

*The Public Service Act, 1904*  
(No. 41 of 1904).

ARRANGEMENT.

- PART I.—PRELIMINARY.
- Section.
1. Short title and division.
  2. Commencement.
  3. Repeal.
  4. Interpretation.
  5. Non-application of Act to certain officers.
- PART II.—ADMINISTRATION.
- Public Service Commissioner.*
6. Appointment of Public Service Commissioner.
  7. Suspension or removal of Commissioner.
  8. Offices, how vacated.
- General powers and duties of Commissioner.*
9. Commissioner to inspect departments, etc.  
Commissioner to propose changes of officers or re-arrangement of work.  
Alteration of staff of any department.  
Excess officers.
  10. Appeals in respect of grade or classification.
  11. Power to summon witnesses and take evidence on oath.
  12. For purpose of inquiry, Commissioner may delegate powers.
  13. Record of officers to be kept and gazetted.
  14. Commissioner to report on state of Public Service to Governor.
  15. Assistant Commissioners.
  16. Commissioner not to be interviewed.
- PART III.—DIVISIONS OF PUBLIC SERVICE.
17. Divisions of Service.
  18. Administrative Division.  
Professional Division.  
Clerical Division.  
General Division.
  19. Salaries of Administrative Division.
  20. Salaries of Professional and General Divisions.
  21. Classes of Clerical Division.
  22. Power to fix salary.
- PART IV.—EXAMINATION AND APPOINTMENT OF OFFICERS.
23. Commissioner to provide by regulation for examinations.
  24. Qualification for appointment.
  25. Separate examinations to be held for the different divisions.
  26. Public notice of examinations.
  27. New appointments to Clerical Division to be to Fourth Grade of Class G.  
Salary.  
Increase.

- Section.
- Annual report.  
To be made by superior officer.  
Commissioner to decide whether officer is entitled to increase
  28. Admissions to Public Service to be on probation only.
  29. Appointments in certain cases without examination or probation.
  30. Qualification and appointment of magistrates.
  31. Examination for magistrates.
  32. Conditions of new appointments.
  33. Certificate of Commissioner preliminary to appointment.
  34. Age of new appointees to Clerical Division.  
Age of new appointees to General Division.  
Power to extend limit of age for special cases.
  35. Re-appointment of retired officers.
- Temporary Employment.*
36. Temporary employment.  
Limit of employment.  
Restriction on re-employment.  
Power to extend by six months.  
Liability to being dispensed with.  
Provision as to certain departments.
- PART V.—INTERNAL ADMINISTRATION.
- Alterations of Staff.*
37. Power to create or abolish offices and alter classification or grading.
  38. How vacancies to be filled by promotions.
  39. Order of promotions, etc.
  40. Higher and lower grades.
  41. Examination before promotion to higher grades of professional divisions.
  42. Examination in special cases.
  43. Transfer from professional or clerical to general division.
  44. How promotions made.
  45. Governor may allow officer to decline promotion.
  46. Minister or Permanent Head may propose changes of officers or re-arrangement of work.
- Dismissals, Removals, etc.*
47. Offences.  
Summary reprimand for minor offences.  
Temporary suspension of officer charged.  
Power of Permanent Head to reprimand.  
Or refer charge to Commissioner.  
Punishment when charge proved.  
Removal of suspension.
  48. Appeal to Commissioner.

## Public Service.

### Section.

49. Offences by officers in Administrative Division.
50. Appeal to Board.

### PART VI.—APPEAL BOARD.

51. The Appeal Board.
52. Proceedings of Board.

### PART VII.—MISCELLANEOUS.

#### *Performance of Duties in absence.*

53. Performance of duties and powers of officer in his absence.

#### *Officers not British Subjects to be Naturalised.*

54. Officers not British subjects to be naturalised.

#### *Rent chargeable for Quarters.*

55. Rent charged to officers residing in Government buildings.

#### *Incapacity of Officers.*

56. Services of incapable officer may be dispensed with.

#### *Forfeiture of Office.*

57. Forfeiture of office in certain cases. Services dispensed with for fraudulent bankruptcy.

#### *Penalties.*

58. Fines to be stopped from salary.

#### *Leave of Absence and Holidays.*

59. Annual leave for recreation.
60. Deduction of pay for unauthorised absence.
61. Leave on the ground of illness or necessity.
62. Leave without pay.
63. Long service leave.
64. Holidays.
65. Attendance on public holidays.

#### *Retirement of Officers.*

66. Officers between sixty and sixty-five years of age entitled or may be called upon to retire.

### Section.

67. Officers attaining age of sixty-five to retire unless required to continue.
68. Officers of age of sixty-five may be continued in Public Service by Governor.

#### *Life Insurance.*

69. Non-application to certain officers.
70. Appointee to insure his life.
71. Provision for increase of amount of policy.
72. Policy not assignable, and to be exempt from insolvency laws, etc.
73. Indorsement of policy.
74. Deduction from salary of premiums in arrear.
75. Provision for inability to insure.

#### *Public notifications.*

76. Notices to be gazetted.

#### *Service of notices on officers.*

77. As to officers whose address is unknown.

#### *Commonwealth and State officers.*

78. Service in Commonwealth not to disqualify for State service.
79. Officer of Commonwealth may discharge State functions. Consequent arrangements to be made.
80. Arrangement for performance of duties by officer.
81. Arrangement for performance of work or services for Commonwealth.

#### *Performance of Work outside Public Service.*

82. Officer not to engage in duties unconnected with his office. Effect as to companies.

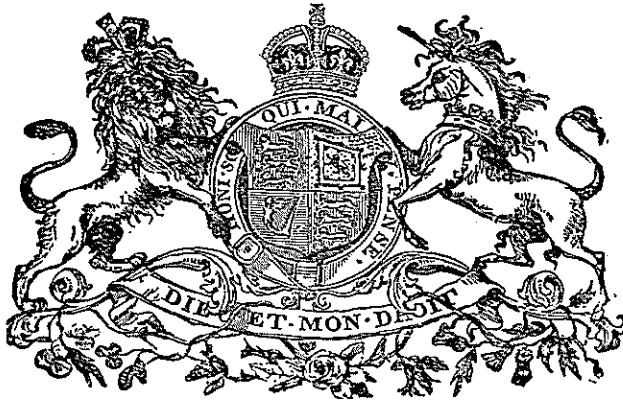
#### *Superannuation.*

83. Superannuation.

#### *Regulations.*

84. Regulations. Publication of regulations in *Gazette*.

WESTERN AUSTRALIA.



ANNO QUARTO

EDWARDI SEPTIMI REGIS,

XVI.

\*\*\*\*\*

**No. 41 of 1904.**

AN ACT for the Regulation of the Public Service.

[Assented to 24th December, 1904.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Public Service Act*, 1904.

Short title and division.

It is divided into parts, as follows:—

PART I.—PRELIMINARY, ss. 1-5.

PART II.—ADMINISTRATION, ss. 6-16.

PART III.—DIVISIONS OF PUBLIC SERVICE, ss. 17-22.

PART IV.—EXAMINATION AND APPOINTMENT OF OFFICERS,  
ss. 23-36.

PART V.—INTERNAL ADMINISTRATION, ss. 37-50.

PART VI.—APPEAL BOARD, ss. 51-52.

PART VII.—MISCELLANEOUS, ss. 53-84.

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Repeal.  
Schedule 1.

3. The Acts mentioned in the First Schedule are hereby repealed.

Interpretation.

4. In this Act the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

“Commissioner” means the Public Service Commissioner appointed under this Act.

“Department” means any department at any time established by the Governor.

“Magistrate” means a resident magistrate, a police magistrate, or a magistrate of a local court.

“Minister” means the responsible Minister of the Crown for the time being administering the department in which the officer in connection with whom the term is used is employed.

“Officer” means and includes all persons employed in any capacity in those branches of the Public Service to which this Act applies.

“Permanent Head” means the permanent head of the department wherein is employed any officer in connection with whom the term is used or is applicable.

“Prescribed” means prescribed by this Act or any regulation thereunder.

“Regulations” means the Public Service Regulations for the time being in force under this Act.

“This Act” includes the regulations made thereunder.

Non-application of  
Act to certain  
officers.

5. Unless otherwise expressly provided, this Act shall not apply to—

the Judges of the Supreme Court; or

any officer of either House of Parliament under the separate control of the President or Speaker, or under their joint control; or

the Agent General; or

the Auditor General; or

the Police force; or

the teaching staff of the Education Department; or

any officer or person appointed by the Commissioner for Railways under the Government Railways Act, 1904, or any Act amending the same; or

any officer or class of officers to whom or to which, on the recommendation of and for special reasons assigned by the Commissioner, the Governor declares that the provisions of this Act shall not apply.

## PART II.—ADMINISTRATION.

*Public Service Commissioner.*

6. (1.) For the purposes of this Act the Governor may from time to time appoint some fit and proper person to be Public Service Commissioner, who shall have the powers and authority, and shall perform the duties and functions hereinafter vested in or imposed upon the Commissioner.

Appointment of  
Public Service Com-  
missioner.

*Cf.* Com. P. S. Act.  
s. 5.

(2.) The Commissioner shall be appointed for a term of seven years, and shall be eligible for re-appointment.

(3.) In the case of the illness, absence, or suspension of the Commissioner, the Governor may appoint some other person to act as the deputy of such Commissioner during such illness, absence, or suspension; and such person shall, during the time for which he acts as such deputy, have all the powers and perform all the duties of such Commissioner.

(4.) No action shall be brought or maintained against any person who is or shall have been Commissioner for any non-feasance or misfeasance in connection with his duties, nor shall any action lie nor any costs be payable in respect of any proceeding before the Commissioner.

(5.) The Commissioner shall receive a salary at the rate of eight hundred and fifty pounds per annum. Such salary is hereby charged on the Consolidated Revenue Fund, which, to the necessary extent, is hereby appropriated accordingly.

(6.) No person shall be eligible for the office of Commissioner who is or has been, at any time during the twelve months preceding the commencement of this Act, a member of Parliament.

7. (1.) The Commissioner may be suspended from his office by the Governor, but shall not be removed from office except as hereinafter provided.

Suspension or re-  
moval of Commis-  
sioner.

Com. P. S. Act, s. 6.

(2.) There shall be laid before both Houses of Parliament a full statement of the grounds of suspension within seven days after such suspension, if Parliament is in session and actually sitting, or if Parliament is not in session or not actually sitting, within seven days after the commencement of the next session or sitting.

(3.) The Commissioner so suspended shall not be restored to office unless each House of Parliament, within forty-two days after the day when such statement is laid before it, severally declares by resolution that the said Commissioner ought to be restored to office.

(4.) If each House of Parliament within the said time so declares, the said Commissioner shall be restored to office by the Governor accordingly, but otherwise he may be removed from office.

(5.) If the Commissioner is restored to office, he shall receive arrears of salary in full from the date of his suspension.

Offices how vacated.  
Com. P. S. Act, s. 7.

**8.** The Commissioner shall be deemed to have vacated his office—

- (a.) if he engages during his term of office in any paid employment outside the duties of his office ;
- (b.) If he becomes bankrupt, or compounds with his creditors or makes any assignment of his salary for their benefit, or takes advantage of any provision of any Act relating to bankruptcy ;
- (c.) if, except on leave granted by the Governor, he absents himself from duty for fourteen consecutive days, or for twenty-eight days in any twelve months, or becomes permanently incapable of performing his duties ; or
- (d.) if he resigns his office by writing under his hand addressed to the Governor and such resignation is accepted by the Governor.

*General powers and duties of Commissioner.*

Commissioner to inspect departments, etc.

*Cf.* N.S.W., 1902, c. 31, s. 9.

**9.** (1.) As often as necessary to carry out the directions and provisions of this Act, and ensure the establishment and continuance of a proper standard of efficiency and economy in the Public Service, the Commissioner shall, as far as practicable, personally inspect each department, and investigate the character of the work performed by every officer therein, and the efficiency, economy, and general working of such department, both separately and in its relation to other departments, and may, for such purpose, examine the permanent head of such department and such other witnesses as may appear to the Commissioner to be necessary.

Commissioner to propose changes of officers or re-arrangement of work.

Com. P. S. Act, s. 8.

(2.) The Commissioner may propose to the Governor any particular disposition of officers and offices and the division, class, or grade of every officer, and re-arrangement or improved method of carrying out any work which appears to the Commissioner necessary or expedient for the more economic, efficient, or convenient working of any department, and such proposal shall be considered and dealt with by the Governor.

(3.) If the Governor does not approve of any proposal, it shall be the duty of the Commissioner to reconsider such proposal, and within a time to be specified by the Governor to submit another proposal. Such fresh proposal shall be considered and dealt with by the Governor.

(4.) Where the Governor does not approve of any proposal, a statement of the reasons for not approving and for requiring a fresh proposal shall be laid before the Parliament.

(5.) Every proposal of the Commissioner relating to classification or to re-classification shall, before it is finally dealt with by the Governor, be published in the *Government Gazette*.

(6.) If the Commissioner finds that more officers are employed in any class or grade in a department than may be determined to be necessary for the efficient working of such department, such officers as are in excess may be transferred by the Governor, on the recommendation of the Commissioner, to some other department; and no appointment or promotion of an officer shall be made to such class or grade in such first-mentioned department until by transfer, retirement, dismissal, or death, the number of officers in the same class or grade is reduced below the number in such class or grade determined to be necessary for the efficient working of such department.

Alteration of staff of any department.

(7.) If the services of any officers in excess in any department are not likely to be required in any other department, the Governor, on the recommendation of the Commissioner, may call upon such officers to retire from the Public Service; and every such officer so called upon to retire shall retire accordingly. A record shall be kept of all officers who retire under this subsection, and in the event of the re-appointment of any such officer to the Public Service the provisions of section thirty-four shall not apply.

Excess officers.

(8.) The Commissioner shall make such specific or general reports as the Governor may from time to time require.

10. Any officer dissatisfied with any proposal of the Commissioner, either particular or general, in regard to grade affecting him, or to the classification of the work performed by or assigned to him, may, within the prescribed time after publication of such proposal in the *Government Gazette*, appeal to an Appeal Board constituted as hereinafter provided.

Appeals in respect of grade or classification.  
Cf. N.S.W. 1902, No. 31, s. 19.

11. (1.) The Commissioner may at any time summon any person whose evidence appears to be material to the determining of any subject of inspection, inquiry, or investigation under this Act; and any person so summoned shall attend at such place and time as is specified in such summons and produce any official or public books, documents, or writings in his custody or control material to the inquiry, and the Commissioner may examine such person upon oath touching any matter to be inquired into.

Power to summon witnesses and take evidence on oath.  
Com. P. S. Act, s. 10.

(2.) If without reasonable cause any person not being an officer summoned pursuant to this section, after being paid or tendered his reasonable expenses, neglects or fails to appear or refuses to be sworn or to answer any question put to him by the Commissioner or to produce all books, documents, or writings pursuant to such summons, he shall be liable to pay a penalty not exceeding twenty pounds, to be recovered by any authorised officer in any court of competent jurisdiction: Provided that no person shall be compelled to answer any question which would tend to incriminate him.

For purpose of inquiry, Commissioner may delegate powers.

*Cf.* N.S.W. Act, 1902, No. 31, s. 11.

**12.** For the purpose of conducting an inquiry or investigation under the authority of this Act outside of Perth, at which it may be inconvenient for the Commissioner to be present, the Commissioner may, with the approval of the Governor, delegate any of his powers or functions to any fit person or persons; but the report or decision upon any such inquiry or investigation shall be made by the Commissioner.

Record of officers to be kept and gazetted.

*Cf.* Com. P. S. Act, s. 9.

**13.** (1.) The Commissioner shall keep a record of all officers, showing, with regard to each officer, his age and length of service, the office he holds, and his division, class, grade, and salary under this Act.

(2.) The Commissioner shall, in the month of August in each year, forward to the Governor, and publish in the *Government Gazette*, a list of all officers on the first day of July in such year, together with the particulars so recorded in respect to them, and showing the date of appointment of such officers. Such list shall be *prima facie* evidence of the information contained therein; a copy of such list shall be laid before Parliament within fourteen days of publication, or, if Parliament is not sitting, then within fourteen days after the commencement of the next sitting thereof.

Commissioner to report on state of Public Service to Governor.

*Cf.* Com. P. S. Act, s. 11.

**14.** The Commissioner shall furnish to the Governor, for presentation to Parliament, at least once in each year, a report on the condition and efficiency of the Public Service, and of the proceedings of the Commissioner; and in such report there shall be set forth any changes and measures necessary for improving the method of the working of the Public Service, and especially for insuring efficiency and economy therein and in each department thereof. The Commissioner shall, in such report, draw attention to any breaches or evasions of this Act which may have come under notice.

Assistant Commissioners.

**15.** The Governor may appoint, temporarily, two assistant Public Service Commissioners, who shall act in conjunction with the Commissioner in the classification and grading of officers, and in the exercise of such other powers and duties of the Commissioner as the Governor may, from time to time, on the recommendation of the Commissioner, direct.

Commissioner not to be interviewed.

**16.** No member of Parliament shall interview or communicate with the Commissioner regarding the appointment of any applicant for a position in the Public Service.

#### PART III.—DIVISIONS OF PUBLIC SERVICE.

Divisions of Service.  
*Cf.* Com. P. S. Act, s. 15.

**17.** The Public Service shall consist of four Divisions, that is to say:—

The Administrative Division,  
The Professional Division,  
The Clerical Division, and  
The General Division.



**18.** (1.) The Administrative Division shall include all Permanent Heads of Department, and also all persons whose offices the Governor, on the recommendation of the Commissioner, directs to be included in such Division.

Administrative Division.  
Cf. Com. P. S. Act, s. 16.

(2.) The Professional Division shall include all officers whose duties require in the person performing them some special skill or technical knowledge usually acquired only in some profession or occupation different from the ordinary routine of the Public Service, and whose offices the Governor, on the recommendation of the Commissioner, directs to be included in such Division.

Professional Division.

(3.) The Clerical Division shall include all officers whose offices the Governor, on the recommendation of the Commissioner, directs to be included in such Division.

Clerical Division.

(4.) The General Division shall include all persons in the Public Service not included in the Administrative, or Professional or Clerical Division.

General Division.

**19.** The officers in the Administrative Division (except in the case of officers paid at a specified rate by virtue of any Act) shall be paid such salaries as may be provided in the Appropriation Act.

Salaries of Administrative Division.  
Cf. Com. P. S. Act, s. 17.

**20.** In the Professional Division, and the General Division (except in the case of officers paid at a specified rate by virtue of any Act) the officers shall be paid salaries and wages in accordance with such fixed amounts or scales as may be prescribed.

Salaries of Professional and General Divisions.  
Cf. Com. P. S. Act, s. 18.

**21.** The Clerical Division shall be divided into seven classes. Each of such classes shall be subdivided as set forth in the Second Schedule to this Act, and the rate of salary of an officer in a grade of any such class shall be that assigned to such grade in such Schedule.

Classes of Clerical Division.  
Second Schedule.  
Cf. Com. P. S. Act, s. 19.

**22.** Notwithstanding anything contained in this Act, the Governor may, on the recommendation of the Commissioner, fix by order the rate of salary to be paid to an officer occupying any particular office at any sum within the limits of his class or grade, and such sum shall be the salary attached to such officer while he holds such office, until the Commissioner otherwise recommends.

Power to fix salary.  
Cf. Com. P. S. Act, s. 20.

#### PART IV.—EXAMINATION AND APPOINTMENT OF OFFICERS.

**23.** (1.) The Governor may, on the recommendation of the Commissioner, make regulations for the competitive examinations of persons desirous of admission into the Public Service, which shall prescribe—

Commissioner to provide by regulation for examinations.  
Cf. N.S.W., 1902, No. 31, s. 27.

(a.) a preliminary medical examination as to the health of the candidates;

- (b.) the character and standard of the examinations or tests as to the acquirements and efficiency to which candidates are required to submit themselves;
- (c.) the times and places where the examinations shall be held, and the manner of holding the same;
- (d.) a maximum and minimum age of candidates; and
- (e.) the fee (not exceeding ten shillings) to be paid by candidates.

(2.) For the purposes of this section the Governor may, on the recommendation of the Commissioner, appoint as many fit persons as may from time to time be required to be examiners to conduct examinations in the prescribed manner.

Qualification for appointment.  
Cf. N.S.W., 1902, No 31, s. 28.

**24.** (1.) Except as hereinafter provided, no person shall be admitted to the Public Service unless he is a natural born or naturalised subject of His Majesty, and unless he has successfully passed the examination prescribed.

(2.) With the permission of the Governor a person not a natural born or naturalised subject of His Majesty may be so admitted, but such person shall, as soon as he is qualified so to do, apply for and obtain a certificate of naturalisation under the laws of the United Kingdom or of the Commonwealth.

Separate examinations to be held for the different divisions.  
Com. P. S. Act, s. 28.

**25.** (1.) Separate examinations shall be held in connection with the Professional, Clerical, and General Divisions respectively, and shall be designed to test the efficiency and aptitude of candidates for employment in such several Divisions; but the educational examination for the General Division shall be of an elementary or rudimentary character.

(2.) The Commissioner shall arrange the times and places of entrance examinations.

(3.) Candidates who have passed the examinations in connection with the Professional Division shall be deemed to have passed the examinations for the Clerical and General Divisions respectively; and candidates who have passed the examinations in connection with the Clerical Division shall be deemed to have passed the examinations for the General Division.

Public notice of examinations.  
Cf. Com. P. S. Act, s. 29.

**26.** It shall be the duty of the Commissioner from time to time, as additions to the Public Service may be required, to give notice thereof in the *Government Gazette*, or in such other ways as he may deem necessary stating—

- (a.) the number of new appointments which it is estimated may have to be made;
- (b.) the Division and class or grade thereof;
- (c.) the times and places of examinations.

**27.** (1.) All new appointments to the Clerical Division shall be made to the Fourth Grade of Class G; and the rate of the salary at which a person is first appointed to such grade shall be forty pounds per annum.

New appointments to Clerical Division to be to Fourth Grade of Class G. Cf. Com. P. S. Act, s. 21.

(2.) Subject to the provisions of this section, the salary of such officer shall, at the expiration of not less than six months, be increased to the rate of fifty pounds per annum, and at the expiration of a further period of not less than six months, he shall be transferred to the third grade, and his salary shall be at the rate of sixty pounds per annum.

Salary.

(3.) Every such officer shall thereafter, upon the recommendation of the Commissioner, receive an increase of ten pounds per annum at the end of every succeeding twelve months, until such salary has reached one hundred pounds per annum.

Increase.

(4.) During the month of May in each year the Permanent Head of each department shall furnish to the Commissioner a report upon the conduct, diligence, and general efficiency of each officer in Class G of the Clerical Division.

Annual report.

Such report shall, in the first instance, be made by the immediate superior of the officer reported upon, and then forwarded by the Permanent Head, with such amendments as he may think fit.

To be made by superior officer.

(5.) Upon the receipt of such report, and upon obtaining any further information which may be necessary, the Commissioner shall determine whether such officer is entitled to the full amount or any part of the prescribed increase as a reward for earnest application to duty and meritorious public service.

Commissioner to decide whether officer is entitled to increase.

**28.** (1.) Except as hereinafter provided, every person admitted to the Public Service shall in the first instance be appointed on probation only, and may be continued in such probationary position for a period of six months, but may be dispensed with at any time during such period.

Admissions to Public Service to be on probation only. Com. P. S. Act, s. 30.

(2.) After the period of six months on probation has expired, the Governor may, on the recommendation of the Commissioner upon a report from the Permanent Head, confirm or annul such appointment, or extend the period of probation for a further period of six months, provided that the whole term of probation shall not in any case extend beyond twelve months.

(3.) No such probationer whose appointment shall be so annulled as aforesaid shall be eligible as a probationer at any time within twelve months from the date of the annulling of such appointment.

**29.** If at any time in any special case it appears expedient or desirable in the interests of the Public Service to appoint to any Division some person who is not in the Public Service, or who, being in the Public Service, holds an office exempted from the

Appointments in certain cases without examination or probation. Cf. Com. P. S. Act, s. 31.

provisions of this Act, the Governor may, on the recommendation of the Commissioner, appoint such person accordingly, without either examination or probation, and also, if he think fit, without requiring compliance with the provisions of sections thirty-four and sixty-nine to seventy-five.

Qualification and appointment of magistrates.

*Cf. N.S.W., 1902, s. 37.*

**30.** No person shall be permanently appointed to the office of magistrate unless—

(a.) he has passed the prescribed examination in law ; or

(b.) he is a legal practitioner duly qualified under the Legal Practitioners Act, 1893 :

Provided that, on the certificate of the Commissioner that it is desirable for the economy of the Public Service so to do, the Governor may appoint a District Medical Officer, or may temporarily appoint any other officer a magistrate without examination.

Examination for magistrates.

*Cf. N.S.W., 1902, No. 31, s. 33.*

**31.** The Governor may make regulations prescribing the subjects for and the nature and standard of the examination to be undergone by persons who desire to be appointed magistrates.

Conditions of new appointments.

*Cf. N.S.W., 1902, No. 31, s. 34.*

**32.** (1.) Subject to the provisions of section twenty-nine, no appointment of any person not already in the Public Service to any permanent office or position therein shall be made except—

(a.) at the instance of the Commissioner ; or

(b.) upon the written request of the permanent head of a department to the Commissioner.

(2.) No such appointment shall in any case be made except upon a certificate from the Commissioner that such an appointment is necessary.

Certificate of Commissioner preliminary to appointment.

*Cf. N.S.W., 1902, No. 31, s. 35.*

**33.** (1.) The Commissioner, in giving the certificate in the last section mentioned, shall, in addition, state therein—

(a.) the name of the person proposed to be appointed ;

(b.) that the person named in the certificate has passed the prescribed examination ; or

(c.) having regard to the nature of the appointment that examination is not required, or may be dispensed with under the provisions of this Act.

(2.) The Governor may thereupon appoint the person named in such certificate, subject to the provisions of section twenty-eight.

Age of new appointees to Clerical Division.

*Cf. Com. P. S. Act, s. 32.*

**34.** (1.) No person shall be appointed to the Clerical Division whose age at his last birthday previous to appointment was less than sixteen years or more than twenty-five years, unless such person is at the time of appointment already in the Public Service. In

cases of special duties the Governor may, however, on the recommendation of the Commissioner, extend the age from twenty-five to thirty-five years.

(2.) No person shall be appointed to the General Division whose age at his last birthday previous to appointment was less than fourteen years or (except as hereinafter provided) more than fifty years, unless such person is at the time of his appointment already in the Public Service. In cases of special duties the Governor may, however, on the recommendation of the Commissioner, extend the age from fifty to fifty-five years. But, subject to the Acts relating to public elementary education, nothing in this subsection shall be taken to prevent the employment of boys above the age of thirteen years to be message boys or junior messengers.

Age of new appointees to General Division.

Power to extend limit of age for special cases.

**35.** (1.) Any person having at any time, either before or after the commencement of this Act, retired from a salaried office not being of a temporary or casual character in the Public Service of the State shall, if not more than sixty years of age, and his retirement was not due to misconduct or incompetence, be eligible for appointment to the Public Service without examination or probation, and, if the Governor thinks fit, without compliance with the provisions of sections sixty-nine to seventy-five, inclusive, of this Act; and such appointment shall be made at a rate of salary not exceeding that received by such person at the time of his retirement, and shall not be made to a position superior in division or class or grade to that in which he was an officer at such time.

Re-appointment of retired officers.

*Cf. Com. P. S. Act, s. 34.*

(2.) In the case of any person who shall have received a sum of money as compensation or gratuity on such retirement, no appointment shall be made until he has, if so required by the Governor, paid into the Treasury an amount equal to such compensation or gratuity in one sum, or arranged to pay by instalments. Such sum shall be refunded upon the person so appointed retiring from the Public Service.

#### *Temporary Employment.*

**36.** (1.) Whenever in the opinion of the Minister of a department the prompt despatch of the business of a department renders temporary assistance necessary, and the Commissioner is unable to provide such assistance from other departments, the permanent head shall select in such manner as may be prescribed, from the persons whose names are upon the prescribed register, such person or persons who are available as appear to be best qualified for such work, and they shall be paid at a daily or weekly rate of payment.

Temporary employment.

*Cf. Com. P. S. Act, s. 40.*

(2.) Such person or persons may be employed to perform such work for any period not exceeding twelve months.

Limit of employment.

(3.) No person who has been temporarily employed in any department for twelve months continuously, or for eighteen months

Restriction on re-employment.

continuously where extended as hereinafter provided, or for twelve months in the whole in any two years, or for eighteen months in the whole in any two years where extended as hereinafter provided, shall, during the six months following such temporary employment, be eligible for further temporary employment in the Public Service.

Power to extend by six months.

(4.) If it appears in the public interest to be desirable so to do, the Governor may order that any person who has been temporarily employed in any department for twelve months continuously or twelve months in the whole in any two years, may be temporarily employed for not more than six additional months.

Liability to being dispensed with.

(5.) The services of any person temporarily employed may be dispensed with at any time by the Minister or by the Permanent Head.

Provision as to certain departments.

(6.) Notwithstanding the provisions hereinbefore contained, the Governor, if it appears in the public interest to be desirable so to do, may, in the case of temporary work in the carrying out of any public work or scheme, order that the temporary employment of all or any persons employed upon such work or scheme may be continued until the completion of the same.

(7.) The Governor may, by Order in Council, temporarily suspend the operation of subsections two, three, and four of this section in respect of any department or office specified.

(8.) This section shall not apply to any person on the temporary staff of any department at the commencement of this Act, whose services it is not intended to dispense with at an early date, if the Commissioner shall, on the examination of the department, certify that the services of such person are permanently required. Upon such certificate being given, every such person shall be appointed to the permanent staff.

#### PART V.—INTERNAL ADMINISTRATION.

##### *Alterations of Staff.*

Power to create or abolish offices and alter classification or grading.  
*Cf.* Com. P. S. Act, s. 41.

**37.** The Governor may, on the recommendation of the Commissioner, after obtaining a report from the Permanent Head—

- (a.) create a new office in any Division in any Department;  
or
- (b.) abolish any office in any Department; or
- (c.) raise or lower the grading of any officer, or the classification of any office; or
- (d.) transfer or promote any officer from any one Division to any other Division, after such examination, if any, as may be prescribed.

**38.** Whenever a vacancy occurs in any office, and it is expedient to fill such vacancy by the promotion of an officer, the Governor may, on the recommendation of the Commissioner, subject to the provisions of this Act—

How vacancies to be filled by promotions.  
Com. P. S. Act, s. 42.

appoint to fill such vacancy an officer of the Department in which such vacancy occurs, regard being had to the relative efficiency, or, in the event of an equality of efficiency of two or more officers, to the relative seniority of the officers of such department; or

appoint to fill such vacancy any qualified officer from any other Department whom, on the ground of efficiency, or in the event of an equality of efficiency of two or more officers whom, on the ground of seniority, it appears desirable so to appoint, if it appears that such appointment would result in the work of such office being more efficiently performed than by selecting an officer from the Department in which such vacancy occurs.

“Efficiency” in this section means special qualifications and aptitude for the discharge of the duties of the office to be filled, together with merit and good and diligent conduct.

**39.** All promotions in and appointments to the Administrative Division shall, as far as practicable, and subject to the provisions of this Act, be from such Administrative Division, or from the highest class of the Professional or Clerical Division, and shall be made with regard to special qualifications and aptitude, as well as to seniority in grade or duration of service, seniority being subordinated to considerations of special fitness.

Order of promotions, etc.  
Cf. N.S.W., 1902,  
No. 31, s. 47.

**40.** There shall be two series of grades in the Professional Division, called the higher and the lower grades, and all officers engaged in the performance of work entitling them to a salary of two hundred and fifty pounds per annum and upwards shall be deemed to be included in the higher grades of such divisions, and all officers engaged in the performance of work entitling them to a salary of less than two hundred and fifty pounds per annum shall be deemed to be included in the lower grades of such division.

Higher and lower grades.  
Cf. N.S.W., 1902,  
No. 31, s. 48.

**41.** (1.) No person shall be eligible for promotion from the lower to the higher grades of the Professional Division unless he has passed the examination prescribed by the Governor as preliminary to admission to those grades.

Examination before promotion to higher grades of Professional Division.  
Cf. N.S.W., 1902,  
No. 31, s. 50.

(2.) The Commissioner shall from time to time, as may appear necessary, cause examinations for promotions from the lower to the higher grades in the Professional Division, to be held by the examiners appointed under the provisions of section twenty-three, which examinations shall be open to all officers employed in the lower grades of the Professional Division, who, at the

date on which they present themselves for examination, have been at least three years in the Public Service, and the names of the persons who have passed the required standard or examination shall be registered by the Commissioner, and all vacancies in the higher series of grades in the division mentioned which it may be considered expedient to fill, and which, subject to the provisions of this Act, may be filled from a lower series of grades, shall be filled by the appointment of those officers whose names appear in the register aforesaid.

Com. P. S. Act,  
s. 43 (4).

(3.) In the case of legal practitioners, medical practitioners, engineers, architects, actuaries, land surveyors, and draughtsmen employed and seeking promotion or transfer in the line of their profession, any examination may be dispensed with on a report from the Commissioner that it is not necessary.

Examination in  
special cases.

**42.** Notwithstanding anything in this Act contained, the Commissioner shall have the power to direct the holding of examinations in connection with the filling of certain offices or any of them in order to test the efficiency and aptitude of the candidates for and the officers available for appointment to the position in respect of which the Commissioner has directed an examination to be held, and the provisions of section twenty-three shall, *mutatis mutandis*, apply to any examination under the provisions of this section.

Transfer from Pro-  
fessional or Clerical  
to General Division.  
Cf. Com. P. S. Act,  
s. 24.

**43.** The Governor may, on the recommendation of the Commissioner, transfer any officer in the Clerical Division who has been found incapable of performing his duties to the General Division, and may transfer any officer in the Professional Division who has been found incapable of performing his duties to the Clerical Division or General Division.

How promotions  
made.

Cf. Com. P. S. Act,  
s. 44.

**44.** (1.) Before an officer is promoted from any office to a higher office in the Administrative or Professional or Clerical Division, there shall be submitted to the Governor the name of the officer recommended for promotion to such higher office by the Commissioner, after report from the Permanent Head; and any officer so recommended may be promoted by the Governor accordingly: Provided that, in every instance where a junior officer is recommended, the certificate of the Commissioner be first issued certifying that there is no senior officer available as capable of satisfactorily performing the duties.

(2.) If any officer recommended by the Commissioner is not approved by the Governor, it shall be the duty of the Commissioner, after report from the Permanent Head, to recommend, within a time specified by the Minister, some other officer for the office, and such officer, if approved of by the Governor, may be promoted accordingly to such office.



(3.) Where the Governor does not approve of any officer recommended, a statement of the reasons for not approving any such recommendation, and for requiring a further recommendation, shall, within seven days, be laid before Parliament, and if Parliament is not sitting, then within seven days of the next sitting thereof.

**45.** The Governor may, in any case, allow any officer to decline any offered promotion or appointment, without prejudice to his right to any future promotion or appointment to which his grade and order of seniority and merit would, under the provisions of this Act, entitle him: But no officer shall be allowed to refuse compliance with any order of the Governor directing his removal from one position to another, or from one division or department to another; and disregard of, or disobedience to, any such order shall be followed by dismissal, unless the officer concerned justifies such refusal, in the judgment of the Commissioner, by adducing some valid and sufficient reason therefor.

Governor may allow officer to decline promotion. N.S.W., 1902, No. 36, s. 57.

**46.** When it appears to the Minister or Permanent Head of any department necessary or expedient for the more economic, efficient, or convenient working of such department or any branch thereof that any particular disposition of officers and re-arrangement of work should be effected, the matter shall be referred to the Commissioner for consideration and action:

Minister or Permanent Head may propose changes of officers or re-arrangement of work. N.S.W., 1902, No. 31, s. 52.

Provided that nothing in this Act contained shall be construed as restricting the ordinary and necessary departmental authority of such Minister or Permanent Head of any department with respect to the direction and control of officers and work.

#### *Dismissals, Removals, etc.*

**47.** (1.) If any officer is guilty of a breach of the provisions of this Act or any regulations thereunder, or is guilty—

Offences. Com. P. S. Act, s. 46, s.s. (1).

of any wilful disobedience or disregard of any lawful order made or given by any person having authority to give such order; or

of being negligent or careless in the discharge of his duties; or

of being inefficient or incompetent, and such inefficiency or incompetency appears to arise from causes within his own control; or

of using intoxicating beverages to excess; or

of any disgraceful or improper conduct;

then such officer shall be guilty of an offence, and shall be liable to such punishment as may be determined upon under the provisions of this section.

(2.) Any officer (not being an officer included in the Administrative Division) charged with the commission of an offence—

Summary reprimand for minor offences.

*Cf. ibid.* (2).

(a.) may, in the case of minor offences against discipline, be reprimanded or cautioned by the Permanent Head or by any officer prescribed as having power to suspend officers in the office or place in which the offending officer is employed; or

Temporary suspension of officer charged.

(b.) for any such offence whatever may be temporarily suspended by the Permanent Head, or, in emergent cases, by any officer prescribed as having power to suspend officers in the office or place in which the offending officer is employed, in which event such suspension shall be immediately reported to the Permanent Head. The suspending officer or Permanent Head shall forthwith furnish the offending officer with a copy of the charge on which he is suspended, and require him to forthwith state, in writing, whether he admits or denies the truth of such charge, and to give any explanation in writing as to such offence for the consideration of the Permanent Head.

Power of Permanent Head to reprimand.  
*Cf. ibid.* (3).

(3.) On consideration of such explanation, if any, the Permanent Head, if of opinion that the alleged offence has not been committed, may remove such suspension, or if of opinion that the alleged offence has been committed by such officer, but is not of so serious a nature that an investigation thereof should be made by the Commissioner, may reprimand or caution such officer, and remove the suspension, or, in his discretion, fine him any sum not exceeding ten pounds, and in any case shall determine whether such officer shall be paid his salary or any part thereof for the period of his suspension.

Or refer charge to Commissioner.  
*Cf. ibid.* (4).

(4.) If the Permanent Head considers the alleged offence to be of so serious a nature that an investigation thereof should be made by the Commissioner, he may further suspend such officer and forthwith refer the charge to the Commissioner for investigation and report; and if such suspended officer does not, in writing, admit the truth of the charges made against him, within four days, or such further time as the Commissioner may allow, the Commissioner shall inquire as to the truth of such charges.

Punishment when charge proved.  
*Cf. ibid.* (5).

(5.) If any such charges are admitted or are found by the Commissioner to be proved, then the Commissioner may, subject to the regulations, impose a penalty upon such offending officer, or may deprive him of his leave of absence during a specified period, or the Governor may, according to the nature of the offence, reduce such officer to a lower class or grade and salary or wages, or may dismiss such officer from the Public Service, or require him to resign, and in the event of being so dismissed such officer shall.

unless otherwise ordered by the Governor, be entitled to no salary or wages during the time of his suspension.

(6.) If none of such charges are found by the Commissioner to be proved, the suspension shall be immediately removed, and the officer shall receive arrears of salary in full from the date of his suspension.

Removal of suspension.

*Cf. ibid.* (6).

48. Any officer fined by the Permanent Head under the provisions of subsection three of the last preceding section may appeal in the prescribed manner to the Commissioner, who may confirm, reverse, or vary the decision of the Permanent Head.

Appeal to Commissioner.

49. (1.) Where an officer in the Administrative Division is charged by any person with any of the offences mentioned in subsection one of section forty-seven, the Minister may suspend such officer, and report the charge and suspension to the Commissioner; and if such officer does not, in writing, admit the truth of the charges made against him, the Commissioner shall inquire into the truth of such charges, and, after fully hearing the case, shall report to the Governor his opinion thereon.

Offences by Officers in Administrative Division.

*Cf. Com. P. S. Act, s. 47.*

(2.) If any such charges are admitted or are found by the Commissioner to be proved, then the Commissioner may make such recommendation in reference thereto, and as to the punishment or otherwise of the person charged, as to the Commissioner seems fit. On receiving such recommendation, the Governor may dismiss such officer from the Public Service, or reduce such officer to a lower division and salary, or impose such penalty or other punishment as the case demands.

(3.) If such charges are found by the Commissioner not to be proved, the suspension shall be immediately removed, and the officer shall receive arrears of salary in full from the date of his suspension.

50. Any officer may appeal from the recommendation of the Commissioner under sections forty-seven or forty-nine, to an Appeal Board constituted as hereafter provided.

Appeal to Board.

#### PART VI.--APPEAL BOARD.

51. (1.) An Appeal Board shall consist of the following persons, that is to say:—

The Appeal Board.

The Commissioner, who shall be chairman;

One member to be appointed by the Governor, such member to take part in the hearing and determination of the appeal or appeals to be specified in the appointment; and

One member to be elected in the prescribed manner from among their number by the officers of each division of the Public Service; but only the member elected by the officers of the division in which the appellant is employed shall sit on the Board as the elective member on the hearing of the appeal.

(2.) The elective member of the Board shall hold office for two years, and shall be eligible for re-election; but shall vacate his office on retirement, suspension, or removal from the Public Service.

(3.) In case of the illness, suspension, or absence of the elective member of the Board, or in case he is personally interested in the appeal, a deputy shall be elected to act in place of such member during his illness, suspension, or absence, or on an appeal in which he is personally interested, and such deputy shall have all the powers and authority of such member.

Proceedings of  
Board.

**52.** (1.) The Board shall inquire into every appeal and the grounds thereof, and may summon and examine witnesses on oath, and call for the production of papers and documents, and may allow or disallow the appeal, and the decision of the Board thereon shall be reported to the Governor, and shall be final.

(2.) Neither officers nor departments shall be entitled to be represented by counsel, solicitor, or agent at inquiries held by the Board; and the Board may conduct an inquiry without regard to legal forms, and shall direct themselves by the best evidence they can procure, or that is laid before them, whether the same is such evidence as the law would require or admit in other cases or not; and the Board may receive or reject as they think fit, any evidence that may be tendered. The Board shall keep a complete record of all such inquiries which shall afterwards be available for reference.

(3.) If the Board disallow an appeal they may order the appellant to pay the costs of and incidental to the appeal, to be fixed by the Board.

#### PART VII.—MISCELLANEOUS.

##### *Performance of Duties in Absence.*

Performance of  
duties and powers  
of officer in his  
absence.

Com. P. S. Act, s. 59.

**53.** Where in or by any Act, Order in Council, rule, regulation, by-law, contract, or agreement any duty, obligation, right, or power is imposed or conferred upon any officer in His Majesty's service (other than a Minister or judicial officer) in his capacity as such officer, such duty, obligation, right, or power may be performed or exercised by any officer directed by the Governor to perform and exercise the duties, obligations, rights, and powers of such first-mentioned officer during his temporary absence or incapacity, in the same manner and to the same extent in all respects as the same might have been respectively performed or exercised by such first-

mentioned officer, and everything so done under the provisions of this section shall be as good and effectual for all purposes and against all persons whatsoever as if done by such first-mentioned officer.

*Officers not British Subjects to be Naturalised.*

54. Every officer admitted to the Public Service before the commencement of this Act, who is not a natural born or naturalised subject of His Majesty, shall forthwith, after the commencement of this Act, or so soon as he is qualified so to do, apply for and obtain a certificate of naturalisation under the laws of the United Kingdom or of the Commonwealth.

Officers not British subjects to be naturalised.

Com. P. S. Act, s. 63.

*Rent chargeable for Quarters.*

55. If an officer occupies, for the purpose of residence, the whole or part of a building belonging to or occupied by the State Government, the Governor may direct that a fair and reasonable sum as rent therefor be deducted from such officer's salary, and the amount of such sum, not exceeding ten per centum on the salary of such officer, shall be fixed by the Governor on the recommendation of the Commissioner or by officers specially or generally appointed for the purpose by the Governor. In calculating for any purpose the rate of salary of such officer, the amount so deducted as rent shall be deemed and taken to be part of his salary.

Rent charged to officers residing in Government buildings.

Com. P. S. Act, s. 64.

But no officer shall be subject to any deduction from his salary as rent of any premises he may continue to occupy, if at the commencement of this Act such premises were occupied by him free of rent.

*Incapacity of Officers.*

56. If an officer appears to the Commissioner, after a report from the Permanent Head, to be unfit to discharge or incapable of discharging the duties of his office efficiently, the Commissioner shall inquire and determine whether it is proved that such officer is unfit to discharge or incapable of discharging the duties of his office, and the Governor, on the recommendation of the Commissioner, may deal with such officer either by calling upon such officer to retire from the Public Service or by transferring him to some other position; and every such officer, if called upon to retire, shall retire accordingly.

Services of incapable officer may be dispensed with.

Com. P. S. Act, s. 65.

*Forfeiture of Office.*

57. (1.) If an officer is, on an indictment, convicted of any offence, he shall be deemed to have forfeited his office, and shall thereupon cease to perform his duties or receive his salary.

Forfeiture of office in certain cases.

Com. P. S. Act, s. 66 (1).

(2.) If the estate of an officer is sequestrated, either voluntarily or compulsorily, for the benefit of his creditors, such officer shall apply, as soon as he may legally do so, to a court of insolvency for a certificate of discharge. If it appears to such court that the applicant

Services dispensed with for fraudulent bankruptcy.

N.S.W., 1902, No. 31, s. 61 (2).

has been guilty of fraud, dishonourable conduct, or extravagance, such court shall direct the clerk of the court thereupon to report the same to the Minister or Permanent Head or chief officer of the department in which such officer is employed. If such officer does not apply as aforesaid for such certificate of discharge, or if he applies, and it appears from the report that such officer has been guilty of fraud, dishonourable conduct, or extravagance, such officer may be dismissed from the Public Service, or reduced to a lower division, class, or grade therein, or fined, reprimanded, or otherwise punished by order of the Governor.

### *Penalties.*

Fines to be stopped from salary.  
Com. P. S. Act,  
s. 67.

**58.** On receiving notice of any pecuniary penalty imposed upon or of any order for the payment of costs made against any officer under the authority of this Act, the officer who pays the salary of the officer so punished, or against whom any such order is made, shall deduct the amount thereof from such salary.

### *Leave of Absence and Holidays.*

Annual leave for recreation.  
64 Vict., No. 21,  
s. 28.

**59.** (1.) Every officer shall be entitled to annual leave of absence for recreation for two weeks on full pay.

(2.) The time for taking annual leave shall, in every case, be approved by the Minister.

(3.) With the written consent of the Minister, annual leave for recreation may, when the convenience of the department is served thereby, be allowed to accumulate for not exceeding six weeks altogether.

(4.) The period of leave of absence for recreation which may be granted to officers stationed in places remote from large centres of settlement, or whose duties cannot ordinarily be performed within regular hours, shall not necessarily be limited to two weeks, but shall be limited as may be prescribed.

Deduction of pay for unauthorised absence.  
Com. P. S. Act, s. 68  
(3).

**60.** When the absence of an officer is not sanctioned, there shall be deducted from his salary his pay for each day or portion of a day of such absence.

Leave on the ground of illness or necessity.  
Cf. Com. P. S. Act,  
s. 68 (1).  
*Ibid.*, s. 69.

**61.** (1.) In cases of illness or other pressing necessity, the Minister may grant to any officer extended leave for not exceeding two months, and the Governor may, subject to the regulations, grant such leave for not exceeding twelve months, on such terms as may be prescribed.

(2.) Where, in case of illness, any officer who has received extended leave of absence for twelve months is not so far recovered as to be able to resume his duties, the Governor may grant such officer further leave of absence.

(3.) For such further leave of absence no salary or allowance shall be paid to such officer.

(4.) Leave of absence in case of illness shall not be reckoned as nor included in leave of absence for recreation.

**62.** (1.) On the application of any officer, the Governor, on the recommendation of the Commissioner, may grant to him leave of absence without pay for any period not exceeding twelve months.

Leave without pay.  
Com. P. S. Act, s. 70.

(2.) The period during which any officer is absent on leave granted pursuant to this section shall not for any purpose be included as part of such officer's period of service.

**63.** (1.) The Governor, on the recommendation of the Commissioner,—

Long service leave.  
2 Edw. VII., No. 16,  
s. 5.

(a.) may grant to any officer, who has continued in the Public Service for at least fourteen years, long service leave for six months on full pay, or twelve months on half pay ;

(b.) may grant to any officer, who has continued in the Public Service for seven years, long service leave for three months on full pay, or six months on half pay ;

(c.) may grant to any officer employed Northward of the twenty-fifth parallel of South latitude such leave of absence, on full pay or half pay, as he may deem fit ;

(d.) may grant to any officer who, before the eleventh day of December, One thousand nine hundred and two, had continued in the Public Service for six years without long service leave, the leave mentioned in section twenty-nine of the Public Service Act, 1900.

(2.) In computing service under this section, service prior to the commencement of this Act shall be included.

**64.** The following days shall be Public Service holidays throughout the service:—

Holidays.  
64 Vict., No. 21,  
s. 30.  
2 Edw. VII., No. 16,  
s. 6.

(a.) New Year's Day.

Good Friday.

Easter Eve.

Easter Monday.

Christmas Day.

The 26th day of December.

(b.) The anniversary of the Birthday of the Sovereign.

Foundation Day (1st day of June).

Proclamation of Self-Government (21st day of October).

(c.) Also all days which the Governor may appoint, and which shall be notified in the *Government Gazette* as Public Service holidays.

Whenever any of the days mentioned in subsection (b) fall on a day other than a Monday, the next following Monday shall be the holiday instead of such day.

Attendance on public holidays.  
Cf. 64 Vict., No. 21, s. 31.

**65.** The services of any officer may be required by the Minister on any Public Service holiday, but in such case such officer shall be granted in lieu thereof a holiday upon such other occasion as shall not interfere with public business.

#### *Retirement of Officers.*

Officers between sixty and sixty-five years of age entitled or may be called upon to retire.  
Com. P. S. Act, s. 73.

**66.** Every officer having attained the age of sixty years shall be entitled to retire from the Public Service if he desires so to do; but any such officer may (unless called upon to retire as hereinafter provided) continue in the Public Service until he attains the age of sixty-five years. If any such officer continues in the Public Service after he has attained the age of sixty years, he may at any time before he attains the age of sixty-five years be called upon by the Governor, on the recommendation of the Commissioner, to retire from the Public Service; and every such officer so called upon to retire shall retire accordingly.

Officers attaining age of sixty-five to retire unless required to continue.  
Com. P. S. Act, s. 74.

**67.** Every officer shall retire on attaining the age of sixty-five years, unless he is required to continue to perform his duty in the Public Service as hereinafter provided, and is able and willing so to do.

Officers of age of sixty-five may be continued in Public Service by Governor.  
Com. P. S. Act, s. 75.

**68.** Notwithstanding that an officer has attained the age of sixty-five years, if the Commissioner certifies that in the interests of the Public Service it is desirable that such officer should continue in the performance of the duties of his office or of any office in the Public Service to which he may be appointed, and that such officer is able and willing to do so, the Governor may direct such officer to continue in the service for not exceeding such time as the Governor in each case directs, or during pleasure.

#### *Life Insurance.*

Non-application to certain officers.  
Cf. Com. P. S. Act, s. 51.

**69.** The six next following sections shall not apply to any officer appointed to the Public Service before the commencement of this Act, or to any person exempted under the provisions of sections twenty-nine and thirty-five, or to any person temporarily employed.

Appointee to insure his life.  
Cf. Com. P. S. Act, s. 52.

**70.** Subject to the provisions of this Act, every officer, on the confirmation of his appointment, shall effect an insurance of his life with some life insurance company or society approved



by the Governor, registered and carrying on business in the State, providing for such benefits as may be prescribed, and for increasing from time to time the amount insured: Provided that this section shall not apply to any officer who at the time of his appointment is already insured in such company or society for benefits equivalent to those prescribed.

**71.** Such insurance shall be continued by the insured, and not allowed to lapse, and the amount thereof shall be increased by the insured from time to time in proportion as nearly as practicable to his salary as may be prescribed.

Provision for increase of amount of policy.  
Com. P. S. Act, s. 53.

**72.** No such policy of insurance shall at any time be assignable or transferable either at law or in equity, or be mortgaged or charged in any way either wholly or in part; and the moneys thereby secured and the property and interest under such policy of the person insured shall be wholly exempt from the operation of any laws in force relating to bankruptcy, and shall not be liable to be seized, levied upon, attached, or sold upon, by, or under any legal process, or in case of his death shall not be assets for the payment of his debts.

Policy not assignable, and to be exempt from insolvency laws, etc.  
Com. P. S. Act, s. 54.

**73.** A copy of the last preceding section shall be indorsed on every policy of insurance issued for the purpose of compliance with the provisions of this Act.

Indorsement of policy.  
Com. P. S. Act, s. 55.

**74.** It shall be the duty of the company or society insuring any officer to notify in writing to the Permanent Head whenever the premiums of such officer are more than two months in arrear, or whenever any policy is liable to lapse within one month, and to state the exact amount of arrears of premiums and fines (if any) payable thereon, and such amount, if not sooner paid by the officer, may be deducted from the next payment that shall become due to such officer on account of salary, and shall be paid to such company.

Deduction from salary of premiums in arrear.  
Com. P. S. Act, s. 56.

**75.** (1.) Where a person is unable to insure his life, or is unable to insure his life without a loading of five years or more being made upon his age, and in such latter case is unwilling to insure his life, he shall not thereby be disqualified for appointment or promotion, but a prescribed deduction shall be made at prescribed times from such person's salary.

Provision for inability to insure.  
Com. P. S. Act, s. 57.

(2.) Such deductions shall be invested and accumulated in the prescribed manner by the Colonial Treasurer; and such accumulations shall, during the continuance of any such person in the Public Service, be protected as hereinbefore prescribed with respect to moneys received by and property and interest under policies of insurance, and shall be paid in full without any deduction and with all interest accumulated thereon to such person on his ceasing to be a member of the Public Service or to his representatives on his death, whichever

shall first happen, and in case of his death shall not be assets for the payment of his debts.

*Public Notifications.*

Notices to be  
gazetted.  
Com. P. S. Act, s. 76.

**76.** Notices of all appointments, promotions, transfers, retirements, vacations of office, or removals of officers, and of all Orders in Council or Proclamations under this Act, shall be published in the *Government Gazette* within twenty-eight days after the making thereof by the Governor, and every such notice shall be deemed and taken to be conclusive evidence of every such appointment, promotion, transfer, retirement, vacation of office, or removal, or of such Order in Council or Proclamation respectively.

*Service of Notices on Officers.*

As to officers whose  
address is unknown.  
Cf. Com. P. S. Act,  
s. 77.

**77.** (1.) In the event of the address for the time being of an officer being unknown to the Commissioner or any Permanent Head, as the case may be, all notices, orders, or communications to or for such officer shall be posted to the last-known address of such officer, and a notification of the fact of such posting shall be published in the *Government Gazette*.

(2.) So far as regards any such notice, order, or communication, compliance with subsection one of this section shall be deemed a sufficient service of such notice, order, or communication on an officer whose address is unknown as aforesaid.

(3.) Where any such notice, order, or communication relates to any charges made against an officer, then if within a time specified in such notice, order, or communication no answer is received by the authority asking whether the officer admits the truth of such charges, he shall be deemed to deny the truth of such charges, and such charges may be inquired into and dealt with in the absence of the officer affected.

*Commonwealth and State Officers.*

Service in Common-  
wealth not to  
disqualify for State  
service.

**78.** The fact that any person is an officer of the Public Service of the Commonwealth shall not disqualify him from also executing the duties of an office in the Public Service of the State.

Officer of Common-  
wealth may  
discharge State  
functions.

Cf. Com. P. S. Act,  
s. 36.

**79.** (1.) The Governor may arrange with the Governor-General for the performance by an officer in the Public Service of the Commonwealth for the Government of the State of any work or services or for executing the duties of any office in the Public Service of the State.

Consequent  
arrangements to be  
made.

(2.) In any such case the Governor may, by agreement with the Governor-General or otherwise, make arrangements for determining—

(a.) the rate of payment to be made by the Government of the State for the Services to be performed or the work done for the State by such officer; and

- (b.) any matters which may require to be adjusted with regard to the performance of such duties or execution of such work by such officer.

**80.** Where an officer of the State performs some duties for the Government of the Commonwealth, it shall be lawful for the Governor, by agreement with the Governor-General or otherwise, to make arrangements for determining—

Arrangement for performance of duties by officer.  
*Cf. ibid.*, s. 37.

- (a.) the rate of payment to be made by the Government of the Commonwealth for the services performed for the Commonwealth by such officer; and
- (b.) any matters which may require to be adjusted with regard to the performance of such duties by such officer.

**81.** It shall be lawful for the Governor, at the request of the Governor-General, to authorise and cause any work or services to be performed for the Government of the Commonwealth; and the Governor, by agreement with the Governor-General or otherwise, may make arrangements for determining—

Arrangement for performance of work or services for Commonwealth.  
*Cf. ibid.*, s. 38.

- (a.) the rate of payment to be made by the Government of the Commonwealth for the performance of such work or services; and
- (b.) any matters which may require to be adjusted with regard to the performance of such work or services.

*Performance of Work outside Public Service.*

**82.** (1.) Except with the express permission of the Governor, which permission may at any time be withdrawn, no officer shall—

Officer not to engage in duties unconnected with his office.

- (a.) accept or continue to hold an office in or under the Government or a paid office in or under any public or municipal corporation; or
- (b.) accept or continue to hold or discharge the duties of or be employed in a paid office in connection with any banking, insurance, mining, mercantile, or other commercial business, whether the same be carried on by any corporation, company, firm, or individual; or
- (c.) engage in or undertake any such business, whether as principal or agent; or
- (d.) engage or continue in the private practice of any profession; or
- (e.) accept or engage in any employment for reward other than in connection with the duties of his office or offices under the State or the Commonwealth.

Com. P. S. Act, s. 79.

Effect as to  
companies.

(2.) Nothing herein contained shall be deemed to prevent an officer—

(a.) from becoming a member or shareholder only of any incorporated company or of any company or society of persons registered under any statute; or

N.S.W., 1902, No. 31,  
s. 68 (5).

(b.) from accepting and continuing to hold any office in any society founded under the law relating to friendly societies for the benefit of public servants only.

#### *Superannuation.*

Superannuation.

**83.** The provisions of the Superannuation Act shall not apply to any person appointed to the Public Service after the commencement of this Act; and nothing in this Act contained shall be deemed to confer on any person whomsoever any right or privilege under the said Act.

#### *Regulations.*

Regulations.

Com. P. S. Act, s. 80.

**84.** The Governor may make, alter, or repeal regulations for the carrying out of any of the provisions of this Act, and in particular for all or any of the following purposes, namely:—

- (a.) The establishment, alteration, or abolition of any department;
- (b.) for arranging the Professional Division and the General Division into classes and grades, and for determining the limits of salaries and wages to be paid to persons in such classes or grades in the different departments or in any specified department;
- (c.) for the conditions under which officers of the Clerical and General Divisions may be transferred to the Professional Division, and the conditions under which officers may be transferred from the General Division to the Clerical Division;
- (d.) for examinations, for fixing the fees payable for entrance examinations, and for registering in the order of merit the names of all persons who have passed the entrance examinations, and of those candidates who, having qualified at any such examination, may be appointed to fill subsequent vacancies arising within nine months thereof;
- (e.) for prescribing the rates of salaries or wages for women employed otherwise than in the Clerical Division, and the terms upon which the service of female officers may be dispensed with upon their marriage: Provided that nothing herein shall be taken to permit the employment of any married woman, except upon the certificate of the Commissioner in each case that such employment is desirable;
- (f.) for constituting in any part of the State, or for any locality or office in any locality, boards of inquiry for the

- purpose of investigating charges against any officer for breaches of the provisions of this Act or any regulations thereunder, or of being unfit to discharge or incapable of discharging the duties of his office efficiently, or of committing any offence for which an officer may be suspended from duty, and for regulating the procedure of such boards ;
- (g.) for regulating and fixing, for breach of any specified regulation, penalties not exceeding fifty pounds, according to the nature and gravity of the offence ;
- (h.) for regulating and determining the scale or amount to be paid to officers for transfer or travelling allowances or expenses, or for living in localities where the climatic conditions are severe, or in places where, owing to their situation, the cost of living is exceptionally high ; and providing for the relief and transfer of officers employed in any such locality after having been so employed for the period prescribed for that locality ;
- (i.) for prescribing the form of Register of applicants for temporary employment, and the mode of keeping the same, and the mode of selecting persons therefrom, and also the method of dealing with or punishing persons temporarily employed ;
- (j.) for regulating the hours of attendance of officers, and the keeping and signing of records of attendances, or prescribing other methods of recording attendances ;
- (k.) for regulating the performance of and payment of officers for extra services, and the payment of examiners, and members of the Appeal Board.
- (l.) for fixing the amount and nature of the security to be given for the fidelity of officers occupying positions the nature of which, in the opinion of the Commissioner, renders it necessary for such officers to find security for their fidelity ;
- (m.) for fixing the maximum or minimum age of persons who may be appointed to any particular division or class or grade or to any particular office ;
- (n.) for providing for a notification to the Commissioner of every punishment inflicted on any officer by virtue of this Act, and for keeping records thereof ;
- (o.) prescribing the lowest amount for which the lives of officers shall, having regard to their annual salary, be assured, and other matters in connection with the provisions of this Act relating to life assurance ;

- (p.) for determining the dates, times, or periods of time at or within which shall be done all things and acts required or permitted by this Act to be done, and in respect of which no dates, times, or periods of time are specifically provided; and
- (q.) for notifying all vacancies and the method of applying for such vacancies.
- (r.) for the conduct of elections of the elective member of the Appeal Board under the provisions of section fifty-one, and the procedure of the Board.

Publication of  
regulations in  
*Gazette.*

Regulations made pursuant to this Act may be made either generally or with respect to any particular case or class of cases, and when published in the *Government Gazette* shall have full force and effect; and such regulations shall be laid before both Houses of Parliament within seven days of publication in the *Government Gazette* if Parliament is in session and actually sitting, or if Parliament is not in session or not actually sitting, then within seven days after the commencement of the next session or sitting.

Every officer shall be entitled to a copy of this Act and the regulations free of charge.

## First Schedule.

Sec. 3.

Date.	Title.	Extent of Repeal.
64 Vict., No. 21 ...	The Public Service Act, 1900 ...	The whole
2 Edw. VII., No. 16	The Public Service Act Amendment Act, 1902	The whole

## Second Schedule.

Sec. 21

*Scale showing rates of annual salaries of officers of the Clerical Division.*

Class.	Annual Salary of Grade.			
	First Grade.	Second Grade.	Third Grade.	Fourth Grade.
	£	£	£	£
A ...	450	435	420	405
B ...	380	365	350	335
C ...	315	300	285	270
D ...	250	240	230	220
E ..	200	190	180	170
F ...	150	140	130	120
G ...	100	{ 90 { 80	70 60	50 40