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Crown Law Department,
Perth, 21st June, 1974.

THE undermentioned Regulations made under the provisions of the Public Service Act, 1904, and amended from time to time up to and including the 5th October, 1973, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954 by authority of the Minister for Justice.

R. M. CHRISTIE,
Under Secretary for Law.

PUBLIC SERVICE ACT, 1904.

PUBLIC SERVICE REGULATIONS, 1964.

Published in the *Government Gazette* on the 14th October, 1964 and incorporating the amendments thereto published in the *Government Gazette* on the 29th September, 1967; the 6th March, 1968; the 30th October, 1970; the 10th September, 1971; the 17th September, 1971; the 23rd June, 1972; the 20th October, 1972 and the 5th October, 1973, and the amendments that, pursuant to the provisions of section 8 of the Decimal Currency Act, 1965, are deemed for the purposes of this reprint to be amendments to the regulations; and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954 by authority of the Minister for Justice, dated 21st June, 1974.

PUBLIC SERVICE ACT, 1904.

PUBLIC SERVICE REGULATIONS, 1964.

PART I.—PRELIMINARY.

1. These regulations may be cited as the Public Service Regulations.¹ Citation.
2. (1) All regulations made under the Act before the date on which these regulations have the force of law are repealed.
(2) Section seventeen of the Interpretation Act, 1918, applies in respect of the repeal effected by this regulation, but the express reference to that section does not exclude the application to these regulations of the other sections of that Act.
3. These regulations are divided into Parts as follows:—
 - PART I—PRELIMINARY, Reg. Nos. 1-5.
 - PART II—HOURS OF DUTY, Reg. Nos. 6-20.
 - PART III—DUTIES OF OFFICERS, Reg. Nos. 21-55.
 - PART IV—APPOINTMENTS, TRANSFERS AND PROMOTIONS, Reg. Nos. 56-78.
 - PART V—LEAVE OF ABSENCE, Reg. Nos. 79-89.
 - PART VI—OFFENCES, Reg. Nos. 90-98.
 - PART VII—MISCELLANEOUS, Reg. Nos. 99-106.
 - PART VIII—TEMPORARY EMPLOYMENT, Reg. Nos. 107-116.
4. Except where otherwise expressly provided these regulations apply to all officers.
5. In these regulations, unless the contrary intention appears—
 - "administrative instruction" means an instruction in writing issued by the Board relating to any matter within its jurisdiction under the Act;
 - "Head of the Sub-department" in relation to a Sub-department means the officer who is in charge of the Sub-department;
 - "Officer in Charge" in relation to an officer or temporary employee, means the officer responsible to the Permanent Head of a Department or if the organisation of a Department so provides, to the Head of a Sub-department for the work performed by other officers or temporary employees employed in the Department or Sub-department;
 - "the Act" means the Public Service Act, 1904.

PART II.—HOURS OF DUTY.

6. Except where the Board otherwise approves, the hours of attendance at work to be observed by officers shall be from 8.15 a.m. to 4.30 p.m. with the interval of forty-five minutes from 12.45 p.m. to 1.30 p.m. Monday to Friday inclusive.

Reg. 6.
Substituted
by G.G.
5/10/73,
p. 3656.

¹ In this reprint all references to the "Public Service Commissioner" and "the Commission" have been changed to the "Public Service Board" and "the Board" wherever appropriate. See Public Service Act, 1904-1973, s. 5(2).

7. Except where otherwise provided by any enactment, or under these regulations, the minimum period during which departmental offices shall be open to the public for business shall be between the hours of 10 a.m. and 3.30 p.m. Monday to Friday.

8. When and as often as it is necessary to overcome arrears of work or to meet pressure of business, any officer may be required by the Permanent Head of the Department, wherein he is employed, to perform duty at times other than the hours of attendance prescribed by or under these regulations.

9. The Permanent Head of a Department may, in the public interest, require any officer employed in the Department to attend for duty on a Saturday or on a Public Service holiday, as defined under section fifty-seven of the Act.

10. (1) The Permanent Head of a Department may require any officer employer therein to attend for duty on a Sunday, but—

- (a) an officer who objects on the grounds of conscientious belief to work on a Sunday is not liable to dismissal or punishment or other disability for refusing on those grounds to so work if he has previously notified the Permanent Head, in writing, that he has such a conscientious belief and that belief is genuine;
- (b) where an officer refuses on the grounds of conscientious belief to work on a Sunday when required so to do by the Permanent Head, if the conscientious belief is not genuine he is guilty of an offence against these regulations and may be dealt with under and in accordance with the provisions of section forty-two of the Act;
- (c) the provisions of paragraphs (a) and (b) of this subregulation do not apply to an officer whose normal duties take him into the field on visits extending over a weekend and who may be required to perform some duty on a Sunday.

(2) For the purposes of this regulation, conscientious belief includes a conscientious belief whether the grounds for the belief are or are not of a religious character and whether the belief is or is not part of the doctrine of any religion.

11. (1) Subject to regulation 12 of these regulations, in every department attendance books shall be kept in such form as the Board directs and an officer appointed by the Permanent Head of the Department or Head of the Sub-department therein has charge of the attendance books and is responsible for the proper keeping thereof.

(2) (a) All officers, except Permanent Heads of Departments and Heads of Sub-departments, and any who may be exempted by the Board, shall personally enter in the appropriate attendance book on each day on which he is required to work as an officer, the respective times of—

- (i) his arrival at the Department or Sub-department to commence work on that day;
- (ii) his departure therefrom after finishing work on that day; and
- (iii) his departure therefrom before and return thereto after his luncheon hour.

(b) Where an officer does not leave his office or place of work during his luncheon hour of any day on which he is required to work, he shall personally enter in the appropriate attendance book the time of his commencing work after the luncheon hour of that day.

(3) (a) On each working day attendance books shall be available for signature by officers before the prescribed time of commencing work for that day and shall immediately after that time be withdrawn by the officer responsible for keeping the books.

(b) The officer so responsible shall rule a red line under the last signature then thereon appearing and initial the book immediately thereunder.

(c) The officer so responsible shall himself record the name of any officer arriving for work thereafter, together with the time of his arrival and the reason for the late arrival of the officer.

(4) Attendance books shall not be produced on any day for recording the time of departure from work of officers before the time prescribed for ceasing work on that day.

12. (1) A recorder may be used within any Department or Sub-department for the purpose of recording on each working day the respective times of the arrival of each officer at the Department or Sub-department for work on that day, his departure therefrom before and return thereto after his luncheon hour and the departure of each officer therefrom after the officer has ceased work on that day.

(2) The provisions of this regulation apply instead of the provisions of regulation 11 of these regulations in relation to officers who are required by the Permanent Head to record times of arrival for work at, departure from and return to after the luncheon hour and departure after ceasing work from the Department or Sub-department by use of a recorder instead of by use of an attendance book.

(3) An officer appointed by the Permanent Head of a Department or the Head of the Sub-department shall supervise the use of the recorder and is responsible for reporting to the Permanent Head or the Head of the Sub-department concerned regarding the proper use of the recorder and the due observance by officers of the prescribed hours of attendance.

(4) (a) Each officer, with the exception of Permanent Heads of Departments and Heads of Sub-departments and any other officer who may be exempted by the Board, shall personally record in the recorder provided for the purpose on each day on which he is required to work in any department or Sub-department, the respective times of—

- (i) his arrival at the Department or Sub-department, or at the place where the recorder is provided, to commence work on that day;
- (ii) his departure therefrom after finishing work on that day; and
- (iii) his departure therefrom before and return thereto after his luncheon hour.

(b) Where an officer does not leave his office or place of work during his luncheon hour of any day on which he is required to work, he shall personally record in the recorder the time of his commencing work after the luncheon hour on that day.

(c) Officers shall personally record the respective times required to be recorded by them under this regulation in the order at which they arrive at the recorder for the purpose of so doing.

(5) For the purpose of this regulation, "recorder" includes any electrical or mechanical time recorder provided for the recording of times as required by this regulation.

13. Where the Permanent Head of a Department certifies that it is not practical to apply the provisions of regulations 11 and 12 of these regulations in any particular country or remote district of the State, the officers employed in that Department who are employed in any such district shall send to the Permanent Head not later than seven days next following the last working day in the months of March, June, September and December of each year, a return in a form provided by the Board setting out the respective times of their attendances and departures from their place of work on each working day during the three months ending on the last working day in the months of March, June, September and December.

14. Except where the Permanent Head of a Department otherwise directs in writing, every officer while not immediately under the supervision of a superior officer, shall keep a monthly journal in a form provided by the Permanent Head and approved by the Board showing in respect of each working day the duties performed by the officer on that day and the time occupied therein, and each officer shall forward a copy of that journal to his Officer-in-Charge for transmission to the Permanent Head, not later than seven days next following the last working day in each month.

15. A written report shall be made by the officer responsible for the proper keeping of an attendance book or a time recorder to the appropriate Permanent Head, with respect to the conduct of any officer who—

- (a) fails to give a satisfactory explanation why he is late in arriving for duty at, or early in his departure after ceasing duty from, his office or place of work;
- (b) is frequently late in the time of his arrival for duty at his office or place of work; or
- (c) is, during his hours of duty, absent from duty without the express permission of an officer authorised to give that permission.

16. An officer—

- (a) who is frequently late in attending for duty;
- (b) who frequently ceases duty before the time until which he is required to perform duty on any day or until which he is required to perform duty before the commencement of a meal break;
- (c) who is during his hours of duty, absent from duty without the express permission of an officer, duly authorised to give that permission; or
- (d) who being prevented by illness or other emergency from attending for duty does not, as soon as he may do so, report the fact through his Officer-in-Charge to the Head of the Sub-department or Permanent Head of the Department wherein he is employed,

commits a breach of these regulations and is liable to such punishment, as may be determined, under the provisions of section forty-two of the Act.

17. The Permanent Head of a Department shall, when and as often as he is requested by the Board to do so, forward to the Board a list in respect of any such period as is specified in such request, of the names of the officers employed in the Department showing against each name—

- (a) the number of times an officer has during that period failed to observe the prescribed hours of duty;
- (b) the number of occasions the Head of the Sub-department or the Permanent Head of the Department wherein the officer is employed has refused to accept the explanation given by the officer as to why he has so failed, as a reasonable one;
- (c) the disciplinary action taken by the Permanent Head against the officer who has failed to so observe the prescribed hours of duty; and
- (d) such further information with respect to any such officer as the Board may from time to time in writing require.

18. Where an officer is prevented by illness or other emergency from attending for duty he shall as soon as he may do so, report the fact through his Officer-in-Charge to the Head of the Sub-department or the Permanent Head of the Department where he is employed and supply such evidence of the illness or emergency as the Head of the Sub-department or the Permanent Head may require.

19. Where an officer absents himself from duty without lawful excuse or if no satisfactory explanation is given by him for such absence, the Permanent Head of the Department wherein the officer is employed may cause to be deducted from the salary of that officer the amount of his pay for each day or portion of each day, as the case may be, during which the officer is so absent.

20. An officer shall not except with the express permission of the Permanent Head of the Department or the Head of the Sub-department wherein he is employed, absent himself from any town or district at any time during which he is required to be on duty therein, or reside therein for the purpose of his duty.

PART III.—DUTIES OF OFFICERS.

21. (1) Every Permanent Head of a Department shall—
- (a) effect economy in dealing with, and in the use of, all Crown property, in the methods of working, and in the number of officers employed in the Department;
 - (b) report in writing to the Board, wherever the necessity arises, any alterations that are, in his opinion, necessary or expedient for the more economical, efficient, or convenient working of the Department or any Branch thereof;
 - (c) report in writing to the Board what alterations, if any, are in his opinion, necessary in the salaries or allowances of any of the officers under his control;
 - (d) bring to the notice of the Board any matter, whether in relation to any officer employed in the Department or to the work of the Department, in respect of which he thinks the Board should be acquainted;
 - (e) develop and maintain an efficient departmental training programme designed to equip officers employed or to be employed therein with the knowledge, skill and attitudes needed to—
 - (i) effectively perform the duties assigned to them;
 - (ii) develop their capacity for the performance of more responsible duties; and
 - (iii) co-operate fully in rendering efficient and loyal service to the Public Service;
 - (f) actively support the activities of the central training programme administered by the Board and encourage officers to undertake courses of study consistent with departmental and Public Service policy;
 - (g) encourage officers to submit suggestions for increasing the efficiency of the Department or of any Branch thereof, or for diminishing the work to be performed or the expenditure to be incurred; and
 - (h) investigate all suggestions made under paragraph (g) of this subregulation and forward those suggestions without delay to the Board, together with a report thereon and the name of the officer who has submitted the suggestions; and
 - (i) forward to the Board as soon as practicable after the receipt thereof all submissions made by an officer to the Board and addressed to the Board through the Permanent Head.
- (2) For the purpose of ensuring the better efficiency of any Department that is divided into Branches or Sections, the Permanent Head thereof shall hold regular staff meetings of senior officers.
- (3) The Permanent Head, before absenting himself on leave or on duty that necessitates travelling, shall notify the Minister to whom he is responsible for the management of the Department and arrange for an officer approved by the Board to be placed in charge of the Department during the period of his absence.
- (4) Notwithstanding that a duty is imposed on the Head of a Sub-department to report to the Permanent Head of the Department, neither the Permanent Head nor the Head of the Sub-department is thereby relieved of direct responsibility for the proper, efficient and economical administration of the Department.

(5) A Permanent Head is responsible to the Minister to whom he is responsible for the management of the Department for information that relates to the Department or any business done therein given by him to the press or to any person.

22. (1) (a) The Permanent Head of a Department—

(i) shall cause to be kept in the department a separate personal file and record of service for each officer employed in the Department; and

(ii) shall place the file and record in the personal custody of an officer.

(b) The officer shall keep the file and record under lock and key and not permit them to leave his possession except where directed by the Permanent Head to do so, or for the purpose of official action being taken in connection therewith as may be necessary from time to time.

(2) Except in the course of his duty, no officer is entitled to see his or the personal file and record of another officer without the written permission of the Permanent Head of the Department wherein the file and record is kept and if the Permanent Head refuses such permission the officer may apply in writing through the Permanent Head to the Board which may confirm the refusal of the permission or grant the permission.

(3) Personal files and records when forwarded from one office to another shall be placed under sealed cover and the cover shall be marked "Confidential" by the person forwarding thereon.

(4) An officer shall not, except for official purposes and then only upon the direction of the Permanent Head of the Department wherein a personal file and record of an officer is kept, copy or duplicate any personal file and record of an officer or any portion of a personal file or record.

23. (1) The Permanent Head of a Department shall furnish the Board, in the month of May in each year, with a written return of the name of each officer in that Department who has attained the age of sixty years or more, together with a written report in each case as to whether the officer is able and willing to continue to perform his duties in the Department.

(2) If the Permanent Head is of the opinion that any such officer should be retired on account of inability to perform his duties, he shall recommend accordingly in writing to the Board, stating the reasons for his so recommending.

24. (1) The Permanent Head of a Department may, on the retirement or resignation of an officer employed in the Department, issue to that officer a Certificate of Service in a form approved by the Board.

(2) No other written testimonial relating to the service of that officer in the Public Service shall be issued by any officer without the permission in writing of the Board.

25. When and as often as the Head of a Sub-department finds that the number of officers under his control is greater than is required to efficiently perform the current work of the Sub-department, he shall forthwith in writing report the circumstances to the Permanent Head of the Department who shall advise the Board accordingly.

26. (1) When and as often as the Head of a Sub-department is of opinion that it is necessary—

(a) to create a new office in the Sub-department or the Department of which the sub-department forms part; or

(b) to abolish an existing office therein,

he shall in writing advise the Permanent Head of the Department accordingly and the Permanent Head shall, if he agrees with such advice, report in writing to the Board, and recommend the creation or abolition of an office as the case may be.

(2) When and as often as the Permanent Head of a Department is of opinion that it is necessary—

- (a) to create a new office in the Department, or a Sub-department thereof; or
 - (b) to abolish an existing office therein,
- he shall report and recommend in writing to the Board accordingly.

27. (1) When and as often as it becomes necessary for the Permanent Head of a Department or Head of a Sub-department to submit an adverse report to the Board in relation to the conduct, diligence or efficiency of an officer, the following provisions apply—

- (a) before the report is recorded on the personal file and record relating to the officer, the report shall be brought under the notice of the officer and shall be initialled by him; and
- (b) if the officer desires to give an explanation in respect of the report or state any reasons for disagreeing therewith he shall reduce the explanation and reasons to writing and these shall be attached to the report, prior to its submission to the Board.

(2) The provisions of this regulation do not apply to the report required by the Board prior to confirmation of an officer's permanent appointment or to the report required by the Board in support of a temporary employee's application for permanent appointment.

28. Every Officer-in-Charge—

- (a) is responsible for office discipline and shall report to the appropriate Head of the Sub-department or the appropriate Permanent Head any breach of the Act or these regulations that comes to his knowledge;
- (b) who finds that the number of officers under his control is greater than the business being carried on by them, demands or can be reduced through re-arrangement of duties or improved method of working, shall report to the appropriate Head of the Sub-department or appropriate Permanent Head accordingly;
- (c) shall, subject to regulation 29, report to such Head of the Sub-department or Permanent Head any officer under his control who is inefficient, indolent or otherwise unsatisfactory; and
- (d) is responsible for ensuring that work of a minor nature is performed by junior officers.

29. (1) Where an Officer-in-Charge finds that an officer under his control is inefficient, indolent or otherwise performing his duties in an unsatisfactory manner, the Officer-in-Charge shall as soon as practicable thereafter advise the officer in writing of the fact.

(2) If that officer continues to be inefficient, indolent or to perform his duties in an unsatisfactory manner, the Officer-in-Charge shall report in writing the fact to the Head of the Sub-department and the Permanent Head of the department wherein the officer is employed.

(3) The Permanent Head shall advise in writing the Board of any officer in respect of whom he has been advised in accordance with this regulation and shall indicate any disciplinary action taken against the officer or considered necessary to be so taken.

30. Where during the prescribed hours for duty of an officer an Officer-in-Charge is of opinion that the officer under his control is unfit to properly perform his duties by reason of over indulgence in intoxicating liquor, he shall as soon as practicable thereafter, report the fact to the Head of the Sub-department and the Permanent Head of the Department wherein the officer is employed.

31. An officer who is responsible for the work and discipline of other officers in a district or in a Branch or Section of a Department may—

- (a) charge any of those officers who have committed an offence under the provisions of the Act and regulations with the commission of the offence; and

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- (b) suspend any of those officers from duty pending further action by the Permanent Head of the Department wherein the officers are employed,

but the powers conferred by this regulation are exercisable only in emergent cases and any such suspension shall be immediately reported to the Permanent Head.

32. Every officer shall—

- (a) devote himself exclusively and zealously to the discharge of his duties during the prescribed hours of duty that are applicable to him;
- (b) behave at all times with courtesy to the public, and give prompt attention to all reasonable requirements of the public;
- (c) maintain a high standard of personal appearance and neatness of dress;
- (d) obey promptly all lawful instructions given by any officer under whose control or supervision he is placed;
- (e) promptly and correctly carry out all duties appertaining to his office, or any other duty he is lawfully directed to perform; and
- (f) in due course and at proper times comply with, and give effect to, all enactments, regulations and administrative instructions made or issued for his guidance in the performance of his duties, or for governing the terms and conditions of his employment.

33. (1) An officer shall give the Permanent Head of the Department or Head of the Sub-department in which he is employed, at least one month's notice in writing of his intention to resign from the Public Service.

(2) An officer who fails to comply with the provisions of subregulation (1) of this regulation is guilty of an offence against these regulations.

Penalty: One hundred dollars.

34. An officer called upon by the Governor to retire from the Public Service pursuant to subsection (6) of section ten of the Act or pursuant to section forty-nine of the Act shall be given one month's notice in writing by the Board of intention to so retire him.

Reg. 35
Substituted
by G.G.
6/3/68,
p. 627-8.

35. (1) A female officer intending to marry shall notify the Permanent Head in writing not later than six weeks before the proposed date of marriage and shall indicate therein the date of her proposed marriage and whether or not she desires to continue to hold office after her marriage.

(2) When a female officer notifies the Permanent Head of her desire to continue to hold office after her marriage, the Permanent Head shall report to the Board, not later than four weeks before the proposed date of marriage, whether or not, in his opinion, the continued employment of the officer is warranted having regard to—

- (a) the level of the duties and responsibilities of the office in question and the officer's suitability to undertake those duties; and
- (b) the officer's record of conduct, diligence and efficiency.

(3) Upon receiving a report from a Permanent Head made concerning a female officer who desires to continue to hold office after her marriage, the Board shall determine whether or not that officer will be continued in office and in so determining shall have regard to—

- (a) the report made by the Permanent Head in accordance with subregulation (2) of this regulation; and
- (b) any other factors which, in the opinion of the Board, are relevant.

(4) A female officer who is continued in office after her marriage pursuant to the provisions of section 29A (1) of the Act, shall produce to the Board a certificate of her marriage immediately on resuming duty following her marriage.

(5) Where a female officer intends to marry and does not desire to continue in office, or where her continued employment after marriage is not approved by the Board pursuant to section 29A of the Act, she shall resign from the Public Service prior to the date of her marriage.

35A. (1) A female officer who has become pregnant, may on application made through the Permanent Head, be granted permission by the Board to be absent from duty for a period not exceeding twelve months.

Reg. 35A
added by
G.G. 6/3/68,
p. 628-9.

(2) Every application made in accordance with subregulation (1) of this regulation shall be supported by the certificate of a duly qualified medical practitioner and such certificate shall indicate the expected date of confinement.

(3) The minimum period of absence from duty which may be granted to an officer by the Board in accordance with subregulation (1) of this regulation, is a period commencing eight weeks before the expected date of her confinement and ending at the expiration of eight weeks from the day on which her pregnancy terminates.

(4) An officer who has made application under subregulation (1) of this regulation may, at any time whilst she is absent from duty in accordance with this regulation, make further application so as to extend or reduce the period referred to in the original application, but so that the amended period complies with the requirements of subregulations (1) and (3) of this regulation, and the Board may vary its permission in accordance with the amended application.

(5) Nothing contained in this regulation prevents the grant of annual recreation leave or long service leave to an officer in respect of the whole or any part of the period referred to in subregulation (1) of this regulation.

(6) Except by reason of a grant of annual recreation leave or long service leave with pay, an officer is not entitled to salary in respect of the period of absence from duty permitted in accordance with this regulation.

(7) Absence of an officer which has been permitted in accordance with the provisions of this regulation shall not be deemed absence by reason of illness for the purposes of section 54 of the Act.

36. Every officer is responsible for the careful use and preservation of Crown property in his possession, custody or care.

37. Every officer having the control of a building that is owned or occupied by the Crown, shall make to the Permanent Head of the Department using the building an immediate report of any defects or urgent repairs that require attention to prevent permanent damage to the building.

38. Officers may submit to the Board, through the Head of the Sub-department and Permanent Head of the Department, in which they are employed, suggestions having for their objects improvements in methods of working in the Department and which will result in increased efficiency or economy therein.

39. (1) An officer who desires to communicate with the Board shall do so in writing addressed through the Head of the Sub-department and the Permanent Head of the Department in which he is then employed, but the Head of a Sub-department or the Permanent Head of a Department may communicate verbally with the Board.

(2) Unless in the course of his official duties or with the express permission of the Permanent Head of a Department or the Head of the Sub-department wherein an officer is employed has been first obtained, the officer shall not officially communicate in writing with a Minister of the Crown or with the Permanent Head of another Department.

(3) The Minister administering a Department may request an officer of that Department to give verbal information on any official matter.

(4) An officer who has been requested to give information verbally to the Minister, shall report in writing immediately thereafter to his Officer-in-charge, who shall advise the Head of the Sub-Department or the Permanent Head of the Department in which he was employed the nature of the information supplied to the Minister pursuant to such request.

40. An officer shall not—

- (a) give to any person any information relating to the business of the Public Service or other Crown business that has been furnished to him or obtained by him in the course of his official duty as an officer; or
- (b) disclose the contents of any official papers or documents that have been supplied to him or seen by him in the course of his official duty as an officer or otherwise,

except in the course of his official duty and with the express permission of the Head of the Sub-department or the Permanent Head of the Department in which he is employed.

41. An officer shall not—

- (a) publicly comment, either verbally or in writing, on any administrative action, or upon the administration of any Department; or
- (b) use of any purpose, other than for the discharge of his official duties as an officer, information gained by or conveyed to him through his employment in the Public Service.

42. (1) An officer shall not, either as principal or agent, enter into any monetary transaction with any other officer, whereby any interest or other return in money or in kind is charged or paid except as regards mortgages on security of land or an estate or interest therein, in which case an officer may borrow from an officer who is senior to him and pay interest at current rates thereon if the permission in writing of the Permanent Head of the Department in which the mortgagor is employed is first obtained.

(2) An officer, shall not enter into any such monetary transaction as is referred to in subregulation (1) of this regulation, with a subordinate officer.

(3) An officer shall not back the bill of another officer or enter into any bond or security on behalf of another officer without the prior permission in writing of the Permanent Head of the Department in which the first mentioned officer is employed.

43. Unless duly authorised, an officer shall not incur a liability or enter into any contract on behalf of the Crown or agree to alter the terms or conditions of any prescribed or duly approved form of contract to which the Crown is or will be a party.

44. Except where the Board otherwise permits, an officer for whom living quarters are provided shall reside therein, whether or not rent is charged in respect thereof.

45. An officer who occupies for the purpose of residence any building belonging to or occupied by the Crown, shall not sublet any portion of the building without the prior consent in writing of the Permanent Head of the Department wherein the officer is employed.

46. An officer shall not during the hours he is required to be on duty smoke tobacco—

- (a) while he is attending to members of the public; or
- (b) while he is in the presence of any member of the public while carrying out his official duty.

47. An officer who is acting as the driver of any vehicle that is supplied for departmental use, shall use the vehicle only for or in connection with the business of that Department.

48. (1) Except in the course of his official duties, an officer shall not during the prescribed hours of duty applicable to that officer, examine or purchase any goods, articles or services that may be offered for sale by any person in any building or part thereof owned or occupied by the Crown.

(2) Except in the course of his official duties, an officer shall not during the prescribed hours of duty applicable to that officer, confer with any salesman, insurance agent or other business representative in any building or part thereof owned or occupied by the Crown.

(3) A person shall not, in any building or part thereof that is owned or occupied by the Crown, offer any goods, articles or services for sale to any officer during the prescribed hours of duty applicable to that officer.

49. An officer shall not seek the influence or interest of any person in order to obtain promotion, transfer or other advantages in the Public Service.

50. An officer shall not demand or, except with the approval of the Governor upon the recommendation of the Board, receive for his own use any fee, reward, gratuity or remuneration of any kind whatsoever other than his official salary and allowances for services performed by him in connection with the Public Service, either in or out of the prescribed hours of duty applicable to that officer.

51. (1) An officer who desires to obtain the permission of the Governor under section seventy-five of the Act to perform or engage in any duties as described in that section that are unconnected with his duties as an officer shall, before performing or engaging therein, apply in writing for the permission to the Board through the head of the Sub-department and Permanent Head of the Department wherein the officer is employed.

(2) An officer who fails to comply with subregulation (1) of this regulation commits an offence against these regulations and is liable to any penalty that may be imposed pursuant to section forty-two of the Act.

52. No address shall be given to or testimonial, or presentation accepted by any officer without the prior approval of the Minister administering the Department wherein the officer is employed.

53. Except as provided in this regulation, an officer employed in the Crown Law Department shall not give legal advice to an officer or temporary employee other than a Permanent Head—

(a) on any question affecting the rights of officers or temporary employees as such generally or the rights of any officer or temporary employee as such individually, except to, or at the request of the Permanent Head of the Department in which the officers or temporary employees are employed or the Board, and no officer or temporary employee shall request such advice without the previous written permission of that Permanent Head or the Board; or

(b) on any question relating to any Department or Sub-department unless the Permanent Head of the Department in the Department of which the Sub-department forms part or the Board first permits.

54. (1) If the estate of an officer is sequestrated either voluntarily or compulsorily for the benefit of his creditors he shall, in addition to complying with the provisions of section fifty of the Act, within seven days of the date of the sequestration order, give to the Permanent Head of the Department in which he is employed written notice thereof with a statement of the causes of his bankruptcy.

(2) The Permanent Head shall forward as soon as practicable after receipt of the notice by him, the notice and statement with any remarks he desires to make thereon to the Board.

(3) When the sequestration order is annulled or an order of discharge is duly granted to the officer, the officer shall as soon as practicable thereafter advise in writing the Permanent Head of the Department wherein he was employed and submit to him, if so requested, a copy of the relevant order.

55. (1) Officers-in-charge shall requisition for sufficient copies of the Act and these regulations to enable officers working under their control to have ready access thereto.

(2) Every officer shall acquaint himself with the provisions of the Act and of these regulations and ignorance shall not be accepted as an excuse for any act or omission constituting a breach thereof.

PART IV.—APPOINTMENTS, TRANSFERS AND PROMOTIONS.

56. An applicant for appointment as an officer, and an officer applying for promotion, shall, if so required by the Board, provide at his own expense, a medical certificate from the District Medical Officer or his deputy, to the effect that he is in a fit and proper physical condition to fulfil the duties of the office to which he may be appointed.

57. An applicant for appointment as an officer shall, if so required by the Board, undergo at his own expense an x-ray examination of his chest.

58. An applicant for appointment as an officer shall, at his own expense, lodge with the Board a certificate of his birth or other satisfactory evidence of his age and when required, certificates satisfactory to the Board as to his good character.

59. [*Revoked by G.G. 6/3/68 p. 629.*]

60. (1) Subject to section twenty-four and thirty of the Act, and sub-regulation (2) of this regulation, every person appointed an officer shall, before the confirmation of his appointment as such—

- (a) contribute under and in accordance with the Superannuation and Family Benefits Act, 1938, to the Superannuation Fund established under that Act; or
- (b) effect in accordance with these regulations, an insurance of his life with some Life Insurance Company or Society approved by the Governor, and carrying on business in the State and which is willing to issue policies of insurance as required by these regulations.

(2) Subregulation (1) of this regulation does not apply to—

- (a) a person who at the time of his appointment as an officer is already insured in any such approved Life Insurance Company or Society, for benefits equivalent to those prescribed; or
- (b) a female person appointed an officer or, in special circumstances approved by the Board, a male person appointed an officer who is a subscriber to the Provident Account established under the Superannuation and Family Benefits Act, 1938.

61. Where an officer is unable to contribute to the Superannuation Fund, established under the Superannuation and Family Benefits Act, 1938, or is unable to insure his life, as required by these regulations, or is unable to insure his life without a premium loading of five years or more being made upon his age and in that case is unwilling to insure his life, the Board may require that person, as a condition precedent to his appointment as an officer, to subscribe to the Provident Account established under the provisions of the Superannuation and Family Benefits Act, 1938.

62. Every officer shall accept and hold his appointment as an officer subject to the condition that a deduction may from time to time be made by the Permanent Head of the Department wherein the officer is employed from any salary, wage or allowance due to the officer as such, of a sufficient sum to cover—

- (a) the contributions or subscriptions that are payable by the officer under and as a contributor or subscriber within the meaning of the Superannuation and Family Benefits Act, 1938; or
- (b) the premiums payable in respect of life insurance, effected as required by these regulations, as the case requires.

63. (1) Every life insurance policy effected as required by these regulations by any person shall, from time to time, be continued and provide for the payment of an amount to the person insured on his attaining the age of sixty years, or to his personal representative within three months from the date of his death, whichever event first happens.

(2) The amount for which the policy is effected shall, from time to time, be not less than the maximum salary rate prescribed for the classification of the position to which the person insured is, from time to time appointed or promoted.

64. A life insurance policy effected pursuant to these regulations shall not 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 the policy of the person insured is wholly exempt from the operation of any laws in force relating to bankruptcy, and is not liable to be seized, levied upon, attached or sold upon, by, or under any legal process, or in the case of the death of that person shall not be assets for the payment of his debts.

65. A copy of regulation 64 of these regulations shall be endorsed on every policy of insurance issued for the purpose of compliance with the provisions of the Act and these regulations.

66. Any life insurance policy effected pursuant to the Act and these regulations shall be in the name of the insured and the premiums payable thereunder shall be paid in advance.

67. Where any premium payable in respect of any life insurance policy effected pursuant to the Act and these regulations, is more than two months in arrears or whenever any policy is liable to lapse within one month, the company or society that issued the policy shall notify the Permanent Head of the Department in which the insured person is employed in writing of the fact and state the amount of arrears of premiums and fines (if any) payable thereon, and the amount, if not sooner paid by the person insured under the policy shall be deducted by the Permanent Head from the next Public Service salary payment or payments due to that person, and shall be paid by him to the company.

68. Every policy of insurance effected in pursuance of the Act and these regulations shall be forwarded by the Permanent Head of the Department in which the insured person is employed to the Board for inspection which shall return the policy to the Permanent Head in whose custody it shall remain, so long as the insured remains employed in the Public Service.

69. A policy of insurance once effected with any company or society under the provisions of the Act or these regulations shall not be varied, altered, or surrendered without the prior knowledge and consent of the Board.

70. An officer insured as required by the Act and these regulations who remains employed in the Public Service after he has attained the age of sixty years, or beyond the age on which the sum of money for which he is insured becomes payable under the policy of insurance effected pursuant to the Act and these regulations, shall pay to the Treasurer of the State

a sum of money equal to the maximum amount for which he is from time to time thereafter required to be insured in accordance with these regulations and that sum of money shall be held by the Treasury for and on behalf of the officer until the officer retires from or otherwise ceases employment with the Public Service.

71. Every policy of insurance issued to an officer by an approved Company or Society as required by the provisions of the Act and these regulations shall be continued by the person insured thereunder and not allowed to lapse, and is subject to the conditions that the insured officer accepts all responsibility for the payment of premiums in respect thereof, and that the Crown is not by reason of the approval of any Company or Society by the Governor liable for any breach of contract in relation to the policy.

72. An officer may, by agreement with the Company or Society with whom he has at any time effected a policy of insurance in pursuance of the Act and these regulations, reduce the sum for which he is insured under the policy to an amount not being less than the amount for which he is required by these regulations to be insured at any relevant time, and the policy may be endorsed with a condition setting forth the terms of the agreement; or he may divide the policy or policies in such a manner as to comply with the Act and these regulations and retain in force on his own account any excess of the amount of insurance that is so required free from any restriction imposed by the Act or these regulations.

73. When an officer retires, or is dismissed from or otherwise ceases to be employed in the Public Service, the Permanent Head of the Department wherein he was last employed shall deliver to the officer all his policies of insurance that are in the possession of that Permanent Head, and the Permanent Head shall notify each company with whom such a policy has been effected.

74. On the death of an officer before he has attained the age of sixty years, any policy of insurance in his name that is in the possession or custody of a Permanent Head shall be delivered as soon as practicable after the death by that Permanent Head to the personal representatives of that officer.

75. When a vacancy exists in an office in any Department and the vacancy is not filled by the transfer of an officer in accordance with the provisions of regulation 76, the following provisions apply—

- (a) the Permanent Head of the Department wherein the vacancy exists shall report to the Board within one month after the vacancy occurs whether or not, in his opinion, it is necessary to abolish, reclassify or fill the vacant office;
- (b) the Board after due enquiry and on being satisfied that the vacant office should be advertised, shall publish in the *Government Gazette* a notification that there is a vacancy in the office and stating the office to be filled, the day on or before which applications for appointment to the vacant office are to be lodged and whether the applications are to be accepted and appointments made under section twenty-four or thirty-four of the Act;
- (c) applications for any vacancy in an office shall be addressed to the Board, in a form supplied by the Board, and shall be countersigned by the Head of the Sub-department or the Permanent Head of the Department wherein the vacancy exists; and
- (d) if requested by the Board so to do, the Permanent Head of the Department wherein the vacancy exists shall report upon the qualifications and suitability of the applicants, having regard, where necessary, to the provisions of the Government Employees (Promotions Appeal Board) Act, 1945, and recommend the name of the officer whom he considers best fitted for promotion to the vacant office.

76. The Permanent Head of a Department may, with the approval of the Board, transfer an officer from one office to another office of equal classification within the Department wherein the officer is employed, if each such office is classified in the same Division.

77.¹ In these regulations the term "seniority", as between officers, means seniority by longer period of continuous permanent service after attaining the age of eighteen years.

Reg. 77.
Substituted
by G.G.
23/6/72,
p. 2034.

78. Where an officer has refused any promotion to an office that has been offered to him or has refused appointment to an office pursuant to section thirty-nine of the Act, if after such refusal the office is given a higher status than the office then occupied by the firstmentioned officer, that officer has no appeal on the grounds of loss of seniority.

PART V.—LEAVE OF ABSENCE.

79. (1) Annual leave of absence for recreation granted in accordance with section fifty-two of the Act shall be taken in one period unless otherwise approved by the appropriate Permanent Head.

(2) An officer may take leave of absence for recreation at any time during the year in which it accrues, but the time during which an officer may take that leave shall, in every case, be such as is approved by the Permanent Head of the Department wherein the officer is employed.

(3) Leave of absence not taken during the year in which it accrues shall lapse, unless approval to accumulate the leave has been obtained in accordance with the provisions of subsection (3) of section fifty-two of the Act.

(4) An officer if he so desires, shall be paid his salary in advance when proceeding on annual leave of absence for recreation.

80. (1) (a) On the first day of March in each year the Permanent Head of a Department shall by notice in writing advise each officer in his Department—

- (i) of the amount of long service leave to which he is then entitled under section fifty-six of the Act;
- (ii) of the amount of long service leave to which he will be entitled at any time during the next succeeding twelve months; and
- (iii) of the date of his entitlement to and the amount of long service leave due or which will become due on that date.

(b) The notice referred to in paragraph (a) of this subregulation shall require the officer to furnish to the Permanent Head of the Department, within one month of the receipt by him of the notice, particulars of the dates between which he desires to take the long service leave or part thereof to which he is entitled, and whether, to what extent and for what reasons he desires to take the leave on full or half pay or desires the leave to be accumulated in accordance with section fifty-six of the Act.

(2) The Permanent Head of the Department shall cause a roster to be maintained showing in respect of each officer to whom subregulation (1) of this regulation applies, the particulars furnished pursuant to that subregulation by each such officer.

(3) The Permanent Head shall forward a copy of the roster relating to long service leave to the Board as and when required by it.

(4) An officer who desires to be granted a period of long service leave shall give at least two months' notice in writing of the fact and shall make application therefor to the Permanent Head of the Department wherein the officer is employed, on the form from time to time approved by the Board on which form he shall state the amount of leave he

¹ Effective on and from 1st August, 1972.

requires and the date from which he desires the leave to commence, but in case of emergency and for reasons to be stated in writing an officer may at any time apply to the Permanent Head on such form for any long service leave due to him.

(5) The Permanent Head shall forward the application to the Board together with his recommendation thereon.

(6) Approval to the application of the officer for long service leave is contingent upon the Board determining—

- (i) that the officer will be entitled to the period of leave required at the time at which he desires the leave to commence; and
- (ii) that leave for that period can be granted to the officer at that time without undue inconvenience to the Public Service.

(7) An officer may, prior to commencing his long service leave, request through the Permanent Head approval for the substitution of another date for the commencement of his long service leave and the Board may make the substitution.

(8) Subject to section fifty-six of the Act, the Board, may at any time require an officer to take his long service leave between such dates as the Board may direct or approve.

(9) The officer shall be advised by the Permanent Head of the direction or approval of the Board with respect to his long service leave, and shall take that leave accordingly.

81. An officer whose headquarters are situated more than one hundred and fifty miles from Perth Central Railway Station and who is desirous of travelling to Perth during the period of his annual leave of absence for recreation or long service leave, shall be granted by the Permanent Head of the Department wherein the officer is employed such additional leave as is reasonable and necessary to enable him to travel to Perth and to return to his headquarters.

82. On application to the Board through the appropriate Permanent Head, and with the approval of the Board, a lump sum payment for the money equivalent of any—

- (a) long service leave entitlement for continuous service as prescribed by section fifty-six of the Act, and for any *pro rata* long service leave based on continuous service of a lesser period than that prescribed by that section for a long service leave entitlement, and for any accrued annual leave of absence for recreation shall be made—
 - (i) as a retiring allowance to an officer who retires at or over the age of sixty years or who is retired on the grounds of ill-health, but no such payment shall be made unless the officer has completed not less than twelve months' continuous service before the date of his retirement; or
 - (ii) subject to the provisions of regulation 35, to a female officer who resigns from the Public Service because of or with a view to marriage, but no such payment shall be made unless the officer has completed not less than three years' continuous service before the date on which her resignation becomes effective and she produces to the Board a certificate of her marriage before any payment is made; or
 - (iii) as a retiring allowance to an officer who, not having resigned, is retired for any other cause, but no such payment shall be made unless the officer has completed not less than three years' continuous service before the date of his retirement; or

(iv) to the estate of an officer in the event of his death, unless he is survived by a widow legally dependent on him or some other person legally so dependent who is approved by the Treasurer for the purpose, but no such payment shall be made unless the officer has completed not less than twelve months' continuous service prior to the date of his death;

(b) long service leave entitlement for continuous service as prescribed by section fifty-six of the Act and for any accrued recreation leave, shall be paid to any officer who resigns or is dismissed.

82A. (1) On application to the Board through the Permanent Head, and with the approval of the Board, a lump sum payment for the money equivalent of any *pro rata* long service leave based on continuous service of a lesser period than that prescribed by section 56 of the Act for a long service leave entitlement, shall, subject to subregulations (2), (3), (4) and (5) of this regulation, be made to a female officer who—

Reg. 82A
added by
G.G. 6/3/68,
p. 629.

(a) continues to hold office after her marriage, pursuant to subsection (1) of section 29A of the Act;

(b) completes not less than three years of continuous service before the payment is made; and

(c) produces to the Board a certificate of her marriage.

(2) Where an officer completes not less than three years of continuous service before the date of her marriage, the lump sum payment shall be paid as soon as practicable after the officer has produced the certificate of her marriage to the Board and shall be calculated having regard to—

(a) the officer's salary rate as at the date of her marriage; and

(b) subject to subregulations (4) and (5) of this regulation, the officer's period of continuous service up to the date of her marriage.

(3) Where the officer has not completed three years of continuous service before the date of her marriage, the lump sum payment shall be paid as soon as practicable after the date on which she completes three years of continuous service and shall be calculated having regard to—

(a) the officer's salary rate as at the date on which she completes three years continuous service; and

(b) three years of continuous service only.

(4) Any lump sum payment made in accordance with sub-regulation (1) of this regulation shall not include the money equivalent of any long service leave entitlement attained by an officer pursuant to subsections (1), (2) or (3) of section 56, or section 56A, of the Act.

(5) Where an officer has, prior to her marriage, become entitled to long service leave pursuant to subsections (1), (2) or (3) of section 56, or section 56A, of the Act, that officer shall, for the purposes of this regulation, be deemed to have commenced her period of continuous service for which payment may be made pursuant to this regulation immediately after the day on which she last became so entitled.

83. (1) [*Revoked by G.G. 5/10/73, p. 3656.*]

(2) (a) An application for leave of absence on the grounds of illness exceeding two consecutive working days shall be supported by the certificate of a registered medical practitioner or, where the nature of illness consists of a dental condition and the period of absence does not exceed five consecutive working days by a certificate of a registered dentist.

(b) The number of days leave of absence which may be granted without the production of the certificate required by paragraph (a) of this subregulation shall not exceed, in the aggregate, five working days in any one calendar year.

(c) The application and certificate shall be in the form approved by the Board.

Reg. 83
amended by
G.G. 29/9/67,
p. 2566;
G.G.
30/10/70,
p. 3348;
G.G.
20/10/72,
p. 4156;
G.G. 5/10/73,
p. 3656.

(d) The Board may require a further certificate from the District Medical Officer or his deputy and if that certificate does not confirm or substantially confirm the certificate of the medical practitioner, the officer making the application for leave of absence shall pay the fee of the District Medical Officer or his deputy in respect of his certificate.

(3) Subject to subregulation (2) of this regulation no leave of absence on the grounds of illness shall be granted with pay without the production of a medical certificate or medical certificates as required by these regulations.

(4) If the leave of absence on the grounds of illness applied for exceeds two months the Permanent Head of the Department wherein the applicant is employed shall refer the application to the Board.

(5) The basis for determining the leave of absence on the grounds of illness that may be granted shall be ascertained by crediting the officer concerned with the following periods, and the leave shall be cumulative—

	Leave on Full Pay. Working Days.	Leave on Half Pay. Working Days.
On date of permanent appointment of the officer	5	2
On completion by the officer of six months' service	5	3
On completion by the officer of twelve months' service	10	5
On completion of each additional twelve months' service by the officer	10	5

(6) To determine the leave of absence on the grounds of illness for which an officer is eligible, the leave that has been granted during his permanent service at rates of full pay and half pay respectively shall be deducted from the periods ascertained under the provisions of subregulation (5) of this regulation and in the case of an officer who was appointed as such before the first day of July, 1951, any leave granted prior to that date shall be totalled in days inclusive of Saturdays, Sundays and Public Service Holidays under the headings of full pay, half pay and third pay; days granted on third pay shall be multiplied by two-thirds and the resultant whole figure added to the total number of days on half pay; the then number of days under the separate headings of full pay and half pay shall be multiplied by 5/7ths and the result shall be taken as the period of leave on full pay and half pay, respectively, granted during his service prior to the first day of July, 1951.

(7) After a deduction has been made in accordance with subregulation (6) of this regulation, the period remaining at full or half rate of pay shall be the leave of absence on the ground of illness for which the officer is eligible at the date of his application therefore, but—

- (a) if after that deduction an officer with less than six months' service on the first day of July, 1951, would at that date have less than five working days on full pay and two working days on half pay to his credit then his credit at that date shall be increased to those amounts;
- (b) if after that deduction an officer with not less than six months' service on the first day of July 1951, would at that date have less than ten working days on full pay and five working days on half pay to his credit, then his credit at that date shall be increased to those amounts, but any credit in excess of the required minimum under the heading of either full pay or half pay shall be applied in reduction of any debit under the other heading or used to establish the required minimum credit under that heading.

(8) Where an officer is duly absent on account of illness and his entitlement to sick leave on full pay is exhausted, he may, with the approval of the Board, elect to convert any part of his entitlement to sick leave on half pay to sick leave on full pay, but so that his sick leave entitlement on half pay is reduced by two days for each day of sick leave on full pay that he receives by the conversion.

(9) Debits for leave of absence granted on account of illness granted subsequent to the first day of July, 1951, shall be on the basis of working days and shall not include any Public Service holidays occurring during the period of that leave.

(10) Where an officer is ill during the period of his annual leave for recreation and produces at the time or as soon as practicable thereafter medical evidence to the satisfaction of the Permanent Head of the Department wherein the officer is employed that he is or was as a result of his illness confined to his place of residence or a hospital for a period of at least seven days, he may, with the approval of the Board, be granted at a time convenient to the Department additional leave equivalent to the period during which he was so confined.

(10a) Where an officer is ill during the period of his long service leave and produces at the time or as soon as practicable thereafter medical evidence to the satisfaction of the Permanent Head of the Department wherein the officer is employed that he is or was confined to his place of residence or a hospital for a period of at least fourteen days, he may, with the approval of the Board, be granted at a time convenient to the Department, additional leave equivalent to the period during which he was so confined.

(11) An officer who is duly absent on leave without pay is not eligible for absence of leave on account of illness under this regulation during the currency of that leave without pay.

(12) Where, on or after the first day of August, 1972, an officer in the discharge of his duties suffers personal injuries by accident that are compensable in accordance with the provisions of the Workers' Compensation Act, 1912, and which necessitate the granting of leave of absence under this regulation—

- (a) no charge shall be made against his sick leave credits in respect of so much of the period of leave as does not exceed twenty-six weeks and the officer shall receive full pay for any such part of his leave of absence; and
- (b) where the officer is unable to resume duty at the expiration of the period of twenty-six weeks, he shall be granted on full pay or half pay as the case requires, such further leave under this regulation as is required, but half the period only of such further leave shall be charged against his sick leave credits on full pay or half pay, as the case may be.

(13 (a) No leave of absence on account of illness shall be granted with pay, if the illness has been caused by the misconduct of the officer or in any case of absence from duty without sufficient cause.

(b) Where the Permanent Head of the Department wherein the officer is employed has occasion for doubt as to the cause of the illness or the reason for the absence, he may instruct a duly qualified medical practitioner who is registered under the Medical Act, 1894, to visit and examine the officer, or may direct the officer to attend on the medical practitioner for examination.

(c) If the report of the medical practitioner does not confirm that the officer is ill, or if the officer is not available for examination at the time of the visit of the medical practitioner or fails, without reasonable cause, to attend the medical practitioner when directed to do so, the fee payable for the examination, appointment or visit shall be paid by the officer.

(14) (a) Where an officer, who has been retired from the Public Service on medical grounds, resumes duty therein his sick leave credit at the date of his retirement shall be reinstated.

(b) Where an officer, who has resigned from the Public Service is subsequently re-appointed thereto he shall be regarded for the purposes of this regulation as a new entrant to the Public Service as from the date of his re-appointment.

(15) Where, after the first day of July, 1951, but before the first day of October 1967, a person who has been temporarily employed for a continuous period of not less than three years in the Public Service, is appointed to the permanent staff thereof, any sick leave to his credit under regulation 113 shall remain to his credit on appointment to the permanent staff.

(15a) Where, on or after the first day of October, 1967, a person is appointed to the permanent staff of the Public Service and that person was, immediately prior to the date of his appointment, a temporary employee thereof, any sick leave to his credit immediately prior to his appointment shall remain to his credit on that appointment.

(16) An officer who is appointed to the Public Service, subject to medical examination, and whose appointment is deferred for a stated period on the recommendation of the District Medical Officer, shall not be granted sick leave with pay during that period.

84. (1) If the Permanent Head or the Head of the Sub-department has reason to believe that an officer employed therein is in such a state of health as to render him a danger to his fellow officers or the public, he may require the officer to obtain and furnish a report as to his condition from a duly qualified medical practitioner who is registered under the Medical Act, 1894, or may require him to submit himself for examination by the District Medical Officer or his deputy.

(2) Upon receipt of the medical report, the Permanent Head may direct the officer to absent himself from his duties for a specified period, or if already on leave of absence, direct him to continue on leave for a specified period, and the officer's absence shall be regarded as absence on leave owing to illness.

85. (1) Upon report by a duly qualified medical practitioner who is registered under the Medical Act, 1894, that, by reason of contact with a person suffering from an infectious disease and through the operation of restrictions imposed by Commonwealth or State law in respect of that disease, an officer is unable to attend for duty, the officer concerned may be granted leave of absence as provided in these regulations and that leave of absence may be regarded as leave of absence owing to illness or, at the option of the officer, the whole or any portion of the leave may be deducted from annual leave of absence for recreation due.

(2) Leave of absence under sub-regulation (1) of this regulation shall not be granted for any period beyond the earliest date at which it would be practicable for the officer to resume duty, having regard to the restrictions imposed by law.

86. (1) A Permanent Head of a Department, or other officer authorised by the Minister for the purpose, may upon sufficient cause being shown, grant any officer employed in that Department leave of absence not exceeding two consecutive working days, but any leave of absence granted under the provisions of this sub-regulation shall not exceed, in the aggregate, three working days in any one calendar year.

(2) An officer who desires to obtain any such leave of absence shall make written application in a form approved by the Board for the purpose.

(3) A Permanent Head is not entitled to grant leave of absence to himself under this regulation.

(4) The provisions of this regulation apply to any temporary employee who has completed at least twelve months of continuous service in the Public Service in a temporary capacity.

87. (1) An officer who has been subpoenaed or called as a witness to give evidence in any proceeding shall as soon as practicable thereafter notify the appropriate Officer-in-Charge and the Officer-in-Charge shall notify the Head of the Sub-department or the Permanent Head of the Department wherein the officer is employed.

(2) Where an officer is so subpoenaed or so called as a witness on behalf of the State or the Commonwealth or on behalf of any person if the officer is required to give evidence in his official capacity he is not entitled to retain any witness fees received by him as a result thereof, but shall pay the same into the Consolidated Revenue Fund and forward the receipt for such payment with a voucher showing the amount of fees received, to the Head of the Sub-department or the Permanent Head of the Department wherein he is employed.

(3) An officer so subpoenaed or so called as a witness in his official capacity by a person shall, in the event of non-payment of the proper witness fees or travelling expenses as soon as practicable after the default, notify the Head of the Sub-department or the Permanent Head of the Department wherein he is employed.

(4) An officer subpoenaed or called as a witness as mentioned in the preceding subregulations of this regulation shall be granted by the Head of the Sub-department or the Permanent Head of the Department wherein he is employed, special leave of absence with pay, but only for such period as is required to enable the officer to tender his evidence.

(5) An officer subpoenaed or called as a witness under any other circumstances may be granted leave with pay, and any fees received by him as a witness shall be dealt with in the manner provided by subregulation (2) of this regulation.

88. (1) An officer who is required to serve on a jury shall as soon as practicable after he is summoned to so serve, notify the appropriate Officer-in-Charge and the Officer-in-Charge shall notify the Head of the Sub-department or the Permanent Head of the Department wherein the officer is employed.

(2) An officer who is required to serve on a jury may be granted by the Head of the Sub-department or the Permanent Head special leave of absence on full pay, but only for such period as is required to enable the officer to carry out his duty as a juror.

(3) An officer who has been summoned as a juror may elect to be granted either—

(i) leave of absence on account of accrued annual leave for recreation; or

(ii) leave of absence without pay,

in order to attend as a juror.

(4) An officer granted special leave of absence on full pay as prescribed in subregulation (2) of this regulation, is not entitled to retain any juror's fees paid to him, but shall pay the amount thereof into the Consolidated Revenue Fund and forward the receipt for such payment with a voucher showing the amount of juror's fees received to the Head of the Sub-department or the Permanent Head of the Department wherein he is employed.

(5) An officer granted leave on account of accrued annual leave or leave without pay as provided in subregulation (3) of this regulation, may retain any juror's fees received by him.

89. (1) An officer who has nominated himself as a candidate for election as a member of any House of the Parliament of the Commonwealth or State, may be granted leave of absence by the Permanent Head of the Department wherein he is employed for the purpose of conducting his election campaign, but any leave of absence granted under this subregulation may be granted only on condition that the leave so granted shall form part of any accrued annual leave of absence for recreation, or long service leave or be granted without pay, and that the leave of absence so granted shall date from the commencement of business on the working day next following the date on which nominations for candidates close.

(2) An officer who is elected at a Parliamentary election shall resign his office in the Public Service as from the close of business on the working day next preceding the date on which he becomes entitled to receive the salary payable to a member.

Reg. 89
amended by
G.G. 10/9/71,
p.3301;
G.G. 17/9/71,
p. 3418.

Text Books and Statutes Suggested for Reference.

Text Books:—

Cheshire Modern Real Property.
 Millard Real Property in N.S.W.
 Baalman Torrens System in N.S.W.
 Kerr (Australian Land Titles (Torrens) System).

Statutes:—

Transfer of Land Act, 1893.
 Public Works Act, 1902.
 Registration of Deeds, Wills, Judgments and Conveyances, 1856.
 Lands Acquisition Act, (1955-1957) of the Commonwealth Parliament.
 Wills Act, 1970.
 Supreme Court Act, 1935.
 Property Law Act, 1969.
 Married Women's Property Act, 1892.
 Inheritance (Family and Dependants Provision) Act, 1972.
 Prescription Act, 1832 (Imperial).
 Dividing Fences Act, 1961.
 Limitation Act, 1935.
 Sale of Land Act, 1970.
 Trustees Act, 1962.

2. Law of Personal Property.

Principles of the Law of Personal Property, including the nature, ownership, possession and alienation of chattels and choses in action, the principles of Agency, Partnership, Companies and mercantile remedies.

Text Books and Statutes Suggested for Reference.

Text Books:—

Millard Personal Property in N.S.W.
 Charlesworth Mercantile Law.
 Vaines Personal Property.

Statutes:—

Companies Act, 1961.
 Sale of Goods Act, 1895.
 Bills of Sale Act, 1899.
 Partnership Act, 1895.
 Bills of Exchange Act (1910-1958) of the Commonwealth of Australia.
 Bankruptcy Act (1924-1968) of the Commonwealth of Australia.
 Liquor Act, 1970.
 Hire-Purchase Act, 1959.
 Pawnbrokers Act, 1860.
 Warehousemen's Liens Act, 1952.
 Carriers Act, 1920.

3. Law of Contract.

Principles of the Law of Contract.

Text Books and Statutes Suggested for Reference.

Text Books:—

Anson—The Law of Contract.
 Cheshire & Fifoot—The Law of Contract.

Statute:—

Sale of Goods Act, 1895.

4. Law of Torts and Workers' Compensation.

Principles of the Law of Torts and of Workers' Compensation.
Text Books and Statutes Suggested for Reference.

Text Books:—

Fleming—The Law of Torts.
Winfield on Torts.
Morison, Morris and Sharwood—Cases on Torts.
McDonald—Workers' Compensation in N.Z.

Statutes:—

Law Reform (Common Employment) Act, 1951.
Law Reform (Contributory Negligence and Tortfeasors' Contribution) Act, 1947.
Law Reform (Miscellaneous Provisions) Act, 1941.
Fatal Accidents Act, 1959.
Workers' Compensation Act, 1912.

5. Criminal Law.

The law relating to offences punishable on indictment and summarily.

Text Books and Statutes Suggested for Reference.

Text Books:—

Kenny—Outlines of Criminal Law.
Paul—Police Offences.
Judge Redshaw—Liquor Law in N.S.W.
Carter—Criminal Law of Queensland.

Statutes:—

Criminal Code Act, 1913.
Police Act, 1892.
Gold Buyers Act, 1921.
Traffic Act, 1919.
Child Welfare Act, 1947.
Aboriginal Affairs Planning Authority Act, 1972.
Liquor Act, 1970.
Masters and Servant Act, 1892.

6. Law of Evidence and Legal Interpretation.

Principles of the Law of Evidence and Legal Interpretation.

Text Books and Statutes Suggested for Reference.

Text Books:—

Nokes—An Introduction to Evidence.
Cross on Evidence.
Cockle—Cases on the Law of Evidence.
Burrows—Legal Interpretation.
Maxwell on Statutes.

Statutes:—

Acts Interpretation Act (1904-1964) of the Commonwealth Parliament.
Interpretation Act, 1918.
Evidence Act, 1906.
Aboriginal Affairs Planning Authority Act, 1972.

7. Practice and Procedure.

The duties of magistrates in general including the practice and procedure relating to Courts of Session, Courts of Petty Sessions, Local Courts, Industrial Courts, Wardens Courts, Coroners Courts, Licensing Courts, Childrens Courts, Workers Compensation Board, Married Persons Relief Court and Valuation Appeal Courts.

PART VIII.—TEMPORARY EMPLOYMENT.

107. (1) Every applicant for employment as a temporary employee shall submit his application in his own handwriting to the Board in the form supplied for the purpose by the Board and shall supply such evidence as to age, character, health, experience and qualifications as the Board may require.

(2) The Board may require an applicant for employment as a temporary employee to be tested as to his possession of the skill and experience required in the employment he seeks.

(3) Every applicant, who has submitted an application and is, in the opinion of the Board, suitable for employment as a temporary employee, is eligible for registration and shall thereupon be registered for such employment by entering his name in the register kept for the purpose.

(4) A person who has attained the age of sixty-five years is not eligible for registration.

108. (1) A register to be called the "Temporary Employment Register" in these regulations referred to as "the Register" shall be kept at the Office of the Board in such form as the Board directs.

(2) The Register shall be under the control of an officer nominated by the Board and shall contain a record of the names of applicants, who, in the opinion of the Board, are eligible for employment as temporary employees.

(3) The selection of suitable persons for employment as temporary employees shall be made from persons whose names are recorded in the Register, but if the Register does not contain the name of a person qualified for the type of work to be performed the Board may authorise the employment of any person as a temporary employee whom it deems suitable.

109. (1) The name of every applicant for employment as a temporary employee that appears in the Register shall be removed therefrom—

(a) when he is engaged for employment as a temporary employee;
or

(b) if he has not been engaged for such employment, at the expiration of nine months from the date of the last entry of his name in the Register.

(2) A person whose name has been removed from the Register pursuant to subregulation (1) of this regulation may apply in the manner prescribed by regulation 107 of these regulations to have his name again registered in the Register and the provisions of that regulation apply to the applicant as though his application were an original application.

110. A person employed as a temporary employee shall not be transferred from the position or work for which he was engaged, without the prior approval of the Board.

111. As soon as practicable after the services of a person employed as a temporary employee are terminated, the Permanent Head of the Department wherein the person was last employed shall report to the Board as to the conduct, diligence and efficiency of that person, and that person shall not be re-employed in any capacity in the Public Service without the prior approval of the Board.

112. (1) On the completion of each year of continuous service, a temporary employee shall be granted by the Permanent Head of the Department wherein he is then employed, three week's leave of absence for recreation on full pay.

(2) The time during which a temporary employee may take the leave of absence for recreation shall, in every case, be such as is approved by the Permanent Head of the Department wherein the temporary employee is employed.

(3) When the services of a temporary employee are terminated through any cause whatsoever, before he has been employed in the Public Service for a period of twelve months or more, the temporary employee is entitled to be granted by the Permanent Head of the Department in which he was last employed an allowance for *pro rata* leave of absence for recreation calculated on the basis of one-twelfth of the ascertained three weekly rate of pay to which the temporary employee was entitled at the time his services were terminated for each completed month of service by him in the Public Service.

113. (1) The basis for determining the leave of absence on grounds of illness that may be granted to a temporary employee who commences employment as such on or after the first day of October, 1967, shall be ascertained by crediting the temporary employee with the following periods, and the leave shall be cumulative:—

Reg. 113.
Substituted
by G.G.
29/9/67,
p. 2566-7

	Leave on Full Pay. Working Days.	Leave on Half Pay. Working Days.
On commencement date of employment	5	—
On completion of the first six months' continuous service	5	—
On completion of twelve months' continuous service and on completion of each further period of twelve months' continuous service thereafter	10	5

(2) The basis of determining the leave of absence on grounds of illness that may be granted to a temporary employee whose continuous period of employment as such commenced on or after the second day of April, 1967, but not after the thirtieth day of September, 1967, shall be ascertained by crediting the temporary employee with the period of leave to his credit on the first day of October, 1967 and with the following periods, and the leave shall be cumulative—

	Leave on Full Pay. Working Days.	Leave on Half Pay. Working Days.
On the date on which he completes his first six months' continuous service	7	—
On completion of twelve months' continuous service and on every occasion on which he completes a further period of 12 months' continuous service	10	5

(3) The basis of determining the leave of absence on grounds of illness that may be granted to a temporary employee whose continuous period of employment as such commenced before the second day of April, 1967, shall be ascertained by crediting that employee with the period of leave to his credit on the first day of October, 1967, and with the following periods, and the leave shall be cumulative—

	Leave on Full Pay. Working Days.	Leave on Half Pay. Working Days.
On every occasion, occurring on or after the first day of October, 1967 on which he completes a period of twelve months' continuous service	10	5

(4) The provisions of subregulations (1), (2), (3), (4), (8), (10), (11), (12) and (13) of regulation 83 of these regulations apply to a temporary employee as if he were an officer, and for the purposes of this subregulation any reference to an officer in those subregulations as so applied shall read as a reference to a temporary employee.

(5) Where a temporary employee, whose services as such had previously been dispensed with under the Act, is again employed as a temporary employee credit for leave of absence on grounds of illness at the date of the termination of his previous period of service shall—

- (a) be reinstated if the Board is satisfied that the termination of that previous service was due solely to the ill health of the employee;
- (b) in any other case, not be reinstated.

114. A temporary employee shall not be granted leave without pay without the prior approval of the Board.

115. Where a temporary employee is dismissed, fined, reprimanded or cautioned, the Permanent Head of the Department wherein the temporary employee is employed shall record the fact on the personal file of the employee and in addition, in the case of a fine, shall notify the Auditor General appointed under the Audit Act, 1904.

116. Every temporary employee is subject to the following regulations as in force for the time being—Part II (Regulations 6-20 inclusive) Regulations numbers 22, 23, 24, 27, 32, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 87, 88, 89, 94, 95, 96, 97, 98 and 106 and in applying any such regulations to a temporary employee any reference therein to an officer shall be read as a reference to a temporary employee.