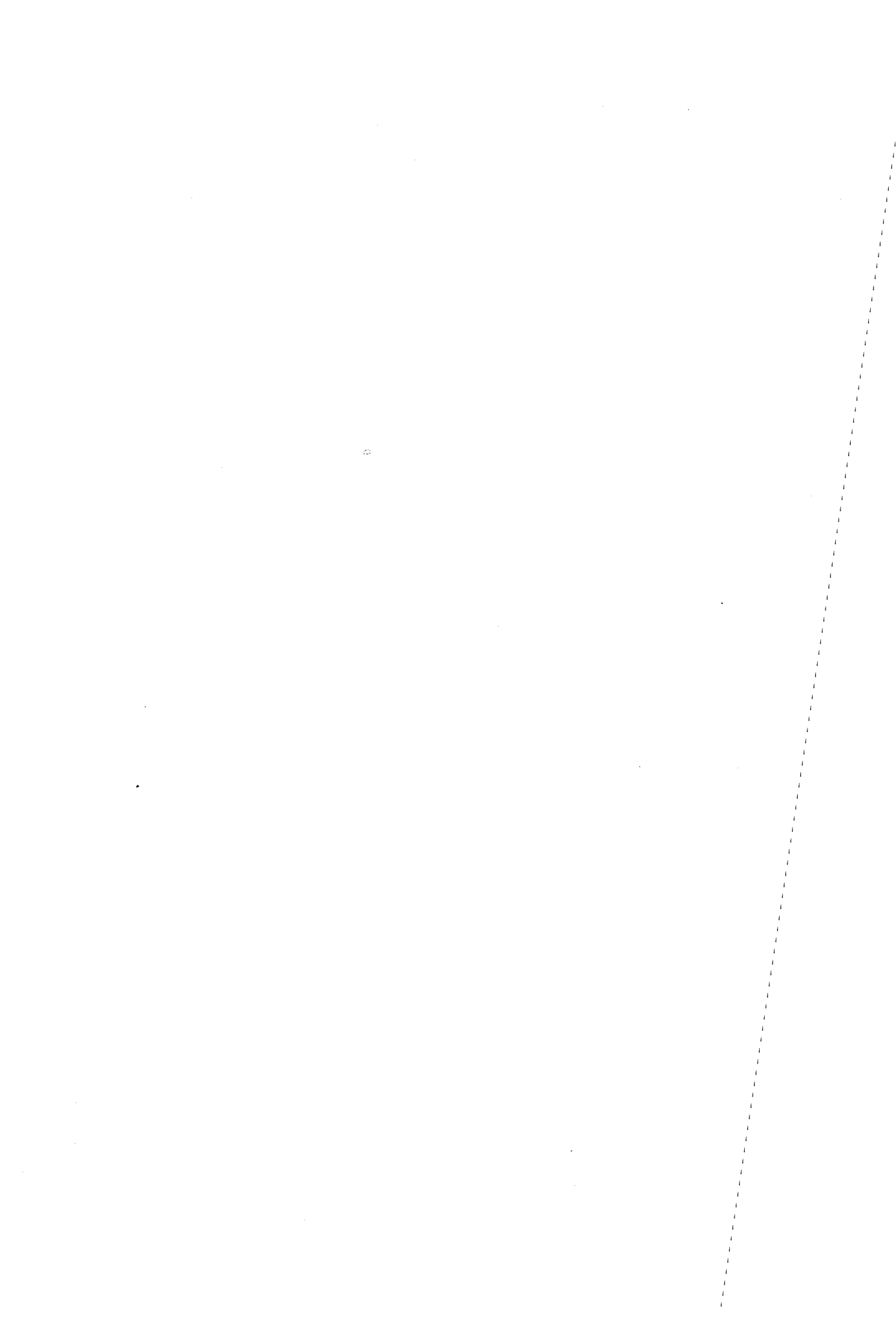


## T A S M A N I A.

## THE PUBLIC SERVICE ACT 1938.

## ANALYSIS.

1. Short title.
2. Repeal.
3. Amendment of 13 Geo. V. No. 25.
  - Section 4.
  - New sections 18 to 21.
  - New section 18,
    - Divisions of Public Service.
  - New section 19.
    - Constitution of Classification Board.
  - New section 20.
    - Classification of service.
  - New section 21.
    - Increments and special allowances.
  - Section 22.
  - Sections 23 and 24.
  - Section 24.
  - Section 54



TASMANIA.



1938.

ANNO SECUNDO

GEORGII VI. REGIS.

No. 29.

AN ACT to amend the *Public Service Act 1925*.  
 [25 November, 1938.]

A.D.  
 1938.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

- 1** This Act may be cited as the *Public Service Act 1938*. Short title
- 2** The enactments enumerated in the schedule are hereby Repeal. repealed.

*Public Service.*

A.D. 1938.

Amendment  
of 13 Geo. V.  
No. 25.  
Section 4.

New sections  
18 to 21.

New section  
18.  
Divisions of  
Public  
Service.

**3** The Principal Act is hereby amended—

I. By inserting at the end of section four thereof—

“ ‘The Board’ means the Classification Board constituted under this Act ”;

II. By substituting for repealed sections eighteen to twenty-one thereof the following new sections eighteen to twenty-one—

“ *Divisions.*

“**18**—(1) The Public Service shall consist of Four Divisions, that is to say—

- i. The First Division :
- ii. The Second Division :
- iii. The Third Division : and
- iv. The Fourth Division.

(2) The First Division shall include all permanent heads of Departments and such other officers as the Governor determines.

(3) The Second Division shall include officers who, under officers of the First Division, are required to exercise executive or professional functions in the more important offices of the Service, and whose offices the Governor, on the recommendation of the Board, directs to be included in that division.

(4) The Third Division shall include all officers whose offices the Governor, on the recommendation of the Board, directs to be included in that division.

(5) The Fourth Division shall include all officers not included in the First, Second, or Third Division.

“**19**—(1) There shall be constituted for the purposes of this Act a Board to be called ‘The Classification Board.’

(2) Such Board shall consist of three persons of whom—

- I. One shall be the Commissioner, who shall be Chairman :
- II. One shall be appointed by the Governor : and
- III. One shall be an officer nominated by the Council of the Association and appointed by the Governor.

New section  
19.  
Constitution  
of Classifica-  
tion Board.

*Public Service.*

Provided that for the purposes only of the classification of officers who are hospital employees the Governor shall appoint a member or officer nominated by the Hospital Employees' Union to sit on the Board in lieu of the officer nominated by the Council of the Association.

A.D. 1938.

(3) The members appointed as provided by paragraphs II. and III. of subsection (2) hereof shall hold office for a term of three years.

(4) If the said Council at any time fails to nominate an officer for appointment as provided by the said paragraph III. within three weeks after being called upon by the Minister so to do, the Governor may appoint an officer to be such member without such nomination, but a person so appointed shall hold office for one year only.

(5) Subject to this Act, the Board may regulate its own procedure.

(6) The members of the said Board shall be paid such remuneration as the Governor may determine, and, in the case of a member who is an officer, such remuneration, if the Governor so directs, may be in addition to his salary as such officer.

*“ Classification.*

“**20**—(1) As soon as may be after the passing of this Act, the Board shall classify all offices and officers in the Service within the several divisions specified in section eighteen, in accordance with the character and importance of the work performed by, or assigned to, the holder of each office respectively, and the classification of each office, the name of the officer, if any, assigned thereto, and the salary of the officer shall be notified in the Gazette.

New section  
20.  
Classification  
of Service.

(2) Such classification as aforesaid shall provide for a maximum and a minimum salary in respect of each office, other than an office held by a permanent head, and for a scale of annual increments to be added as provided by this Act to such minimum salary until such maximum salary is reached.

*Public Service.*

A.D. 1938.

(3) Any officer dissatisfied with the action of the Board may forward to the Board within fourteen days after the gazettal of the classification affecting himself or his office, a notice of appeal setting forth the grounds of his dissatisfaction.

(4) The Board shall, as prescribed, consider the appeal in conference with the permanent head of the department concerned, or his representative, and with the appellant or if he so desires, with a nominee of the association who is an officer.

(5) Upon the determination of the appeal the Board may amend the classification accordingly and shall thereupon submit the classification to the Governor for approval."

(6) The classification may be altered by the Board, as occasion may require, at such times as may be found necessary in order to meet any alteration or change in conditions, and every such alteration shall be notified in the Gazette, and shall take effect from a date to be specified in such notification.

(7) The Board shall reclassify the Service at intervals of not more than five years, and every such reclassification shall be notified in like manner and with the like particulars as in the case of the first classification, and every such reclassification shall take effect from the first day of the financial year in which it is notified.

(8) The first classification under this Act shall come into force and take effect as from the first day of July, one thousand nine hundred and thirty-nine.

(9) Every such classification and every alteration therein shall be submitted to the Governor for his approval.

"**21**—(1) Every officer who is, and for not less than twelve months has been, in receipt of a salary less than the maximum assigned to the office held by him shall be entitled to receive the annual increment prescribed in respect of such office until such maximum is reached, unless in any year he is deprived of such increment as herein provided.

*Public Service.*

(2) Subject to the provisions of this section, an officer who has been promoted to a higher office not less than three months before the beginning of a financial year, shall be entitled to receive the increment, if any, payable in respect of such office from the beginning of such financial year. A.D. 1938.

(3) No such increment shall be paid to an officer unless, in the opinion of the Commissioner, his conduct, diligence, and efficiency, during the twelve months immediately prior to the date from which such increase would become payable, have been satisfactory.

(4) If the Commissioner is of opinion that any officer is not entitled to receive such increment in respect of any year, he may issue an order depriving such officer thereof.

(5) Every such order shall be issued and a copy thereof served on the officer before the date on which such increment would have commenced to be payable, and the officer thereby affected may appeal to the Board against such order in manner prescribed.

(6) The permanent head shall forward the appeal, together with his report thereon, to the Board, and the Board after full enquiry shall consider the appeal, and its decision shall be final.” :

III. By expunging subsection (1) of section twenty-two thereof and substituting therefor the following new subsection (1)— Section 22.

“(1) Except in the case of officers in receipt of salaries exceeding six hundred and ninety-nine pounds per annum, who shall be paid such salaries as the Governor may determine, all officers shall be paid salaries in accordance with the classification in force at the relevant time.” :

IV. By deleting the word “determination” wherever occurring in sections twenty-three and twenty-four thereof and substituting therefor the word “classification” : Sections 23 and 24

V. By expunging subsection (3) of section twenty-four thereof : Section 24.

*Public Service.*

A.D. 1938.

Section 24.

## VI. By inserting in section fifty-four thereof—

- (a) “(1)” at the commencement : and  
 (b) “(2) Except as otherwise provided, every officer shall retire from the service on attaining the age of sixty-five years if a male, and sixty years if a female.

(3) The provisions of subsection (2) hereof shall not apply to any officer whose age at the date when the same was enacted exceeded fifty-five years if a male, or fifty years if a female.

(4) The Governor at any time within ten years after the commencement of this Act may direct that any officer who is competent and willing to discharge the duties of his or her office shall remain in the service after he has attained the age of sixty-five years, or she has attained the age of sixty years, as the case may be, for such period not exceeding five years as may be specified in such direction, and, subject to provisions of this Act as to retirement for reasons other than age, such officer may remain accordingly.”

## THE SCHEDULE.

Regnal Year and Number	Title of Act.	Extent of Repeal.
13 Geo. V. No. 25	The Public Service Act, 1923	Sections 18 to 21.