

certificates of registration are in force, as if they were premises in respect of which licences are in force under the Principal Act, and those provisions shall be construed accordingly.

Amendments
of the
Principal Act
consequential
upon the
adoption of
decimal
currency.

26—(1) Section one hundred and twenty-nine of the Principal Act (as amended by section twenty-three of this Act) is further amended by omitting from subsection (3) thereof the words “two pounds one shilling and eightpence” and substituting therefor the words “one-twelfth of the total amount of that fee”.

(2) This section shall commence on the fourteenth day of February 1966.

PUBLIC SERVICE.

No. 43 of 1965.

AN ACT to amend the *Public Service Act 1923*.

[3 December 1965.]

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:—

Short title
and citation.

1—(1) This Act may be cited as the *Public Service Act 1965*.

(2) The *Public Service Act 1923*, as subsequently amended, is in this Act referred to as the Principal Act.

Interpre-
tation.

2 Section four of the Principal Act is amended by omitting subsection (2).

Application
of Act.

3 Section five of the Principal Act is amended—

(a) by omitting from paragraph (f) of subsection (1) the words “the Hydro-Electric Department or in connection with the State Hydro-Electric Works, or in the Tasmanian Government Shipping Department, or”; and

(b) by omitting paragraph (g) of that subsection and substituting therefor the following paragraph:—

“(g) Officers of the Teaching Service within the meaning of the *Education Act 1932*,”.

4 Section six of the Principal Act is amended by omitting subsection (9). Appointment of Commissioner.

5 Section eleven of the Principal Act is amended— Reports of Commissioner to Governor.
 (a) by omitting from subsection (1) the words “, except as provided by subsection (4).”; and
 (b) by omitting subsection (4).

6 Section thirteen of the Principal Act is amended— Record of officers.
 (a) by omitting from subsection (2) the words “Except as provided in subsection (5) of this section, the ” and substituting therefor the word “The”;
 (b) by omitting from that subsection the word “Board” and substituting therefor the word “Commissioner”;
 (c) by omitting paragraph (a) of subsection (3); and
 (d) by omitting subsections (5), (6), (7), and (8).

7 Section eighteen of the Principal Act is amended— Divisions of Public Service.
 (a) by omitting from subsection (3) the word “Board” and substituting therefor the word “Commissioner”; and
 (b) by omitting from subsection (4) the word “Board” and substituting therefor the word “Commissioner”.

8 Section nineteen of the Principal Act is amended by omitting subsection (7). Public Service Appeal Board.

9 Section twenty of the Principal Act is repealed and the following section is substituted therefor:—

“20—(1) All officers and offices in the Service within the several divisions specified in section eighteen shall, under this section, be classified in accordance with the character and importance of the work performed by, or assigned to, the holder of each office respectively. Classification of the Service.”

“(2) For the purposes of giving effect to the provisions of subsection (1) of this section the Commissioner shall classify each officer and office referred to in that subsection and may from time to time reclassify any such officer or office, either of his own motion or on the application of an officer.

“(3) Upon making a classification or reclassification under this section the Commissioner shall submit the classification or reclassification so made to the Governor for approval, and, upon the Governor’s approval thereto being signified, shall cause to be published in the *Gazette* a notification that that classification or reclassification has been approved and specifying the date on which it is to take effect.

“(4) A classification or reclassification made under this section has effect from such date (whether before or after the date on which it was made or approved), as the Commissioner, with the approval of the Governor, may determine.”

Increments
and special
allowances.

10 Section twenty-one of the Principal Act is amended by omitting from subsection (5) the words "before the date on which such increment would have commenced to be payable".

Adjustment of
salary on
reduction of
classification.

11 Section twenty-three of the Principal Act is amended by omitting from paragraph (b) of subsection (1) the words "so determined as aforesaid" and substituting therefor the words "assigned to him by the classification".

Deductions
from salaries.

12 Section twenty-four of the Principal Act is amended—

(a) by omitting from subsection (4) the words "or by regulations under this Act prescribing cost of living adjustments upon prescribed bases";

(b) by omitting from subsection (5) the word "Association" (first occurring) and substituting therefor the words "employees' association specified in the notice";

(c) by omitting from paragraph (c) of that subsection the word "Association" and substituting therefor the words "employees' association specified in the notice";

(d) by omitting from subsection (7) the word "Association" and substituting therefor the words "employees' association specified in the notice";

(e) by omitting from subsection (8) the words "the Association" (wherever occurring) and substituting therefor, in each case, the words "an employees' association"; and

(f) by adding at the end thereof the following subsection:—

"(9) In this section 'employees' association' means the Association or any other society, association, or organization, of which any officers or temporary employees are members and whose objects are, or include, the promotion of the interests of its members in relation to their employment."

Temporary
appoint-
ments.

13 Section thirty-one of the Principal Act is amended—

(a) by omitting subsection (1) and substituting therefor the following subsection:—

"(1) Where in respect of any department the Commissioner, on the report of the permanent head, is of opinion that, by reason of vacancies in the establishment of the department or of a temporary increase in the work of the department, temporary assistance is required in that department, the Commissioner may make such temporary appointments as the circumstances require."; and

(b) by omitting subsections (5), (6), (8), and (9).

14 Section thirty-three B of the Principal Act is amended by inserting, after subsection (1), the following subsection:—

Transfers from one position to another.

“(1A) The Commissioner may, with the consent, or on the application, of an officer transfer him from the office held by him to any other office if the Commissioner is satisfied that that transfer would not be contrary to the interests of the Public Service.”.

15 Section thirty-six of the Principal Act is amended—

Offences.

(a) by omitting paragraphs (b), (c), and (d) and substituting therefor the following paragraphs:—

“(b) disregards or wilfully disobeys any lawful order made or given by a person having authority to give that order;

“(c) uses intoxicating beverages or drugs to excess;

“(d) conducts himself in a disgraceful or improper manner, either in his official capacity or otherwise;

“(da) is negligent or careless in the discharge of his duties;

“(db) is inefficient or incompetent through causes that appear to be in his control;”;

(b) by adding at the end thereof the following subsection:—

“(2) Subject to section forty-five, an offence committed by an officer under any Act other than this Act in relation to the duties he is required to carry out as an officer is an offence for the purposes of this Part, notwithstanding that he has not been charged in any court with, or convicted by any court of, that offence, and that officer is liable, in respect of that offence, to punishment under this Part accordingly.”.

16 Section forty-four of the Principal Act is amended—

Effect of suspension.

(a) by inserting in subsection (1), after the word “suspended”, the words “under this Part”;

(b) by inserting in subsection (2), after the word “offence”, the words “under this Part”;

(c) by adding at the end of that subsection the words “as a consequence of being so charged”;

(d) by inserting in subsection (3), after the word “imposed”, the words “under the foregoing provisions of this Part”;

(e) by inserting in subsection (4), after the word “whom”, the words “under this Part”; and

(f) by adding at the end of subsection (5) the words “under this Part”.

17 Section forty-five of the Principal Act is repealed and the following section is substituted therefor:—

Criminal
proceedings
against
officers.

“45—(1) Except as otherwise provided in this section, no proceedings shall be taken under this Part in respect of any offence committed or alleged to have been committed by an officer, if he has been charged in any court with, or convicted by any court of, that offence.

“(2) Where an officer is charged in a court with, or has been convicted in a court of, any offence under the *Criminal Code* or with such an offence as is referred to in subsection (2) of section thirty-six, the Minister or the Commissioner, if in the opinion of either of them the circumstances so require, may suspend him.

“(3) The Commissioner shall not exercise the powers conferred on him by subsection (2) of this section in any case in which he has been directed by the Minister not to do so.

“(4) Without prejudice to the powers of the Minister under section forty-four, the Commissioner, subject to any direction given to him by the Minister may, at any time, remove a suspension imposed on an officer under this section.

“(5) An officer who is convicted by a court of an offence under the *Criminal Code* forfeits his office.

“(6) Where an officer is convicted by a court of such an offence as is referred to in subsection (2) of section thirty-six (other than an offence under the *Criminal Code*) the Governor may—

(a) dismiss him from the Service; or

(b) reduce him to a lower class or grade or transfer him to a lower position.

“(7) Where an officer is suspended under this section he shall not, except as the Governor may otherwise direct, be paid any salary in respect of the period of his suspension unless he continues to be an officer after the termination of his suspension, and if he so continues to be an officer, he shall be paid, in respect of the period of his suspension, the salary to which he would have been entitled if the suspension had not been imposed.

“(8) Where an officer has been suspended under paragraph (c) of section thirty-eight in respect of a charge for an offence and the proceedings on that charge are prevented from being taken, or further proceeded with, by reason of the making of such charge as is referred to in subsection (1) of this section that suspension shall, for the purposes of this Act, be deemed to have been imposed under this section in respect of that charge.”.

Incapacity of
officer.

18 Section fifty-one of the Principal Act is amended by omitting from subsection (1) the words “making a personal investigation” and substituting therefor the words “causing an investigation to be made”.

19 After section fifty-one of the Principal Act the following section is inserted:—

“51A—(1) Where such a report as is referred to in subsection (1) of section fifty-one is received by the Commissioner and it appears to him on a consideration of that report, or during or at the conclusion of any investigation made thereon, that there are reasonable grounds for making, in relation to the officer to whom the report relates, such a recommendation as is referred to in that subsection, he may, if he considers it desirable in the public interest, suspend that officer.

Suspension during investigation of alleged incapacity.

“(2) The Commissioner may at any time remove a suspension imposed under this section.

“(3) Where an officer is suspended under subsection (1) of this section the Commissioner shall, as soon as practicable, determine whether or not to make a recommendation to the Governor under subsection (1) of section fifty-one, and if he determines not to make such a recommendation he shall notify the officer accordingly and the suspension is thereupon removed.

“(4) Where an officer appeals against a recommendation made under section fifty-one and that appeal is allowed, any suspension imposed on him under this section terminates on the allowance of the appeal.

“(5) The suspension of an officer under this section, unless it is sooner terminated, terminates on his transfer to another position in the Public Service under subsection (1) of section fifty-one.

“(6) Where an officer is suspended under this section he shall not, except as the Governor may otherwise direct, be paid any salary in respect of the period of his suspension unless he continues to be an officer after the termination of the suspension, and if he so continues to be an officer, he shall be paid, in respect of the period of his suspension, the salary to which he would have been entitled if the suspension had not been imposed.

“(7) An officer shall not be paid any salary during the period of his suspension under this section in respect of the period of that suspension unless the Commissioner has notified him of his intention to make a recommendation to the Governor that he be transferred to some other position.”

20 Section fifty-four of the Principal Act is amended—

- (a) by omitting subsection (1);
- (b) by omitting from subsection (2) the words “Except as otherwise provided, every” and substituting therefor the word “Every”; and
- (c) by omitting subsections (3) and (4).

Retirement on account of age.

21 Section sixty-seven of the Principal Act is amended by adding at the end thereof the following subsections:—

“(3) The Commissioner may grant permission to an officer to undertake or engage in any employment, business, or other

Performance of work outside the Public Service.

activity on the condition that that officer does not receive any remuneration or reward arising therefrom that exceeds such sum as may be prescribed for the purposes of this section, or if no such sum is prescribed, the sum of ten pounds ten shillings, and the undertaking or engaging by that officer in any employment, business, or activity in accordance with the permission so granted shall be deemed not to constitute a breach of the provisions of this section.

“(4) Nothing in this section prevents an officer from engaging, with the approval of the Commissioner, in any sport or game, or in any activities connected with the carrying on of a sport or game, notwithstanding that that officer receives any remuneration or reward in consequence of his so engaging.”.

Performance
of work by
or for the
Common-
wealth.

22 Section seventy of the Principal Act is amended—

- (a) by omitting from paragraph (b) of subsection (1) the word “for” (first occurring); and
- (b) by inserting in paragraph (b) of subsection (2), before the word “the”, the word “for”.

Regulations.

23 Section seventy-six of the Principal Act is amended—

- (a) by omitting from paragraph (i) of subsection (1) the words “of Appeal”; and
- (b) by omitting paragraph (j) of that subsection.

Transitory
provisions.

24 The classification of any officer or office of the Service in force immediately before the commencement of this Act continues to have effect after that commencement as if it had been made under the Principal Act as amended by this Act.

SUPREME COURT.

No. 44 of 1965.

AN ACT to amend the *Supreme Court Act 1959* and certain other enactments conferring functions on the Registrar of the Supreme Court.

[3 December 1965.]

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:—

Short title
and citation.

1—(1) This Act may be cited as the *Supreme Court Act 1965*.

(2) The *Supreme Court Act 1959*, as subsequently amended, is in this Act referred to as the Principal Act.