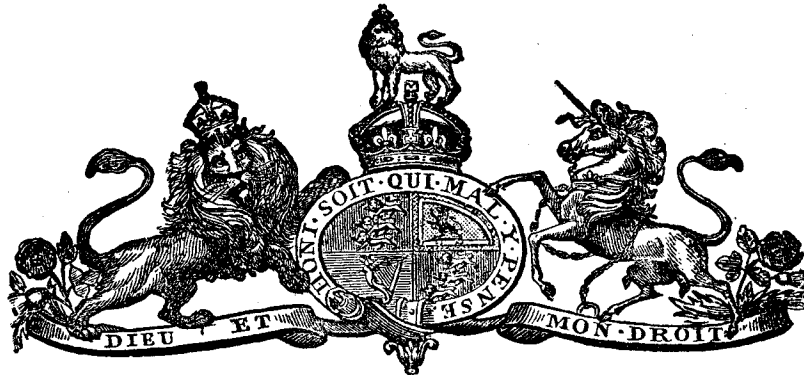


T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 9.



AN ACT for the Regulation of the Public Service. A.D. 1905.  
[12 October, 1905.]

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, 1905,” and shall come into operation on a date to be fixed by the Governor by Proclamation. Short title.

2 In this Act, unless the contrary intention appears— Interpretation.  
“Bankruptcy” includes liquidation by arrangement or composition with creditors :  
“Board” means the Public Service Board appointed under this Act :  
“Commonwealth” means the Commonwealth of *Australia* :  
“Department” means any Department at any time established by the Governor under this Act :

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- “*Gazette*” means the *Hobart Gazette* :
- “*Grade*” includes position or office :
- “*Minister*” means the responsible Minister of the Crown for the time being administering the Department in which the officer or person in connection with whom the term used, or applicable, is employed or proposed to be employed :
- “*Officer*” means and includes all persons employed in any capacity in those branches of the Public Service of *Tasmania* to which this Act applies :
- “*Permanent Head*” means the Permanent Head, as defined in Section Seventeen of this Act, of the Department wherein is employed or proposed to be employed any officer or person in connection with whom the term is used or is applicable :
- “*Prescribed*” means prescribed by this Act or any Regulation thereunder :
- “*Public Service*” means the Public Service of *Tasmania*, as defined in Section Three of this Act :
- “*Regulations*” means the Public Service Regulations for the time being in force under this Act :
- “*State*” means the State of *Tasmania* :
- “*This Act*” includes the Regulations made thereunder.

Non-application  
of Act to certain  
officers.

**3** The Public Service of *Tasmania* shall comprise all persons employed in any capacity in the Public Service of the State of *Tasmania* : Provided that, unless otherwise expressly provided, there shall not be included therein, nor shall this Act apply to—

- i. The Judges of the Supreme Court of *Tasmania* : or
- ii. The Agent-General : or
- iii. The Auditor-General : or
- iv. The Railway Department : or
- v. The Inspectors and Teaching Staff of the Education Department : or
- vi. The Members of the Police Force : or
- vii. Any honorary officer : or
- viii. Any officer the right to appoint whom is not vested in the Governor : or
- ix. Any officer remunerated by fees, allowances, or commission only : or
- x. Any examiner under this Act who is not an officer : or
- xi. Any officer or class of officers to whom or to which on the recommendation of and for special reasons assigned by the Board the Governor declares that the provisions of this Act shall not apply ; and the Governor may on the recommendation of the Board so exclude the application of this Act, either for a specified time or indefinitely, and may exclude the application of the whole of the Act or any specified provisions thereof

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4 This Act is divided into Four Parts, namely :—

- Part I.—Administration.
- Part II.—Divisions of Public Service and Appointments.
- Part III.—Internal Administration.
- Part IV.—Miscellaneous.

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Division of Act.

## PART I.

## ADMINISTRATION.

*Public Service Board.*

5—(1.) For the purposes of this Act there shall be a Public Service Board, constituted in manner following; that is to say :—

Appointment of Board.

- i. The Board shall consist of Three members :
- ii. Two of such members, not being officers in the employment of the Government of *Tasmania*, or any other Government, shall from time to time be appointed by the Governor for a period of Five years, and shall be eligible for re-appointment: and
- iii. One of such members (hereinafter called the elective member) shall be elected by the officers of the Public Service, and shall hold office, subject to the provisions of this Act, for a period of Five years, and be eligible for re-election. Every election of the elective member shall be by ballot, and shall be conducted in all respects in accordance with Regulations to be prescribed by the Governor: Provided, that until the election of the first elective member of the Board the Governor may appoint a person to act as a member of the Board, and the person so appointed shall retire as soon as the elective member is elected.

(2.) The Board shall have the powers and authority, and exercise the duties and functions in this Act vested in or imposed upon it, and shall, in addition, perform such other duties as may from time to time be imposed upon it by the Governor; and shall submit for the consideration of the Governor reports as to any matters requiring to be dealt with by the Governor under this Act or the Regulations.

Powers of Board.

(3.) Any Two members of the Board shall be a quorum, and, subject to the next following provision, shall have all the powers and authority by this Act conferred upon the Board.

Quorum.

(4.) If at any meeting of the Board Two members only are present, and such members differ in opinion upon any matter, the determination of such matter shall be postponed until all the members are present.

Differences of opinion of any Two members when sitting as Board.

(5.) The Board shall keep minutes of its proceedings in such manner and form as the Governor directs.

Minutes.

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Deputy to act for  
absent Member.Cf. Com. P.S.  
Act, s. 5, s.s. (4.).

No action to lie.

Cf. *ibid.*, s.s. (5.)Remuneration of  
Members.Member may be  
suspended.2 Edw. VII. No.  
31, s. 8 (N.S.W.).

Cf. Com. P.S.

Act, s. 6.

Vacation of office.

2 Ed. VII. No.  
31, s. 8 (N.S.W.).

Cf. Com. P.S.

Act, s. 7.

Members remain  
in office until suc-  
cessors elected or  
appointed.

(6.) In case of the illness, suspension, or absence of any member of the Board, the Governor may appoint a deputy to act for such member during his illness, suspension, or absence, and every such deputy shall during the time he acts as deputy have all the powers and authority of such member.

(7.) No action or suit shall be brought or maintained against any person who is, or at any time has been, a member of the Board for any nonfeasance or misfeasance in connection with the duties imposed upon him by this Act, nor shall any action, suit, or other proceeding lie, nor any costs be payable, in respect of any proceeding before the Board.

(8.) Each of the Three members of the Board shall receive in each and every year during the time he holds office, by way of recompense, such allowance (as from the date of his appointment) as may be approved by the Governor and authorised by Parliament, and such allowance shall be a charge upon and be paid out of the Consolidated Revenue Fund, a special appropriation from which shall be made for that purpose.

**6**—(1.) A member of the Board may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided. The Governor shall cause to be laid before Parliament a full statement of the grounds of suspension within Seven days after such suspension, if Parliament is in session and actually sitting, or if Parliament is not in session or not actually sitting, then within Seven days after the commencement of the next session or sitting.

(2.) A member of the Board suspended under this Section shall be restored to office by the Governor unless each House of Parliament within Twenty-one days after such statement is laid before it declares by resolution that the said member ought to be removed from office, and if each House within the said time so declares, the said member shall be removed by the Governor accordingly.

**7** A member of the Board shall be deemed to have vacated his office if—

- i. He becomes bankrupt, compounds with his creditors, or makes an assignment for their benefit: or
- ii. He absents himself from Three consecutive meetings of the Board, except on leave granted by the Governor, or becomes incapable of performing his duties: or
- iii. He resigns his office by writing, under his hand, addressed to the Governor, and such resignation is accepted by the Governor.

**8** In the event of any delay occurring in the election or appointment of the successor of any member of the Board who would otherwise retire from office in consequence of the expiration of the period for which he was elected or appointed, such member shall continue in office until his successor has been duly elected or appointed under the provisions of this Act.

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**9** Every election (whether periodical or extraordinary) of an elective member of the Board shall be held on a day to be fixed by Proclamation signed by the Governor, and published in the *Gazette*.

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—  
Date of elections  
to be fixed by  
Proclamation.  
Extraordinary  
vacancies.

**10** Any vacancy in the office of a member of the Board, occasioned by the death or removal of a member, or by any of the causes set forth in Section Seven of this Act, or by any other cause whatsoever other than the retirement of a member at the expiration of the period for which he was appointed or elected, shall be filled up within one month (or such further period as the Governor may prescribe) after such vacancy shall have occurred, by the election, or appointment, as the case may be, of a new member in the same manner as if such vacancy had been occasioned by the retirement of the member whose place has become vacant, at the expiration of the period for which he was elected or appointed; and such new member shall hold office as long as the person in whose place he is elected or appointed would have held office had he continued in office, and no longer.

**11** Whenever there is a failure to fill any vacancy in the office of a member of the Board in accordance with any of the provisions hereinbefore contained, or any vacancy arises in the office of a member which cannot otherwise be filled, the Governor may appoint a person to be a member to fill such vacancy.

Governor may  
fill up vacancies  
that cannot other-  
wise be filled.

**12** The Governor shall appoint one of the members of the Board to be Chairman during the pleasure of the Governor, and the Chairman shall be the medium of communication with any Minister, and in the absence of the Chairman from any meeting the members present may elect one of their number to preside. The Chairman shall have a deliberative vote only.

Chairman.

**13** The Board may from time to time, with the approval of the Governor, select a fit and proper person, who is permanently employed by the Government of the State, as and to be Secretary to the Board, who shall keep such minutes of the proceedings of the Board, and perform such duties and keep such records as he may be from time to time directed to do by order of the Board, and such Secretary shall be entitled to receive from the Consolidated Revenue Fund such salary as the Governor from time to time approves.

Secretary to the  
Board.

**14**—(1.) As often as may be necessary to carry out the directions and provisions of this Act, and ensure the establishment and continuance of a proper standard of efficiency and economy in the Public Service, the Board shall, as far as practicable, personally inspect each Department, and investigate the character of the work performed by every officer therein, and the efficiency, economy, and general working of each Department both separately and in its relation to other Departments and may for such purpose examine the Permanent Head of any Department and such other witnesses as may appear to the Board to be necessary.

Board to inspect  
Departments.  
Cf. *ibid.*  
(N.S.W.), s. 9.  
Cf. 4 Edw. VII.  
No. 41, s. 9  
(W.A.).

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Board may  
delegate powers.  
Cf. *ibid.*  
(N.S.W.), s. 11.  
Cf. *ibid.* (W.A.),  
s. 12.

Board to propose  
changes of officers  
or re-arrange-  
ment of work.

Cf. *ibid.* (W.A.),  
s. 9, s.s. (2.).

Cf. Com. P.S.  
Act, s. 8.

Cf. *ibid.* (W.A.),  
s. 9, s.s. (3.).

s.s. (4.).

Alteration of staff  
of any Depart-  
ment.

*Ibid.* (W.A.),  
s. 9, s.s. (6.).

*Ibid.* Com. P.S.  
Act., s. 8, s.s. (4.).

Excess officers.

Record of officers  
to be kept and  
gazetted.

Cf. *ibid.* (W.A.),  
s. 13.

Cf. Com. P.S.  
Act, s. 9.

(2.) For the purpose of conducting an inquiry or investigation under the authority of this Act outside of *Hobart*, at which it may be inconvenient for all the members of the Board to be present, the Board may delegate any of its powers or functions to any one member of the Board, or with the approval of the Governor to any fit person or persons; but the report or decision upon any such enquiry or investigation shall be made by a majority of the Board.

(3.) The Board may from time to time propose to the Governor any particular disposition of officers and offices, and the division or class subdivision of class or grade of every officer and re-arrangement or improved method of carrying out any work which appears to the Board necessary or expedient for the more economic, efficient, or convenient working of any Department, and such proposal shall be considered and dealt with by the Governor.

(4.) If the Governor does not approve of any proposal, it shall be the duty of the Board to reconsider such proposal, and within a time to be specified by the Governor to submit another proposal. Such fresh proposal shall be considered and dealt with by the Governor.

Where the Governor does not approve of any proposal, a statement of the reasons for not approving and for requiring a fresh proposal shall be laid before the Parliament.

(5.) If the Board finds that more officers are employed in any class or grade in a Department than may be determined to be necessary for the efficient working of such Department, such officers as are in excess may be transferred by the Governor to some other Department; and no appointment or promotion of an officer shall be made to such class or grade in such first-mentioned Department until by transfer, retirement, dismissal, or death, the number of officers in the same class or grade is reduced below the number in such class or grade determined to be necessary for the efficient working of such Department.

(6.) If the services of any officer in excess in any Department are not likely to be required in any other Department, the Governor may retire such officer from the Public Service.

**15**—(1.) The Board shall recommend to the Governor for determination the division, class, sub-division of class or grade of every officer, and shall keep a record of all officers, showing with regard to each officer his age and length of service, the office he holds, and his division, class, subdivision of class or grade, and salary under this Act: Provided that where the Governor does not approve of any such recommendation, a statement of the reasons for not approving and for requiring a fresh recommendation shall be laid before Parliament.

(2.) The Board shall in the month of *February* in each year forward to the Governor and publish in the *Gazette* a list of all officers employed on the First day of *January* in such year, together with the particulars so recorded in respect to them, and showing the date of appointment of such officers. Such list shall be *prima facie* evidence of the information contained therein; and a copy of such list shall be laid before Parliament within Fourteen days of publication, or if Parliament

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is not sitting, then within Fourteen days after the commencement of the next sitting thereof. A.D. 1905.

**16** The Board shall furnish to the Governor for presentation to the Parliament at least once in each year a report on the condition and efficiency of the Public Service and of the proceedings of the Board, and in such report there shall be set forth any changes and measures necessary for improving the method of the working of the Public Service, and especially for insuring efficiency and economy therein and in any Department or subdivision thereof. The Board shall in such report draw attention to any breaches or evasions of this Act which may have come under notice.

Board to report on state of Public Service to Governor.  
Cf. 2 Ed. VII. No. 31, s. 12, (N.S.W.).  
Cf. *ibid.* (W.A.), s. 14.  
Cf. Com. P.S. Act, s. 11.

*Permanent Head.*

**17**—(1.) The Governor may, as soon as practicable after this Act comes into operation, fix by Proclamation the several Departments in the Public Service, and the Office in each of such Departments, the holder for the time being of which shall be the Permanent Head of the Department; and the Governor may at any time, by Proclamation, add to or diminish the number of Departments so fixed.

Governor to proclaim Departments.

(2.) The Permanent Head of a Department shall be held responsible for its discipline, general working, and efficiency, and shall advise the Minister controlling such Department in matters relating thereto, and shall, in addition to the ordinary duties of his office, perform such other duties as the Governor may direct.

Responsibility of Permanent Head.  
Cf. Com. P.S. Act, s. 12.

(3.) Unless otherwise prescribed by Regulation, the Auditor-General shall have and exercise the same powers as the Permanent Head of a Department under this Act in relation to the officers under his control.

Auditor-General.

**PART II.****DIVISIONS OF PUBLIC SERVICE AND APPOINTMENTS.**

**18**—(1.) The Public Service shall consist of Three Divisions; that is to say:—

Divisions of Service.

The Professional Division,  
The Clerical Division, and  
The General Division.

(2.) As soon as may be after the commencement of this Act, the Governor shall cause the officers of the Public Service to be classified and graded, and shall cause the work performed by or assigned to each officer or grade of officers to be classified as far as practicable, and such grading and classification shall be within the Three Divisions specified in Sub-section (1.) of this Section, and such grading and classification

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A.D. 1905. shall take the place of the grading and classification of the officers of the Public Service which existed at the commencement of this Act.

- Professional Division. **19**—(1.) The Professional Division shall include all officers whose duties require in the person performing them some special skill or technical knowledge usually acquired only in some profession or occupation different from the ordinary routine of the Public Service, and whose offices the Governor on the recommendation of the Board directs to be included in such division.
- Cf. *ibid.* (W.A.), s. 18, s.s. 2.  
Cf. Com. P.S. Act, s. 16.
- Clerical Division. s.s. (3.). (2.) The Clerical Division shall include all officers whose offices the Governor on the recommendation of the Board directs to be included in such division.
- General Division. s.s. (4.). (3.) The General Division shall include all persons in the Public Service not included in the Professional or Clerical Division.

*Salaries and Wages.*

Salaries of highest classes Professional and Clerical Divisions. **20** The officers in the highest class of the Professional Division and the highest class of the Clerical Division (except in the case of officers paid at a specified rate by virtue of any Act) shall be paid such salaries as may be approved by the Governor on the recommendation of the Board, and as may be authorised by Parliament from time to time.

Salaries of Professional, Clerical, and General Divisions. **21** In the Professional Division, Clerical Division, and General Division (except as otherwise expressly provided by this Act, and except in the case of officers paid at a specified rate by virtue of any Act) the officers shall be paid salaries and wages in accordance with such fixed amounts or scales as may be prescribed.

Cf. Com. P.S. Act, s. 18.

Certain existing salaries continued. **22** Any officer who at the time of the passing of this Act is classified under "The Civil Service Act, 1900," and receives a greater salary than the maximum of the class or grade assigned by this Act to the work performed by him, may continue to receive such greater salary until he can be transferred to a position in a class or grade under this Act to which such salary is attached, or until Parliament otherwise determines.

Power to fix salary. **23** Notwithstanding anything contained in this Act, the Governor may, on the recommendation of the Board, fix by order the rate of salary to be paid to an officer occupying any particular office at any sum within the limits of his class or grade, and such sum shall be the salary attached to such officer while he holds such office, or until the Governor otherwise orders, on the recommendation of the Board.

Cf. Com. P.S. Act, s. 20.

Transfer from Professional or Clerical to General Division. **24** The Governor may, on the recommendation of the Board, transfer to the General Division any officer in the Professional or Clerical Division who has been found incapable of performing his duties in any such division.

Cf. Com. P.S. Act, s. 24.



*Public Service.**Appointments.*

**25**—(1.) Except as hereinafter provided no person shall be admitted to the Public Service unless he is a natural-born or naturalised subject of His Majesty, and unless he has successfully passed the examination prescribed.

(2.) With the permission of the Governor, a person not a natural-born or naturalised subject of His Majesty may, subject to the provisions of this Act, be admitted to the Public Service.

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Persons who are subjects of His Majesty and have passed examinations eligible.

*Ibid.*, s. 26.

**26** Regulations may be made by the Governor for the examination from time to time of persons desirous of admission into the Public Service. Such Regulations shall prescribe—

- i. A preliminary medical examination or test as to the health of candidates;
- ii. The character and standard of the examinations to which candidates are required to submit themselves; and such examinations shall be competitive; and
- iii. The manner of holding such examinations.

The Governor may from time to time appoint such examiners recommended by the Board as may be necessary for the conduct of the prescribed examinations, and may at any time remove any examiners so appointed.

Regulation for entrance examinations.

*Ibid.*, s. 27.

Examiners.

**27**—(1.) Separate entrance examinations shall be held in connection with the Professional and Clerical and General Divisions respectively, and shall be designed to test the efficiency and aptitude of candidates for employment in such several divisions; but the educational examination for the General Division shall be of an elementary or rudimentary character.

(2.) The Board shall so far as practicable arrange the times and places of entrance examinations so that persons shall have reasonable facility in the locality in which they reside for competing at such examinations.

Separate examinations to be held for the different divisions.

*Ibid.*, s. 28.

Arrangement of times and places of examination.

**28** It shall be the duty of the Board from time to time, as additions to the Public Service may be required, to give public notice thereof Three times in such manner as may be prescribed, stating—

- i. The number of new appointments which it is estimated may have to be made;
- ii. The division and class or grade thereof;
- iii. The times and places of examinations.

Public notice of examinations.

*Ibid.*, s. 29.

**29**—(1.) Except as hereinafter provided, every person admitted to the Public Service shall in the first instance be appointed by the Board on probation only, and may be continued in such probationary position for a period of Six months, but may be dispensed with by the Board at any time during such period.

(2.) After the period of Six months on probation has expired, the Governor may on the recommendation of the Board upon a report from the Permanent Head confirm or annul such appointment.

Admissions to Public Service to be on probation only.

*Ibid.*, s. 30.

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(3.) No such probationer whose appointment shall be so annulled as aforesaid shall be eligible as a probationer at any time within Twelve months from the date of the annulling of such appointment.

Appointments in certain cases without examination or probation.

**30**—(1.) If at any time in any special case it appears expedient or desirable in the interests of the Public Service to appoint to the Professional Division some person who is not in the Public Service, the Governor may on the recommendation of the Board appoint such person accordingly without either examination or probation.

*Ibid.*, s. 31.

(2.) No such appointment shall be made until the Board has certified that in its opinion there is no person available in the Public Service who is as capable of filling the position to which it is proposed that the appointment shall be made. A copy of every recommendation, report, and certificate under this Section shall, within Fourteen days after the making of any such appointment, be laid before Parliament, if Parliament is in Session and actually sitting, or if Parliament is not in Session or not actually sitting, then within Fourteen days after the commencement of the next Session or sitting thereof.

(3.) If any person recommended by the Board is not approved by the Governor, it shall be the duty of the Board to recommend within a time specified by the Governor some other person for the office, and such person if approved of by the Governor may be appointed accordingly to such office.

(4.) Where the Governor does not approve of any person recommended a statement of the reasons for not approving any such recommendation, and for requiring a further recommendation, shall within Fourteen days be laid before Parliament, or if Parliament is not sitting, then within Fourteen days of the next sitting thereof.

Age of new appointees to Clerical Division.  
*Ibid.*, s. 32.

**31**—(1.) Except as otherwise expressly provided in this Act no person shall be appointed to the Clerical Division whose age at his last birthday previous to appointment was less than Sixteen years or more than Twenty-one years, unless such person is at the time of appointment already in the Public Service.

Age of new appointees to General Division.

(2.) No person shall be appointed to the General Division whose age at his last birthday previous to appointment was less than Sixteen years or (except as hereinafter provided) more than Fifty years, unless such person is at the time of his appointment already in the Public Service.

Power to extend limit of age for special cases.

In cases of special duties the Governor may, however, on the recommendation of the Board, extend the age from Fifty to Fifty-five years. But nothing in this Sub-section shall be taken to prevent the employment of boys above the age of Fourteen years to be junior messengers, and such boys may be retired as may be prescribed.

Superior order of Junior Clerks.

**32**—(1.) Notwithstanding anything contained in this Act to the contrary, the Governor may on the recommendation of the Board, upon a report from the Permanent Head, appoint to fill any position to which a salary at a rate not less than One hundred and twenty Pounds per annum is attached, in the lowest class of the Clerical Division, any person of an age not less than Twenty-one years nor more than

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Twenty-five years who has passed such special and competitive examination as is prescribed for the superior order of Junior Clerks. A.D. 1905.

(2.) No such appointment shall be made until the Board has certified that in its opinion there is no officer available in the Public Service who is capable of satisfactorily filling the position to which it is proposed that the appointment shall be made, and that it is necessary in the interests of the Public Service to make the proposed appointment.

A copy of every report, recommendation, and certificate under this Section shall, within Fourteen days after the making of any such appointment, be laid before Parliament, if Parliament is in Session and actually sitting, or if Parliament is not in Session or not actually sitting, then within Fourteen days after the commencement of the next Session or sitting thereof.

(3.) If any person recommended by the Board is not approved by the Governor, it shall be the duty of the Board to recommend within a time specified by the Governor some other person for the office, and such person if approved of by the Governor may be appointed accordingly to such office.

(4.) Where the Governor does not approve of any person recommended a statement of the reasons for not approving any such recommendation and for requiring a further recommendation shall within Fourteen days be laid before Parliament, or if Parliament is not sitting then within Fourteen days of the next sitting thereof.

**33**—(1.) Any person having at any time, either before or after the commencement of this Act, retired from any salaried office not being of a temporary or casual character in the Public Service shall, if not more than Sixty years of age, be eligible for appointment to the Public Service without examination or probation; and such appointment shall be made at a rate of salary not exceeding that received by such person at the time of his retirement, and shall not be made to a position superior in salary to that in which he was an officer at such time. Re-appointment  
of retired officers.  
*Ibid.*, s. 34.

(2.) In the case of any person who shall have received a sum of money as compensation or gratuity on such retirement no appointment shall be made until he has, if so required by the Board, paid into the Treasury an amount equal to such compensation or gratuity in one sum, or arranged to pay by instalments. Such sum shall be refunded upon the person so appointed retiring from the Public Service.

**34**—(1.) The provisions of this Act shall not apply to the officers mentioned in "The Parliamentary Privilege Act, 1898," so long as they retain their positions under that Act; but any such officer, and also any person employed permanently in any branch or office of the Public Service of *Tasmania* to which this Act does not apply, shall, subject to such Regulations as may be prescribed, be eligible for appointment, upon the recommendation of the Board, to a position in the Public Service, and upon such appointment shall be subject to the provisions of this Act. Officers of  
Parliament, &c.  
See 64 Vict.  
No. 69, s. 35.

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(2.) The Governor may, on the like recommendation, if he thinks fit, exempt any such officer or person who is recommended by the Board for appointment to a position from examination or probation.

*Commonwealth and State Officers.*

Service in Commonwealth not to disqualify for Public Service of State.

**35** The fact that any person is an officer of the Public Service of the Commonwealth shall not disqualify him from also executing the duties of an office in the Public Service of the State.

Cf. Com. P.S. Act, s. 35.

Officer of Commonwealth may discharge State functions.

Cf. *ibid.*, s. 36.

Consequent arrangements to be made.

**36**—(1.) The Governor may arrange with the Governor-General of the Commonwealth for the performance by an officer in the Public Service of the Commonwealth for the Government of the State of any work or services, or for executing the duties of any office in the Public Service of the State.

(2.) In any such case the Governor may, by agreement with the Governor-General or otherwise, make arrangements for determining—

- i. The rate of payment to be made by the Government of the State for the services to be performed or the work done for the State by such officer : and
- ii. Any matters which may require to be adjusted with regard to the performance of such duties or execution of such work by such officer.

Arrangement for performance of duties by officer.  
Cf. *ibid.*, s. 37.

**37** Where an officer of the State performs some duties for the Government of the Commonwealth, it shall be lawful for the Governor, by agreement with the Governor-General of the Commonwealth or otherwise, to make arrangement for determining—

- i. The rate of payment to be made by the Government of the Commonwealth for the services performed for the Commonwealth by such officer : and
- ii. Any matters which may require to be adjusted with regard to the performance of such duties by such officer.

Arrangement for performance of work or services for Government of Commonwealth.

**38** It shall be lawful for the Governor, at the request of the Governor-General of the Commonwealth, to authorise and cause any work or services to be performed for the Government of the Commonwealth ; and the Governor, by agreement with the Governor-General of the Commonwealth or otherwise, may make arrangements for determining—

- i. The rate of payment to be made by the Government of the Commonwealth for the performance of such work or services : and
- ii. Any matters which may require to be adjusted with regard to the performance of such work or services.

Re-appointment from Commonwealth Public Service.

**39**—(1.) Every person who has been or hereafter may be appointed or transferred to the Public Service of the Commonwealth, and who at the time of appointment or transfer was or shall have been employed permanently in any branch or office of the Public Service of the State,

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shall, subject to such Regulations as may be prescribed, be eligible for appointment, upon the recommendation by the Board, to a position in the Public Service of the State, and the Governor may, on the like recommendation, exempt any such person from examination or probation.

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(2.) The expression "Public Service," used in line Four of this Section, shall not have the limited meaning assigned to it by this Act.

*Temporary Employment.*

**40**—(1.) Whenever in the opinion of a Minister of a Department the prompt despatch of the business of a Department renders temporary assistance necessary, and the Board is unable to provide such assistance from other Departments, the Board shall select, in such manner as may be prescribed, from the persons whose names are upon the prescribed register, such person or persons who are available as appear to be best qualified for such work, and they shall be paid at the rate the Board may determine from time to time is applicable to the work to be performed.

Temporary  
employment.  
Cf. Com. P.S.  
Act, s. 40.

(2.) Such person or persons may be employed to perform such work for any period not exceeding Twelve months.

Limit of  
employment.

(3.) No person who has been temporarily employed in any Department for Twelve months continuously or in the whole, or for Eighteen months continuously or in the whole, where extended as hereinafter provided shall, during the Six months following the termination of such temporary employment, be eligible for further temporary employment in the Public Service.

Restriction on  
re-employment.

(4.) If it appears in the public interest to be desirable so to do, the Board may order that any person who has been temporarily employed in any Department for Twelve months continuously or in the whole may be temporarily employed for not more than Six additional months.

Power to extend  
by six months.

(5.) The services of any person temporarily employed may be dispensed with at any time by the Minister or by the Permanent Head.

Liability to being  
dispensed with.

(6.) Notwithstanding the provisions hereinbefore contained the Governor, if it appears in the public interest to be desirable so to do, may, in the case of temporary work in the carrying out of any public work or scheme, order that the temporary employment of all or any persons employed upon such work or scheme may be continued until the completion of the same; and unless otherwise ordered by the Board any person may be temporarily employed in the Government Printing Office or in the preparation of the Census for such time as may be necessary.

Provision as to  
certain Depart-  
ments.

(7.) The Governor may, by Order-in-Council, from time to time, temporarily suspend the operation of Sub-sections Two, Three, and Four of this Section in respect of any Department or office specified.

(8.) The Board shall in the month of *July* in each year make a return showing the names of all persons temporarily employed in the Public Service during the previous financial year, and the periods for which such persons have been respectively employed and the remuneration paid to them, and such return shall be laid before both Houses of the Parliament.

Return to be  
presented  
annually.

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## PART III.

## INTERNAL ADMINISTRATION.

*Alterations of Staff.*

- Power to create or abolish offices and alter classification or grading.  
Cf. Com. P.S. Act, s. 41.
- 41** The Governor may, on the recommendation of the Board, after it has obtained a report from the Permanent Head—
- I. Create a new office in any division in any Department : or
  - II. Abolish any office in any Department : or
  - III. Raise or lower the classification or grading of any office the duties of which have been materially changed : or
  - IV. With the consent of any officer, transfer or promote him from any one division to any other division ; and in the case of transfer or promotion from the General to the Clerical Division, or from the General or Clerical to the Professional Division, after such examination as may be prescribed.
- How vacancies to be filled by promotions.  
Cf. *ibid.*, s. 42.
- 42** Whenever a vacancy occurs in any office, and it is expedient to fill such vacancy by the promotion of an officer, the Governor may, on the recommendation of the Board, subject to the provisions of this Act, appoint to fill such vacancy an officer of the Public Service, regard being had to the relative efficiency, or in the event of an equality of efficiency of two or more officers to the relative seniority, of the officers of the Public Service.
- “Efficiency” in this Section means special qualifications and aptitude for the discharge of the duties of the office to be filled, together with merit and good and diligent conduct.
- Examination before promotion or transfer.  
Cf. *ibid.*, s. 43.
- 43**—(1.) No officer shall be promoted from a class in the Professional Division to a higher class, or be transferred from one Department to another, unless he has passed such examination as is prescribed for such class in the Department in or to which he is promoted or transferred.
- (2.) Such examination shall be conducted by examiners recommended by the Board, who may be appointed or removed by the Governor. Such examination shall not be competitive ; and there may be different examinations for each different Department, or for different specified offices therein ; and the subjects of examination shall have reference to the work to be performed and to subjects a knowledge of which would increase the efficiency of the Department.
- (3.) An examination as to the whole thereof, or any one or more subjects conducted by a university or by any public examining body, may, if prescribed, be accepted in lieu of an examination by examiners appointed under this Section.
- (4.) In the case of barristers, solicitors, medical practitioners, engineers, architects, actuaries, land surveyors, and draughtsmen employed and seeking promotion or transfer in the line of their profession, any examination may be dispensed with on a report from the Board that it is not necessary.

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**44** Notwithstanding anything in this Act contained, the Board shall have power to direct the holding of examinations in connection with the filling of certain offices or any of them in order to test the efficiency and aptitude of the candidates for and the officers available for appointment to the position in respect of which the Board has directed an examination to be held, and the provisions of Section Twenty-six shall, *mutatis mutandis*, apply to any examination under the provisions of this Section.

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Examination in special cases.  
4 Ed. VII. No. 41, s. 42 (W.A.).

**45**—(1.) Before an officer is promoted from any office to a higher office in the Professional or Clerical Division there shall be submitted to the Governor the name of the officer recommended for promotion to such higher office by the Board, after report from the Permanent Head, and any officer so recommended may be promoted by the Governor accordingly.

How promotions made.

Cf. *ibid.*, s. 44.

(2.) If any officer recommended by the Board is not approved by the Governor, it shall be the duty of the Board, after report from the Permanent Head, to recommend within a time specified by the Governor some other officer for the office, and such officer, if approved of by the Governor, may be promoted accordingly to such office.

(3.) Where the Governor does not approve of any officer recommended, a statement of the reasons for not approving any such recommendation, and for requiring a further recommendation, shall within Seven days be laid before Parliament, and if Parliament is not sitting, then within Seven days of the next sitting thereof.

**46**—(1.) The Board may permit an officer to decline an offer of promotion or appointment without prejudice to his right to future promotion or appointment.

Board may allow officer to decline promotion.

Cf. *ibid.*, s. 45.

(2.) No officer shall refuse compliance with an Order of the Governor, on the recommendation of the Board, directing his removal from one position to another at his existing salary in any part of the State. Disregard of or disobedience to any such order shall be deemed to be a breach of the provisions of this Act.

**47** When it appears to the Minister or Permanent Head of any Department necessary or expedient for the more economic, efficient, or convenient working of such Department, or of any branch thereof, that any particular disposition of officers and re-arrangement of work should be effected, the matter shall be referred to the Board for consideration and action.

Re-arrangement of officers and work.

Cf. 2 Ed. VII. No. 31 (N.S.W.), s. 52.  
4 Ed. VII. No. 41 (W.A.), s. 46.

*Dismissals, Removals, &c.*

**48**—(1.) If any officer is guilty of a breach of the provisions of this Act, or any Regulations thereunder; or is guilty—

Offences.

Cf. *ibid.*, s. 46.

- i. Of any wilful disobedience or disregard of any lawful order made or given by any person having authority to give such order: or
- ii. Of being negligent or careless in the discharge of his duties: or

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iii. Of being inefficient or incompetent, and such inefficiency or incompetency appears to arise from causes within his own control : or

iv. Of using intoxicating beverages to excess : or

v. Of any disgraceful or improper conduct—

then such officer shall be guilty of an offence, and shall be liable to such punishment as may be determined upon under the provisions of this Section.

(2.) Any officer (not being a Permanent Head) charged with the commission of an offence—

Summary reprimand for minor offences.

i. May in the case of minor offences against discipline be reprimanded or cautioned or fined any sum not exceeding One Pound by the Permanent Head, or by any officer prescribed as having power to suspend officers in the office or place in which the offending officer is employed : or

Temporary suspension of officer charged.

ii. For any such offence whatever may be temporarily suspended by the Permanent Head, or in emergent cases by any officer prescribed as having power to suspend officers in the office or place in which the offending officer is employed, in which event such suspension shall be immediately reported to the Permanent Head. The suspending officer or the Permanent Head shall forthwith furnish the offending officer with a copy of the charge on which he is suspended, and require him to forthwith state in writing whether he admits or denies the truth of such charge, and to give any explanation in writing as to such offence for the consideration of the Permanent Head.

Power of Permanent Head to reprimand.

(3.) On consideration of such explanation, if any, the Permanent Head, if of opinion, after such further investigation as he may deem necessary, that the alleged offence has not been committed, may remove such suspension ; or if of opinion that the alleged offence has been committed by such officer, but is not of so serious a nature that an investigation thereof should be made by a Board of Inquiry, may reprimand or caution such officer and remove the suspension, or in his discretion fine him any sum not exceeding Five Pounds : Provided that if any such officer having been suspended and fined is dissatisfied with the decision of the Permanent Head, he may, within Seven clear days after such decision has been given, appeal in writing to the Public Service Board, stating the grounds of his dissatisfaction, and that Board shall thereupon enquire into and consider the appeal and the grounds thereof, and may confirm, reverse, or vary the decision of the Permanent Head ; and the decision of the Board shall be final.

Or refer charge to a Board of Inquiry.

(4.) If the Permanent Head considers the alleged offence to be of so serious a nature that an investigation thereof should be made by a Board of Inquiry, he may forthwith refer the charge to a Board of Inquiry, to be appointed by the Board in the manner prescribed (consisting of Three persons, one of whom shall be the Chairman of such Board, and any Two of whom may exercise all the powers



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of such Board) for investigation and report; and if such suspended officer has not in writing admitted the truth of the charges made against him, such Board of Inquiry shall inquire as to the truth of such charges. Every such Board of Inquiry shall, after fully hearing the case, submit to the Permanent Head, for transmission to the Board, a report of the proceedings and evidence taken and their opinion thereon. A.D. 1905.

(5.) If any such charges are admitted, or are found by the Board of Inquiry to be proved, then the Public Service Board may, subject to the Regulations, impose a penalty not exceeding Fifty Pounds upon such offending officer, or may deprive him of his leave of absence during a specified period; or may, according to the nature of the offence, reduce such officer to a lower division, class, sub-division of class or grade and salary or wages, or may transfer him to some other position; or the Governor may dismiss such officer from the Public Service or require him to resign, and if such officer fails to resign within the time specified he shall be dismissed; and where an officer admits or is found guilty of an offence, such officer shall, unless otherwise ordered by the Governor, be entitled to no salary or wages during the time of his suspension. Punishment when charge proved. Reduction by Board. Dismissal by Governor.

(6.) If none of such charges are found by the Board of Inquiry to be proved, the suspension shall be immediately removed by the Permanent Head. Removal of suspension.

**49**—(1.) Where the Permanent Head of a Department is charged by any person with any of the offences mentioned in Sub-section (1.) of the last preceding Section, the Minister may suspend such officer, and report the charge and suspension to the Board, and thereupon the Board shall appoint in the manner prescribed a Board of Inquiry (consisting of Three persons, One of whom shall be the Chairman of such Board, and any Two of whom may exercise all the powers of such Board) for investigation and report; such Board shall not include the person by whom the charge was made; and if such officer does not in writing admit the truth of the charges made against him, such Board of Inquiry shall inquire into the truth of such charges, and after fully hearing the case shall report to the Board their opinion thereon. Offences by Permanent Heads. Cf. *ibid.*, s. 47.

(2.) If any such charges are admitted, or are found by the Board of Inquiry to be proved, then on receiving such report the Public Service Board may make such recommendation in reference thereto, and as to the punishment or otherwise of the person charged, as to the last-mentioned Board seems fit. On receiving such recommendation, the Governor may dismiss such Permanent Head from the Public Service, or reduce him to a lower division and salary, or impose such penalty not exceeding Fifty Pounds or other punishment as the case demands.

(3.) If such charges are found by the Board of Inquiry not to be proved, the suspension shall be immediately removed by the Minister. Removal of suspension.

**50** The Public Service Board and the several members thereof, every Board of Inquiry and the several members thereof, appointed under the provisions of this Act, and any person to whom any powers Power to summon witnesses and take evidence on oath. Cf. *ibid.*, s. 10.

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or functions are delegated under the provisions of this Act, when conducting any inquiry or investigation under this Act, shall have all the powers and authority of Justices of the Peace under the provisions of *The Magistrates Summary Procedure Act*, including the power to summon and compel the attendance of witnesses, and to determine the costs and expenses which they shall be entitled to receive under this Act, and to take evidence on oath or affirmation, and shall also have power to require and compel any person summoned as a witness to produce any books, writings, or documents pursuant to such summons, to make orders for the payment of costs and expenses, and to enforce the same, and generally to make such orders as may be necessary to give effect to their determination in the matter of such inquiry or investigation: Provided that no person shall be compelled to answer any question that would tend to incriminate him.

Right of officers  
to be represented  
by counsel.  
Cf. *ibid.*, s. 48.

**51**—(1.) All officers against whom any charge is made, and also the person making the charge, and the Department to which any officer charged belongs, shall, upon the hearing of the charge by the Board of Inquiry, be entitled to be represented by counsel, attorney, or agent, who may examine witnesses and address the Board of Inquiry.

(2.) A Board of Inquiry shall, when inquiring as to the truth of any charges, inquire as to the truth of the same without regard to legal forms and solemnities, and shall direct itself by the best evidence it can procure or that is laid before it whether the same be such evidence as the law would require or admit in other cases or not.

Procedure before  
Board of Inquiry.  
Cf. *ibid.*, s. 49.

**52** Where any charge against an officer is submitted to a Board of Inquiry, such Board shall have the right to direct that the inquiry shall be held in private.

In any case where such Board finds that the charge is not proved, the Board may recommend that the reasonable expenses, or any part thereof, incurred by such officer in meeting such charge be paid, the amount of such expenses to be mentioned in such recommendation.

Every such recommendation shall be considered by the Governor.

In any case where a charge against an officer is submitted to a Board of Inquiry, a copy of all documents intended to be used at the inquiry shall, where practicable, be furnished to such officer at least Seven days before the inquiry is held.

*Incapacity of Officers.*

Services of  
incapable officer  
may be dispensed  
with.  
Cf. *ibid.*, s. 65.

**53** If an officer appears to the Public Service Board, after a report from the Permanent Head or otherwise, to be unfit to discharge or incapable of discharging the duties of his office efficiently, that Board may refer the question to a Board of Inquiry, to be appointed in the manner prescribed, consisting of Three persons (One of whom shall be Chairman, and any Two of whom may exercise all the powers of the last-mentioned Board), and if that Board finds that such officer is unfit to discharge or incapable of discharging the duties of his office, the Governor may, on the recommendation of the Public Service Board,

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deal with such officer, either by calling upon him to retire from the Public Service or by transferring him to some other position; and every such officer, if called upon to retire, shall retire accordingly.

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## PART IV.

## MISCELLANEOUS.

*Performance of Duties in Absence.*

**54** Where in or by any Act, Order in Council, Proclamation, rule, regulation, by-law, contract, or agreement any duty, obligation, right, or power is imposed or conferred upon any officer in His Majesty's Service (other than a Minister or judicial officer) in his capacity as such officer, such duty, obligation, right, or power may be performed or exercised by any officer directed by the Governor to perform and exercise the duties, obligations, rights, and powers of such firstmentioned officer during his temporary absence or incapacity, in the same manner and to the same extent in all respects as the same might have been respectively performed or exercised by such firstmentioned officer, and everything so done under the provisions of this Section shall be as good and effectual for all purposes and against all persons whatsoever as if done by such firstmentioned officer.

Performance of duties and powers of officer in his absence.

Cf. *ibid.*, s. 59.  
Cf. 2 Edw. VII. No. 31 (N.S.W.), s. 6.  
4 Edw. VII. No. 41 (W.A.), s. 53.

*Officers not British Subjects to be Naturalised.*

**55** Every officer admitted to the Public Service before the commencement of this Act who is not a natural-born or naturalised subject of His Majesty shall forthwith after the commencement of this Act, or so soon as he is qualified so to do, apply for and obtain a certificate of naturalisation under the laws of the United Kingdom or of the Commonwealth.

Officers not British subjects to be naturalised.

Cf. Com. P.S. Act, s. 63.

*Deduction for Quarters and Allowances.*

**56** If an officer occupies for the purpose of residence the whole or part of a building belonging to or occupied by the State Government, or receives fuel, light, or any other fixed allowance, the Governor may direct that a fair and reasonable sum therefor be deducted from such officer's salary, and the amount of such sum shall be fixed by the Governor on the recommendation of the Board; but in any case where an officer is occupying free quarters or receiving any such allowance at the date this Act comes into operation, no such deduction shall be made so as to diminish the remuneration of such officer.

Rent charged to officers residing in Government buildings.

Cf. *ibid.*, s. 64.

*Appeals.*

**57** Any officer affected by any report or recommendation made by the Board to the Governor under this Act, as to his classification or grading, or the classification of the work performed by or assigned to him, may, in such manner and within such time as may be prescribed, appeal to the Board. The Board shall hear and determine such appeal.

Appeals to Public Service Board.

Cf. Com. P.S. Act, s. 50.

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*Forfeiture of Office.*Forfeiture of office  
in certain cases.

**58**—(1.) If an officer is convicted of any felony or misdemeanour he shall be deemed to have forfeited his office, and shall thereupon cease to perform his duties or receive his salary.

Bankruptcy, &c.,  
of officer.

(2.) If any officer becomes bankrupt or applies to take the benefit of any Act for the relief of insolvent debtors, or makes an assignment for the benefit of his creditors, he shall report the matter at once to the Board, and unless he satisfies the Board that he has not been guilty of fraud, dishonourable conduct, or extravagance, such officer may be dismissed from the Public Service, or reduced to a lower division, class, or grade therein, or fined, reprimanded, or otherwise punished by order of the Governor, on the recommendation of the Board.

*Penalties.*Fines to be  
stopped from  
salary.  
Cf. *ibid.*, s. 67.

**59** On receiving notice of any pecuniary penalty imposed upon or any order for the payment of money made against any officer under the authority of this Act, the officer who pays the salary of the officer so punished shall deduct from such salary the amount of such penalty or the sum ordered to be paid as the case may be, unless he is satisfied that the same has been paid. All fines and penalties imposed under this Act shall be paid into and form part of the Consolidated Revenue Fund.

*Leave of Absence and Holidays.*Leave of absence  
for recreation.  
Cf. *ibid.*, s. 68.

**60**—(1.) Unless otherwise directed by the Minister of his Department, the Permanent Head may grant to every officer of his Department leave of absence for recreation for any period or periods not exceeding in the whole Fourteen days in each year, exclusive of *Sundays* and holidays, and such Minister in cases of illness or other pressing necessity may grant such extended leave not exceeding Three months, and the Governor may grant leave not exceeding Twelve months, on such terms as may be prescribed.

(2.) The Minister may grant to any officer leave of absence for recreation for any period, not exceeding the number of days' leave of absence for recreation which the Permanent Head might have granted to such officer during his service under this Section, not so granted by the Permanent Head.

Deduction of pay  
for unauthorised  
absence.

(3.) When the absence of an officer is not sanctioned, there shall be deducted from his salary his pay for each day of such absence.

Limit of absence  
of certain officers.

(4.) The period of leave of absence for recreation which may be granted to officers whose duties cannot ordinarily be performed within usual regular hours shall not necessarily be limited to Fourteen days, but shall be limited as may be prescribed.

Further extended  
leave on ground  
of illness.  
Cf. *ibid.*, s. 69.

**61**—(1.) Where in case of illness any officer who has received extended leave of absence for Twelve months is not so far recovered as to be able to resume his duties, the Governor may grant such officer further leave of absence.

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(2.) No such further leave of absence shall be granted for more than Six months in all. A.D. 1905.

(3.) For such further leave of absence no salary or allowance shall be paid to such officer.

(4.) Leave of absence in case of illness shall not be reckoned as, nor included in, leave of absence for recreation.

**62**—(1.) On the application of any officer the Governor, on the recommendation of the Board; may grant to him leave of absence without pay for a period not exceeding Twelve months. Leave without pay.  
Cf. *ibid.*, s. 70.

(2.) The period during which any officer is absent on leave, granted pursuant to this Section, shall not for any purpose be included as part of such officer's period of service.

**63** When an officer has continued in the Public Service at least Twenty years, the Governor may grant to him on the recommendation of the Board leave of absence for a period not exceeding Twelve months on half-pay or Six months on full pay; but for such period of absence such officer shall not be entitled to receive any addition to his rate of pay. Furlough.  
Cf. Com. P.S. Act, s. 71.

**64**—(1.) The following days shall be observed as Public Service Holidays throughout the Service:— Holidays.  
Cf. *ibid.*, s. 72.

i. New Year's Day,

Good *Friday*,

The day after Good *Friday*,

Easter *Monday* and Easter *Tuesday*,

Christmas Day,

The Twenty-sixth day of *December*:

ii. The Twenty-sixth day of *January*,

The Anniversary of the Birthday of the Sovereign,

The Anniversary of the Birthday of the Prince of Wales:

iii. Any day or part thereof appointed by the Governor as a

Bank Holiday or Half-holiday, or as a Public Service

Holiday or Half-holiday; and which shall be so notified

in the *Gazette*.

(2.) Whenever any of the days mentioned in paragraph ii. of Sub-section (1.) falls upon a day other than a *Monday*, the next following *Monday* shall be the holiday instead of such day.

(3.) Whenever Christmas Day falls on a *Sunday*, the Twenty-seventh day of *December* shall be a Public Service Holiday, in addition to the Twenty-sixth day of *December*; and whenever any of the days mentioned in paragraph i. of Sub-section (1.), other than Christmas Day, falls upon a *Sunday*, the next following *Monday* shall be observed as a Public Service Holiday in lieu of such *Sunday*.

(4.) The Governor may also, by Proclamation, at any time appoint, in addition to the days hereinbefore named, any specified day or specified part of a day to be kept as a holiday or half-holiday in the public offices of the State, or in any part thereof.

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(5.) The Minister of a Department or the Permanent Head thereof may require such Department or any part thereof to be kept open in the public interest for the whole or any portion of a holiday, and may require the attendance and services of any officer of such Department during any such holiday; but in that case every such officer shall be granted in lieu thereof a holiday upon such other occasion as shall not interfere with public business.

*Retirement of Officers.*

Officers attaining age of Seventy to retire unless required to continue.

Cf. *ibid.*, s. 74.

Officers of age of Seventy may be continued in Public Service by Governor.

Cf. *ibid.*, s. 75.

**65** Every officer shall retire on attaining the age of Seventy years unless he is required to continue to perform his duty in the Public Service, as hereinafter provided, and is able and willing so to do.

**66** Notwithstanding that an officer has attained the age of Seventy years, if the Board certifies that in the interests of the Public Service it is desirable that such officer should continue in the performance of the duties of his office or of any office in the Public Service to which he may be appointed, and that such officer is able and willing to do so, the Governor may from time to time direct such officer to continue in the Service for such fixed time, not exceeding Twelve months, as the Governor in each case directs, or during pleasure.

*Public Notifications.*

Notices to be gazetted.

Cf. *ibid.*, s. 76.

**67** Notices of all appointments, transfers, retirements, vacations of office or removals of officers, and of all Orders-in-Council or Proclamations under this Act, shall be published in the *Gazette* within Twenty-eight days after the making thereof by the Governor, and every such notice shall be deemed and taken to be conclusive evidence of every such appointment, transfer, retirement, vacation of office or removal, or of such Order-in-Council or Proclamation respectively.

*Service of Notices on Officers.*

As to officers whose address is unknown.

Cf. *ibid.*, s. 77.

**68**—(1.) In the event of the address for the time being of an officer being unknown to the Board or Permanent Head or Board of Inquiry, as the case may be, all notices, orders, or communications to or for such officer shall be posted to the last-known address of such officer, and a notification of the fact of such posting shall be published in the *Gazette*.

(2.) So far as regards any such notice, order, or communication, compliance with Sub-section (1.) of this Section shall be deemed a sufficient service of such notice, order, or communication on an officer whose address is unknown as aforesaid.

(3.) Where any such notice, order, or communication relates to any charges made against an officer, then if within a time specified in such notice, order, or communication no answer is received by the authority asking whether the officer admits the truth of such charges, he shall be deemed to deny the truth of such charges, and such charges may be inquired into and dealt with in the absence of the officer affected.

*Public Service.**Payments.*

**69**—(1.) Nothing in this Act shall authorise the expenditure of any greater sum out of the Consolidated Revenue Fund by way of payment of any salary than is from time to time appropriated by Parliament for the purpose.

(2.) Where money has been appropriated by Parliament in any year for the salaries of officers in any division, if during the year for which the appropriation has been made any vacancy occurs in such division and is not filled up, the Governor may apply the money so appropriated to the payment of any officer in a lower position in the same division.

(3.) Payments of money to officers other than for salary or prescribed transfer or travelling allowances or expenses shall be made only under the authority of the Governor.

(4.) No officer shall be deemed to be entitled to any compensation by reason of any reduction of his salary, or for any alteration of the limits of salary of his class or grade, or by reason of any alteration in the scale of allowances or gratuities which may be made by any Act amending this Act, or by Regulations herein provided for.

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Salaries not to exceed amount appropriated by Parliament.

Cf. *ibid.*, s. 78.

No compensation in consequence of operation of Act. 64 Vict. No. 69, s. 65 (Tas.).

*Performance of Work outside Public Service.*

**70**—(1.) Except with the express permission of the Governor, and upon the recommendation of the Board, which permission may at any time by Order-in-Council be withdrawn, no officer shall—

- i. Accept or continue to hold an office in or under the Government of the Commonwealth or in or under any public or municipal corporation : nor
- ii. Accept or continue to hold or discharge the duties of or be employed in a paid office in connection with any banking, insurance, mining, mercantile, or other commercial business, whether the same be carried on by any corporation, company, firm, or individual : nor
- iii. Engage in or undertake any such business, whether as principal or agent : nor
- iv. Engage or continue in the private practice of any profession : nor
- v. Accept or engage in any employment other than in connection with the duties of his office or offices in the Public Service.

(2.) Nothing herein contained shall be deemed to prevent an officer from becoming a member or shareholder only of any incorporated company or of any company or society of persons registered under any Act in any State or elsewhere.

Officer not to engage in duties unconnected with his office.

Cf. Com. P.S. Act, s. 79.

Effect as to companies.

*Regulations.*

**71** In addition to any power by this Act conferred on the Governor to make Regulations as to any special matter (which power shall also in every case be implied for the purposes of any Section in this Act in which Regulations are referred to, or in which the word "prescribed"

Regulations.

Cf. Com. P.S. Act, s. 80.

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is used), the Governor may make, alter, or repeal Regulations for the carrying out of any of the provisions of this Act, and in particular for all or any of the following purposes, namely:—

- i. For regulating the times and places of the meetings of the Public Service Board, and the proceedings of, and transaction of business by such Board:
- ii. For regulating the appointment of officers of the Public Service:
- iii. The arrangement of the Public Service in its prescribed Divisions, and the facilitation of the working thereof; the classification of the work therein; and the classification and grading of officers:
- iv. For arranging the Professional and the Clerical Divisions into classes, and the General Division into grades, and for determining the limits of salaries and wages to be paid to persons in such classes or grades in the different Departments or in any specified Department:
- v. For the conditions under which officers of the Clerical and General Divisions may be transferred to the Professional Division, and the conditions under which officers may be transferred from the General Division to the Clerical Division:
- vi. For examinations (whether entrance examinations or not), for fixing the fees payable for entrance examinations, and for registering in the order of merit the names of all persons who have passed the entrance examinations, and of those candidates who having qualified at any such examination may be appointed to fill subsequent vacancies arising within a prescribed period:
- vii. For prescribing the rates of salaries or wages for women employed otherwise than in the Clerical Division, and the terms upon which the service of female officers may be dispensed with upon their marriage: Provided, that nothing herein shall be taken to permit the employment of any married woman except upon the certificate of the Board in each case that such employment is desirable:
- viii. For constituting in any part of the State, or for any locality or office in any locality, Boards of Inquiry for the purpose of investigating charges against any officer for breaches of the provisions of this Act, or any Regulations thereunder, or of being unfit to discharge or incapable of discharging the duties of his office efficiently, or of committing any offence for which an officer may be suspended from duty, and for regulating the procedure of such Boards:
- ix. For regulating and fixing for breach of any specified Regulation penalties not exceeding Fifty Pounds, according to the nature and gravity of the offence:



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*Public Service.*

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- v. For regulating and determining the scale or amount to be paid to officers for transfer or travelling allowances or expenses : A.D. 1905.
- xI. For regulating the duties of officers, and the mode in which such duties shall be performed, and for regulating the conduct of officers :
- xII. For prescribing the form of register of applicants for temporary employment, and the mode of keeping the same, and the mode of selecting persons therefrom, and the method of dealing with or punishing persons temporarily employed, and for regulating generally the terms and conditions of any temporary employment :
- xIII. For regulating the hours of attendance of officers, and the keeping and signing of records of attendances, or prescribing other methods of recording attendances :
- xIV. For regulating the granting of leave of absence to officers of the Public Service :
- xV. For regulating the performance of and payment of officers for extra services and the payment of examiners :
- xVI. For fixing the amount and nature of the security to be given for the fidelity of officers occupying positions the nature of which, in the opinion of the Board, renders it necessary for such officers to find security for their fidelity :
- xVII. For fixing the maximum or minimum age of persons who may be appointed to any particular division or class or grade, or to any particular office :
- xVIII. For providing for a notification to the Board of every punishment inflicted on any officer by virtue of this Act, and for keeping records thereof :
- xIX. For determining the dates, times, or periods of time at or within which shall be done all things and acts required or permitted by this Act to be done, and in respect of which no dates, times, or periods of time are specifically provided :
- xx. For notifying vacancies, and the method of applying for such vacancies :
- xxI. For regulating generally the mode, manner, and time, of election of the elective member of the Board, and generally for the management and conduct of any such election, and for facilities to be given to members of the Public Service for voting thereat, and for the elected member attending the sittings of the Board :
- xxII. For regulating the procedure of the Board concerning appeals, the conduct of appeals, and the method of taking evidence at a distance :
- xxIII. For prescribing the allowances to witnesses for their expenses :
- xxIV. For prescribing, where there is no provision in this Act, or no sufficient provision in respect of any matter or thing necessary to give effect to this Act, in what manner and form the want of provision or insufficient provision shall be supplied.

*Public Service.*

A.D. 1905.

Publication of  
Regulations in  
*Gazette.*

Officers entitled  
to copies.

Repeal.

Civil Service  
Provident Fund  
to be transferred  
to Revenue.

**72** All Regulations made pursuant to this Act may be made either generally or with respect to any particular case or class of cases, and when made by the Governor and published in the *Gazette* shall have full force and effect; and such Regulations shall be laid before both Houses of Parliament within Fourteen days of publication in the *Gazette*, if Parliament is in Session and actually sitting, or if Parliament is not in Session or not actually sitting, then within Fourteen days after the commencement of the next Session or sitting.

Every officer shall be entitled to a copy of this Act and the Regulations free of charge.

**73**—(1.) “The Civil Service Act, 1900,” is hereby repealed.

(2.) All moneys standing to the credit of the Civil Service Provident Account in the Books of the Treasury of *Tasmania*, or which the said Act directs to be transferred to the credit of the said Account from the Consolidated Revenue Fund, shall, on the passing of this Act, be and be deemed to be paid into and form part of the Consolidated Revenue Fund free from any claim under the said Act.