

# PUBLIC SERVICE ORDINANCE 1977

1107

## No. 11 of 1977

### An Ordinance to amend the *Public Service Ordinance*

[Assented to 20 April 1977]

**B**E it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the *Public Service Ordinance* 1977. Short title

2. The *Public Service Ordinance* is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

3. Section 4(3) of the Principal Ordinance is amended by omitting "section 27(2)(a)" and substituting "section 27". Interpretation

4. Section 19 of the Principal Ordinance is amended by omitting sub-section (4) and substituting: Departmental Heads and other Chief Executive Officers

"(4) Where there is, or is expected to be, a vacancy in a position of Chief Executive Officer, or a Chief Executive Officer is, or is expected to be, absent or unable to act, the Administrator may temporarily promote an employee to that position during the vacancy, absence or inability, and the employee so promoted may perform or exercise any duty or power of the Chief Executive Officer under this Ordinance while temporarily in the position."

5. Section 27 of the Principal Ordinance is amended by inserting after sub-section (2) the following sub-sections: Terms and conditions of employment of employees

"(2A) The Commissioner may, as a term or condition of employment in respect of a specified designation of employee, determine that, unless in respect of a specified employee he determines otherwise, employees holding that designation shall be employed initially only for a specified period.

"(2B) Where an employee who is initially employed only for a specified period in pursuance of sub-section (2A) is still employed immediately before the expiration of that period, the period is extended until the Commissioner makes a determination under sub-section (2C).

"(2C) Where an employee continues in employment in pursuance of sub-section (2B)—

- (a) the Commissioner shall, as soon as practicable after the expiration of the initial period, make a determination in relation to that employee; and

- (b) if the Commissioner determines that that employee should continue to be employed, otherwise than for a specified period only, the employment shall be deemed, for the purpose of probation and increments of salary, to have commenced at the commencement of the initial period.”.

**Filling vacancies**      **6.** Section 29 of the Principal Ordinance is amended by omitting sub-section (4) and substituting the following sub-section:

“(4) Except where the Commissioner otherwise determines, all appointments, transfers and promotions shall be notified in the *Gazette* or in such other publication as the Commissioner determines.”.

**Appeals against promotions**      **7.** Section 36(2) of the Principal Ordinance is amended by inserting after “The promotion” the words, “otherwise than under section 19(3) or (4).”.

**By-laws and determinations**      **8.** Section 60(2) of the Principal Ordinance is amended by omitting “section 4(3) of the *Regulations Publication Ordinance*” and substituting “the *Regulations Publication Ordinance* other than section 4(1) and (2)”.

**9.** After section 60 of the Principal Ordinance the following section is inserted:

**Public holidays**      “60A.(1) The following days, or any days prescribed, proclaimed or declared by the Governor-General or the Administrator, or by or under an Act or Ordinance, to be observed in lieu thereof, shall be observed as holidays in the Public Service:

New Year’s Day, 1 January

Australia Day, 26 January

Christmas Day, 25 December, and Boxing Day, 26 December

Good Friday and the following Saturday and Monday

The anniversary of the birthday of the Sovereign

Anzac Day, 25 April.

“(2) If a day listed in sub-section (1), other than Anzac Day, falls upon a Sunday, the next following Monday shall be observed as a holiday in lieu of that day.

“(3) In addition to the holidays elsewhere provided for by this section, the Commissioner may authorize the observance in the Public Service in the Territory or in any part of the Territory of a number of holidays and half-holidays not exceeding 4 days in the aggregate in any one calendar year in relation to any part of the Territory.

“(4) The Administrator may at any time for any special occasion appoint, in addition to the holidays elsewhere provided for by this

section, any specified day or half-day to be observed as a holiday or half-holiday in the Public Service in the Territory or in any part of the Territory.

“(5) The Executive Member or the Chief Executive Officer of a Department or unit of administration may require the whole or part of the Department or unit of administration to be kept open in the public interest for the whole or part of a day observed as a holiday in pursuance of this section, and may require the attendance and services of any employee in the Department or unit of administration on that day.”.

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