

TASMANIA.

THE PUBLIC SERVICE ACT, 1918.

ANALYSIS.

PART I.—PRELIMINARY.

1. Short title.
2. Division of Act.
3. Repeal.
Schedule.
4. Interpretation.
5. Non-application of Act to certain officers.
6. Undue influence.

PART II.—ADMINISTRATION.

7. Appointment of Public Service Commissioner.
Powers of Commissioner.
Assistant-Commissioner.
Deputy to act for absent member.
No action to lie.
Salaries of Commissioner and Assistant-Commissioner.
8. Suspension or removal of Commissioner.
9. Suspension or removal of Assistant-Commissioner.
10. Vacation of office.
11. Secretary and other officers.
12. Commissioner to inspect departments.
Transfer or retirement when excessive number of officers employed.
13. Commissioner may delegate powers.
14. In case of diminution of the work of the Government Printing Department, Commissioner may relieve one or more persons from duty, without pay.
Commissioner may delegate his powers.
15. Record, division, class, &c., of officers to be kept and gazetted.
16. Commissioner to report on state of Public Service to Governor.
17. Governor to proclaim departments.
Auditor-General.
18. Responsibility of permanent head.

PART III.—DIVISIONS OF PUBLIC SERVICE, CLASSIFICATION, AND SALARIES.

19. Divisions of Service.
20. Reclassification.
21. Power of Commissioner may be exercised provisionally.
22. Professional Division.
Clerical Division.
General Division.
23. Salaries of Professional, Clerical, and General Divisions.
24. Additional increment of Ten Pounds to be paid male married officers.
25. Power to fix salary.

26. New appointments to Clerical Division to be to the lowest class.
27. Salary on appointment or promotion.
28. Increment to depend upon good conduct.
29. Provisions where salary of officer in excess of value of work, &c.
30. Provision for increase of importance of work or office.
31. Rent charged to officers residing in Government buildings.
32. Certain existing salaries continued.

PART IV.—EXAMINATION AND APPOINTMENT OF OFFICERS.

33. Persons who are subjects of His Majesty.
34. Admission to Public Service.
35. Candidates to furnish evidence as to certain matters.
36. Commissioner to confer with permanent head.
37. Admissions to Public Service to be on probation only.
38. Appointments in certain cases without examination or probation.
39. Age of new appointees to Clerical Division.
Age of new appointees to General Division.
Power to extend limit of age for special cases.
40. Appointment of officers of gaols, &c.
41. Appointment of officers of mental diseases hospitals.
42. Reappointment of retired officers.
43. Officers of Parliament, &c.
44. Power to appoint temporary officers permanently in certain cases.
45. In certain cases appointment of temporary employee as permanent officer to be made on recommendation of permanent head.
46. Service in Commonwealth not to disqualify for State.
47. Officer of Commonwealth may discharge State functions.
Consequent arrangements to be made.
48. Arrangements for performance of duties by officer.
49. Arrangement for performance of work or services for Government of Commonwealth.
50. Reappointment from Commonwealth Public Service.
51. Temporary employment.
Limit of employment.
Restriction on re-employment

Power to extend by Six months.
Liability to being dispensed with.
Provision as to certain departments.
Return to be presented annually.

PART V.—EMPLOYMENT OF RETURNED SOLDIERS.

52. Interpretation.
"Returned Soldier."
"Soldiers' Beard."
53. Priority of returned soldiers, &c. of expeditionary forces for temporary and other employment in public service.
54. Constitution of Soldiers' Board.
Quorum.
Chairman, &c.
55. Vacancies, how filled.
Appointment of substitute for member of Board.
56. Regulations.
57. Applications by returned soldiers for appointment or employment.
58. Register to be kept.
59. Applications for new appointments to be invited.
60. Classification on appointment to Clerical Division.
61. Examination of returned soldiers for appointment.
Names of successful candidates to be entered in register.
62. Consequential amendments.

PART VI.—INTERNAL ADMINISTRATION.

63. Power to create or abolish offices and alter classification or grading.
64. How vacancies to be filled by promotions.
65. Examination before promotion or transfer.
66. Examination in special cases.
67. How promotions made.
68. Commissioner may allow officer to decline promotion.
69. Re-arrangement of officers and work.
70. Offences.
71. Investigation of and punishment of offences.
Summary reprimand or fine for minor offences.
Temporary suspension of officer charged.
Power of permanent head to reprimand.
Or refer charge to Commissioner.
Punishment when charge proved.
Reduction by Commissioner.
Dismissal by Commissioner.
Removal of suspension.

72. Offences by permanent heads.
Removal of suspension.
73. Commissioner may initiate inquiry into misconduct.
74. Forfeiture of office in certain cases
75. Bankruptcy, &c., of officer.
76. Services of incapable officer may be dispensed with.
77. Right of officers to be represented by counsel.
Procedure.
78. Statutory powers and duties of officers confirmed in certain cases.

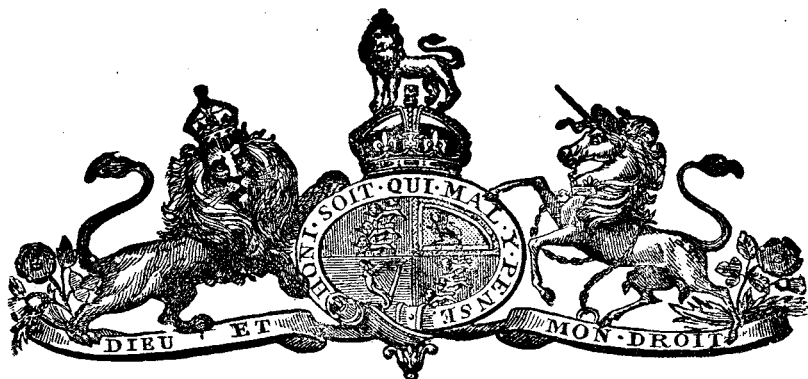
PART VII.—APPEALS BOARD.

79. Right of appeal in regard to classification, &c.
Right of appeal against decisions in respect of charges
80. The Appeal Board.
81. Proceedings of Board.

PART VIII.—MISCELLANEOUS.

82. No claim for compensation if salary reduced or services dispensed with.
83. Performance of duties and powers of officer in his absence.
84. Officers not British subjects to be naturalised.
85. Power to summon witnesses and take evidence on oath.
86. Fines to be stopped from salary.
87. Leave of absence for recreation.
Deduction of pay for unauthorised absence.
Limit of absence of certain officers.
88. Leave on ground of illness or necessity.
89. Leave without pay.
90. Furlough:
91. Leave of absence for defence purposes.
92. Holidays.
93. Officers attaining age of Seventy to retire unless required to continue.
94. Officers of age of Seventy may be continued in Public Service by Governor.
95. Notices to be gazetted.
96. As to officers whose address is unknown.
97. Salaries not to exceed amount appropriated by Parliament.
98. Officer not to engage in duties unconnected with his office.
Effect as to companies.
99. Regulations.
Regulations may be general or special.
Officers entitled to copies.
100. Saving of Crown's right to dispense with services of any public servant.

T A S M A N I A.



1918.

ANNO NONO

GEORGII V. REGIS.

No. 69.



AN ACT to consolidate and amend the Law ^{A.D.} 1918.
regulating the Public Service, and for other
purposes. [25 January, 1919.]

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:—

PART I.

PRELIMINARY.

1 This Act may be cited as "The Public Service Act, 1918," and Short title. shall come into operation on a date to be fixed by the Governor by proclamation.

Public Service.

A.D. 1918.

Division of Act.

2 This Act is divided into Eight Parts, namely :—

Part I.—Preliminary.

Part II.—Administration.

Part III.—Divisions of Public Service, Classification,
and Salaries.

Part IV.—Examination and Appointment of Officers.

Part V.—Employment of Returned Soldiers.

Part VI.—Internal Administration.

Part VII.—Appeal Board.

Part VIII.—Miscellaneous.

Repeal.
Schedule.**3** The Acts mentioned in the schedule to this Act are hereby repealed.Interpretation.
Cf. No. 9 of 1905,
s. 2, Tas.
Cf. No. 1259, of
1916, s. 4, S.A.**4** In this Act, unless the contrary intention appears—

“Assistant Commissioner” means an Assistant Commissioner appointed under this Act :

“Bankruptcy” includes liquidation by arrangement or composition with creditors : “Bankrupt has a corresponding meaning :

“Commissioner” means the Public Service Commissioner appointed under this Act :

“Department” means any Department at any time established by the Governor under any Act hereby repealed or under this Act :

“Division” means a division of the Public Service :

“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 is 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; but does not include a person serving on probation, nor a person temporarily employed :

“Part” means part of this Act :

“Permanent Head” means the permanent head of the Department wherein any officer or person in connection with whom the term is used or is applicable, is employed :

“Public Service” means the Public Service of the State, as defined in Section Five of this Act.

Cf. No. 23, of
1912, s. 3, N.Z.

Public Service.

5 The Public Service of Tasmania shall comprise all persons employed in any capacity in the Public Service of the State, with the following exceptions (save where otherwise expressly provided), namely :—

- I. The Judges of the Supreme Court :
- II. The Agent-General :
- III. The Auditor-General :
- IV. The Public Service Commissioner or Assistant Public Service Commissioner :
- V. Persons employed in the Government Railway Service :
- VI. Persons employed in the Hydro-Electric Department, or in connection with the State Hydro-Electric Works :
- VII. The inspectors and teaching staff of the Education Department :
- VIII. The members of the Police Force :
- IX. Any honorary officer :
 - X. Any officer the right to appoint whom is not vested in the Governor :
 - XI. Any officer remunerated by fees, allowances, or commission only :
 - XII. Any examiner under this Act who is not an officer :
- XIII. Any officer or class of officers or department to whom or to which it is provided by any Act that this Act, or the Acts hereby repealed shall not apply :
- XIV. Any officer or class of officers or department to whom or to which on the recommendation of and for special reasons assigned by the Commissioner the Governor declares, by proclamation, that the provisions of this Act shall not apply; and the Governor may on the recommendation of the Commissioner 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 :

Provided that, except so far as inconsistent with any Act for the time being in force, the Governor, on the recommendation of the Commissioner, may declare by proclamation that the provisions, or any specified provisions, of this Act shall, from the time specified in that behalf in such proclamation—

- I. Apply to any of the persons or officers, classes, or departments, mentioned or referred to in this section : or
- II. Cease to apply to any persons or officers, classes, or departments to which, by reason of a proclamation made under this section, the same apply—

and every such proclamation shall, except as aforesaid, have effect according to the tenor thereof : and all persons to whom this Act, or any provision of this Act, applies by reason of a proclamation under this section shall, so far as may be necessary to give effect to such proclamation, be in the Public Service within the meaning of this Act.

A.D. 1918.

Non-application
of Act to certain
officers.Tas., s. 3.
S.A., s. 6.

S.A.

Public Service.

A.D. 1918;

Undue
influence.
Cf. No. 23 of
1912, s. 6, N Z

6—(1) No person shall, directly or indirectly, solicit or endeavour to influence the Commissioner or an Assistant-Commissioner with respect to the appointment of any other person to the Public Service, or with respect to the promotion of, or an increase of salary to, any officer in the Public Service.

(2) Every person who commits an offence against the provisions of the last preceding subsection is liable on conviction to a penalty not exceeding Fifty Pounds, to be recoverable summarily before a police magistrate.

(3) Any officer who, directly or indirectly, solicits or endeavours to influence the Commissioner or an Assistant-Commissioner for the purpose of obtaining promotion or increase of salary, shall be deemed to be unworthy of such promotion or increase, and it shall not be accorded him; and he shall be liable to immediate dismissal.

PART II.

ADMINISTRATION.

Public Service Commissioner.

Appointment of
Public Service
Commissioner.
Cf. No. 41, 1904,
s. 6, W.A.
Cf. N.Z., s. 7.

7—(1) From and after the commencement of this Act, instead of the Public Service Board there shall be One Public Service Commissioner, and the Public Service Board shall upon the appointment of the First Commissioner under this Act be dissolved.

Such dissolution of the Board or the repeal of "The Public Service Act, 1905," shall not affect the rights of any member of the Board acquired under any contract existing at the commencement of this Act.

Powers of
Commissioner.

(2) For the purposes of this Act the Governor shall from time to time appoint some fit and proper person to be Public Service Commissioner.

(3) The Commissioner shall have the powers and authority, and shall discharge and exercise the duties and functions by this Act vested in or imposed or conferred upon him, and shall, in addition, perform such other duties (whether in relation to the Public Service or otherwise) as may from time to time be imposed upon him by the Governor; and the Commissioner 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 in relation to the further duties (if any) imposed upon the Commissioner.

Assistant
Commissioner.

(4) The Governor may appoint an Assistant Public Service Commissioner, who shall assist the Commissioner in the administration of this Act, and such Assistant-Commissioner shall be under the control of the Commissioner.

(5) The Commissioner shall be appointed for a term of Five years.

Any Commissioner so appointed shall be eligible for reappointment for a period not less than Three years nor more than Five years.

Public Service.

The term of office of a Commissioner shall in no case extend beyond the age prescribed for the retirement of officers of the Public Service. A.D. 1918.

(6) The Assistant-Commissioner may be appointed for any period not exceeding Twelve months, and shall be eligible for reappointment.

(7) If any officer of the State is appointed Commissioner or Assistant-Commissioner, his service as Commissioner or Assistant-Commissioner shall, for the purpose of determining all his existing and accruing rights, be counted as public service in the State.

(8) In case of the illness, suspension, or absence of the Commissioner or of an Assistant-Commissioner, the Governor may appoint a deputy to act for such Commissioner or Assistant-Commissioner during such illness, suspension, or absence, and every such deputy shall during the time he acts as deputy have all the powers and authority, and perform all the duties, of the Commissioner or Assistant-Commissioner for whom he is acting.

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

(9) No action or suit shall be brought or maintained against any person who is, or shall have been, Commissioner or Assistant-Commissioner for any non-feasance or misfeasance in connection with his duties, nor shall any action, suit, or other proceeding lie, nor any costs be payable, in respect of any proceeding before the Commissioner or Assistant-Commissioner.

No action to lie.
Cf. *ibid.*, s.s. (5)

(10) The Commissioner shall receive in each and every year during the time he holds office, a salary at the rate of Seven hundred and fifty Pounds per annum. The Assistant-Commissioner (if any) shall receive a salary at such rate as the Governor may from time to time determine. Such salaries shall be a charge upon and be paid out of the Consolidated Revenue, which, to the necessary extent, is hereby appropriated accordingly.

Salaries of
Commissioner
and Assistant-
Commissioner

8—(1) The Commissioner may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided.

Suspension or
removal of
Commissioner.
W.A., s. 7.

In this subsection the expression "incompetence" includes inefficient administration.

(2) The Minister shall cause to be laid before each House of Parliament a full statement of the grounds of suspension within the next Seven sitting days of such House occurring after such suspension.

2 Edw. VII.
No. 31, s. 8
(N.S.W.).
Cf. Com. P.S.
Act. s. 6.

(3) The Commissioner so suspended shall be restored to office by the Governor unless each House of Parliament within the next Twenty-one sitting days of such House occurring after such statement is laid before it severally declares by resolution that the Commissioner ought to be removed from office.

(4) If each House within the said time so declares, the Commissioner shall be removed from office by the Governor accordingly.

(5) If the Commissioner is restored to office, he shall receive arrears of salary in full from the date of his suspension.

Public Service.

A.D. 1918.

Suspension or
removal of
Assistant
Commissioner.
N.Z., s. 10 (2).

Vacation of
office.
2 Edw. VII.
No. 31, s. 8
(N.S.W.).
Cf. Com. P.S.
Act, s. 7.
N.Z., s. 10.

9 The Governor may suspend the Assistant-Commissioner or remove him from office.

10 The Commissioner or Assistant-Commissioner (if any) shall be deemed to have vacated his office, and may be removed from office by the Governor—

- I. On proof to the satisfaction of the Governor that he has become bankrupt or has compounded with his creditors, or made any assignment of his salary for their benefit, or taken advantage of any provision of any Act relating to bankruptcy : or
- II. If, except on leave granted by the Governor, he absents himself from duty for Seven consecutive days, or for Fourteen days in any Twelve months, and the Governor finds that such absence was without sufficient cause, and considers he should be removed from office in consequence thereof : or
- III. If the Governor finds that he has become of unsound mind, or permanently incapable of performing his duties ; or
- IV. If he resigns his office by writing, under his hand addressed to the Governor, and such resignation is accepted by the Governor.

Secretary and
other officers.
Cf. No. 1259 of
1916, s. 16 (S.A.).
Cf. Tas., s. 13.

11—(1) The Governor may, in conformity with the provisions of this Act, from time to time, on the recommendation of the Commissioner, appoint a Secretary to the Commissioner, and such (if any) other officers as may be necessary to assist the Commissioner in the administration of this Act.

(2) The Secretary, and all such other officers, shall be under the direction and control of the Commissioner, and shall discharge and exercise such duties and functions as are imposed or conferred upon them respectively by the Commissioner.

General Powers and Duties of the Commissioner.

Commissioner to
inspect
departments.
Cf. *ibid.*
N.S.W., s. 9.
Cf. 4 Edw. VII.
No. 41, s. 9
(W.A.).
No. 23 of 1912,
s. 12 (1) (N.Z.).
Cf. S.A., s. 19.
Tas., s. 14 (1).

12—(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 Commissioner shall cause each department to be inspected, and shall, as far as practicable, personally inspect each department ; and the Commissioner, or the Assistant-Commissioner if so directed by the Commissioner, shall 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 Commissioner or the Assistant-Commissioner, as the case may be, to be necessary.

Public Service.

(2) If the Commissioner at any time finds that a greater number of persons is employed in any department than he determines to be necessary for the efficient working thereof, such persons as are in excess may (if practicable) be transferred to any other department which in his opinion requires additional assistance; and if the persons so found to be in excess cannot be usefully and profitably employed in any other department the Commissioner may dispense with their services.

A.D. 1918.

Transfer or retirement when excessive number of officers employed.
Cf. N.Z., s. 12.
Tas., s. 14 (5), (6.).

13 For the purpose of conducting an inquiry or investigation under the authority of this Act at which it may not be convenient for the Commissioner to be present, the Commissioner may delegate any of his powers or functions to the Assistant-Commissioner, 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 the Commissioner.

Commissioner may delegate powers.
Cf. *ibid.*
N.S.W., s. 11.
Cf. *ibid.* (W.A.), s. 12.
N.Z., s. 14.
Tas., s. 14 (2).

14—(1) Without in any way limiting the exercise by the Commissioner of his powers under this Act, if the Commissioner at any time finds that in consequence of diminution in the amount of the work for the time being of the Government Printing Department, the amount of work required to be done in that Department is not sufficient to keep fully employed all the persons employed therein, the Commissioner may temporarily relieve from duty, without pay, one or more of such persons during such period as he may think proper.

In case of diminution of the work of the Government Printing Department, Commissioner may relieve one or more persons from duty, without pay.

The fact that an officer has been so relieved from duty shall not be deemed to affect the continuity of his service.

(2) The Commissioner may generally, or with such restrictions or modifications as he thinks fit, by writing under his hand, delegate to the Permanent Head of the Government Printing Department the powers and functions of the Commissioner under this section (except this power of delegation), so that the delegated powers and functions may be exercised by the said Permanent Head, either generally or with such restrictions or modifications as may be specified in the instrument of delegation. The said Permanent Head shall, directly after the exercise by him of any such delegated powers and functions, report in writing to the Commissioner what action he has taken, and he shall give the Commissioner whatever information he requires.

Commissioner may delegate his powers.

Every delegation under this section shall be revocable at will.

15—(1) The Commissioner shall keep a record of all officers, showing with regard to each officer—

- I. His age and length of service :
- II. The office he holds :
- III. His division, class, subdivision of class or grade, and his salary under this Act.

Record, division, class, &c., of officers to be kept and gazetted.
Cf. *ibid.* (W.A.), s. 13.
Cf. Com. P.S. Act, s. 9.
S.A., s. 22.
Tas., s. 15.

Public Service.

A.D. 1918.

(2) The Commissioner 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 other than the age of such officers recorded as required by Subsection (1) of this section in respect to them, and showing the dates of appointment of such officers.

(3) Such list shall be *prima facie* evidence of the information contained therein; and a copy of such list shall be laid before each House of Parliament within the next Fourteen sitting days of such House occurring after such publication.

Commissioner to report on state of Public Service to Governor.
Cf. 2 Edw. VII. No. 31, s. 12 (N.S.W.).
Cf. *ibid* (W.A.), s. 14.
Cf. Com. P.S. Act, s. 11.
Tas., s. 16.

16 The Commissioner 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 Commissioner, 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 Commissioner shall in such report draw attention to any breaches or evasions of this Act which may have come under notice.

Permanent Head.

Governor to proclaim Departments.
Cf. S.A., s. 17.
Tas., s. 17 (4).

17—(1) The Governor may from time to time declare by proclamation—

- I. What are to be the several departments in the Public Service; and
- II. The office in each department, the holder of which for the time being shall be the permanent head of such department.

(2) The Governor may, from time to time, by proclamation declare any additional departments in the Public Service or discontinue any department previously declared. Any additional department so declared may be formed by the severance thereof from an existing department or departments, or by the amalgamation of existing departments or parts thereof, or otherwise howsoever, as the Governor deems proper.

Auditor-General.
Ibid., s. 17 (3).

(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.

Responsibility of Permanent Head.
Cf. Com. P.S. Act, s. 12 (2).
Tas., s. 17 (2).

18 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 directs.

Public Service.

PART III.

DIVISIONS OF PUBLIC SERVICE, CLASSIFICATION,
AND SALARIES.

Reclassification of Work and Regrading of Officers.

A D. 1918.

19 The Public Service shall consist of Three divisions; that is to say :—

Divisions of Service.
Tas., s. 18 (1).

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

20—(1) As soon as may be after the commencement of this Act, the Commissioner shall—

Reclassification.
N.Z., s 17.
N.S.W., s. 13.

- i. Regrade the officers of the Public Service; and
- ii. Reclassify as far as practicable the work performed by or assigned to each officer or grade of officers—

within the Three Divisions specified in the next preceding section of this Act, according to fitness and to the character and importance of the work performed by or to be assigned to each officer and grade; and such regrading and reclassification shall take the place of the grading and classification of the officers of the Public Service which existed at the commencement of this Act.

(2) The Commissioner shall in like manner regrade such officers and reclassify such work at intervals of not more than Five years commencing from the first regrading and reclassification made after the commencement of this Act.

(3) Subject to the provisions of Section Thirty-two of this Act the First general re-grading and re-classification under this Act (whether made before or after the First day of July, One thousand nine hundred and nineteen) shall come into force and be deemed to have come into force, and be given effect to as from the last-mentioned date.

21 The Commissioner may in the first instance exercise provisionally only any of the powers and authorities by this Act conferred upon him, and without regard to the times or periods fixed for the general regrading and reclassification of the Public Service, may make such alterations in such regrading and reclassification, either as affecting officers or departments, as the Commissioner may from time to time consider desirable.

Power of Commissioner may be exercised provisionally.
No. 31 of 1902,
s. 18, N.S.W.

22—(1) The Professional Division shall include all officers the discharge of whose duties require 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 Commissioner directs to be included in such Division.

Professional Division.
W.A., s. 18,
s.s. (2) (3) (4).
Com. P.S. Act,
s. 16, s.s. (2) (3) (4).
Tas., s. 19.

(2) The Clerical Division shall include all officers whose offices the Governor on the recommendation of the Commissioner directs to be included in such Division.

Clerical Division.

(3) The General Division shall include all persons in the Public Service not included in the Professional or Clerical Division.

General Division.

Public Service.

A.D. 1918.

Salaries of
Professional,
Clerical, and
General
Divisions.
Cf. Com. P.S.
Act, s. 18.

Additional
increment of Ten
Pounds to be paid
male married
officers.

Power to fix
salary.
Cf. Com. P.S.
Act, s. 20.
Cf. W.A., s. 22]
Cf. Vict., s. 31.
Cf. Tas., s. 23.

New appoint-
ments to Clerical
Division to be to
the lowest class.

Salary on appoint-
ment or promo-
tion.

Increment to
depend upon
good conduct.
N.Z., s. 25.

Salaries and Wages.

23 In the Professional Division, Clerical Division, and General Division (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, limits, or scales as may be prescribed.

24 Where the amount of salary assigned to any subdivision of a class or grade is payable to male officers who are or become married, such amount shall be increased by the sum of Ten Pounds. Provided that the amount of salary assigned to any subdivision of a class or grade is not thereby increased beyond Two hundred Pounds.

25 Notwithstanding anything contained in this Act, in any case where the salary of any particular office exceeds One hundred and ninety Pounds, and the Commissioner is of opinion, after proper investigation, that the duties attached to such office, when efficiently performed by a fully competent and experienced officer, are worth appreciably less than the maximum salary or wages of the class or grade of the officer occupying such office, the Commissioner shall fix the maximum limit of salary or wages to be paid to the officer occupying such office at such sum within the minimum and maximum limits of his class or grade as the Commissioner shall deem fair and adequate; and the maximum limit so fixed shall, subject to the right of the officer to appeal to the Board of Appeal, be the maximum of the salary or wages attached to such office without increment.

26 Subject to the provisions of this Act respecting returned soldiers, all new appointments to the Clerical Division shall be made to the lowest class thereof, or, if that class is divided into sub-classes, to the lowest sub-class of the lowest class of such division.

27 Subject to the provisions of this Act respecting returned soldiers, the salary on appointment or promotion to any office or position in any class in a division other than the lowest class shall be the minimum salary attached to the office or position: Provided that if a person, on his appointment or promotion to any such office or position is in receipt of a salary greater than the minimum salary of the office or position to which he is appointed or promoted, he may be appointed or promoted at the salary which he is then receiving, if it does not exceed the maximum salary of the said office or position.

28 Except in the case of promotion, no annual increment shall accrue to any salary until the officer in receipt of such salary has received the same for a period of Twelve months. The right to receive such increment in any year shall depend upon the good and diligent conduct and efficiency of the officer to whose salary the

Public Service.

increment is attached, and if in the opinion of the permanent head the officer is not entitled thereto, he may issue an order to deprive such officer of such increment, which shall in that case not be paid; provided that the Commissioner shall, on appeal of such officer, confirm or disallow such order. A.D. 1918.

29 If at any time the Commissioner finds that any officer is in receipt of a greater salary than the maximum determined by him to be fairly appropriate to the work performed by or assigned to that officer, such case shall be dealt with by the Commissioner, subject to the following provisions:—

Provisions where salary of officer in excess of value of work, &c. Cf. N.S.W. s. 15. N.Z., s. 27.

- i. If in the opinion of the Commissioner such officer is fitted for or capable of performing work of a class equivalent to the amount of his salary, and such work is available in the same or another department, the Commissioner may assign such work to that officer :
- ii. If in the opinion of the Commissioner such officer is unfitted for or incapable of performing work of a class equivalent to the amount of his salary, or if such work is not available, the Commissioner may reduce the salary of the officer to the maximum determined by the Commissioner to be appropriate to the class of work actually performed by or assigned to him :
- iii. If any such reduction of salary is certified by the Commissioner to be made on the ground only that no work equivalent to the salary previously received by the officer affected is at the time of such reduction available, and the officer affected elects to continue in the Public Service at such reduced salary, such officer shall remain eligible for promotion as from the grade to which his salary before reduction was incident, notwithstanding such reduction, and shall, if in the opinion of the Commissioner he is fitted for, and capable of, performing the work, be entitled to employment on the class of work to which his previous salary was appropriate as soon as a vacancy occurs therein in preference to any other officer of the same or lower grade whose salary has not been reduced :
- iv. If in the opinion of the Commissioner any officer should be transferred from any division to another division, the Commissioner may transfer that officer accordingly :

30—(1) If at any time any office or any particular work or division of work has become of greater importance, or the duties incident thereto more onerous or extensive, than at the date of the last general classification, the permanent head of the department shall either on his own initiative, or at the request in writing of any officer of the department draw the attention of the Commissioner thereto; and the Commissioner may thereupon, if he thinks

Provision for increase of importance of work or office. N.S.W., s. 16. N.Z., s. 29.

Public Service.

A.D. 1918.

fit, alter the classification of such office or work, and determine the salary appropriate thereto, and may assign such office or work either to the officer previously employed therein, with the necessary change of grade, or may treat such office or work as vacant or new, and appoint or promote thereto, under and subject to the provisions of this Act, such officer as the Commissioner thinks most fit and qualified therefor.

(2) Anything done by the Commissioner in exercise of the powers conferred on him by this section shall be specially referred to and explained in the report furnished to the Governor pursuant to Section Sixteen of this Act.

Rent charged to officers residing in Government buildings.
Com., s. 64.
N.Z., s. 30.
Tas., s. 56.

31 If any 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 Commissioner; 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.

Certain existing salaries continued.
Cf. Public Service Regulation 117, W.A.
Cf. Tas., s. 22.

32 Notwithstanding anything contained in this Act, where any officer is at the time of the passing of this Act in receipt of salary or wages greater than the maximum rate of salary or wages assigned by reclassification under this Act to the duties of his office or to the work performed by him, the reclassification of such particular office or work shall not come into operation while such officer holds the office or performs the work, but the prior classification shall, subject as hereinafter provided, remain in force, and such officer shall continue to receive the salary or wages thereby attached to his office or work until he can be employed in another office or at other work with equivalent salary or wages; provided always that if within Twelve months—

- I. The officer fails to qualify for some other available office or work with equivalent salary or wages; or
- II. No such other office or work is available.

The reclassification of the office or work held or performed by such officer shall come into operation on and from a date to be fixed by the Governor.

PART IV.

EXAMINATION AND APPOINTMENT OF OFFICERS.

Appointments.

Persons who are subjects of His Majesty.
Com., s. 26.
W.A., s. 24.
Cf. Tas., s. 25.

33 No person shall be admitted to or (unless the provisions of this Act as to naturalisation are complied with) continue in the Public Service unless he is a natural born or naturalised subject of His Majesty.

Public Service.

34 No person shall be admitted to any division of the Public Service unless he is qualified as prescribed. A.D. 1918.

35 Subject to the provisions of Part V., all candidates for admission to any division of the Public Service must furnish evidence satisfactory to the Commissioner of—

- I. Good character and reputation :
- II. Health and physical fitness :
- III. Educational attainments up to the prescribed standard :
and
- IV. Such special qualifications (if any) as the Commissioner may deem necessary.

Admission to
Public Service.
Candidates to
furnish evidence
as to certain
matters.

36 Before recommending to the Governor any appointment to or making any change in a department, the Commissioner shall confer with the permanent head of the department. Commissioner to
confer with
permanent head.

37—(1) Except as hereinafter provided, every person admitted to the Public Service shall in the first instance be appointed by the Commissioner on probation only, and may be continued in such probationary position for such period of not less than Six months nor more than Twelve months as the Commissioner may determine, but may be dispensed with by the Commissioner at any time during such period.

Admissions to
Public Service to
be on probation
only.
Com., s. 30.
Cf. Tas., s. 29.

(2) After the period of probation has expired, the Governor may on the recommendation of the Commissioner, upon a report from the permanent head, confirm or annul such appointment.

(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.

38—(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 Commissioner, appoint such person accordingly without either examination or probation.

Appointments in
certain cases with-
out examination
or probation.
Com., s. 31.
W.A., s. 29.
Cf. Tas., s. 30.

(2) No such appointment shall be made until the Commissioner has certified that in his 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 be laid before each House of Parliament within the next Fourteen sitting days of such House occurring after the making of any such appointment.

Public Service.

A.D. 1918.

(3) If any person recommended by the Commissioner is not approved by the Governor it shall be the duty of the Commissioner, after obtaining a report from the permanent head, 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 be laid before each House of Parliament within the next Fourteen sitting days of such House occurring after the making of the appointment.

Age of new appointees to Clerical Division.
W.A., s. 34.
Tas., s. 31.

39—(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-five 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 Commissioner, extend the age from Fifty to Fifty-five years. But nothing in this subsection shall be taken to prevent the employment of boys above the age of Fifteen years to be junior messengers, and such boys may be retired as may be prescribed.

Appointment of officers of gaols, &c.
N.S.W., s. 43 (1),
N.Z., s. 43.

40 No person shall be permanently appointed to any office (not being an office in the Clerical Division), in any penal establishment, or gaol, or Government institution which is subject to the provisions of any Act for the time being in force, providing for the protection, control, maintenance, and reformation of neglected children, whether he is already an officer in the Public Service or not, unless and until he has been employed for Twelve months on probation in some penal establishment, or gaol, or some such Government institution.

Appointment of officers of mental diseases hospitals.
N.S.W., s. 43 (2),
N.Z., s. 44.

41 No person shall be permanently appointed to any office (not being an office in the Clerical Division), in any mental diseases hospital, whether he is already an officer in the Public Service or not, unless and until he has been employed for Twelve months, on probation, in some mental diseases hospital or receiving-house for insane persons.

Reappointment of retired officers.
Com., s. 34.
W.A., s. 35.
S.A., s. 39
Tas., s. 38.

42—(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,

Public Service.

if not more than Sixty years of age, and his retirement was not due to misconduct or incompetence, be eligible for appointment to the Public Service without examination or probation: Provided that if such person is of or above the age of Twenty-one years, he shall not be paid a salary less than One hundred and ten Pounds per annum.

A.D. 1918.

(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 Governor, paid into the Treasury an amount equal to such compensation or gratuity in One sum, or arranged to pay the same by instalments to the satisfaction of the Commissioner. Such sum shall be refunded upon the person so appointed retiring from the Public Service.

43—(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 Commissioner, 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 61 Vict.
No. 69, s. 35.
Cf. S.A., s. 38.
Tas., s. 34.

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

44—(1) The Governor may, on the recommendation of the Commissioner, appoint as a permanent officer any person temporarily employed in the Public Service, subject to the following conditions:—

Power to appoint
temporary officers
permanently in
certain cases.
Cf. Vict. 2383,
1912, s. 9.
Cf. S.A., s. 40.
Cf. W.A., s. 36
(8).

- I. That the Commissioner is satisfied—after specially inspecting the department in which it is proposed to employ such person permanently, and thoroughly investigating the character of the work of every officer therein pursuant to Section Twelve of this Act—that the services of such person are permanently required in such department: and
- II. That the Commissioner is satisfied that such person is competent to perform the required work, and the permanent head of the department certifies that he is of good character and satisfactorily performs his duties:
- III. That such person has been employed in the Public Service for at least Three years in the aggregate.

(2) That no person temporarily employed in the Public Service shall be appointed, pursuant to Subsection (1) of this Section, to a position in the clerical division—

- I. If the salary for such position is at the rate of or exceeds Two hundred Pounds a year: or

Public Service.

A.D. 1918

- ii. If his age at his last birthday previous to appointment was less than Sixteen years or more than Twenty-five years—

Unless such person shall have been so employed prior to the commencement of this Act for at least Three years continuously, or with such interruptions in the continuity of service as the Minister thinks immaterial.

(3) The provisions of this Act as to examinations for appointment or as to probation, shall not apply to persons appointed under this section, except in cases where the Governor, on the recommendation of the Commissioner, otherwise directs.

In certain cases appointment of temporary employee as permanent officer to be made on recommendation of permanent head.

45 No appointment as a permanent officer in the General Division of any person temporarily employed in the Public Service shall be made without the recommendation of the permanent head in cases where the work to be performed is of a technical nature.

Commonwealth and State Officers.

Service in Commonwealth not to disqualify for State.
Com., § 35.
Tas., s. 35.

46 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.

Officer of Commonwealth may discharge State functions.
Cf. Com., s. 36.
Consequent arrangements to be made.
Tas., s. 36.

47—(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.

Arrangements for performance of duties by officer.
Cf. Com., s. 37.
Tas., s. 37.

48 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 arrangements 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.

Public Service.

49 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.

50—(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, shall, subject to such regulations as may be prescribed, be eligible for appointment, upon the recommendation by the Commissioner, 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.

(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.

51—(1) Whenever in the opinion of a Minister of a department, after a report from the Commissioner, the prompt despatch of the business of a department renders temporary assistance necessary, and the Commissioner is unable to provide such assistance from other departments the Commissioner shall select—after conferring with the permanent head of the department requiring temporary assistance—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 Commissioner may determine from time to time is applicable to the work to be performed.

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

(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.

(4) If it appears in the public interest to be desirable so to do, the Commissioner 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 such further period, not exceeding Six additional months, as the Commissioner considers necessary.

A.D. 1918.

Arrangement for performance of work or services for Government of Commonwealth.
Cf. Com., s. 38.
Tas., s. 38.

Reappointment from Commonwealth Public Service.
Tas., s. 39.

Temporary employment.
Cf. Com., s. 40.
W.A., s. 36.
N.Z., s. 45.
S.A., s. 46.
Vict., s. 43.
Tas., s. 40.

Limit of employment.

Restriction on re-employment.

Power to extend by Six months.

Public Service.

A.D. 1918.

Liability to being dispensed with.

Provision as to certain departments.

Return to be presented annually.

(5) The services of any person temporarily employed may be dispensed with at any time by the Commissioner or by the permanent head.

(6) Notwithstanding the provisions hereinbefore contained, the Commissioner, 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 and until otherwise ordered by the Commissioner any person may be temporarily employed by the permanent head in the Government Printing Office or in the preparation of the Census for such time as may be necessary.

(7) The Governor may, by Order-in-Council, from time to time temporarily suspend the operation of Subsections Two, Three, and Four of this Section in respect of any specified temporary officer or specified class of temporary officers.

(8) The Commissioner 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.

PART V.

EMPLOYMENT OF RETURNED SOLDIERS.

Interpretation.
"Returned Soldier."

52 In this Part, if not inconsistent with the context or subject matter—

"Returned Soldier" means any person who (whether before or after the commencement of this Act)—

- i. Has enlisted with any expeditionary force raised in Tasmania for naval or military service with His Majesty's navy or army during the war in which His Majesty is at present engaged: and
- ii. Has left Tasmania on duty with such force: and
- iii. Has been on active service: and
- iv. Has returned to this State, and who has received his discharge from service, or whose appointment to any such force has been terminated, either before or after his return to the State.

Provided that the foregoing definition shall not include any person whose discharge from service was due to misconduct or incapacity resulting from his own default.

"Soldiers' Board."

"Soldiers' Board" means the Returned Soldiers' Employment Board appointed under this Part.

*Public Service.***53** Notwithstanding anything in this Act—

i. Any returned soldier shall, subject to this Part, on his return to Tasmania—

(a) Be entitled to have his name enrolled in the register for temporary employment, kept for that purpose by the Commissioner, and be considered for employment in priority to any other person who is not a returned soldier, except persons under employment in any temporary work and not being single men eligible for military service having no relatives wholly dependent upon their earnings; or

(b) If he fulfils the requirements of the regulations made under this Part, be entitled, irrespective of age, and in priority to all persons whomsoever (except persons in the Public Service not being single men eligible for military service having no relatives wholly dependent upon their earnings), to be appointed to any vacancy in the Public Service if competent to fulfil the duties of the vacant position :

ii. No male person other than a returned soldier shall be eligible for appointment to any new office or position in any division unless the Commissioner certifies in writing to the Soldiers' Board (and in every case where any certificate is otherwise required to be made as a condition for such appointment, also certifies in the certificate so required) that no returned soldier, duly qualified as provided by the regulations under this Part, has applied for the vacant position.

A.D. 1918.

Priority of returned soldiers, &c., of expeditionary forces for temporary and other employment in Public Service. Cf. No. 2798, of 1915, s. 8 (Vict.).

54—(1) For the better carrying out of the provisions of this Part the Governor may appoint a Board, to be called the Returned Soldiers' Employment Board, to consist of the persons for the time being holding the following offices or acting therein, namely : Public Service Commissioner, Permanent Head of the Public Works Department, Director of Education, Commissioner of Railways, Chief Engineer and General Manager of the Hydro-Electric Department, Commissioner of Police, Medical Superintendent of the Mental Diseases Hospital, and a person nominated by the Tasmanian branch of the Returned Sailors' and Soldiers' Imperial League of Australia.

Constitution of Soldiers' Board.

(2) At any meeting of the Soldiers' Board Three members shall form a quorum.

Quorum.

(3) The members of the Soldiers' Board may—

Chairman, &c.

i. Appoint One of the members to be chairman :

ii. Regulate their own proceedings : and

iii. (Provided there is a quorum) act, notwithstanding any vacancy in their number.

Public Service.

A.D. 1918.

Vacancies, how filled.
Appointment of substitute for member of board
Regulations.

55 The Governor may fill any vacancy however occurring in the office of member of the Soldiers' Board, and may, in case of the absence, continued illness, or inability of any member of the Soldiers' Board to perform his duties, appoint some person to act as a substitute for such member.

56—(1) The Soldiers' Board shall make regulations—

- I. For the determination of the conditions for the admission of returned soldiers to the Professional Division :
- II. For determining the nature or character and standard of examinations or tests which returned soldier candidates for employment in the Clerical Division shall undergo :
- III. For the examination of returned soldier candidates, and the granting of certificates to them :
- IV. For the examination of returned soldiers applying for appointment in the General Division :
- V. For regulating and determining who are fit and proper returned soldiers to be employed in temporary work in the Public Service.

(2) Every such regulation shall be submitted to and confirmed by the Governor before it shall have the force of law.

Applications by returned soldiers for appointment or employment.

57 Every returned soldier desirous of appointment or desirous of employment in any temporary work in any department of the Public Service shall forward to the Soldiers' Board an application in his own handwriting, stating his full name and address, the date of his birth, his military rank, a copy of his military discharge, a description of the work to which he was accustomed before enlisting, and of the class of work or employment for which he is an applicant, and, if possible, copies of testimonials from former employers.

Register to be kept.

58 The Soldiers' Board shall cause to be enrolled in a register to be kept for that purpose by such Board, the full name and address, age, military rank, date of discharge, and the indorsement thereon as to the soldier's conduct, of every returned soldier applying for employment who has passed the prescribed examination and received a certificate; and the Soldiers' Board shall without delay from time to time furnish the Commissioner with a copy of the particulars so recorded in the case of each returned soldier, together with a statement of the class of work or employment applied for.

Applications for new appointments to be invited.

59 Notwithstanding anything in this Act, whenever any vacancy or new office or position in the Public Service requires to be filled by the appointment of a male person, the Commissioner shall, by notice published in the "Gazette," invite applications for such office or position from returned soldiers qualified as provided by the regulations under this Part; and no appointment shall be made until at least Fourteen days after such notice has been published.

Public Service.

60 Notwithstanding anything in this Act, a returned soldier appointed to the Clerical Division, whose age at his last birthday previous to appointment was not less than Eighteen, and was under Twenty-one, shall not be appointed at a less salary than One hundred and twenty Pounds; whose age at his last birthday previous to appointment was Twenty-one, shall not be appointed at a less salary than One hundred and thirty Pounds; whose age at his last birthday previous to appointment was Twenty-two, shall not be appointed at a less salary than One hundred and forty Pounds; whose age at his last birthday previous to appointment was Twenty-three, shall not be appointed at a less salary than One hundred and fifty Pounds; whose age at his last birthday previous to appointment was Twenty-four, shall not be appointed at a less salary than One hundred and sixty Pounds; whose age at his last birthday previous to appointment was not less than Twenty-five, shall not be appointed at a less salary than One hundred and seventy Pounds.

A.D. 1918.

Classification on appointment to Clerical Division

61—(1) The provisions of this Act as to the examination of persons desiring appointment thereunder shall, subject to this Part, and so far as applicable, extend and apply to the examination pursuant to the regulations made under this Part of returned soldiers desiring appointment under this Part.

Examination of returned soldiers for appointment.

(2) The names of returned soldiers who have passed the standard of examination prescribed under this Part shall be registered in order of their merit in the register kept for that purpose under this Act.

Names of successful candidates to be entered in register.

Cf. s. 98 (iv.).

62 The following provisions of this Act shall not apply to the appointment or employment of returned soldiers pursuant to this Part, or to returned soldiers so appointed or employed, namely, the provisions of—

Consequential amendments.

Section Thirty-nine; and

Subsections Two, Three, and Four of Section Fifty-one.

PART VI.

INTERNAL ADMINISTRATION.

Alterations of Staff.

63 The Governor may, on the recommendation of the Commissioner, after obtaining a report from the permanent head—

Power to create or abolish offices and alter classification or grading.

- I. Create a new office in any division in any department: or
- II. Abolish any office in any department.

Cf. Com., s 41.

Provided that where the office of a permanent head is in question no report from him shall be necessary.

W.A. s. 37.

Cf. Tas., s. 41.

Public Service.

A.D. 1918.

How vacancies to
be filled by
promotions.
Com., s. 42.
W.A., s. 38.
Cf. N.Z., s. 48.
Cf. Tas., s. 42.

64 Whenever a vacancy occurs in any office or class of work, and it is expedient to fill such vacancy by the promotion of an officer, the Governor shall, on the recommendation of the Commissioner, subject to the provisions of this Act—

- i. Appoint to fill such vacancy an officer of the department in which such vacancy occurs, 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 such department : or
- ii. Appoint to fill such vacancy any qualified officer from any other department whom, on the ground of efficiency, or in the event of an equality of efficiency of Two or more officers whom, on the ground of seniority, it appears desirable so to appoint, if it appears that such appointment would result in the work of such office being more efficiently performed than by selecting an officer from the department in which such vacancy occurs. Provided that before such vacancy is filled under Subsection ii., applications shall be called from the Public Service to fill such vacancy.

“Efficiency” in this section means special knowledge or 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.
Com., s. 43.
W.A., s. 41.
Cf. Tas., s. 43.

65—(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 Commissioner, 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, geologists, assayers, architects, actuaries, accountants, land surveyors, draughtsmen, and any other class of officer specified by the Governor, employed and seeking promotion or transfer in the line of their profession, any examination may be dispensed with on a report from the Commissioner that it is not necessary.

Public Service.

66 Notwithstanding anything in this Act contained, the Commissioner shall have power to direct the holding of examinations (in addition to those prescribed by this Act) in connection with the filling of certain offices or positions or any of them in order to test the efficiency and aptitude of the candidates for and the officers available for appointment to any such office or position, and the provisions of Section Thirty-five shall, *mutatis mutandis*, apply to any examination under the provisions of this section.

A D 1918.

Examination in special cases.
W.A., s. 42.
Tas., s. 44.

67—(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 Commissioner, after report from the permanent head, and any officer so recommended may be promoted by the Governor accordingly.

How promotions made
Com., s. 44.
W.A., s. 44.
Tas., s. 45.

(2) If any officer recommended by the Commissioner is not approved by the Governor, it shall be the duty of the Commissioner, after report from the permanent head, to recommend within a time specified by the Minister 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 be laid before each House of Parliament within the next Seven sitting days of such House occurring after the making of the promotion.

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

Commissioner may allow officer to decline promotion.
Com., s. 45.
W.A., s. 45.
Cf. S.A., s. 50 and 51.
Tas., s. 46.

(2) No officer shall refuse compliance with an order of the Governor, on the recommendation of the Commissioner, 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.

69 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 rearrangement of work should be effected, the matter shall be referred to the Commissioner for consideration and report. Provided that nothing in this Act shall be construed as restricting the ordinary and necessary departmental authority of such Minister or permanent head with respect to the direction and control of officers and work.

Rearrangement of officers and work.
Cf. N.S.W., s. 52.
W.A., s. 46.
S.A., s. 52.
Cf. Tas., s. 47.

Dismissals, Removals, &c.

70 If any officer permanently employed in the Public Service—
i. Commits any breach of the provisions of this Act or any regulations thereunder : or

Offences.
Com., s. 46.
W.A., s. 47.
S.A., s. 53.
Cf. Tas., s. 48 (1).

Public Service.

A.D. 1918.

Cf. S.A.,
s. 53. vii.

- II. Is guilty of any wilful disobedience or disregard of any lawful order made or given by any person having authority to give such order : or
- III. Is guilty of using intoxicating beverages or drugs to excess : or
- IV. Is guilty of any disgraceful or improper conduct : or
- V. Without the permission of the Minister, makes any communication or contribution directly or indirectly, and whether anonymously or otherwise, to any newspaper or any publication of a like nature, on any matter affecting his own department, or his own office, or his own acts, or duties as an officer—

he shall be guilty of an offence, and shall be liable to such punishment as may be determined upon under the provisions of Section Seventy-one.

Provided that the words "newspaper or any publication of a like nature" shall not mean or include the Public Service Journal.

Investigation of
and punishment
of offences.
Com., s. 46 (2).
W.A., s. 47 (2).
S.A., s. 54.
Cf. Tas., s. 48 (2).
Summary
reprimand or fine
for minor
offences.
Temporary
suspension of
officer charged.

71—(1) If any officer (not being a permanent head) is charged with the commission of any such offence as is mentioned in Section Seventy, he may be dealt with in the following manner :—

- I. He 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
- II. For any such offence whatever he 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.

(2) The permanent head or other suspending officer shall forthwith after suspension furnish the offending officer with a statement in writing of the charges on which he is suspended, and require him to forthwith state in writing whether he admits or denies the truth of such charges, and to give any explanation in writing as to such charges or any of them for consideration.

Provided that where the permanent head is satisfied that the charge is not of such a serious nature as to require a suspension of the officer, he may permit him to continue in the performance of his duties pending the determination of the charge.

(3) On consideration of such explanation, if any, the permanent head—

- I. 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

Power of
permanent head
to reprimand.

Public Service.

II. 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 the Commissioner, may reprimand or caution such officer and remove the suspension, or in his discretion fine him any sum not exceeding Five Pounds, and in the case of a fine, shall report the matter to the Commissioner to be recorded by him. A.D 1918.

(4) 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 Commissioner, stating the grounds of his dissatisfaction, and the Commissioner shall thereupon enquire into and consider the appeal and the grounds thereof, and may give such decision as he deems just concerning the charges, and the decision of the Commissioner shall be final.

(5) If the permanent head considers the alleged offence to be of so serious a nature that an investigation thereof should be made by the Commissioner, he may further suspend such officer and forthwith refer the charge to the Commissioner for investigation and report; and if such suspended officer does not in writing admit the truth of the charges made against him within Four days or such further time as the Commissioner may allow, the Commissioner shall inquire as to the truth of such charges; or, if the Commissioner is of opinion that it is desirable that any such charges should be inquired into by some persons specially appointed for the purpose, he may communicate his opinion to the Governor, who may thereupon appoint One or more persons to inquire as to the truth of such charges. Any person or persons so appointed shall, after fully hearing the case, report to the Commissioner his or their opinion thereon.

Or refer charge to Commissioner.

(6) If any such charges are admitted, or are found by the Commissioner, or the person or persons appointed as aforesaid, to be proved, then the Commissioner may, subject to the regulations, impose a penalty not exceeding Twenty Pounds upon such offending officer, or may deprive him of his leave of absence during a specified period; or the Commissioner may, according to the nature of the offence, reduce such officer to a lower class, subdivision of class or grade and salary or wages, or transfer him to some other position; or the Commissioner 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 by the Commissioner.

Punishment when charge proved.

Reduction by Commissioner.

Dismissal by Commissioner.

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.

(7) If none of such charges are found by the Commissioner to be proved, the suspension shall be immediately removed, and the officer shall receive arrears of salary in full from the time of his suspension.

Removal of suspension.

Public Service.

A.D. 1918.

Offences by
permanent
heads.Com., s. 47.
Cf. Tas., s. 49.

72—(1) Where the permanent head of a department is charged by the Minister or any other person with any of the offences mentioned in Section Seventy, the Minister may suspend such officer, and report the charge and suspension to the Governor.

If such officer does not, in writing, admit the truth of the charges made against him, the Governor may appoint One or more persons to inquire as to the truth of such charges. The person or persons so appointed shall, after fully hearing the case, report to the Governor his or their opinion thereon.

(2) If any such charges are admitted, or are found by the person or persons appointed as aforesaid to be proved, he or they may make such recommendation in reference thereto, and as to the punishment or otherwise of the officer charged, as to such person or persons seem fit. On receiving such recommendation, the Governor may dismiss such permanent head from the Public Service, or transfer him to some other position, or reduce him to a lower class, subdivision of class or grade, and salary, or impose such penalty not exceeding Fifty Pounds or other punishment as the case demands.

Removal of
suspension.

(3) If such charges are found by the person or persons so appointed as aforesaid not to be proved, the suspension shall be immediately removed by the Minister, and the officer shall receive arrears of salary in full from the date of his suspension.

(4) If the Minister is satisfied that the charge is not such as to require a suspension of the permanent head, he may permit him to continue in the performance of his duties pending the determination of the charge.

Commissioner
may initiate
inquiry into
misconduct.
N.Z., s. 54.
N.S.W., s. 58.

73 If it comes to the knowledge of the Minister, in the case of a permanent head, or of the Commissioner, in the case of any other officer, that the conduct of the permanent head or of such other officer renders him unfit to continue in the Public Service, the Minister or Commissioner, as the case may require, may initiate an inquiry into the case, and for that purpose shall summon the officer concerned before him, and shall specify the charge against him and receive evidence thereon, and in all other respects deal with the charge as though it had arisen under the provisions of Section Seventy, Seventy-one or Seventy-two hereof, as the case requires.

Forfeiture of office
in certain cases.
Tas., s. 58 (1).

74 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.
Tas., s. 58 (2).

75 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 Commissioner, and unless (whether he so reports or not) he satisfies the Commissioner that he has not been guilty of fraud, dishonourable conduct, or extravagance, such officer may be dis-

Public Service.

missed from the Public Service or reduced to a lower class, subdivision of class, or grade therein, or salary or wages, or transferred to some other position, or fined, reprimanded, or otherwise punished by order of the Governor, on the recommendation of the Commissioner.

A.D. 1918.

76 If it shall appear to the Commissioner after a report received from the Minister or permanent head, or as the result of his own observation or investigation, or otherwise, that an officer—

Services of incapable officer may be dispensed with.

- I. Is unfit to discharge or incapable of discharging the duties of his office efficiently: or
- II. Is not discharging the duties of his office efficiently or satisfactorily, or in the best interests of the State: or
- III. Is not qualified either temperamentally or otherwise for the efficient and satisfactory performance of the duties of his office: or
- IV. Is not conducting the duties of his office in an efficient and satisfactory manner—

Com., s. 65.
N.S.W., s. 63.
W.A., s. 56.
Cf. Tas., s. 53.

it shall be lawful for the Commissioner after inquiry to transfer such officer to some other position, or to recommend to the Governor that such officer be called upon to retire from the Public Service, and the Governor may thereupon call upon such officer to retire within a specified time, and every such officer if called upon to retire shall retire accordingly.

If any officer so called upon to retire does not retire within the time specified as aforesaid, he may be dismissed from the Public Service by the Commissioner.

77 The following provisions shall apply to and in respect of inquiries by the Commissioner or any person or persons appointed by the Governor to make an inquiry:—

Right of officers to be represented by counsel.
Com., s. 48.
Cf. Tas., s. 51.

- I. 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 Commissioner or by any person or persons appointed to inquire as to the truth thereof, be entitled to be represented by counsel, attorney, or agent, who may examine witnesses and address the Commissioner or such person or persons:
- II. The Commissioner, or such person or persons as aforesaid, 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 himself or themselves by the best evidence he or they can procure or that is laid before him or them, whether the same be such evidence as the law would require or admit in other cases or not, and may receive or reject as he or they think fit any evidence that may be tendered:

Public Service.

A.D. 1918.

Procedure,
Com., s. 49.
Cf. Tas., s. 52.

- iii. The Commissioner shall keep a complete record of all inquiries as to the truth of charges against officers, including the depositions of all witnesses who gave evidence thereat; and such record and depositions shall be available for subsequent reference:
- iv. The Commissioner, or such person or persons as aforesaid, shall have the right to direct that the inquiry shall be held in private:
- v. In any case where the Commissioner, or such person or persons as aforesaid, find that the charge is not proved, a recommendation may be made that the reasonable expenses, or any part thereof, incurred by such officer in meeting such charges be paid, the amount of such expenses to be mentioned in such recommendation:
Every such recommendation shall be considered by the Governor:
- vi. A copy of any charge and of all documents intended to be used at the inquiry shall, where practicable, be furnished to the officer at least Seven days before the inquiry is commenced.

Statutory powers
and duties of
officers confirmed
in certain cases.
N.Z., s. 58.
N.S.W., s. 62.

78 Where, at the commencement of this Act, any Act or the regulations under any Act other than "The Public Service Act, 1905," specifically imposed or conferred upon any officer in the Public Service any duty, power, or authority to be exercised in connection with any department of the Service, such duty, power, or authority, and any obligation or right to exercise the same, shall remain unaffected by this Act, except in so far as such duty, power, or authority relates to the classification, salary, and allowances of officers or persons employed in the Public Service.

PART VII.

APPEALS BOARD.

Right of appeal
in regard to
classification, &c.
Cf. N.Z., s. 31 (1).

79—(1) Any officer dissatisfied with any decision, determination, or recommendation of the Commissioner, or of any person or persons to whom the Commissioner has delegated his powers or functions, in regard to grade affecting such officer, or in regard to salary, wages, or promotion, may forward to the Commissioner, within Thirty days after such decision has been notified to him, a notice of appeal setting forth the grounds of his dissatisfaction; and a Board of Appeal, constituted in the manner set forth in Section Eighty of this Act, shall thereupon consider such appeal and the grounds thereof, and any further evidence in relation thereto which the Board may deem necessary for the proper determination of the appeal, and may allow or disallow the appeal; and the decision of the Board of Appeal thereon shall be final.

Public Service.

(2) If any officer is dissatisfied with any decision, determination, or recommendation under Section Seventy-one, Seventy-two, or Seventy-three of this Act, of the Commissioner, or any person or persons appointed to enquire as to the truth of any charges, he shall have the right to appeal to a Board of Appeal constituted in the manner prescribed by Section Eighty hereof, and all the provisions of Subsection One of this Section shall, *mutatis mutandis*, extend and apply to any such appeal accordingly.

A.D. 1918.

Right of appeal
against decisions
in respect of
charges.
Cf. N.Z., s. 56 (4).

Provided that such right of appeal shall not be exercisable in any case where the sole effect of the decision or determination complained of is the infliction of a fine not exceeding Two Pounds.

(3) If in the opinion of the Board any appeal is frivolous or vexatious, the Board may order the appellant to pay the cost of the appeal, and the sum so ordered to be paid shall be recoverable in the manner prescribed for the recovery of fines for breaches of regulations.

N.Z., s. 31 (2).

80—(1) The Board of Appeal shall consist of Three persons, appointed or elected as follows:—

The Appeal
Board.
Cf. N.Z., s. 32 and
33.
Cf. W.A., s. 51.

- I. A police magistrate to be appointed from time to time by the Governor, and such police magistrate shall be Chairman:
- II. One person not being the Commissioner to be appointed, from time to time, by the Governor; such person to take part in the hearing and determination of the appeal or appeals to be specified in the appointment:
- III. One person, not being the Commissioner, to be elected as follows:—The members of the Public Service Association of Tasmania (hereinafter called the said Association) shall by postal ballot in the prescribed manner elect Two of their number, not being of the same department, One of whom shall act as a member of the Board of Appeal:
- IV. The members of the Board shall hold office for Two years.

(2) If in the case of any appeal neither of the persons elected in accordance with the provisions of Paragraph Three of Subsection One of this section is the appellant or the permanent head of the appellant's department, the said persons shall mutually agree as to which of them shall act as a member of the Appeal Board in the appeal, and in default of such agreement within a time specified by the Minister, the Minister shall determine which of such persons shall so act.

If in any appeal One of such persons is the appellant or the permanent head of the appellant's department the other of such persons shall act as a member of the Board in that appeal.

(3) The members of the said Association shall elect their said representatives by postal ballot, to be taken on such date in the year One thousand nine hundred and nineteen, and in every Second year thereafter as may be prescribed.

The President of the said Association shall fix the time up to which voting-papers will be received at any such election.

Public Service.

A. D. 1918.

(4) If any elective member of the Board dies, or by notice in writing addressed to the Commissioner resigns his office, or is suspended, or ceases to be an officer of the Public Service, then and in any such case his seat shall become vacant, and a successor shall be elected by the members of the said Association in the prescribed manner, who shall hold office for the residue of the period during which his predecessor would have held the same if he had remained a member of the Board.

(5) The Governor shall make regulations prescribing the manner in which postal ballots shall be taken; and if any question or dispute arises as to the regularity or validity of any ballot or the voting thereat, such question or dispute shall be determined by the returning officer who conducts the election in such manner as he thinks fit, and his decision shall be final.

Proceedings of
Board.
Cf. W.A., s. 52.

81—(1) The Board of Appeal shall inquire into every appeal and the grounds thereof, and may summon and examine witnesses on oath, and call for the production of papers and documents, and may allow or disallow the appeal, and the decision of the Board thereon shall be reported to the Governor, and shall be final.

(2) Neither officers nor departments shall be entitled to be represented by counsel, solicitor, or agent at inquiries held by the Board of Appeal; and the Board may conduct an inquiry without regard to legal forms, and shall direct themselves by the best evidence they can procure, or that is laid before them, whether the same is such evidence as the law would require or admit in other cases or not; and the Board may receive or reject as they think fit, any evidence that may be tendered. The Board shall keep a complete record of all such inquiries, which shall afterwards be available for reference.

(3) The Commissioner shall be entitled to be represented either by himself or by any person appointed in writing by him at all proceedings of the Board.

(4) If the Board disallow an appeal they may order the appellant to pay the costs of and incidental to the appeal, to be fixed by the Board.

PART VIII.

MISCELLANEOUS.

82 No officer in the Public Service shall be deemed to be entitled to any compensation by reason of any reduction of his salary, or in consequence of his services being dispensed with or of the abolition of his office.

No claim for
compensation if
salary reduced or
services dispensed
with.
Ibid., s. 62, N.Z.

*Public Service.**Performance of Duties in Absence.*

83 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, whether in the Public Service as defined by Sections Four and Five or not (other than a Minister of the Crown or judicial officer) in his capacity as such officer, such duty, obligation, right, or power may, during his temporary absence or incapacity, be performed or exercised by any officer directed by the Minister to perform and exercise the duties, obligations, rights, and powers of such firstmentioned officer during such 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 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.

A D. 1918.

Performance of duties and powers of officer in his absence.

Com., s. 59.

N.S.W., s. 6.

W.A., s. 53.

S.A., s. 62.

Tas., s. 54.

Officers not British Subjects to be Naturalised.

84 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.

Com., s. 63.

S.A., s. 63.

Tas., s. 55.

Power to Summon Witnesses.

85 The Commissioner or Assistant-Commissioner and every person appointed by the Governor to hold an inquiry, and every person to whom any powers or functions are delegated under or pursuant to the provisions of this Act, when conducting an 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.

Power to summon witnesses and take evidence on oath.

Com., s. 10.

S.A., s. 65.

Tas., s. 50.

Penalties.

86 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.

Fines to be stopped from salary.

Cf. *ibid.*, s. 67.

Tas., s. 59.

Public Service.

AD. 1918.

Leave of Absence and Holidays.

Leave of absence
for recreation.
Com., s. 68.
W. A., s. 59.
Cf. Tas., s. 60.

87—(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.

(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.

(3) With the written consent of the Minister, annual leave for recreation may, when the convenience of the department is served thereby, be allowed to accumulate for not exceeding Twenty-eight days, exclusive of Sundays and holidays.

Deduction of pay
for unauthorised
absence.

(4) When the absence of an officer is not sanctioned, there shall be deducted from his salary his pay for each day of such absence unless satisfactory evidence is tendered to the Minister as to the reason of such absence.

Limit of absence
of certain officers.

(5) 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.

Leave on ground
of illness or
necessity.
Com., s. 69.
W. A., s. 61.
Cf. Tas., s. 61.

88—(1) The Minister in cases of illness may grant to any officer extended leave for not exceeding Three months, and the Governor may, subject to the regulations, and having regard to the length of service of such officer and leave (if any) already granted to him in respect of previous illness, grant leave not exceeding Twelve months, on such terms as may be prescribed.

(2) 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.

(3) No such further leave of absence shall be granted for more than Six months in all.

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

(5) Leave of absence in case of illness shall not be reckoned as, or included in, leave of absence for recreation.

Leave without
pay.
Com., s. 70.
Tas., s. 62.

89—(1) On the application of any officer the Governor, on the recommendation of the Commissioner, may grant to such officer leave of absence without pay for any period not exceeding Twelve months.

(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.

Public Service.

90—(1) Every officer under the age of Sixty-five years, of or over Twenty years' continuous service in the Public Service shall, for the *bonâ fide* purpose of furlough only, be entitled to, and the Governor may grant to him, long-service leave of absence for Six months on full pay, or, at the option of the officer, Twelve months on half-pay.

A.D. 1918

Furlough.
Com., s. 71.
S.A., s. 63.
Cf. Tas., s. 63.

(2) Every officer under the age of Sixty-five years of at least Ten years' continuous service in the Public Service shall, for the before-mentioned purpose only, in respect of his First Ten years' service, be entitled to, and the Governor may grant to him, long-service leave of absence for Three months on full pay, or, at the option of the officer Six months on half-pay, and for a further period of Ten years' continuous service in the Public Service, calculated from the expiration of the said First period of Ten years, he shall, for the beforementioned purpose only, be entitled to, and the Governor may grant to him, another like long-service leave of absence as aforesaid.

(3) No officer shall be granted leave of absence under both Sub-section (1) and Subsection (2) of this Section.

(4) In computing service under this section service prior to the commencement of this Act shall be included.

(5) An officer may be paid his salary in advance for a period equivalent to the leave he is taking when going on long-service leave; provided that if such period extends into the next financial year, such portion of such salary as would but for this section be payable in that financial year shall be paid on the First day of July of that year.

(6) For the purposes of this section the length of service of an officer shall be computed from the commencement of his continuous service or probationary appointment; and service shall be deemed "continuous" notwithstanding absence on any leave with or without pay.

91—(1) Leave of absence may be granted by the Governor on the recommendation of the Commissioner to any officer who has enlisted in or been appointed to any expeditionary force raised under the provisions of "The Defence Act, 1903-1915" (Commonwealth Act), and the duration of such leave shall not, unless the Governor otherwise directs, exceed the period of service of the officer with the expeditionary forces.

Leave of absence
for defence
purposes.
No. 46. of 1915, s.
2, Tas.
Cf. No. 37 of
1915, s. 10, Com.

(2) Leave of absence may be granted by the Governor on the recommendation of the Commissioner to any officer who is called up, in pursuance of "The Defence Act, 1903-1915" (Commonwealth Act), for active service in Australia, and the duration of such leave shall not, unless the Governor otherwise directs, exceed the period of Twelve months.

(3) Leave of absence granted under this section shall be without pay, except for such period as may under some other provision of this Act or the Regulations be granted with pay.

Public Service.

A.D. 1918.

(4) The period during which any officer is absent on leave granted pursuant to this section, shall for all purposes be included as part of the officer's period of service.

(5) This section shall be deemed to have commenced on the First day of August, One thousand nine hundred and fourteen.

Holidays.
Com., s. 72
Cf. Tas., s. 64.

92—(1) Every bank holiday observed throughout the State under "The Bank Holidays Act, 1903," shall be a Public Service holiday throughout the Public Service.

(2) Whenever the Governor, by notification, pursuant to "The Bank Holidays Act, 1903," appoints a special day or part thereof to be observed as a bank holiday or half-holiday, either throughout Tasmania or in any part thereof or in any city, town, or district therein, the day or part thereof so appointed shall be kept as a holiday or half-holiday in all offices of the State Government situate within the locality mentioned in the notification.

(3) The Governor may also, in addition to the foregoing, at any time appoint 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.

(4) 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.
Com., s. 74.
Tas., s. 65.

Officers of age of
Seventy may be
continued in
Public Service by
Governor.
Com., s. 75.
Tas., s. 66.

93 Every officer shall retire on attaining the age of Seventy years.

94 Notwithstanding anything contained in the preceding section any officer who has attained the age of Seventy years, at the commencement of this Act, or shall attain that age prior to the Thirty-first day of December, One thousand nine hundred and nineteen, if the Commissioner 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 later than the Thirty-first day of December, One thousand Nine hundred and nineteen, as the Governor in each case directs, or during pleasure.

*Public Service.**Public Notifications.*

95 Notices of all appointments, transfers, retirements, vacations of office or removal 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.

A.D. 1918.

Notices to be
gazetted.
Com., s. 76.
Tas. s. 67.

Service of Notices on Officers.

96—(1) In the event of the address for the time being of any officer being unknown to the Commissioner or permanent head, or any person or persons appointed by the Governor to enquire as to the truth of any charge, as the case may be, all notices, orders, or communications to or for such officer may 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."

As to officers
whose address is
unknown.
Com., s. 77.
N.Z., s. 55.
Tas., s. 68.

(2) Compliance with Subsection (1) of this section shall be deemed a sufficient service of such notice, order, or communication on such officer.

(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 such officer.

Payments.

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

Salaries not to
exceed amount
appropriated by
Parliament.
Cf. *ibid.*, s. 78.
Tas., s. 69.

(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) An officer who performs the duties of a senior officer for a period of Three months and upwards may, on the recommendation of the Commissioner, and with the approval of the Governor, in addition to his salary be paid a further amount sufficient to make his salary for that period equal to the minimum salary assigned by classification to the duties of the office of such senior officer which would be payable for such period.

Public Service.

A.D. 1918.

(4) 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.

Performance of Work Outside Public Service.

Officer not to engage in duties unconnected with his office.
Com., s. 19.
Tas., s. 70.

98—(1) Except with the express permission of the Governor, and upon the recommendation of the Commissioner, 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) The foregoing provisions of this section shall not apply to any officer employed in the Government Printing Office during any period while he may be temporarily relieved from duty under the provisions of Section Fourteen.

Effect as to companies.

(3) 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.

Regulations.

Regulations.
Cf. Com. P.S.
Act, s. 8.
Cf. Tas., s. 71.

99—(1) 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" is used), the Governor, on the recommendation of the Commissioner, may make, alter, or repeal such regulations as he deems desirable or convenient 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 appointment of officers of the Public Service :
- II. The arrangement of the Public Service in its prescribed divisions, and the facilitation of the working thereof ; the classification of the work therein ; the grading of officers ; the specification and assignment of work,

Cf. N.Z., s. 34 (a).
N.S.W., s. 20 (a).

Public Service.

duties, and offices; the determination of the order and conditions of promotion; the determination of the amounts, rates, or limits of salary, wages, fee, or allowance appropriate to work, duties, or offices, or classes thereof; and the regulation of the payment of such salaries, wages, fees, or allowances : A.D. 1918.
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- III. For prescribing the conditions under which officers of a division may be transferred to another division :
- IV. For prescribing or regulating examinations, for fixing the fees payable for examinations, prescribing the qualifications entitling any person to admission to any division of the Public Service, and for registering in the order of merit the names of all persons who have so qualified, and of those candidates who, having so qualified, may be appointed to fill subsequent vacancies arising within a prescribed period :
- V. For prescribing the rates of salaries or wages for women employed, 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 Commissioner in each case that such employment is desirable :
- VI. 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 :
- VII. For regulating and determining the scales or amounts to be paid to officers for transfer or travelling allowances or expenses :
- VIII. For regulating the duties of officers, and the mode in which such duties shall be performed, and for regulating the conduct of officers :
- IX. 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 :
- X. For regulating the hours of attendance of officers, and the keeping and signing of records of attendances, or prescribing other methods of recording attendances :
- XI. For regulating the granting of leave of absence to officers of the Public Service :

Public Service.

A. D. 1918.

- xii. For regulating the performance of and payment of officers for extra services and the payment of examiners and members of the Board of Appeal :
- xiii. 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 Commissioner, renders it necessary for such officers to find security for their fidelity :
- xiv. For fixing, subject to the provisions of this Act, the maximum or minimum age of persons who may be appointed to any particular division or class or grade, or to any particular office :
- xv. For providing for a notification to the Commissioner of every punishment inflicted on any officer by virtue of this Act, and for keeping records thereof :
- xvi. 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 :
- xvii. For notifying vacancies, and the method of applying for such vacancies :
- xviii. For regulating generally the mode, manner, and time of election of the elective members of the Board of Appeal, and generally for the management and conduct of any such election, and for facilities to be given to members of the Public Service Association of Tasmania for voting thereat, and for the elected member attending the sittings of the Board :
- xix. For regulating the procedure of the Board of Appeal concerning appeals, the conduct of appeals, and the method of taking evidence at a distance :
- xx. For prescribing the allowances to witnesses for their attendance and expenses :
- xxi. 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 :

(2) The Commissioner may affix to breaches of any regulations under this Act a penalty not exceeding Ten Pounds, and may provide by regulations for the recovery of such penalties by deducting the same from the salaries or other remuneration of officers committing such breaches.

(3) Any regulation may be made to apply either generally or with respect to any particular case or class of cases, or any particular officer, or class, or grade of officers, or the officers in any particular place.

Regulations may be general or special.

Public Service.

(4) Before any regulation or alteration or repeal of any regulation is made by the Governor, the Commissioner shall by notice published in the "Gazette," not less than Fourteen days before the making thereof, give notice of such intended making thereof, and the proposed regulation, alteration, or repeal shall be open for inspection by officers at all reasonable times at the office of the Commissioner. A.D. 1918.

(5) Every officer shall be entitled to a copy of this Act and the regulations free of charge. Officers entitled to copies.

100 Nothing in this Act, or in any Act heretofore in force relating to or regulating the Civil Service or Public Service of Tasmania, shall be construed or held to abrogate or restrict the right or power of the Crown, as it existed before the passing of the First Act heretofore in force relating to or regulating the Civil Service or Public Service of Tasmania, to dispense with the services of any person employed in the Public Service. Saving of Crown's right to dispense with services of any public servant.

SCHEDULE.

Date.	Title.
5 Edwardi VII. No. 9	"The Public Service Act, 1905"
7 Edwardi VII. No. 42	"The Public Service Amendment Act, 1907"
1 Georgii V. No. 59	"The Public Service Amendment Act, 1910"
6 Georgii V. No. 46.	"The Public Service Act, 1915."
8 Georgii V. No. 14.	"The Public Service Amendment Act, 1917"

