21 (1) and 37 (5), sections 38, 43 and 44, sub-section 45 (10) and sections 46 to 66 (inclusive) shall come into operation on the day on which this Act receives the Royal Assent.

(2) Subject to sub-sections 7 (5), (6) and (7), the remaining provisions of this Act shall come into operation on such date as is, or such respective dates as are, fixed by Proclamation.

PART II—AMENDMENTS OF PUBLIC SERVICE ACT

Principal Act

3. The *Public Service Act 1922*¹ is in this Part referred to as the Principal Act.

Interpretation

4. Section 7 of the Principal Act is amended by inserting after the definition of “Officer” in sub-section (1) the following definition:

“ ‘overseas’ means outside Australia and the Territories;”.

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

Exempt officers and employees

5. (1) Section 8A of the Principal Act is amended—

- (a) by omitting from sub-section (1) “and” and substituting “(other than section 30) or”; and
- (b) by omitting from sub-section (3) “including” and substituting “excluding”.

(2) Section 8A of the Principal Act is amended by inserting after sub-section (3) the following sub-section:

“(3A) Where—

- (a) an order under this section is in force in relation to an officer or employee; and
- (b) a determination under sub-section (3) that is applicable in relation to the officer or employee is inconsistent with a provision of a determination in force under sub-section 9 (7A) or section 82D, not being a provision with respect to terms and conditions of employment overseas,

that provision does not apply in relation to the officer or employee.”.

(3) Section 8A of the Principal Act is amended by omitting from sub-section (4) “section 8B” and substituting “sub-section 9 (7A) or section 82D with respect to employment overseas”.

(4) Where an order under sub-section 8A (1) of the Principal Act that was in force immediately before the commencement of this sub-section declared that section 30 of the *Public Service Act* 1922 should not apply to an officer or employee, or to a class of officers or employees, the amendments of section 8A of the Principal Act made by sub-section (1) of this section do not apply to or in relation to that order in so far as it deals with the application of that first-mentioned section to that officer or employee, or to that class of officers or employees, as the case may be.

Officers and employees performing duties overseas

6. (1) Section 8B of the Principal Act is repealed.

(2) Where, immediately before the commencement of this section, a determination under section 8B of the Principal Act was in force in relation to an officer or employee, then, notwithstanding the repeal effected by sub-section (1) of this section, section 8B of the Principal Act continues to apply to and in relation to the officer or employee until—

- (a) the Board, by instrument in writing, declares that the last-mentioned section as applying by virtue of this sub-section no longer applies to or in relation to the officer or employee; or
- (b) the officer or employee ceases to perform duties overseas within the meaning of that last-mentioned section,

whichever first happens.

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

(3) A determination in force in relation to an officer or employee under section 8B of the Principal Act as applying by virtue of sub-section (2) of this section has effect notwithstanding anything contained in the regulations or in any determination in force under sub-section 9 (7A) or section 82D of the *Public Service Act* 1922.

Officers of the Parliament

7. (1) Section 9 of the Principal Act is amended—

- (a) by adding at the end of paragraph (b) of sub-section (1) “and”;
- (b) by omitting from paragraph (c) of sub-section (1) “and” (last occurring); and
- (c) by omitting paragraph (d) of sub-section (1).

(2) Section 9 of the Principal Act is amended—

- (a) by omitting from sub-sections (2), (2A) and (3) “or the regulations” (wherever occurring) and substituting “, the regulations or any determinations in force under section 82D”; and
- (b) by inserting after sub-section (7) the following sub-sections:

“(7A) Subject to sub-section (7B), the President or the Speaker or the President and the Speaker, as the case may be, may, by instrument in writing, determine the terms and conditions of employment (including employment overseas) of officers and employees of the Parliament, being terms and conditions for and in relation to which determinations may be made under section 82D.

“(7B) Where a determination under sub-section (7A) is inconsistent with—

- (a) a provision of this Act;
- (b) a provision of the regulations made for the purposes of sub-section (6);
- (c) a provision of the regulations made by the Board that apply to officers and employees of the Parliament by virtue of sub-section (7); or
- (d) a provision of another Act,

(whether enacted or made before or after the commencement of this sub-section), that provision shall prevail and the determination shall, to the extent of the inconsistency, be of no force or effect.

“(7C) The provisions of Division 10A of Part III (other than sub-sections 82D (1) and (2)) apply in relation to determinations made under sub-section (7A) of this section in like manner as those provisions apply in relation to determinations made under section 82D and, for the purposes of those provisions as so applying, any reference in those provisions to the Board shall be read as reference to the President or the Speaker or the President and the Speaker, as the case may be.

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

“(7D) A determination in force under section 82D has effect in relation to officers and employees of the Parliament subject to sub-sections (7E) and (7F).

“(7E) Where a determination in force under section 82D is inconsistent with—

- (a) a provision of the regulations made for the purposes of sub-section (6) of this section; or
- (b) a provision of a determination in force under sub-section (7A) of this section,

(whether made before or after the day on which the first-mentioned determination takes effect), the first-mentioned determination is, to the extent of the inconsistency, of no force or effect in relation to officers and employees of the Parliament.

“(7F) The President or the Speaker or the President and the Speaker, as the case may be, may, by instrument in writing, declare that a determination, or a provision of a determination, in force under section 82D and specified in the instrument does not apply to officers and employees of the Parliament.

“(7G) The Governor-General may, on the recommendation of the President or the Speaker or the President and the Speaker, as the case may be, make regulations providing for and in relation to appeals with respect to any matter arising under a determination under sub-section (7A).

“(7H) The President or the Speaker or the President and the Speaker, as the case may be, may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him or them, as the case may be, delegate to an officer or employee of the Parliament any of his or their powers, as the case may be, under sub-sections (7A) and (7F).

“(7J) A power delegated under sub-section (7H), when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the President or the Speaker or the President and the Speaker, as the case may be.

“(7K) A delegation under sub-section (7H) does not prevent the exercise, by the President or the Speaker or the President and the Speaker, as the case may be, of the power to which the delegation relates.”.

(3) Section 9 of the Principal Act is amended—

- (a) by adding at the end of paragraph (b) of sub-section (1) “and”;
- (b) by omitting from paragraph (c) of sub-section (1) “and” (last occurring); and
- (c) by omitting paragraph (d) of sub-section (1).

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

(4) Section 9 of the Principal Act is amended by omitting from sub-section (2) “or the regulations” (wherever occurring) and substituting “, the regulations or any determinations in force under section 82D”.

(5) Subject to sub-section (6), sub-section (3) shall come into operation on a date to be fixed by Proclamation, being a date not earlier than the date on which section 4 of the *Public Service Amendment Act 1978* comes into operation.

(6) If sub-section (1) of this section comes into operation after section 4 of the *Public Service Amendment Act 1978* has come into operation, sub-section (3) of this section shall not come into operation.

(7) Sub-section (4) shall come into operation on the date on which section 4 of the *Public Service Amendment Act 1978* comes into operation.

Appointment of Public Service Board

8. Section 11 of the Principal Act is amended by omitting from sub-section (8A) “and the regulations” and substituting “, the regulations and any determinations in force under section 82D”.

9. Section 15 of the Principal Act is repealed and the following section substituted:

Termination of appointment

“15. (1) If a member of the Board—

- (a) engages, during his term of office, in any paid employment outside the duties of his office;
- (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (c) except on leave granted by the Governor-General, absents himself from duty for 14 consecutive days, or for 28 days in any 12 months;
- (d) becomes permanently incapable of performing his duties; or
- (e) fails, without reasonable excuse, to comply with his obligations under sub-section (2) or (3),

the Governor-General shall terminate the appointment of the member.

“(2) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board.

“(3) A disclosure under sub-section (2) shall be recorded in the minutes of the meeting of the Board and, if the interest of the member so recorded arises by reason of, or is otherwise related to, a direct or indirect pecuniary interest that the member has in a business or in a body corporate carrying on a business, the member shall not—

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

- (a) be present during any deliberations of the Board with respect to that matter; or
- (b) take part in any decision of the Board with respect to that matter.”.

Delegation by Board

10. Section 16 of the Principal Act is amended by inserting after sub-section (1) the following sub-section:

“(1AA) Without limiting the generality of sub-section (1), the reference in that sub-section to the powers of the Board under this Act shall be read as including a reference to the powers of the Board under section 82D.”.

Permanent Heads

11. Section 25 of the Principal Act is amended—

- (a) by omitting from sub-section (3) “or the regulations” (wherever occurring) and substituting “, the regulations or the determinations”;
- (b) by omitting from sub-section (4) “the provisions of this Act or the regulations” and substituting “this Act”;
- (c) by omitting sub-section (4A) and substituting the following sub-section:

“(4A) The person for the time being holding or performing the duties of the office of Chairman of the Prices Justification Tribunal has all the powers of, or exercisable by, a Permanent Head under this Act so far as those powers relate to the branch of the Service comprising the staff referred to in section 34 of the *Prices Justification Act* 1973 as if that branch were a separate Department.”;

- (d) by omitting from sub-section (5) “his powers and functions under this Act or the regulations” and substituting “the powers and functions conferred on him by this Act, the regulations or the determinations”; and
- (e) by adding at the end thereof the following sub-section:

“(8) In this section, ‘determination’ means a determination in force under sub-section 9 (7A) or section 82D.”.

Chief Officers

12. Section 26 of the Principal Act is amended by inserting in sub-section (2) “or are specified in determinations in force under sub-section 9 (7A) or section 82D” after “prescribed”.

Division heading

13. The Heading to Division 3 of Part III of the Principal Act is repealed and the following heading substituted:

“Division 3—Salaries”.

Salaries of officers

14. Section 30 of the Principal Act is amended—

- (a) by omitting from sub-section (2) “prescribed” and substituting “determined under sub-section 9 (7A) or section 82D”; and
- (b) by omitting sub-section (3).

15. (1) Section 31 of the Principal Act is repealed and the following section substituted:

Increments

“31. Where a scale of rates of salary determined under sub-section 9 (7A) or section 82D is applicable in relation to an officer or employee, the officer or employee may, as provided in the regulations and in determinations under that sub-section or section, as the case may be, be paid increments of salary in accordance with that scale.”.

(2) Where, immediately before the commencement of this section, an order under sub-section 31 (4) of the Principal Act, or a determination made in accordance with regulations in force for the purposes of section 31 of the Principal Act, was in force in relation to an officer, that order or determination continues to have effect in relation to that officer for the purposes of any determination in force under sub-section 9 (7A) or section 82D of the Principal Act as amended by this Act with respect to the payment of increments of salary, and an appeal against that order may be instituted, continued or determined, as the case may be, as if the amendment of the Principal Act made by sub-section (1) of this section had not been made.

16. After section 32 of the Principal Act the following sections are inserted in Division 3 of Part III:

No work as directed—no pay

“32A. (1) Where an officer or employee refuses or fails to comply with a direction given by a person having authority to give the direction, being a direction with respect to work that he is performing or is to perform, the Board may declare that the officer or employee is not to be paid salary.

“(2) A declaration under sub-section (1) in relation to the refusal or failure of an officer or employee to comply with a direction—

- (a) shall specify the time (which may be a time before the declaration is made but not earlier than the time when the officer or employee refused or failed, or first refused or first failed, to comply with the direction) from which the declaration shall have effect, or shall be deemed to have had effect; and
- (b) has effect and shall be deemed to have had effect, according to its tenor, from the time so specified until it is revoked in accordance with this section.

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

“(3) An officer or employee is not entitled to be paid salary in respect of any period in respect of which a declaration under sub-section (1) has effect, or is to be deemed to have had effect, in relation to him.

“(4) The Board—

- (a) may, at any time, vary or revoke a declaration in force under sub-section (1) either wholly or in relation to a specified officer or employee; and
- (b) shall, upon becoming satisfied that an officer or employee in respect of whom a declaration under sub-section (1) is in force has been complying, or will comply, from a particular time, with all relevant directions with respect to the work that he is performing, or is to perform, given by persons having authority to give those directions, revoke, as from that time, that declaration, or that declaration in its application to that officer or employee, as the case requires.

“(5) A declaration made under sub-section (1) in respect of a refusal or failure of an officer or employee to comply with a particular direction, or with particular directions, has effect in accordance with sub-section (2) notwithstanding that, at any time while it is in force, the officer or employee—

- (a) attends for duty and performs work other than work to which that direction, or any of those directions, as the case requires, relates; or
- (b) attends for duty and, in the performance of his work, complies with that direction, or with some or all of those directions, as the case requires, in part only.

“(6) A declaration under sub-section (1), and a variation or revocation of such a declaration—

- (a) shall be made in writing; and
- (b) shall be signed—
 - (i) by a member of the Board; or
 - (ii) by a person to whom the Board has delegated its powers under this section.

“(7) Subject to sub-sections (8) and (9), the powers conferred on the Board by this section are in addition to, and not in substitution for, any other powers conferred by or under this Act on the Board, the Chief Officer or on any other person in relation to an officer or employee.

“(8) While a declaration under sub-section (1) is in force in respect of the refusal or failure of an officer or employee to comply with a direction, or with two or more directions, proceedings shall not be taken against the officer or employee under Division 6 of Part III in respect of any refusal or failure of the officer or employee in respect of which that declaration was made.

“(9) Where proceedings are taken against an officer or employee under Division 6 of Part III in respect of any refusal or failure of the officer or employee to comply with a direction, or with directions, of the kind referred to in

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

sub-section (1), a declaration shall not be made under sub-section (1) in respect of any refusal or failure of the officer or employee in respect of which those proceedings have been taken unless those proceedings have been finally determined or otherwise terminated.

“(10) Where a declaration is made under sub-section (1) in respect of an officer or employee, or such a declaration is varied or revoked, the Board shall cause such notice as it deems appropriate to be given of the making of the declaration or of the variation or revocation of the declaration, as the case may be.

“(11) The period during which a declaration under sub-section (1) has effect in respect of an officer or employee forms part of his period of service or employment under this Act for the purposes of the *Superannuation Act 1976* but does not, unless the Board otherwise determines, form part of his period of service of employment under this Act for any purpose of this Act or of any other Act.

“(12) In this section, unless the contrary intention appears—

‘direction’ includes an order and an instruction;

‘salary’ includes wages or other remuneration and any allowances that are declared by the regulations to be included in salary for the purposes of this definition.

Declarations to prevail over awards

“32B. (1) Section 32A has full force and effect, and declarations in force under sub-section 32A (1) have full force and effect according to their tenor, notwithstanding any inconsistency—

(a) with any other provision of this Act;

(b) with any other law of the Commonwealth enacted before the commencement of this section; or

(c) with any award made before or after the commencement of this section.

“(2) Section 32A shall be deemed to be a prescribed provision of the *Public Service Act 1922* for the purposes of—

(a) sub-section 22 (2) of the *Public Service Arbitration Act 1920*; and

(b) sub-section 41A (1) of the *Conciliation and Arbitration Act 1904*.

“(3) Except as provided in sub-section (1), nothing in a declaration in force under sub-section 32A (1) shall be taken as affecting—

(a) the application of any law, or of any award, to or in relation to an officer or employee; or

(b) the terms and conditions of employment of an officer or employee.

“(4) In this section, ‘award’ includes a determination or other instrument making provision with respect to terms and conditions of employment, being a determination or instrument of a kind similar to an award.”.

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

Eligibility for appointment to the Service

17. (1) Section 34 of the Principal Act is amended—

- (a) by adding “and” at the end of paragraph (a);
- (b) by omitting paragraph (b); and
- (c) by adding at the end thereof the following sub-sections:

“(2) Except as otherwise provided in this Act, a person is not eligible for appointment to the Service unless the Board is satisfied, after he has undergone a medical examination approved by the Board, as to his health and physical fitness.

“(3) Sub-section (2) does not apply to an appointment of a person to the Service that is an appointment on probation.”.

(2) An appointment to the Service made before the commencement of this section is, and shall be deemed at all times to have been, as valid and effectual for all purposes as it would have been if the amendment of section 34 of the *Public Service Act* 1922 effected by paragraph (1) (b) had come into operation immediately before the appointment was made.

Educational qualifications for appointment to Second or Third Division

18. Section 35 of the Principal Act is amended by omitting from paragraph (c) “an overseas” and substituting “any other”.

Appointments to be on probation

19. Section 47 of the Principal Act is amended by inserting after sub-section (8) the following sub-section:

“(8A) The Board shall not confirm the appointment of a probationer unless the Board is satisfied, after he has undergone a medical examination approved by the Board, as to his health and physical fitness.”.

Repeal of sections 47E, 48 and 48AA

20. (1) Sections 47E, 48 and 48AA of the Principal Act are repealed.

(2) The repeal of section 47E of the Principal Act effected by sub-section (1) of this section does not affect the operation of any determination made under that section.

(3) Where, immediately before the commencement of this section, section 48 or 48AA of the Principal Act applied in relation to the service of an officer, that section shall, notwithstanding its repeal, continue to apply in relation to the service of that officer until he ceases to be an officer.

Transfers, promotions and appeals

21. (1) Section 50 of the Principal Act is amended by omitting from sub-section (6A) “the last preceding sub-section” and substituting “this section”.

(2) Section 50 of the Principal Act is amended by omitting from sub-section (7A) “in pursuance of section 71, being leave of a kind declared by the

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

regulations” and substituting “under this Act, being leave of a kind declared by a determination under sub-section 9 (7A) or section 82D that is applicable to the officer”.

Temporary performance of duties

22. Section 51A of the Principal Act is amended—

- (a) by adding at the end of paragraph (a) of sub-section (1) “and”;
- (b) by omitting from paragraph (b) of sub-section (1) “and”; and
- (c) by omitting paragraph (c) of sub-section (1).

Meaning of failure to fulfil duty as officer

23. Section 56 of the Principal Act is amended by omitting from sub-paragraph (i) of paragraph (f) “or of the regulations” and substituting “, of the regulations or of a determination in force under sub-section 9 (7A) or section 82D”.

Interpretation

24. Section 63J of the Principal Act is amended by omitting “for a prescribed purpose” from paragraph (c) of the definition of “unattached officer” in sub-section (1) and substituting “, not being leave of absence for recreation or on account of illness,”.

Division Heading

25. The heading to Division 8 of Part III is amended by omitting “*and Holidays*”.

Leave of absence for recreation

26. Section 68 of the Principal Act is repealed.

Adjustment of credit in certain cases

27. Section 68A of the Principal Act is repealed.

Payment in lieu of recreation leave for certain officers

28. Section 68B of the Principal Act is repealed.

Payment to dependants on death

29. Section 68C of the Principal Act is repealed.

Payment in respect of additional recreation leave under Public Service Arbitration Act

30. Section 68D of the Principal Act is repealed.

31. Section 68E of the Principal Act is repealed and the following section substituted:

Liability of officers in respect of excess recreation leave in certain cases

“68E. (1) Where a person, being an officer to whom section 68A applied immediately before the commencement of this section, has been granted leave of absence for recreation by virtue of, or in anticipation of, a recreation leave credit that accrued to him on 1 January in the year in which he ceases to be an officer, and the period of that leave exceeds that credit as deemed to have been reduced in accordance with determinations in force under sub-section 9 (7A) or section 82D—

- (a) if the officer has received salary in respect of any part of that period of leave that is included in the excess—the Commonwealth is entitled to recover from the person, as a debt due by him to the Commonwealth, the amount of that salary; and
- (b) if the officer has not received salary in respect of any part of that period of leave that is included in the excess—salary is not payable to the officer in respect of that part of that period of leave.

“(2) Paragraph (1) (a) does not apply in relation to an officer who ceases to be an officer by reason of his death.

“(3) A reference in sub-section (1) to a recreation leave credit shall be read as including a reference to an addition to a recreation leave credit.

“(4) A determination made under sub-section 9 (7A) or section 82D may provide that allowances of a specified kind, or such portions of allowances of a specified kind as are ascertained in accordance with the determination, are to be included in salary for the purposes of this section.”.

Interpretation

32. Section 68F of the Principal Act is repealed.

Leave of absence on account of illness

33. Section 70 of the Principal Act is repealed.

Other leave of absence

34. Section 71 of the Principal Act is repealed.

Public holidays

35. Section 76 of the Principal Act is repealed.

Rate of remuneration

36. Section 81ZS of the Principal Act is amended by omitting from sub-section (2) all the words after “provisions” and substituting “of the regulations, and of the determinations in force under sub-section 9 (7A) or section 82D that are applicable to him, relating to increments of salary”.

Temporary employment

37. (1) Section 82 of the Principal Act is amended by omitting sub-section (3).

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

(2) Section 82 of the Principal Act is amended by omitting sub-section (8).

(3) Section 82 of the Principal Act is amended by omitting sub-section (10) and substituting the following sub-section:

“(10) Sub-section (4) does not apply in relation to employees performing duties overseas.”.

(4) Section 82 of the Principal Act is amended by omitting sub-section (11).

(5) Section 82 of the Principal Act is amended by omitting sub-section (13).

38. After Division 10 of Part III of the Principal Act the following Division is inserted:

***“Division 10A—Determination of Certain Terms and Conditions of
Employment***

Interpretation

“82C. In this Division, unless the contrary intention appears—
‘determination’ means a determination made under section 82D;
‘salary’ includes wages.

Determinations

“82D. (1) Subject to sub-section (2), the Board may, by instrument in writing, determine the terms and conditions of employment (including employment overseas) of officers and employees.

“(2) Subject to sub-section (3), where a determination is inconsistent with a provision of this Act, of the regulations or of another Act (whether enacted or made before or after the commencement of this Division), that provision shall prevail and the determination shall, to the extent of the inconsistency, be of no force or effect.

“(3) A determination—

- (a) shall not be taken to be inconsistent with section 97 by reason only that it makes provision for or in relation to a matter for or in relation to which regulations may be made under that section; and
- (b) to the extent that it makes provision for or in relation to terms or conditions of employment overseas, has effect notwithstanding anything contained in the regulations.

“(4) Without limiting the generality of sub-section (1), a determination—

- (a) may make provision for and in relation to—
 - (i) the salaries and allowances of officers and employees;
 - (ii) the hours of attendance of officers and employees, and the recording of attendances;

Public Service and Statutory Authorities
Amendment No. 177, 1980

- (iii) the performance of overtime;
- (iv) the reckoning as service in the Service, for specified purposes of this Act or of any other Act, of the whole or part of any period of service performed in specified employment, or of any period of specified full-time training undertaken, by persons before they become officers or employees;
- (v) leave of absence of officers and employees, including provision for and in relation to—
 - (A) the requiring of an officer or employee, in specified circumstances, to absent himself from duty during a period of leave of absence for recreation or on account of illness that has been, or is, under the determination, to be deemed to have been, granted to him; and
 - (B) the circumstances in which, and the persons to whom, payment in lieu of leave of absence for recreation may be made;
- (vi) the forfeiture of salary of officers and employees in respect of periods of absence not authorized by this Act, the regulations or the determinations;
- (vii) the courses of study, instruction or training for which recognition may be given for the purposes of this Act, the regulations or a determination, including provision for and in relation to the reimbursement, or partial reimbursement, of fees or expenses paid in connection with such courses;
- (viii) the provision of residential accommodation for officers and employees performing duties overseas and for persons who are, for the purposes of the determination, dependants of such officers and employees, and the payment of allowances to such dependants;
- (ix) the welfare of officers and employees, including provision in accordance with which payments may be made to officers, employees and other persons in connection with the welfare of officers and employees;
- (x) the payment of expenses in special circumstances arising in relation to the death of a person who is or has been an officer or employee; and
- (xi) in the case of an officer who commenced duties as an officer before 26 October 1966 and has continued in the Service since so commencing duties—the reduction of a period or periods of leave of absence for recreation for which the officer would otherwise become eligible after the date on which the determination takes effect by a period or periods ascertained in accordance with a method specified in the determination, being a period or periods that the Board considers appropriate having regard to the periods of leave of absence for recreation for

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

which the officer became eligible during the years 1966, 1967 and 1968;

- (b) may specify terms and conditions subject to which leave of absence for recreation or on account of illness may be granted, including terms and conditions—
 - (i) having effect after the time at which leave of absence commences; and
 - (ii) as to the inclusion of the whole or part of specified allowances in salary for the purposes of any payment in respect of, or in lieu of, leave of absence for recreation, or of any payment in respect of leave of absence on account of illness; and
- (c) may specify terms and conditions subject to which leave of absence, or leave included in a specified class of leave of absence, not being leave of absence for recreation or on account of illness, may be granted to an officer or employee, including terms and conditions—
 - (i) as to the remuneration (if any) payable to him during the period of the leave;
 - (ii) for the reduction of a recreation leave credit that would otherwise subsequently accrue to him;
 - (iii) as to the purposes (if any) of this Act or of any other Act for which the period of the leave is to form part of his period of service or employment;
 - (iv) by virtue of which, where a period of leave granted to him forms part of his period of service or employment under this Act for the purposes of leave of absence for recreation or on account of illness, deductions may be made from his recreation leave credit or sick leave credits, as the case requires, in respect of any periods of leave in the nature of leave of absence for recreation or on account of illness, as the case may be—
 - (A) granted to him; or
 - (B) in lieu of the grant of which a payment has been made to him,otherwise than under this Act, in respect of other service or employment during the period, or a part of the period, during which he was absent from duty in the Service on leave of absence; and
 - (v) in the case of an officer—as to the declaration of his office to be vacant.

“(5) For the purposes of a determination with respect to employment overseas, an officer or employee who—

- (a) is proceeding from Australia to perform duties overseas;
- (b) is proceeding to Australia after having performed duties overseas; or
- (c) is proceeding from a place overseas to perform duties at another place overseas,

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

shall, while he is so proceeding, be deemed to be performing duties overseas.

“(6) Determinations may be made either generally or with respect to a particular case or a particular class of cases.

“(7) Without limiting the generality of sub-sections (1), (2) and (4), the terms and conditions of employment of officers or employees determined under sub-section (1)—

- (a) may have regard to the service of officers or employees, as the case may be, in the Service before or after the making of the determination; and
- (b) may, in the case of terms and conditions with respect to leave of absence, have regard to leave of absence granted before the making of the determination.

“(8) A determination takes effect—

- (a) on the day on which it is made; or
- (b) where another day (which may be a day earlier than the day on which it is made) is specified for the purpose in the determination, on the day so specified.

“(9) A determination shall not be expressed to take effect on a day earlier than the day on which it is made in any case where, if the determination so took effect—

- (a) the rights of a person (other than the Commonwealth) existing immediately before the last-mentioned day would be affected in a manner prejudicial to that person; or
- (b) liabilities would be imposed on a person (other than the Commonwealth) in respect of anything done or omitted to be done before that last-mentioned day,

and where, in a determination, any provision is made in contravention of this sub-section, that provision shall be void and of no effect.

“(10) The determinations made in each secular year (including determinations amending or revoking other determinations) shall be numbered in regular arithmetical series, beginning with the number 1, as nearly as possible in the order in which they are made.

“(11) A determination may, without prejudice to any other manner of citation, be cited by reference to its number and the secular year in which it was made.

“(12) The Board shall cause to be published in the *Gazette*, in respect of each determination, notice of—

- (a) the fact that the determination has been made; and
- (b) the place or places where copies of the determination can be obtained.

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

Determination of matters by reference to other instruments

“82E. (1) A determination may make provision for or in relation to a matter by applying, adopting or incorporating, with or without modification—

- (a) any of the provisions of an Act, of any regulations or rules under an Act, or of an award, as in force at a particular time or as in force from time to time; or
- (b) any matter contained in any other instrument or writing as in force or existing at the time when the determination takes effect,

but a determination shall not, except as provided by this section, make provision for or in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time.

“(2) In sub-section (1), ‘award’ means—

- (a) a determination under the *Public Service Arbitration Act* 1920;
- (b) an award or order under the *Conciliation and Arbitration Act* 1904; or
- (c) a determination, award or order made by a prescribed person, tribunal or body under a law of the Commonwealth or of a Territory.

Tabling, disallowance, &c., of determinations

“82F. (1) Subject to sub-section (2), sections 48 (other than paragraphs (1) (a) and (b) and sub-section (2)), 49 and 50 of the *Acts Interpretation Act* 1901 apply in relation to determinations as if, in those sections, references to regulations were references to determinations and references to a regulation were references to a provision of a determination.

“(2) Where—

- (a) a provision (in this sub-section referred to as the ‘disallowed provision’) of a determination is disallowed, or is to be deemed to have been disallowed, under section 48 of the *Acts Interpretation Act* 1901 as applied by sub-section (1); and
- (b) the disallowed provision amended or revoked another determination, or a provision of another determination, in force immediately before the disallowed provision took effect,

the disallowance revives that other determination, or that provision of that other determination, as the case may be, from and including the date of the disallowance, as if the disallowed provision had not been made.

“(3) Determinations shall not be deemed to be Statutory Rules within the meaning of the *Statutory Rules Publication Act* 1903.

Evidence

“82G. For the purposes of section 5 of the *Evidence Act* 1905, a determination shall be deemed to be an order made by a Minister.”.

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

Restrictions on prescription of public authorities, &c.

39. Section 87B of the Principal Act is amended by omitting from sub-paragraph (ii) of paragraph (f) of sub-section (6) “section 68C” and substituting “a determination under section 82D with respect to payments in lieu of leave of absence for recreation”.

Officers engaged in eligible public employment

40. Section 87C of the Principal Act is amended by omitting from paragraph (e) of sub-section (4) “section 71” and substituting “this Act”.

Preservation of rights in respect of leave

41. Section 87E of the Principal Act is amended by omitting from paragraph (b) of sub-section (3) “regulations in force for the purposes of sub-section 68 (9)” and substituting “determinations in force under section 82D that make provision for or in relation to the matters referred to in clause 82D (4) (a) (V) (A)”.

Application for re-instatement as person to whom Division applies

42. Section 87P is amended by omitting from sub-paragraph (iii) of paragraph (b) of sub-section (1) “the person”.

Payments to officers

43. Section 90 of the Principal Act is amended by omitting from sub-section (3) “, other than for salary or prescribed transfer or travelling allowances or expenses, or other prescribed allowances,” and substituting “or employees, other than for salary or for allowances or expenses which may be paid under the regulations or under determinations in force under sub-section 9 (7A) or section 82D,”.

44. After section 90 of the Principal Act the following section is inserted:

Staff Suggestions Scheme

“90A. (1) The Board may, from time to time, formulate and operate a Staff Suggestions Scheme to encourage officers and employees to make suggestions for achieving any one or more of the following objects:

- (a) the promotion or improvement of efficiency, or the effecting of economies, in the management and working of the Service, or of a Department or branch of the Service;
- (b) the improvement of the standard of safety in the operations of the Service, or of a Department or branch of the Service.

“(2) Without limiting the generality of sub-section (1), a Staff Suggestions Scheme may make provision for the Board to authorize the making of payments to officers and employees who make suggestions which, in the opinion of the Board, have resulted, or are likely to result, in the achievement of an object referred to in sub-section (1).

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

“(3) The Board may, at any time, discontinue the operation of a Staff Suggestions Scheme formulated under sub-section (1) and may, from time to time, vary such a scheme.”.

Regulations

45. (1) Section 97 of the Principal Act is amended by omitting paragraph (f) of sub-section (1).

(2) Section 97 of the Principal Act is amended by omitting paragraph (j) of sub-section (1).

(3) Section 97 of the Principal Act is amended by omitting paragraph (ja) of sub-section (1).

(4) Section 97 of the Principal Act is amended by omitting paragraph (jb) of sub-section (1).

(5) Section 97 of the Principal Act is amended by omitting paragraph (m) of sub-section (1).

(6) Section 97 of the Principal Act is amended by omitting paragraph (ma) of sub-section (1).

(7) Section 97 of the Principal Act is amended by omitting paragraph (n) of sub-section (1).

(8) Section 97 of the Principal Act is amended by omitting paragraph (o) of sub-section (1).

(9) Section 97 of the Principal Act is amended by omitting from paragraph (s) of sub-section (1) “or deprivation of increment”.

(10) Section 97 of the Principal Act is amended by inserting after paragraph (sa) of sub-section (1) the following paragraph:

“(sb) for providing for appeals with respect to any matter arising under a determination under section 82D;”.

Schedules 2 and 3

46. Schedules 2 and 3 to the Principal Act are repealed and the Schedules set out in the Schedule to this Act are substituted.

Savings

47. (1) In making the first determination of terms and conditions of employment applicable to the employment of officers or employees, or a class of officers or employees, with respect to a particular matter, being a determination under sub-section 9 (7A) or section 82D of the Principal Act as amended by this Act, the Board, the President of the Senate, the Speaker of the House of Representatives or the President and the Speaker, whichever or whoever makes that first determination—

(a) shall determine terms and conditions of employment with respect to that matter that are no less favourable to the officers or employees, or

Public Service and Statutory Authorities
Amendment No. 177, 1980

to that class of officers or employees, as the case may be, than the terms and conditions of employment that were applicable to the officers or employees or to that class of officers or employees, as the case may be, with respect to that matter immediately before the determination is made; and

- (b) in the case of a determination with respect to leave of absence for recreation or on account of illness—shall include provision for and in relation to the accrual to each officer or employee to whom the determination relates of—

- (i) a recreation leave credit equal to the period (if any) of leave of absence for recreation; or
- (ii) a sick leave credit or sick leave credits equal to the period or periods of leave of absence on account of illness,

as the case may be, for which the officer or employee was eligible immediately before the date on which the determination takes effect.

(2) In this section, “Board”, “employee” and “officer” have the same respective meanings as they have in the Principal Act.

Application of certain amendments

48. A grant of leave of absence made under section 68, 69, 70 or 71 of the Principal Act before the repeal of that section effected by this Act is not affected by that repeal.

**PART III—AMENDMENTS OF THE BROADCASTING AND
TELEVISION ACT**

Principal Act

49. The *Broadcasting and Television Act 1942*² is in this Part referred to as the Principal Act.

Preservation of certain awards, &c.

50. Section 42 of the Principal Act is amended by omitting “this Division” and substituting “the provisions of this Division other than sections 44 and 44A”.

51. After section 43 of the Principal Act the following sections are inserted:

No work as directed—no pay

“44. (1) Where an officer or temporary employee refuses or fails to comply with a direction given by a person having authority to give the direction, being a direction with respect to work that he is performing or is to perform, the Commission may declare that the officer or employee is not to be paid salary.

Public Service and Statutory Authorities
Amendment No. 177, 1980

“(2) A declaration under sub-section (1) in relation to the refusal or failure of an officer or temporary employee to comply with a direction—

- (a) shall specify the time (which may be a time before the declaration is made but not earlier than the time when the officer or employee refused or failed, or first refused or first failed, to comply with the direction) from which the declaration shall have effect, or shall be deemed to have had effect; and
- (b) has effect and shall be deemed to have had effect, according to its tenor, from the time so specified until it is revoked in accordance with this section.

“(3) An officer or temporary employee is not entitled to be paid salary in respect of any period in respect of which a declaration under sub-section (1) has effect, or is to be deemed to have had effect, in relation to him.

“(4) The Commission—

- (a) may, at any time, vary or revoke a declaration in force under sub-section (1) either wholly or in relation to a specified officer or temporary employee; and
- (b) shall, upon becoming satisfied that an officer or temporary employee in respect of whom a declaration under sub-section (1) is in force has been complying, or will comply, from a particular time, with all relevant directions with respect to the work that he is performing, or is to perform, given by persons having authority to give those directions, revoke, as from that time, that declaration, or that declaration in its application to that officer or employee, as the case requires.

“(5) A declaration made under sub-section (1) in respect of a refusal or failure of an officer or temporary employee to comply with a particular direction, or with particular directions, has effect in accordance with sub-section (2) notwithstanding that, at any time while it is in force, the officer or employee—

- (a) attends for duty and performs work other than work to which that direction, or any of those directions, as the case requires, relates; or
- (b) attends for duty and, in the performance of his work, complies with that direction, or with some or all of those directions, as the case requires, in part only.

“(6) A declaration under sub-section (1), and a variation or revocation of such a declaration—

- (a) shall be made in writing; and
- (b) shall be signed—
 - (i) by a Commissioner; or
 - (ii) by a person to whom the Commission has delegated its powers under this section.

“(7) Subject to sub-sections (8) and (9), the powers conferred on the Commission by this section are in addition to, and not in substitution for, any other

powers conferred by or under this Act on the Commission, on a Commissioner or on any other person in relation to an officer or temporary employee.

“(8) While a declaration under sub-section (1) is in force in respect of the refusal or failure of an officer or temporary employee to comply with a direction, or with two or more directions, proceedings shall not be taken against the officer or employee under section 56 in respect of any refusal or failure of the officer or employee in respect of which that declaration was made.

“(9) Where proceedings are taken against an officer or temporary employee under section 56 in respect of any refusal or failure of the officer or employee to comply with a direction, or with directions, of the kind referred to in sub-section (1), a declaration shall not be made under sub-section (1) in respect of any refusal or failure of the officer or employee in respect of which those proceedings have been taken unless those proceedings have been finally determined or otherwise terminated.

“(10) Where a declaration is made under sub-section (1) in respect of an officer or temporary employee, or such a declaration is varied or revoked, the Commission shall cause such notice as it deems appropriate to be given of the making of the declaration or of the variation or revocation of the declaration, as the case may be.

“(11) The period during which a declaration under sub-section (1) has effect in respect of an officer or employee—forms part of his period of service or employment under this Act for the purposes of the *Superannuation Act 1976* but does not, unless the Commission otherwise determines, form part of his period of service or employment under this Act for any purpose of this Act or of any other Act.

“(12) In this section, unless the contrary intention appears—

‘direction’ includes an order and an instruction;

‘salary’ includes wages or other remuneration and any allowances that are declared by the regulations to be included in salary for the purposes of this definition.

Declarations to prevail over awards

“44A. (1) Section 44 has full force and effect, and declarations in force under sub-section 44 (1) have full force and effect according to their tenor, notwithstanding any inconsistency—

- (a) with any other provision of this Act;
- (b) with any other law of the Commonwealth enacted before the commencement of this section; or
- (c) with any award made before or after the commencement of this section.

“(2) Section 44 shall be deemed to be a prescribed provision of the *Broadcasting and Television Act 1942* for the purposes of—

- (a) sub-section 22 (2) of the *Public Service Arbitration Act 1920*; and

Public Service and Statutory Authorities
Amendment No. 177, 1980

(b) sub-section 41B (1) of the *Conciliation and Arbitration Act* 1904.

“(3) Except as provided in sub-section (1), nothing in a declaration in force under sub-section 44 (1) shall be taken as affecting—

- (a) the application of any law, or of any award, to or in relation to an officer or temporary employee; or
- (b) the terms and conditions of employment of an officer or temporary employee.

“(4) In this section, ‘award’ includes a determination or other instrument making provision with respect to terms and conditions of employment, being a determination or instrument of a kind similar to an award.”.

**PART IV—AMENDMENT OF THE COMMONWEALTH
BANKS ACT**

Principal Act

52. The *Commonwealth Banks Act* 1959³ is in this Part referred to as the Principal Act.

53. After section 89 of the Principal Act the following sections are inserted:

No work as directed—no pay

“89A. (1) Where an officer or employee refuses or fails to comply with a direction given by a person having authority to give the direction, being a direction with respect to work that he is performing or is to perform, the Corporation may declare that the officer or employee is not to be paid salary.

“(2) A declaration under sub-section (1) in relation to the refusal or failure of an officer or employee to comply with a direction—

- (a) shall specify the time (which may be a time before the declaration is made but not earlier than the time when the officer or employee refused or failed, or first refused or first failed, to comply with the direction) from which the declaration shall have effect, or shall be deemed to have had effect; and
- (b) has effect and shall be deemed to have had effect, according to its tenor, from the time so specified until it is revoked in accordance with this section.

“(3) An officer or employee is not entitled to be paid salary in respect of any period in respect of which a declaration under sub-section (1) has effect, or is to be deemed to have had effect, in relation to him.

“(4) The Corporation—

- (a) may, at any time, vary or revoke a declaration in force under sub-section (1) either wholly or in relation to a specified officer or employee; and

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

- (b) shall, upon becoming satisfied that an officer or employee in respect of whom a declaration under sub-section (1) is in force has been complying, or will comply, from a particular time, with all relevant directions with respect to the work that he is performing, or is to perform, given by persons having authority to give those directions, revoke, as from that time, that declaration, or that declaration in its application to that officer or employee, as the case requires.

“(5) A declaration made under sub-section (1) in respect of a refusal or failure of an officer or employee to comply with a particular direction, or with particular directions, has effect in accordance with sub-section (2) notwithstanding that, at any time while it is in force, the officer or employee—

- (a) attends for duty and performs work other than work to which that direction, or any of those directions, as the case requires, relates; or
- (b) attends for duty and, in the performance of his work, complies with that direction, or with some or all of those directions, as the case requires, in part only.

“(6) A declaration under sub-section (1), and a variation or revocation of such a declaration—

- (a) shall be made in writing; and
- (b) shall be signed by the Managing Director or a person authorized by the Managing Director for the purpose of this sub-section.

“(7) Subject to sub-sections (8) and (9), the powers conferred on the Corporation by this section are in addition to, and not in substitution for, any other powers conferred by or under this Act on the Corporation, on the Board or on any other person in relation to an officer or employee.

“(8) While a declaration under sub-section (1) is in force in respect of the refusal or failure of an officer or employee to comply with a direction, or with two or more directions, proceedings shall not be taken against the officer or employee under Division 5 of Part VIII in respect of any refusal or failure of the officer or employee in respect of which that declaration was made.

“(9) Where proceedings are taken against an officer or employee under Division 5 of Part VIII in respect of any refusal or failure of the officer or employee to comply with a direction, or with directions, of the kind referred to in sub-section (1), a declaration shall not be made under sub-section (1) in respect of any refusal or failure of the officer or employee in respect of which those proceedings have been taken unless those proceedings have been finally determined or otherwise terminated.

“(10) Where a declaration is made under sub-section (1) in respect of an officer or employee, or such a declaration is varied or revoked, the Corporation shall cause such notice as it deems appropriate to be given of the making of the declaration or of the variation or revocation of the declaration, as the case may be.

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

“(11) The period during which a declaration under sub-section (1) has effect in respect of an officer or employee—forms part of his period of service or employment under this Act for the purposes of the *Superannuation Act 1976* but does not, unless the Corporation otherwise determines, form part of his period of service of employment under this Act for any purpose of this Act or of any other Act.

“(12) In this section, unless the contrary intention appears—

‘direction’ includes an order and an instruction;

‘salary’ includes wages or other remuneration and any allowances that are declared by the regulations to be included in salary for the purposes of this definition.

Declarations to prevail over awards

“89B. (1) Section 89A has full force and effect, and declarations in force under sub-section 89A (1) have full force and effect according to their tenor, notwithstanding any inconsistency—

- (a) with any other provision of this Act;
- (b) with any other law of the Commonwealth enacted before the commencement of this section; or
- (c) with any award made before or after the commencement of this section.

“(2) Section 89A shall be deemed to be a prescribed provision of the *Commonwealth Banks Act 1959* for the purposes of—

- (a) sub-section 22 (2) of the *Public Service Arbitration Act 1920*; and
- (b) sub-section 41A (1) of the *Conciliation and Arbitration Act 1904*.

“(3) Except as provided in sub-section (1), nothing in a declaration in force under sub-section 89A (1) shall be taken as affecting—

- (a) the application of any law, or of any award, to or in relation to an officer or employee; or
- (b) the terms and conditions of employment of an officer or employee.

“(4) In this section, ‘award’ includes a determination or other instrument making provision with respect to terms and conditions of employment, being a determination or instrument of a kind similar to an award.”.

**PART V—AMENDMENT OF THE COMMONWEALTH TEACHING
SERVICE ACT**

Principal Act

54. The *Commonwealth Teaching Service Act 1972*⁴ is in this Part referred to as the Principal Act.

55. After section 23 of the Principal Act the following sections are inserted:

Public Service and Statutory Authorities
Amendment No. 177, 1980

No work as directed—no pay

“23A. (1) Where a member of the Service refuses or fails to comply with a direction given by a person having authority to give the direction, being a direction with respect to work that he is performing or is to perform, the Commissioner may declare that the member is not to be paid salary.

“(2) A declaration under sub-section (1) in relation to the refusal or failure of a member of the Service to comply with a direction—

- (a) shall specify the time (which may be a time before the declaration is made but not earlier than the time when the member refused or failed, or first refused or first failed, to comply with the direction) from which the declaration shall have effect, or shall be deemed to have had effect; and
- (b) has effect and shall be deemed to have had effect, according to its tenor, from the time so specified until it is revoked in accordance with this section.

“(3) A member of the Service is not entitled to be paid salary in respect of any period in respect of which a declaration under sub-section (1) has effect, or is to be deemed to have had effect, in relation to him.

“(4) The Commissioner—

- (a) may, at any time, vary or revoke a declaration in force under sub-section (1) either wholly or in relation to a specified member of the Service; and
- (b) shall, upon becoming satisfied that a member of the Service in respect of whom a declaration under sub-section (1) is in force has been complying, or will comply, from a particular time, with all relevant directions with respect to the work that he is performing, or is to perform, given by persons having authority to give those directions, revoke, as from that time, that declaration, or that declaration in its application to that member, as the case requires.

“(5) A declaration made under sub-section (1) in respect of a refusal or failure of a member of the Service to comply with a particular direction, or with particular directions, has effect in accordance with sub-section (2) notwithstanding that, at any time while it is in force, the member—

- (a) attends for duty and performs work other than work to which that direction, or any of those directions, as the case requires, relates; or
- (b) attends for duty and, in the performance of his work, complies with that direction, or with some or all of those directions, as the case requires, in part only.

“(6) A declaration under sub-section (1), and a variation or revocation of such a declaration—

- (a) shall be made in writing; and
- (b) shall be signed—

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

- (i) by the Commissioner; or
- (ii) by a person to whom the Commissioner has delegated his powers under this section.

“(7) Subject to sub-sections (8) and (9), the powers conferred on the Commissioner by this section are in addition to, and not in substitution for, any other powers conferred by or under this Act on the Commissioner or on any other person in relation to a member of the Service.

“(8) While a declaration under sub-section (1) is in force in respect of the refusal or failure of a member of the Service to comply with a direction, or with two or more directions, proceedings shall not be taken against the member under Division 6 of Part III in respect of any refusal or failure of the member in respect of which that declaration was made.

“(9) Where proceedings are taken against a member of the Service under Division 6 of Part III in respect of any refusal or failure of the member to comply with a direction, or with directions, of the kind referred to in sub-section (1), a declaration shall not be made under sub-section (1) in respect of any refusal or failure of the member in respect of which those proceedings have been taken unless those proceedings have been finally determined or otherwise terminated.

“(10) Where a declaration is made under sub-section (1) in respect of a member of the Service, or such a declaration is varied or revoked, the Commissioner shall cause such notice as he deems appropriate to be given of the making of the declaration or of the variation or revocation of the declaration, as the case may be.

“(11) The period during which a declaration under sub-section (1) has effect in respect of an officer or employee—forms part of his period of service or employment under this Act for the purposes of the *Superannuation Act* 1976 but does not, unless the Commissioner otherwise determines, form part of his period of service or employment under this Act for any purpose of this Act or of any other Act.

“(12) In this section, unless the contrary intention appears—

‘direction’ includes an order and an instruction;

‘salary’ includes wages or other remuneration and any allowances that are declared by the regulations to be included in salary for the purposes of this definition.

Declarations to prevail over awards

“23B. (1) Section 23A has full force and effect, and declarations in force under sub-section 23A (1) have full force and effect according to their tenor, notwithstanding any inconsistency—

- (a) with any other provision of this Act;
- (b) with any other law of the Commonwealth enacted before the commencement of this section; or

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

- (c) with any award made before or after the commencement of this section.

“(2) Except as provided in sub-section (1), nothing in a declaration in force under sub-section 23A (1) shall be taken as affecting—

- (a) the application of any law, or of any award, to or in relation to a member of the Service; or
- (b) the terms and conditions of employment of a member of the Service.

“(3) In this section, ‘award’ includes a determination or other instrument making provision with respect to terms and conditions of employment, being a determination or instrument of a kind similar to an award.”.

Settlement of industrial disputes and determination of industrial matters in respect of the Service

56. Section 39 of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (2) “or” (second occurring); and
- (b) by inserting after paragraph (a) of that sub-section the following paragraph:
“(aa) section 23A of this Act; or”.

**PART VI—AMENDMENTS OF THE OVERSEAS
TELECOMMUNICATIONS ACT**

Principal Act

57. The *Overseas Telecommunications Act* 1946⁵ is in this Part referred to as the Principal Act.

58. After section 33 of the Principal Act the following sections are inserted:

No work as directed—no pay

“33AA. (1) Where an officer or employee refuses or fails to comply with a direction given by a person having authority to give the direction, being a direction with respect to work that he is performing or is to perform, the Commission may declare that the officer or employee is not to be paid salary.

“(2) A declaration under sub-section (1) in relation to the refusal or failure of an officer or employee to comply with a direction—

- (a) shall specify the time (which may be a time before the declaration is made but not earlier than the time when the officer or employee refused or failed, or first refused or first failed, to comply with the direction) from which the declaration shall have effect, or shall be deemed to have had effect; and

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

- (b) has effect and shall be deemed to have had effect, according to its tenor, from the time so specified until it is revoked in accordance with this section.

“(3) An officer or employee is not entitled to be paid salary in respect of any period in respect of which a declaration under sub-section (1) has effect, or is to be deemed to have had effect, in relation to him.

“(4) The Commission—

- (a) may, at any time, vary or revoke a declaration in force under sub-section (1) either wholly or in relation to a specified officer or employee; and
- (b) shall, upon becoming satisfied that an officer or employee in respect of whom a declaration under sub-section (1) is in force has been complying, or will comply, from a particular time, with all relevant directions with respect to the work that he is performing, or is to perform, given by persons having authority to give those directions, revoke, as from that time, that declaration, or that declaration in its application to that officer or employee, as the case requires.

“(5) A declaration made under sub-section (1) in respect of a refusal or failure of an officer or employee to comply with a particular direction, or with particular directions, has effect in accordance with sub-section (2) notwithstanding that, at any time while it is in force, the officer or employee—

- (a) attends for duty and performs work other than work to which that direction, or any of those directions, as the case requires, relates; or
- (b) attends for duty and, in the performance of his work, complies with that direction, or with some or all of those directions, as the case requires, in part only.

“(6) A declaration under sub-section (1), and a variation or revocation of such a declaration—

- (a) shall be made in writing; and
- (b) shall be signed—
 - (i) by a Commissioner; or
 - (ii) by a person to whom the Commission has delegated its powers under this section.

“(7) Subject to sub-sections (8) and (9), the powers conferred on the Commission by this section are in addition to, and not in substitution for, any other powers conferred by or under this Act on the Commission, on a Commissioner or on any other person in relation to an officer or employee.

“(8) While a declaration under sub-section (1) is in force in respect of the refusal or failure of an officer or employee to comply with a direction, or with two or more directions, proceedings shall not be taken against the officer or employee under section 29 in respect of any refusal or failure of the officer or employee in respect of which that declaration was made.

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

“(9) Where proceedings are taken against an officer or employee under section 29 in respect of any refusal or failure of the officer or employee to comply with a direction, or with directions, of the kind referred to in sub-section (1), a declaration shall not be made under sub-section (1) in respect of any refusal or failure of the officer or employee in respect of which those proceedings have been taken unless those proceedings have been finally determined or otherwise terminated.

“(10) Where a declaration is made under sub-section (1) in respect of an officer or employee, or such a declaration is varied or revoked, the Commission shall cause such notice as it deems appropriate to be given of the making of the declaration or of the variation or revocation of the declaration, as the case may be.

“(11) The period during which a declaration under sub-section (1) has effect in respect of an officer or employee—forms part of his period of service or employment under this Act for the purposes of the *Superannuation Act* 1976 but does not, unless the Commission otherwise determines, form part of his period of service or employment under this Act for any purpose of this Act or of any other Act.

“(12) In this section, unless the contrary intention appears—

‘direction’ includes an order and an instruction;

‘salary’ includes wages or other remuneration and any allowances that are declared by the regulations to be included in salary for the purposes of this definition.

Declarations to prevail over awards

“33AB. (1) Section 33AA has full force and effect, and declarations in force under sub-section 33AA (1) have full force and effect according to their tenor, notwithstanding any inconsistency—

- (a) with any other provision of this Act;
- (b) with any other law of the Commonwealth enacted before the commencement of this section; or
- (c) with any award made before or after the commencement of this section.

“(2) Section 33AA shall be deemed to be a prescribed provision of the *Overseas Telecommunications Act* 1946 for the purposes of—

- (a) sub-section 22 (2) of the *Public Service Arbitration Act* 1920; and
- (b) sub-section 41A (1) of the *Conciliation and Arbitration Act* 1904.

“(3) Except as provided in sub-section (1), nothing in a declaration in force under sub-section 33AA (1) shall be taken as affecting—

- (a) the application of any law, or of any award, to or in relation to an officer or employee; or
- (b) the terms and conditions of employment of an officer or employee.

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

“(4) In this section, ‘award’ includes a determination or other instrument making provision with respect to terms and conditions of employment, being a determination or instrument of a kind similar to an award.”.

PART VII—AMENDMENTS OF THE POSTAL SERVICES ACT

Principal Act

59. The *Postal Services Act* 1975⁶ is in this Part referred to as the Principal Act.

60. After section 46 of the Principal Act the following sections are inserted in Division 3 of Part V:

No work as directed—no pay

“46A. (1) Where an officer or employee refuses or fails to comply with a direction given by a person having authority to give the direction, being a direction with respect to work that he is performing or is to perform, the Commission may declare that the officer or employee is not to be paid salary.

“(2) A declaration under sub-section (1) in relation to the refusal or failure of an officer or employee to comply with a direction—

- (a) shall specify the time (which may be a time before the declaration is made but not earlier than the time when the officer or employee refused or failed, or first refused or first failed, to comply with the direction) from which the declaration shall have effect, or shall be deemed to have had effect; and
- (b) has effect and shall be deemed to have had effect, according to its tenor, from the time so specified until it is revoked in accordance with this section.

“(3) An officer or employee is not entitled to be paid salary in respect of any period in respect of which a declaration under sub-section (1) has effect, or is to be deemed to have had effect, in relation to him.

“(4) The Commission—

- (a) may, at any time, vary or revoke a declaration in force under sub-section (1) either wholly or in relation to a specified officer or employee; and
- (b) shall, upon becoming satisfied that an officer or employee in respect of whom a declaration under sub-section (1) is in force has been complying, or will comply, from a particular time, with all relevant directions with respect to the work that he is performing, or is to perform, given by persons having authority to give those directions, revoke, as from that time, that declaration, or that declaration in its application to that officer or employee, as the case requires.

“(5) A declaration made under sub-section (1) in respect of a refusal or failure of an officer or employee to comply with a particular direction, or with

Public Service and Statutory Authorities
Amendment No. 177, 1980

particular directions, has effect in accordance with sub-section (2) notwithstanding that, at any time while it is in force, the officer or employee—

- (a) attends for duty and performs work other than work to which that direction, or any of those directions, as the case requires, relates; or
- (b) attends for duty and, in the performance of his work, complies with that direction, or with some or all of those directions, as the case requires, in part only.

“(6) A declaration under sub-section (1), and a variation or revocation of such a declaration—

- (a) shall be made in writing; and
- (b) shall be signed—
 - (i) by a Commissioner; or
 - (ii) by a person to whom the Commission has delegated its powers under this section.

“(7) Subject to sub-sections (8) and (9), the powers conferred on the Commission by this section are in addition to, and not in substitution for, any other powers conferred by or under this Act on the Commission, on a Commissioner or on any other person in relation to an officer or employee.

“(8) While a declaration under sub-section (1) is in force in respect of the refusal or failure of an officer or employee to comply with a direction, or with two or more directions, proceedings shall not be taken against the officer or employee under Division 6 of Part V in respect of any refusal or failure of the officer or employee in respect of which that declaration was made.

“(9) Where proceedings are taken against an officer or employee under Division 6 of Part V in respect of any refusal or failure of the officer or employee to comply with a direction, or with directions, of the kind referred to in sub-section (1), a declaration shall not be made under sub-section (1) in respect of any refusal or failure of the officer or employee in respect of which those proceedings have been taken unless those proceedings have been finally determined or otherwise terminated.

“(10) Where a declaration is made under sub-section (1) in respect of an officer or employee, or such a declaration is varied or revoked, the Commission shall cause such notice as it deems appropriate to be given of the making of the declaration or of the variation or revocation of the declaration, as the case may be.

“(11) The period during which a declaration under sub-section (1) has effect in respect of an officer or employee—forms part of his period of service or employment under this Act for the purposes of the *Superannuation Act 1976* but does not, unless the Commission otherwise determines, form part of his period of service or employment under this Act for any purpose of this Act or of any other Act.

“(12) In this section, unless the contrary intention appears—

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

‘direction’ includes an order and an instruction;

‘salary’ includes wages or other remuneration and any allowances that are declared by the regulations to be included in salary for the purposes of this definition.

Declarations to prevail over awards

“46B. (1) Section 46A has full force and effect, and declarations in force under sub-section 46A (1) have full force and effect according to their tenor, notwithstanding any inconsistency—

- (a) with any other provision of this Act;
- (b) with any other law of the Commonwealth enacted before the commencement of this section; or
- (c) with any award made before or after the commencement of this section.

“(2) Except as provided in sub-section (1), nothing in a declaration in force under sub-section 46A (1) shall be taken as affecting—

- (a) the application of any law, or of any award, to or in relation to an officer or employee; or
- (b) the terms and conditions of employment of an officer or employee.

“(3) In this section, ‘award’ includes a determination or other instrument making provision with respect to terms and conditions of employment, being a determination or instrument of a kind similar to an award.”.

Settlement of industrial disputes and determination of industrial matters in respect of the Service

61. Section 70 of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (2) “or” (second occurring); and
- (b) by inserting after paragraph (a) of that sub-section the following paragraph:
“(aa) section 46A of this Act; or”.

**PART VIII—AMENDMENTS OF THE TELECOMMUNICATIONS
ACT**

Principal Act

62. The *Telecommunications Act 1975*⁷ is in this Part referred to as the Principal Act.

63. After section 43 of the Principal Act the following sections are inserted in Division 3 of Part V:

No work as directed—no pay

“43A. (1) Where an officer or employee refuses or fails to comply with a direction given by a person having authority to give the direction, being a

Public Service and Statutory Authorities
Amendment No. 177, 1980

direction with respect to work that he is performing or is to perform, the Commission may declare that the officer or employee is not to be paid salary.

“(2) A declaration under sub-section (1) in relation to the refusal or failure of an officer or employee to comply with a direction—

- (a) shall specify the time (which may be a time before the declaration is made but not earlier than the time when the officer or employee refused or failed, or first refused or first failed, to comply with the direction) from which the declaration shall have effect, or shall be deemed to have had effect; and
- (b) has effect and shall be deemed to have had effect, according to its tenor, from the time so specified until it is revoked in accordance with this section.

“(3) An officer or employee is not entitled to be paid salary in respect of any period in respect of which a declaration under sub-section (1) has effect, or is to be deemed to have had effect, in relation to him.

“(4) The Commission—

- (a) may, at any time, vary or revoke a declaration in force under sub-section (1) either wholly or in relation to a specified officer or employee; and
- (b) shall, upon becoming satisfied that an officer or employee in respect of whom a declaration under sub-section (1) is in force has been complying, or will comply, from a particular time, with all relevant directions with respect to the work that he is performing, or is to perform, given by persons having authority to give those directions, revoke, as from that time, that declaration, or that declaration in its application to that officer or employee, as the case requires.

“(5) A declaration made under sub-section (1) in respect of a refusal or failure of an officer or employee to comply with a particular direction, or with particular directions, has effect in accordance with sub-section (2) notwithstanding that, at any time while it is in force, the officer or employee—

- (a) attends for duty and performs work other than work to which that direction, or any of those directions, as the case requires, relates; or
- (b) attends for duty and, in the performance of his work, complies with that direction, or with some or all of those directions, as the case requires, in part only.

“(6) A declaration under sub-section (1), and a variation or revocation of such a declaration—

- (a) shall be made in writing; and
- (b) shall be signed—
 - (i) by a Commissioner; or
 - (ii) by a person to whom the Commission has delegated its powers under this section.

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

“(7) Subject to sub-sections (8) and (9), the powers conferred on the Commission by this section are in addition to, and not in substitution for, any other powers conferred by or under this Act on the Commission, on a Commissioner or on any other person in relation to an officer or employee.

“(8) While a declaration under sub-section (1) is in force in respect of the refusal or failure of an officer or employee to comply with a direction, or with two or more directions, proceedings shall not be taken against the officer or employee under Division 6 of Part V in respect of any refusal or failure of the officer or employee in respect of which that declaration was made.

“(9) Where proceedings are taken against an officer or employee under Division 6 of Part V in respect of any refusal or failure of the officer or employee to comply with a direction, or with directions, of the kind referred to in sub-section (1), a declaration shall not be made under sub-section (1) in respect of any refusal or failure of the officer or employee in respect of which those proceedings have been taken unless those proceedings have been finally determined or otherwise terminated.

“(10) Where a declaration is made under sub-section (1) in respect of an officer or employee, or such a declaration is varied or revoked, the Commission shall cause such notice as it deems appropriate to be given of the making of the declaration or of the variation or revocation of the declaration, as the case may be.

“(11) The period during which a declaration under sub-section (1) has effect in respect of an officer or employee—forms part of his period of service or employment under this Act for the purposes of the *Superannuation Act 1976* but does not, unless the Commission otherwise determines, form part of his period of service of employment under this Act for any purpose of this Act or of any other Act.

“(12) In this section, unless the contrary intention appears—

‘direction’ includes an order and an instruction;

‘salary’ includes wages or other remuneration and any allowances that are declared by the regulations to be included in salary for the purposes of this definition.

Declarations to prevail over awards

“43B. (1) Section 43A has full force and effect, and declarations in force under sub-section 43A (1) have full force and effect according to their tenor, notwithstanding any inconsistency—

- (a) with any other provision of this Act;
- (b) with any other law of the Commonwealth enacted before the commencement of this section; or
- (c) with any award made before or after the commencement of this section.

Public Service and Statutory Authorities
Amendment No. 177, 1980

“(2) Except as provided in sub-section (1), nothing in a declaration in force under sub-section 43A (1) shall be taken as affecting—

- (a) the application of any law, or of any award, to or in relation to an officer or employee; or
- (b) the terms and conditions of employment of an officer or employee.

“(3) In this section, ‘award’ includes a determination or other instrument making provision with respect to terms and conditions of employment, being a determination or instrument of a kind similar to an award.”.

Settlement of industrial disputes and determination of industrial matters in respect of the Service

64. Section 67 of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (2) “or” (second occurring); and
- (b) by inserting after paragraph (a) of that sub-section the following paragraph:
-“(aa) section 43A of this Act; or”.

PART IX—AMENDMENT OF THE SUPERANNUATION ACT 1976

Principal Act

65. The *Superannuation Act 1976*⁸ is in this Part referred to as the Principal Act.

66. After section 16 of the Principal Act the following section is inserted in Part I:

Eligible employees deprived of salary

“16A. Where—

- (a) section 32A of the *Public Service Act 1922* applies in relation to an eligible employee;
- (b) a section of another Act that corresponds with section 32A of the *Public Service Act 1922* applies in relation to an eligible employee; or
- (c) the terms and conditions of employment of an eligible employee include provisions that correspond with the provision made by section 32A of the *Public Service Act 1922*,

this Act applies to the employee as if any period during which he is deprived of salary under and in accordance with that section, or those provisions of his terms and conditions of employment, as the case may be, were a period during which he was on leave of absence without pay.”.

*Public Service and Statutory Authorities
Amendment No. 177, 1980*

SCHEDULE

Section 46

**SCHEDULES TO BE SUBSTITUTED FOR SCHEDULES 2 AND 3 TO THE PUBLIC
SERVICE ACT 1922**

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 Administrative Services
The Attorney-General's Department
The Department of Business and Consumer Affairs
The Department of the Capital Territory
The Department of Communications
The Department of Defence
The Department of Education
The Department of Employment and Youth Affairs
The Department of Finance
The Department of Foreign Affairs
The Department of Health
The Department of Home Affairs and the Environment
The Department of Housing and Construction
The Department of Immigration and Ethnic Affairs
The Department of Industrial Relations
The Department of Industry and Commerce
The Department of National Development and Energy
The Department of Primary Industry
The Department of the Prime Minister and Cabinet
The Department of Science and Technology
The Department of Social Security
The Department of Trade and Resources
The Department of Transport
The Department of the Treasury
The Department of Veterans' Affairs

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 Administrative Services
The Secretary to the Attorney-General's Department
The Secretary to the Department of the Capital Territory

Public Service and Statutory Authorities
Amendment No. 177, 1980

SCHEDULE—continued

SCHEDULE 3—continued

The Secretary to the Department of Communications
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 Employment and Youth Affairs
The Secretary to the Department of Finance
The Secretary to the Department of Foreign Affairs
The Director-General of Health
The Secretary to the Department of Home Affairs and the Environment
The Secretary to the Department of Housing and Construction and Director-General of Works
The Secretary to the Department of Immigration and Ethnic Affairs
The Secretary to the Department of Industrial Relations
The Secretary to the Department of Industry and Commerce
The Secretary to the Department of National Development and Energy
The Secretary to the Department of Primary Industry
The Secretary to the Department of the Prime Minister and Cabinet
The Secretary to the Department of Science and Technology
The Director-General of Social Services
The Secretary to the Department of Trade and Resources
The Secretary to the Department of Transport
The Secretary to the Department of the Treasury
The Secretary to the Department of Veterans' Affairs

NOTES

1. No. 21, 1922, as amended. For previous amendments, see No. 46, 1924; No. 41, 1928; No. 19, 1930; No. 21, 1931; No. 72, 1932; No. 38, 1933; Nos. 45 and 46, 1934; No. 72, 1936; No. 41, 1937; No. 72, 1939; No. 88, 1940; No. 5, 1941; No. 19, 1943; Nos. 11, 29 and 43, 1945; No. 16, 1946; Nos. 1, 38, 52 and 84, 1947; Nos. 35 and 75, 1948; Nos. 51 and 80, 1950; Nos. 46 and 48, 1951; No. 22, 1953; No. 63, 1954; No. 18, 1955; Nos. 13 and 39, 1957; No. 11, 1958; Nos. 17 and 105, 1960; Nos. 2 and 75, 1964; Nos. 47 and 85, 1966; Nos. 2 and 115, 1967; Nos. 59, 114 and 120, 1968; No. 6, 1972; Nos. 21, 71, 73 and 209, 1973; No. 59, 1974; No. 40, 1975; Nos. 193 and 194, 1976; Nos. 6 and 80, 1977; No. 170, 1978; and Nos. 52 and 155, 1979.
2. No. 33, 1942, as amended. For previous amendments, see No. 39, 1946; No. 64, 1948; No. 80, 1950; No. 41, 1951; No. 12, 1953; No. 82, 1954; Nos. 33, 65 and 92, 1956; No. 36, 1960 (as amended by No. 32, 1961); No. 96, 1962; No. 82, 1963; Nos. 67 and 121, 1964; Nos. 38 and 120, 1965; No. 57, 1966; No. 47, 1967; No. 69, 1968; Nos. 21 and 31, 1969; Nos. 8, 72 and 136, 1971; No. 49, 1972; No. 50, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 55, 1974; No. 56, 1975; Nos. 89, 157 and 187, 1976; No. 160, 1977; Nos. 36, 52 and 210, 1978; and No. 143, 1980.
3. No. 5, 1959, as amended. For previous amendments, see No. 75, 1961; No. 3, 1962; No. 57, 1963; No. 132, 1965; No. 58, 1966; No. 93, 1966 (as amended by No. 3, 1967); No. 144, 1968; Nos. 18 and 117, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 81, 1974; and Nos. 36 and 77, 1978.
4. No. 13, 1972, as amended. For previous amendments, see No. 98, 1973 (as amended by No. 23, 1976); No. 216, 1973 (as amended by No. 20, 1974); No. 23, 1976; and No. 26, 1977.

Public Service and Statutory Authorities
Amendment No. 177, 1980

NOTES—continued

5. No. 23, 1946, as amended. For previous amendments, see No. 69, 1952; No. 26, 1958; No. 85, 1963; No. 93, 1966 (as amended by No. 3, 1967); Nos. 31 and 139, 1968; No. 9, 1971; No. 216, 1973 (as amended by No. 20, 1974); No. 56, 1975; No. 37, 1976; No. 36, 1978; and No. 19, 1979.
6. No. 54, 1975, as amended. For previous amendments, see Nos. 36 and 170, 1978; and No. 7, 1979.
7. No. 55, 1975, as amended. For previous amendments, see No. 94, 1976; No. 160, 1977; Nos. 36 and 170, 1978; and No. 115, 1979.
8. No. 31, 1976, as amended. For previous amendments, see No. 51, 1976; No. 80, 1977; Nos. 17, 134, 169 and 170, 1978; and Nos. 52 and 155, 1979.