



Western Australia.

ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

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No. XXI.

AN ACT relating to the Public Service.

[Assented to, 5th December, 1900.]

BE it enacted by the Queen'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:—

1. THIS Act may be cited as the Public Service Act, 1900.

Short title.

2. THIS Act shall commence on a day to be fixed by proclamation, except as to the powers of making regulations, which shall commence immediately this Act is assented to.

Commencement of Act.

3. THIS Act shall be divided into six parts, namely—

Parts of Act.

PART I.—PRELIMINARY :

PART II.—THE PUBLIC SERVICE :

PART III.—APPOINTMENT OF PUBLIC SERVANTS :

PART IV.—DUTIES AND PRIVILEGES OF PUBLIC SERVANTS :

PART V.—REMOVALS OF PUBLIC SERVANTS :

PART VI.—MISCELLANEOUS.

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### PART I.—PRELIMINARY.

Interpretation.

4. IN this Act, except where some other meaning is clearly intended—

“Public Service” means the Public Service of Western Australia as defined by section seven:

“Minister” means the Minister of the Crown controlling the Department:

“Head of Department” means the public servant under the Minister in chief control of the Department:

“Department” means a department of the Public Service constituted pursuant to this Act:

“Division” means a division of the Public Service similarly constituted:

“Gazetted” means published in the *Government Gazette*:

“Regulations” means Public Service regulations:

“Prescribed” means prescribed by this Act or regulations.

Exemptions

5. NOTHING in this Act shall apply to—

(a.) The Governor:

(b.) Ministers of the Crown:

(c.) Judges of the Supreme Court:

(d.) The Agent General:

(e.) The Auditor General:

(f.) The Chief Clerk of the Legislative Council and of the Legislative Assembly respectively:

(g.) Honorary Officers:

(h.) Members of the Naval and Military Forces other than the Permanent Staff:

(i.) Government School Teachers:

(j.) Railway Servants whose appointment is in the power of the Commissioner of Railways under authority delegated to him by the Governor:

(k.) Members of the Police Force, except the Commissioner and Inspectors of Police:

(l.) Any other class of officers excepted by the Governor.

Not to operate as appropriation of revenue.

6. NOTHING in this Act shall operate as an appropriation of revenue.

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### PART II.—THE PUBLIC SERVICE.

7. THE Public Service includes all persons employed in the Public Service of Her Majesty, with the exception of persons employed at a daily or weekly rate of wages, or whose appointment is expressed to be temporary, or who, not being in the Professional or Clerical Division, are not continuously employed for at least one year. Public Service.
8. THE Public Service consists of— Public Service.  
(a.) Divisions :  
(b.) Departments.
9. THE divisions of the Service are three, as follows:— Divisions of Public Service.  
(1.) The Professional Division, including all public servants whose duties require special skill or technical knowledge :  
(2.) The Clerical Division, including all public servants whose duties chiefly require clerical skill :  
(3.) The Non-Clerical Division, including all other public servants.
10. A DEPARTMENT is constituted of each branch of the Service, being the office of a Minister or communicating directly therewith. Departments.
11. THE Governor shall decide the constitution of all divisions and departments. Governor to decide divisions and departments.
12. THE Governor may transfer any department to or from the control of any Minister. Transfer of Departments.
13. THE Governor shall, according to the work of each department, annually determine— Work determined.  
(a.) The number of public servants required for the efficient working of each department ; and  
(b.) The work to be done and the pay to be received by each.
14. NO public servant whose pay is once determined by the Governor and approved by Parliament shall afterwards, whilst doing the same work, suffer any loss or reduction of pay, except as follows:— Security of official status.  
(a.) On abolition of office ; or  
(b.) On removal ; or  
(c.) By reduction by Parliamentary vote of the amount proposed on the annual Estimates ; or

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(d.) On reduction affecting generally the Public Service recommended by the Governor and accepted by Parliament.

Transfer from one office to another.

15. PUBLIC servants may be transferred from one office to another; and in case of abolition of any office the Governor, in lieu of dispensing altogether with the services of the last holder, may appoint him to some other office.

Departmental confidential reports.

16. EVERY head of a department shall furnish to the Minister once in each year, and at such other times as the Minister may direct, confidential reports upon the conduct and efficiency of every public servant employed in his department.

PART III.—APPOINTMENT OF PUBLIC SERVANTS.

Appointments.

17. ALL appointments to the Public Service shall be made by the Governor, or by the Minister under authority delegated to him by the Governor.

Appointment to vacancies.

18. VACANCIES in the Public Service shall, so far as practicable, be filled by the appointment of some public servant in the division and department in which the vacancy occurs.

Appointments to vacancies.

19. IF some public servant in another division or department has a greater claim to be appointed to the vacant office, he may be appointed to such office.

In comparing claims, regard shall be had to the relative seniority of the applicants and their qualifications for the vacancy.

If there is no qualified public servant willing to fill the vacancy, some person not in the Public Service may be appointed.

Age of appointment.

20. NO person shall be eligible for appointment to other than the Non-Clerical Division unless he shall have attained the age of sixteen years, nor unless he shall have passed the prescribed examinations.

PART IV.—DUTIES AND PRIVILEGES OF PUBLIC SERVANTS.

Duties.

21. EVERY public servant shall faithfully, capably, and diligently discharge his duties, and shall observe the Public Service Regulations.

Fees or remuneration not to be received.

22. NO fee, reward, or remuneration of any kind whatsoever, beyond his official emoluments, shall be received for his private use by any public servant for any service rendered in the course of or in connection with his employment, nor shall any public servant accept

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any paid employment from any employer other than the Government, without the consent in writing of the Minister controlling his department.

**23.** NO address or testimonial shall be accepted by any public servant, in respect of his official duties, without the sanction in writing of the Minister of his department. Addresses and testimonials.

**24.** NO official information out of the strict course of official duty shall be given, directly or indirectly, by any public servant, without the express direction or permission of a Minister. Information not to be given.

**25.** NO public servant shall make any communication, directly or indirectly, to the press upon any matter affecting the department in which he serves, or the business or the officers thereof, or relating to the Public Service, or his own official position or acts, or upon any political subject or question connected with Western Australia, without the express permission or authority of a Minister. Communications not to be made to the Public Press.

**26.** PUBLIC servants are expressly forbidden from taking part in any political affairs, otherwise than by the exercise of the franchise. Any public servant who uses for political purposes information gained by him in the course of duty shall be summarily dismissed. Political affairs.

**27.** NO payment for overtime shall be allowed to public servants in receipt of annual pay, except by the special approval of the Governor ; and in such cases where overtime is given and not paid for, such overtime shall be duly recorded. No overtime in certain cases.

**28.** PUBLIC servants shall be entitled to annual leave of absence as under:— Leave of absence. Annual leave.

(a.) For recreation for two weeks on full pay:

(b.) The time for taking annual leave shall in each case be approved by the Minister, and the Minister may, for sickness or special necessity, grant extended leave, not exceeding two months, on any terms thought fit:

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

**29.** PUBLIC servants shall be entitled to long service leave as under:— Long service leave.

(a.) For six years' continuous service, except during annual leave of absence, three months on full pay and three months on half pay:

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(b.) The time for taking long service leave shall, in each case, be approved by the Governor, and the Governor may, for sickness or special necessity, grant extended long service leave on such terms as may be thought fit.

Holidays.

**30.** THE following days shall be Public Service Holidays throughout the Service :—

(a.) New Year's Day.

Good Friday.

Easter Eve.

Easter Monday.

Christmas Day.

The 26th day of December.

(b.) The Birthday of the Sovereign.

Coronation Day.

The Prince of Wales' Birthday.

The Anniversary of the Foundation of the Colony (1st day of June).

The Anniversary of the Settlement of Australia (26th day of January).

Proclamation Day (21st day of October).

(c.) Also all days which the Governor may appoint, and which shall be gazetted as Public Holidays.

Whenever any of the holidays mentioned in sub-section (b) fall upon a day other than a Monday, the following Monday shall be a holiday instead of such day.

Attendance on Public Holiday.

**31.** THE services of any public servants may be required by the Minister on any Public Service holiday, but in such case such public servants shall be allowed another holiday in lieu thereof.

Absent officers' duties, how performed.

**32.** THE duties of any absent public servant shall be performed without additional pay by the other public servants of the department, or, should this be impracticable, then in such manner as the Minister may direct.

## PART V.—REMOVALS OF PUBLIC SERVANTS.

Charges against officers.

**33.** WHEN any public servant is reported as guilty of—

(a.) Conduct rendering him unfit to remain in the Service ; or

(b.) Breach or non-observance of this Act or any regulation ; or

(c.) Want of fidelity, capacity, or diligence in the discharge of his duties :

he may be suspended by the Minister, and shall thereupon be furnished with a written copy of the charge.

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**34.** IF any suspended public servant shall deny the truth of such charge, and demand, in writing, an inquiry, the Governor shall appoint a board to inquire as to the truth of such charge, and such board shall have authority to hear, receive, and examine evidence, and shall, after fully hearing the case, report to the Governor thereon. There may be paid to any member of the board, in addition to all expenses necessarily incurred, such reasonable remuneration as the Governor approves.

Public servant may demand inquiry.

**35.** AFTER the receipt of the report, or if the suspended public servant shall not have demanded an inquiry, then at any time the Governor may—

Proceedings by the Governor.

- (a.) Cancel the suspension and restore the public servant to his office ; or
- (b.) Remove him from the service ; or
- (c.) Reduce him to a lower position or pay ; or
- (d.) Deprive him, for such time as may be thought fit, of any of the privileges of a public servant.

**36.** UNLESS it shall be otherwise specially ordered by the Governor—

Payment of salaries after suspension.

- (a.) If any public servant be suspended pending any inquiry into any charge against him, and he be afterwards removed from the service, he shall receive no pay from the date of his suspension :
- (b.) If he be reduced, the reduced rate of pay shall take effect from the date of his suspension :
- (c.) If he be restored, he shall receive arrears of pay in full from the date of his suspension.

**37.** IF any public servant be convicted of felony, or of misdemeanour punishable by statute by imprisonment for twelve months or more, or be adjudicated bankrupt or insolvent, or take the benefit of any law for the relief of insolvent debtors, he shall forfeit his office.

Forfeiture of office in certain cases.

**38.** WHEN any such public servant has forfeited his office by reason of pecuniary embarrassment, if he prove to the satisfaction of the Governor that such embarrassment has not been caused or attended by any fraud or dishonourable conduct on his part, the Governor may restore him to his former position.

Insolvent officer may be reinstated in the absence of fraud.

**39.** THE Governor may require any public servant who has attained the age of sixty years, or who has become incapacitated for the efficient performance of his duties, to resign his office, and in event of non-compliance may remove him.

Incapacitated officers.

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Permanent officers.

**40.** ALL officers who have been continuously employed for a period of two years, and whose services it is not intended to dispense with at an early date, shall, for all the purposes of this Act, be treated as permanent officers.

### PART VI.—MISCELLANEOUS.

Regulations.

**41.** PUBLIC Service regulations may be made by the Governor—

- I. For prescribing the examinations to be passed by persons desiring to enter the Public Service :
- II. For the definition of the duties of public servants and securing the discharge of such duties, and the observance of proper discipline and the hours of attendance :
- III. For prescribing the allowances to public servants travelling on duty :
- IV. For giving effect to any provision or purpose of this Act :
- V. For the classification of the Public Service.

Regulations to be laid before Parliament.

**42.** NO Public Service regulation made by the Governor shall be of any force until gazetted, and all such regulations shall be laid before both Houses of Parliament, within fourteen days after the making thereof if Parliament be then sitting, or if not, then within fourteen days after the commencement of the next Session of Parliament.

Notices to be gazetted.

**43.** ALL notices of appointments, retirements, removals, and dismissals shall be gazetted, and the *Gazette* notice shall be deemed and taken to be conclusive evidence of every such appointment, retirement, removal, or dismissal, and of the validity thereof.

Public servants entitled to copy of Act and Regulations.

**44.** EVERY public servant shall be entitled, free of charge, to one copy of this Act and of all regulations affecting his department ; and also to a copy of the report of any Board which has investigated any charge made against him.

In the name and on behalf of the Queen I hereby assent to this Act.

ALEX. C. ONSLOW, Administrator.