

TASMANIA.

THE PUBLIC SERVICE ACT, 1923.

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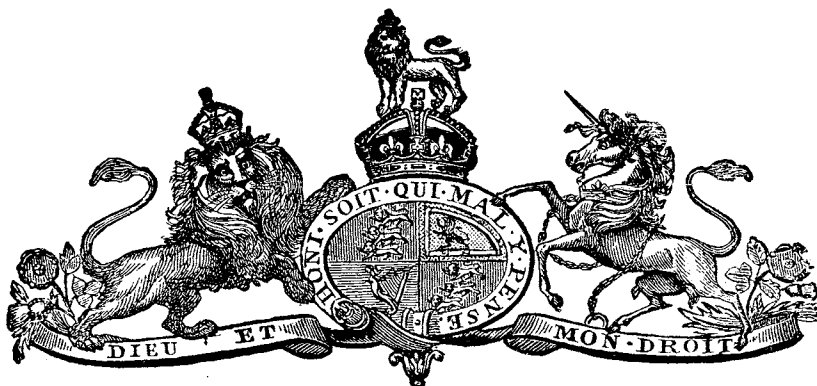
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T A S M A N I A



1923.

ANNO TERTIO DECIMO
GEORGII V. REGIS.

No. 25

AN ACT to consolidate and amend the Law A.D.
1923.
regulating the Public Service, and for other
purposes. [27 March, 1923.]

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, 1923." Short title.
- 2 This Act is divided into Seven Parts, namely :— Division of Act.
 - Part I.—Preliminary.
 - Part II.—Administration.
 - Part III.—Appointment and Promotion of Officers—Salaries—Commonwealth and State Officers.
 - Part IV.—Dismissals, Removals, Retirement, &c.
 - Part V.—Board of Appeal
 - Part VI.—Employment of Returned Soldiers.
 - Part VII.—Miscellaneous.
- 3 The Acts mentioned in the schedule to this Act are hereby repealed. Repeal.

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Interpretation.
Cf. 9 Geo. V. No.
69, s. 4.

4 In this Act, unless the contrary intention appears—

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

“Board” means the Board constituted under Section Nineteen of this Act:

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“Department” means any department at any time established by the Governor under any Act hereby repealed or under this Act:

“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 a person employed in any capacity in any branch of the Public Service of Tasmania as hereinafter defined: but does not include a person temporarily employed in accordance with the regulations:

“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 Tasmania, as defined in Section Five of this Act:

“Salary” includes wages.

Application of
Act.

Cf. *ibid.*, s. 5.

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

- I. The Judges of the Supreme Court:
- II. The Agent-General:
- III. The Auditor-General:
- IV. The 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, or in the Tasmanian Government Shipping Department, or the Tasmanian Government Insurance Office:
- VII. The Inspectors and Teaching Staff of the Education Department:
- VIII. The members of the Police Force:
- IX. Any officer the right to appoint whom is not vested in the Governor:
- X. Any member of the Board constituted under Section Nineteen of this Act who is not an officer:
- XI. Any member of the Board of Appeal constituted under Section Thirty-eight of this Act who is not an officer:

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xii. Any officer or class of officers to whom it is provided by any Act that this Act, or the Acts hereby repealed, shall not apply : A.D. 1923.

xiii. Any honorary officer :

xiv. Any officer remunerated by fees, allowances, or commission only :

xv. Any examiner under this Act who is not an officer :

xvi. Any officer or class of officers to whom 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 mentioned or referred to in this section other than those persons or officers mentioned in Subclauses i. and iii. : or

ii. Cease to apply to any persons or officers 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.

(2) 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 the State 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. 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 such position from examination or probation.

Officers of
Parliament, &c.
See 62 Vict.
No. 30.

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PART II.

ADMINISTRATION.

Public Service Commissioner.

Appointment of
Commissioner.
Cf. 9 Geo. V. No.
69, s. 7.

Powers of Com-
missioner.

First Com-
missioner.

9 Geo. V. No. 69.

Deputy-Com-
missioner may be
appointed.

Salary of Com-
missioner.

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

(2) 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.

(3) The Commissioner to be first appointed by the Governor shall be the person who, immediately before the commencement of this Act, held the office of Public Service Commissioner under "The Public Service Act, 1918," and such person shall hold office as Commissioner under this Act until the expiration of the period for which he was appointed under the firstmentioned Act.

(4) Except as provided in Subsection (3) of this section the Commissioner shall be appointed for a term not exceeding Five years.

(5) Any Commissioner appointed as aforesaid shall be eligible for re-appointment for a term not exceeding Five years.

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.

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

(7) In case of the illness, suspension, or absence of the Commissioner, the Governor may appoint a deputy to act for such 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 for whom he is acting.

(8) No action or suit shall be brought or maintained against any person who is or shall have been, 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.

(9) 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. Such salary shall be a charge upon and be paid out of the Consolidated Revenue, which, to the necessary extent, is hereby appropriated accordingly.

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7—(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.

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Suspension or
removal of Com-
missioner.
Cf. *ibid.*, s. 8.

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.

(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.

8 The Commissioner shall be deemed to have vacated his office, and may be removed from office by the Governor—

Vacation of office.
Cf. *ibid.*, s. 10.

- 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 he be absent from his office on account of illness or other cause for a continuous period of Six months or
- iv. If the Governor finds that he has become of unsound mind, or permanently incapable of performing his duties : or
- v. If he resigns his office by writing, under his hand addressed to the Governor, and such resignation is accepted by the Governor.

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

Appointment of
officers.
Cf. *ibid.*, s. 11.

(2) Such 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.

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Duties of Commissioner

Cf. No. 21 of
1922 Com.
s. 17.*General Powers and Duties of the Commissioner.*

10—(1) The Commissioner, as soon as may be practicable after the passing of this Act, shall, after consulting with the Minister and the head of the department, prepare plans for the organisation of each department. As soon as any plan of organisation is completed, such plan shall be submitted for the approval of the Governor.

(2) As soon as any plan of organisation is approved by the Governor, the permanent head shall forthwith cause the officers affected thereby to be brought under such plan of organisation.

(3) In addition to such duties as are elsewhere in this Act imposed on him, the Commissioner shall have the following duties:—

- i. To devise means for effecting economies and promoting efficiency in the management and working of departments by—
 - (a) Improved organisation and procedure;
 - (b) Closer supervision;
 - (c) The simplification of the work of each department, and the abolition of unnecessary work;
 - (d) The co-ordination of the work of the various departments;
 - (e) The limitation of the staffs of the various departments to actual requirements, and the utilization of those staffs to the best advantage;
 - (f) The improvement of the training of officers;
 - (g) The avoidance of unnecessary expenditure;
 - (h) The establishment of systems of check in order to ascertain whether the return of expenditure is adequate;
- ii. To examine the business of each department and ascertain whether any inefficiency or lack of economy exists;
- iii. To exercise a critical oversight of the activities, and the methods of conducting the business, of each department;
- iv. To maintain a comprehensive and continuous system of measuring and checking the economical and efficient working of each department, and to institute standard practice and uniform instructions for carrying out recurring work; and
- v. Such other duties in relation to the Public Service as are prescribed.

(4) In relation to all matters specified in the last preceding subsection, other than paragraph v. thereof, the Commissioner shall in the first place advise the permanent head of the department of his suggestions or proposals.

(5) If the permanent head does not concur in or adopt any such suggestions or proposals as are referred to in Subsection (4) of this section he shall within a reasonable time inform the Commissioner of the reasons therefor.

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(6) Thereupon the Commissioner may, if it thinks fit make a recommendation, report, or suggestion to the Minister, and if the recommendation, report, or suggestion is not approved or adopted by the Minister within a reasonable time, the Commissioner may report the matter to both Houses of Parliament either in a special report or in his annual report. A.D. 1923.

11—(1) The Commissioner shall furnish reports or recommendations on all matters required to be dealt with by the Governor under this Act, or referred to the Commissioner by the Governor and no such matters shall be submitted for the consideration of the Governor unless accompanied by a report or recommendation of the Commissioner. Commissioner to submit reports to Governor.
Cf. *ibid.*, s. 18.

(2) If the Governor does not approve of any recommendation, he may require the Commissioner to furnish a fresh recommendation, which shall be considered and dealt with by the Governor.

(3) If the Governor does not approve of the fresh recommendation, a statement of the reasons for not approving shall be laid before both Houses of Parliament within Thirty days of receipt of the recommendation, if Parliament is then sitting, and, if not, then within Fourteen days of the next meeting of Parliament.

12—(1) The Commissioner, or any person appointed by the Governor to hold an inquiry under this Act, may at any time— Powers of Commissioner.
Cf. *ibid.*, s. 19.

i. Enter any department for the purpose of carrying out his duties;

ii. Summon any person whose evidence appears to be material to the determining of any subject of inquiry being conducted by the Commissioner or such person as the case may be;

iii. Take evidence on oath; and

iv. Require the production of documents.

(2) Any officer who, without reasonable cause, neglects or fails to attend in obedience to the summons, or to be sworn, or to answer questions or produce documents relevant to the subject of inquiry, shall be guilty of an offence against this Act.

(3) Any person, not being an officer, who, after payment or tender of reasonable expenses, neglects or fails, without reasonable cause, to attend in obedience to the summons, or to be sworn, or to answer questions or produce documents relevant to the subject of the inquiry, shall be guilty of an offence.

Penalty: Twenty Pounds.

(4) Nothing in this section shall be construed as compelling a person to answer any question which would tend to criminate him.

13 If at any time the Commissioner finds that a greater number of officers is employed in any department or branch of a department than is necessary for the efficient working of that department or branch, the Commissioner may transfer any officer in such department or branch (as the case may be), to such other position of equal salary in Excess officers.
Cf. *ibid.*, s. 20.

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the Service as the officer is competent to fill, and if no such position is available the officer may be transferred to a position of lower salary. If no position is available for the officer the Commissioner may retire him from the Public Service.

Record of officers.
Cf. *ibid.*, s. 21.

14—(1) The Commissioner shall keep a record of all officers in the Public Service, showing, with regard to each officer, his age and date of appointment, the office he holds, and his salary under this Act.

(2) The Commissioner shall, in the month of August in each year or as soon as practicable thereafter, forward to the Governor a list of all officers in the Public Service on the Thirtieth day of June in that year, together with the particulars so recorded with regard to the service of each officer.

(3) The list shall be *prima facie* evidence of the information contained therein.

(4) 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.

Annual report to
Parliament.
Cf. *ibid.*, s. 22.

15—(1) The Commissioner shall furnish to the Governor, at least once in each year, for presentation to Parliament, a report on the condition and efficiency of the Public Service, and of the proceedings of the Commissioner, and in that report shall set forth any changes and measures necessary for improving the working of the Public Service, and especially for insuring efficiency and economy therein or in any department or branch thereof.

(2) The Commissioner shall in the report draw attention to any breaches or evasions of this Act which may have come under notice.

Departments and Permanent Heads.

Governor to
proclaim depart-
ments.
Cf. 9 Geo. V. No.
69, s. 17.

16—(1) The Governor may from time to time declare by regulation—

- 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 regulation declare any additional departments in the Public Service or discontinue any department. 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.

(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.

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17 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.

A.D. 1923.

Responsibility of
permanent head.
Ibid., s. 18.

PART III.

APPOINTMENT AND PROMOTION OF OFFICERS—SALARIES—
COMMONWEALTH AND STATE OFFICERS.*Appointments, &c.*

18—(1) Notwithstanding anything to the contrary in any Act contained, all appointments to, and all promotions within, the Public Service shall be made by the Governor on the recommendation of the Commissioner.

Appointment of
officers.

(2) No person shall be admitted to the Public Service unless he is a natural born or naturalised subject of His Majesty.

(3) No person shall be admitted to the Public Service unless he is qualified as prescribed.

(4) Except where otherwise expressly provided, all appointments to the Public Service shall be during the pleasure of the Governor.

(5) Notwithstanding anything contained in this or any other Act to the contrary, every existing contract heretofore made by any Minister, on behalf of the Government of the State, with any person for employment in the Public Service shall continue to be valid and binding on the said Government and such person, in accordance with the terms thereof, until the expiration of the period for which such contract was made.

Salaries of Officers.

19—(1) For the purpose of determining, subject to the approval of the Governor, the salaries to be paid to all officers of the Public Service a Board shall be constituted consisting of the following persons :—

Board for deter-
mining salaries.

- i. The Public Service Commissioner, who shall be chairman :
- ii. One person, not being an officer of the Public Service, who shall be appointed by the Governor :
- iii. One person, being an officer of the Public Service, who shall be elected by the officers of the Public Service by postal ballot in the manner prescribed.

Provided that the board as constituted under this section shall deal with no other matter affecting the Public Service than the determining of the salaries to be paid to such officers of the Public Service as aforesaid.

(2) The term of office of any member of the Board (other than the Commissioner) shall be Two years, and any such person shall be eligible for re-appointment or re-election to the Board, as the case may be.

Term of office.

(3) Each member of the Board shall be allowed such travelling and other out-of-pocket expenses as shall be prescribed.

Expenses of
members.

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Allowance to
appointed
member.Elections—when
to be held.Determination of
disputes as to
elections.Vacancy in case
of elected member
of the Board.Date of election
to be fixed by
proclamation.Vacancy on
failure to electAppointment of
deputy-member
of Board.Application of
"The Evidence
Act, 1910," to
proceedings of
Board.

1 Geo. V. No. 20.

Salaries of
officers.First determina-
tion of Board.

(4) The appointed member of the Board shall receive such fees or other allowances, by way of remuneration for his services, as shall be prescribed

(5) The First election under this section shall be held as soon as practicable after the passing of this Act. Subsequent elections shall, except as hereinafter provided, be held in the month of March in every Second year after the year One thousand nine hundred and twenty-three.

(6) If any question or dispute arises as to the regularity or validity of any election under this section, 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.

(7) If any elected member of the Board dies, or, by notice in writing addressed to the Commissioner, resigns his office as such member, or is suspended from his office in, 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 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.

(8) Every election under this section shall, subject to the foregoing provisions thereof, be held on a day to be fixed by proclamation.

(9) Whenever there is a failure to elect a member of the Board, or to fill any vacancy in the office of an elective member of the Board, the Governor may appoint an officer to fill such vacancy.

(10) In case of the illness or absence of any member of the Board, other than the Commissioner, the Governor may appoint a deputy to act for such member during his illness or absence, and every such deputy shall, during the time he acts as deputy, have all the powers and authorities of such member. Provided that, where such illness or absence is that of the elected member of the Board, such deputy shall, where possible, be the person who, at the ballot at which such member was elected, received the number of votes next greatest to the number received thereat by such elected member.

(11) All the provisions of Sections **13a** to **13c** inclusive of "The Evidence Act, 1910," shall apply to the proceedings of the Board as if it were a board appointed by the Governor within the meaning of Section **13a** of that Act, and any member of the Board shall have, and may exercise, in respect of such proceedings all or any of the powers vested by the firstmentioned sections in the chairman or any member of a board appointed by the Governor as aforesaid.

20—(1) Subject as hereinafter mentioned, every officer shall be paid such salary as shall be determined by the Board and approved by the Governor, based on the character and importance of the work performed by or to be assigned to such officer, due regard being had to what may be deemed to be the value of such work.

(2) The Board shall make its First determination in respect of the salary of every officer in the Public Service at the time of such determination, before the Thirtieth day of June, One thousand nine hundred

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and twenty-three, and such determination shall come into force on the First day of July in such lastmentioned year. A.D. 1923.

(3) The Board shall, at intervals of not less than Twelve months, nor more than Two years, beginning on the First day of June in the year One thousand nine hundred and twenty-three, review the salaries of all officers, and make a new determination in respect of such salaries, and by such new determination may increase or diminish the salary of any officer. Such new determination shall come into force on the First day of July in the year in which it is made. Any determination made under this subsection or Subsection (2) of this section is hereinafter referred to as a "general determination." Review of salaries.

(4) No determination shall be made by the Board unless the whole of the members thereof are present at the meeting at which such determination is made. All members of Board to take part in determination.

(5) The salary to be paid to—

- i. A person upon his first appointment to the Public Service: or
- ii. An officer upon his transfer or promotion to a new position in the Public Service. Salary to be paid on first appointment, &c.

shall, as from the date of such appointment, transfer, or promotion (as the case may be), and until the general determination of the Board then next following, be such as shall be fixed by the Minister, on the recommendation of the Commissioner, and with the approval of the Governor: Provided, however, that any officer who has been transferred or promoted as aforesaid, and who is dissatisfied with his salary as so fixed, may, within Seven days after such fixing has been notified to him in writing by the Commissioner, apply in writing to the Board to have such salary determined by it, and the Board may either confirm such fixing, or itself determine such salary, for the period aforesaid.

(6) Notwithstanding anything in this Act to the contrary, the salary to be paid to every officer in the Public Service for the period beginning on the First day of April, One thousand nine hundred and twenty-three, and ending on the Thirtieth day of June immediately following such lastmentioned date, shall be such as shall be fixed by the Minister on the recommendation of the Commissioner, and approved by the Governor. Salaries to be paid for period from 1st April, 1923 to 30th June, 1923.

(7) 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 compensation for reduction of salary, &c.

(8) 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 allowance of a similar nature, the Governor may direct that a fair and reasonable sum therefor be deducted from such officer's salary, and the amount of such sum shall be fixed by the Governor on the recommendation of the Board. Rent and other allowances. Cf. 9 Geo. V. No. 69., s. 31.

Commonwealth and State Officers.

21 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. Service in Commonwealth not to disqualify for State.

Ibid., s. 46.

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—
 Officer of
 Commonwealth
 may discharge
 State functions.
Ibid., s. 47.

Consequent
 arrangements to
 be made.

22—(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.
Ibid., s. 48.

23 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.

Arrangements for
 performance of
 work or services
 for Government
 of Common-
 wealth.
Ibid., s. 49.

24 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.

Reappointment
 from Common-
 wealth Public
 Service.
Ibid., s. 50.

25—(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.

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PART IV.

DISMISSALS, REMOVALS, RETIREMENT, &c.

- 26** If any officer permanently employed in the Public Service—
- i. Commits any breach of the provisions of this Act or any regulations thereunder: or
 - 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: or
 - vi. Without authority from the head of his department, or from the Minister, or otherwise than in the ordinary course of his duties, divulges any information gained by him in the Public Service—

Offences.
Cf. *ibid.*, s. 70.

he shall be guilty of an offence, and shall be liable to such punishment as may be determined upon under the provisions of hereinafter contained.

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

- 27—(1)** If any officer (not being a permanent head) is charged with the commission of any such offence as is mentioned in Section Twenty-six, 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.

Investigation of
and punishment
of offences.
Cf. *ibid.*, s. 71.

Summary
reprimand or fine
for minor
offences.

Temporary
suspension of
officer charged.

(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.

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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.

Power of
permanent head
to reprimand.

(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
- 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.

(4) If any such officer having been suspended and fined is dissatisfied with the decision of the permanent head, he may, within Seven 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.

Or refer charge
to Commissioner.

(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 enquired 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.

Punishment when
charge proved.

(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 salary, 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.

Reduction by
Commissioner.

Dismissal by
Commissioner.

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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. **A.D. 1923.**

(7) If none of such charges is 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.**

28—(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 Twenty-six, the Minister may suspend such officer, and report the charge and suspension to the Governor. **Offences by permanent heads. Cf. *ibid.*, s. 72.**

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 seems 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 salary, or impose such a penalty not exceeding Fifty Pounds or other punishment as the case demands.

(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. **Removal of 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.

29 If in the opinion of the Minister in the case of a permanent head, or of the Commissioner in the case of any other officer, it appears that the conduct of the permanent head or of such other officer renders him unfit to continue in the Public Service— **Inquiry into misconduct by officers. Cf. *ibid.*, s. 73.**

- i. The Minister may in the case of such permanent head, after notifying him of the charge, suspend him and report the charge and suspension to the Governor, and the charge shall be dealt with in all respects in the same manner as if it had arisen under the provisions of Section Twenty-eight: or
- ii. The Commissioner may in the case of such other officer, after notifying him of the charge, suspend him, and shall thereupon deal with the charge in the same manner as if it had been a charge referred to him for investigation and report under Subsection (5) of Section Twenty-seven.

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Forfeiture of
office in certain
cases.

Ibid., s. 74.

Bankruptcy, &c.,
of officer.

Ibid., s. 75.

30 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.

31 If any officer becomes bankrupt or applies to take the benefit of any Act for the relief of insolvent debtors, or make 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 dismissed from the Public Service or reduced to a lower salary or lower wages, or transferred to some other position, or fined, reprimanded, or otherwise punished by order of the Governor, on the recommendation of the Commissioner.

Services of
incapable officer
may be dispensed
with.

Ibid., s. 76.

32 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—

- 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—

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.

Procedure in case
of inquiry.
Cf. *ibid.*, s. 77.

33 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 :—

- i. Any officer against whom a charge is made, or some other officer nominated by him, and also the person making the charge, and an officer representing the department to which the 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 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

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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 :

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- 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 charges are not proved, a recommendation may be made to the Governor 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, and if such recommendation is approved by the Governor such amount shall be paid to the officer :
- 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.

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

(2) If, in the case of any officer who had attained the age of Sixty-seven years on the Fifteenth day of August, One thousand nine hundred and nineteen, 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 as the Governor in each case directs, or during pleasure, but in no case shall any such officer continue in the Public Service after attaining the age of Seventy-five years.

Officers attaining age of Seventy to retire unless required to continue.
Cf. *ibid.*, s. 93.
Certain officers of age of Seventy may be continued in Public Service by Governor.
Cf. *ibid.* s. 94.

35 Every female officer on becoming married shall retire unless her continuance in office is, in the opinion of the Commissioner, required in the public interest and the Governor approves of such continuance.

Female officers to retire on marriage.

36 The Governor may at any time, on the recommendation of the Commissioner, create a new office in any department or abolish any office in any department, and upon the abolition of any office under the provisions of this section the officer who was at the time of such

Creation or abolition of office.
Cf. *ibid.*, s. 63.

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abolition holding such office, shall cease to be employed in such office, and, on the recommendation of the Commissioner, such officer may be transferred to some other position in the Public Service, or his services may be dispensed with.

PART V.

BOARD OF APPEAL.

Right of appeal
against decisions
in respect of
charges.
Cf. *ibid.*, s. 79.

37—(1) If any officer is dissatisfied with any decision, determination, or recommendation under Sections Twenty-seven, Twenty-eight, or Twenty-nine 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 Thirty-eight hereof. Such officer shall forward to the Commissioner, within Fourteen days after such decision, determination, or recommendation, has been notified to him in writing, a notice of appeal setting forth the grounds of his dissatisfaction; and the Board of Appeal shall thereupon consider such appeal and the grounds thereof, and any further evidence in relation thereto which such 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.

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 Five Pounds.

The Board of
Appeal.
Cf. *ibid.*, s. 80.

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

- i. Two persons, neither of whom being the Commissioner or an officer of the Public Service, to be appointed, from time to time, by the Governor; such persons to take part in the hearing and determination of the appeal or appeals to be specified in the appointment:
- ii. One person, to be elected as follows:—The officers of the Public Service 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:

(2) The elected members of the Board of Appeal shall hold office for Two years.

(3) If in the case of any appeal neither of the persons elected in accordance with the provisions of Paragraph ii. of Subsection (1) 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 Board of Appeal 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.

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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 of Appeal in that appeal. A.D. 1923.

(4) The officers of the Public Service shall elect their said representatives by postal ballot, to be taken on such date in the year One thousand nine hundred and twenty-three, and in every Second year thereafter as may be fixed by proclamation in respect of any such year.

(5) If any elected member of the Board of Appeal dies, or by notice in writing addressed to the Commissioner resigns his office, or is suspended from his office in, 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 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 of Appeal.

(6) Whenever there is a failure to elect a member of the Board of Appeal, or to fill any vacancy in the office of an elective member of such Board, the Governor may appoint an officer to fill such vacancy.

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

(8) The Governor shall make regulations prescribing the manner in which elections shall be held; and if any question or dispute arises as to the regularity or validity of any election 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.

(9) No person over the age of Seventy years shall be eligible to be appointed as a member of the Board of Appeal.

39—(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. Proceedings of
Board of Appeal.
Ibid., s. 81.

(2) On any inquiry by the Board of Appeal in relation to a charge against an officer, such officer, and the person making the charge, and also the department to which the officer belongs shall be entitled to be represented by counsel, solicitor, or agent; and such Board may conduct an inquiry without regard to legal forms, and shall direct itself by the best evidence it can procure, or that is laid before it, whether the same is such evidence as the law would require or admit in other cases or not; and the Board of Appeal may receive or reject as it thinks fit, any evidence that may be tendered. The Board of Appeal shall keep a complete record of all such inquiries, which shall afterwards be available for reference.

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(3) The Commissioner shall be entitled to be present at all proceedings of the Board of Appeal.

(4) If the Board of Appeal is of opinion that the appellant officer had no grounds for appeal, or that the appeal is frivolous or vexatious, such Board may recommend to the Governor that the officer be required to pay the costs of the appeal, the amount thereof to be mentioned in such recommendation, and, if such recommendation is approved by the Governor, such amount shall be recoverable in the manner prescribed for the recovery of fines and penalties imposed under this Act.

(5) If in any case the Board of Appeal finds that the charges are not proved, or allows the appeal, such Board may recommend to the Governor that the reasonable expenses incurred by the officer in meeting such charges and his costs of the appeal be paid, the amount of such expenses and costs to be mentioned in such recommendation, and, if such recommendation is approved by the Governor, such amount shall be paid to the officer.

PART VI

EMPLOYMENT OF RETURNED SOLDIERS.

Interpretation.
Cf. *ibid.* s. 52.

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

“Returned
Soldier.”

“Returned Soldier” means and includes—

“ I. Any person who enlisted in 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 has lately been engaged, and left Tasmania on duty in such service, and has returned to Tasmania and been honourably discharged from service ; and

“ II. Any person who was born in Tasmania, and has produced to the Commissioner satisfactory evidence that he has been a member of any naval, military, or air force raised in any country forming part of His Majesty’s Dominions for service in such war outside the country wherein such force was raised, and has served in connection with the said war outside such country, and has returned to Tasmania and been honourably discharged from service :

“Soldiers’ Board.”

“ Soldiers’ Board ” means the Returned Soldiers’ Employment Board appointed under this Part.”

*Public Service.***41** Notwithstanding anything in this Act—

i Any returned soldier shall, subject to this Part—

(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 a married person under employment in any temporary work; or

(b) If he fulfils the requirements of the regulations made under this Part, be entitled, irrespective of age, and in priority to any other person who is not a returned soldier (except a married person in the Public Service), 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 the Public Service 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.

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Priority of returned soldiers for temporary and other employment in Public Service. Cf. *ibid* s. 53.

42—(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, Director of Public Health and a person nominated by the Tasmanian branch of the Returned Sailors' and Soldiers' Imperial League of Australia.

Constitution of Soldiers' Board. *Ibid.*, s. 54.

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

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

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.

Chairman, &c.

43 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.

Vacancies, how filled. Appointment of substitute for member of board *Ibid.*, s. 55.

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Regulations.
Cf. *ibid.* s. 56.**44—**(1) The Soldiers' Board shall make regulations—

- i. For the determination of the conditions for the admission subject to this Act, of returned soldiers to the Public Service, and the nature or character and standard of examinations or tests which returned soldier candidates for employment in the Public Service, or in any particular class of work therein shall undergo :
- ii. For the examination of returned soldier candidates, and the granting of certificates to them :
- iii. 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, and may by the direction of the Governor, be included and printed with any other regulations made under this Act, and shall thereupon form part thereof and be construed therewith.

Applications by
returned soldiers
for appointment
or employment.
Ibid. s. 57.

45 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 Commissioner 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.
Ibid., s. 58.

46 The Commissioner shall cause to be enrolled in a register the full name, address, age, military rank, and date of discharge, of every returned soldier applying for employment who has passed the prescribed examination.

Applications to be
invited except in
certain cases
Cf. *ibid.*, s. 59.

47 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, unless the vacancy being caused by the transfer or promotion of an officer is filled by the appointment of a returned soldier.

Provided that the foregoing portion of this section shall not apply to any vacancy, new office, or position requiring the appointment of a youth under the age of Twenty-one years.

Classification on
appointment to
clerical position.
Cf. *ibid.*, s. 60.

48 Notwithstanding anything in this Act, a returned soldier appointed to a clerical position in the Public Service, whose age at his last birthday previous to appointment 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

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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 ; and 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.

The Commissioner shall determine for the purposes of this section whether or not any position to which a returned soldier shall be appointed is a clerical position.

49—(1) Any regulations made under 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.

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—
Examination of returned soldiers for appointment. Cf. *ibid.*, s. 31.

(2) The names of returned soldiers who have passed any 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.

PART VII.

MISCELLANEOUS.

Performance of Duties in Absence.

50 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, or in the event of a vacancy in such office, be performed or exercised by any officer directed by the Minister to perform and exercise the duties, obligations, rights, and powers of such first-mentioned officer during such absence, incapacity, or vacancy in the same manner and to the same extent in all respects as the same might have been respectively performed or exercised by such first-mentioned 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 first-mentioned officer.

Performance of duties and powers of officer in his absence. *Ibid.*, s. 83.

Public Notifications.

51 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

Notices to be gazetted. *Ibid.*, s. 95

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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.

Holidays.

Holidays.
Cf. *ibid.*, s. 92.
10 Geo. V. No. 8.

52—(1) Every bank holiday observed throughout the State under “The Bank Holidays Act, 1919,” shall be a Public Service holiday throughout the Public Service.

(2) Whenever the Governor, by notification, pursuant to “The Bank Holidays Act, 1919,” 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 or the permanent head of a department 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.

Performance of Work Outside Public Service.

Officer not to
engage in duties
unconnected with
his office.
Cf. 9 Geo. V.
No. 69. s. 98.

53—(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. Unless authorised under some other provision of this Act, accept or engage in any paid employment other than in connection with the duties of his office or offices in the Public Service, except employment as Secretary to the Public Service Association.

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

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Effect as to companies.

Furlough.

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

Furlough.

Cf. *ibid.* s. 90.

Provided, however, that in the case of any such officer having, under any enactment previously in force dealing with the Public Service, become entitled to, and been granted, long-service leave of absence for Three months on full pay, or Six months on half pay, by reason of his continuous service for at least Ten years, such officer shall, on his completing Twenty years continuous service, be entitled only to long-service leave of absence for a further period of Three months on full pay, or at his option to long-service leave of absence for a further period of Six months on half pay.

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

(3) 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.

(4) For the purposes of this section the length of service of an officer shall be computed from the commencement of his continuous service. Such service shall include any period of probation or absence on leave with or without pay :

Provided that—

- i. In the case of an officer who has held in the Public Service of this State a permanent office to which this Act did not during his tenure of such office apply, or who has held a permanent office in the Public Service of either the Commonwealth or of any other State thereof, and in any of the said cases has been transferred to an office in the Public Service of Tasmania directly from such other office aforesaid, the length of his service shall be computed from the date on which he was permanently appointed to such other office aforesaid :
- ii. In the case of an officer who has, previous to his appointment as an officer, been temporarily employed in the Public Service of the State for not less than Five years continuously, one-half of the period during which he was so temporarily employed shall be added to the period of

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his service as an officer, and the total period so ascertained shall, for all purposes whatsoever, be counted as his period of service as an officer :

- iii. In the case of any employee on the permanent staff of the Government Printing Office who has served his apprenticeship in that office, and has then served on the temporary staff continuously until placed on the permanent staff, the length of his service shall be reckoned by adding one half of the time which elapsed between the date of his apprenticeship and the date of his appointment to the permanent staff to the length of his service on the permanent staff.

Payments.

Salaries not to exceed amount appropriated by Parliament.
Cf. *ibid.*, s. 97.

55—(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.

(2) Payment of money to officers other than for salary or for prescribed transfer or travelling allowances or expenses or for extra services, shall be made only under the authority of the Governor.

(3) Payment of money to officers for extra services shall be made only on the authority of the Minister.

Application of Fines and Penalties.

Fines and penalties.

56 All fines and penalties imposed under this Act shall be paid into and form part of the Consolidated Revenue.

Regulations.

Regulations.
Cf. *ibid.*, s. 99.

57—(1) In addition to any power by this Act conferred on the Governor to make regulations as to any special matter, the Governor, on the recommendation of the Commissioner, may make 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, subject to the provisions of this Act, appointments to and promotions within the Public Service, and for providing for, and regulating the transfer of officers within the Public Service, and the filling of vacancies in the Public Service, and for providing for and regulating appointments to the Public Service on probation :
- ii. For the arrangement of the Public Service and the facilitation of the working thereof, the specification and assignment of work, duties, and offices, the determination of the conditions of promotion, and the regulation of the payment of salaries.

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- iii. For prescribing, subject to the provisions of this Act, the qualifications entitling any person to admission to the Public Service, and for prescribing and regulating examinations to be passed by candidates for admission to the Public Service, and for providing for the appointment of examiners to conduct such examinations, ^{and} and for registering in the order of merit the names of all persons who have qualified for admission to the Public Service, and of those candidates who, having so qualified, may be appointed to fill subsequent vacancies arising within a prescribed period, and prescribing the method of determining the order of merit for registration :
- iv. For regulating and determining the scales or amounts to be paid to officers for transfer or travelling allowances or expenses :
- v. For regulating the duties of officers, and the mode in which such duties shall be performed, and for regulating the conduct of officers :
- vi. For providing for the temporary employment of persons in the Public Service, and 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 for regulating generally the terms and conditions of any temporary employment :
- vii. For regulating the hours of attendance of officers, and the keeping and signing of records of attendances, or prescribing other methods of recording attendances :
- viii. For providing for and regulating, subject to the provisions of this Act, the granting of leave of absence to officers of the Public Service :
- ix. For providing for 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, and for fixing the nature and amount of such security :
- x. For fixing, subject to the provisions of this Act, the maximum and minimum ages of persons who may be appointed to the Public Service, or any particular office therein :
- xi. 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 :
- xii. 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 :
- xiii. For providing for the recovery of fines and penalties imposed upon officers under this Act by deducting the same from the salaries or other remuneration of such officers, and for regulating the method of such deduction :
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xiv. For providing for, and regulating the performance of, and payment of officers for, extra services, and the payment of examiners and members of any Board constituted under this Act, other than the Commissioner, or an officer of the Public Service.

xv. For regulating the manner of elections to be held under this Act, and the times of holding such elections where such times are not specified in this Act, and generally for the management and conduct of any such election, and for providing for the appointment of returning officers and other persons to conduct elections, and for the payment of the costs of elections and for facilities to be given to officers of the Public Service for voting thereat, and to the elected member of any board constituted under this Act for attending the meetings of such board.

xvi. For regulating the procedure of the Board of Appeal, or of the Board constituted under Section Nineteen of this Act, the conduct of the business of any such Board, and the method of taking evidence at a distance :

xvii. For prescribing the allowances to witnesses for their attendance and expenses :

xviii. 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.

Regulations may be general or special.

(2) 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 the officers in any particular place.

(3) 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, and the proposed regulation, alteration, or repeal shall be set forth in such notice.

Regulations under other Acts may be printed with regulations under this Act.

(4) Where under any other Act, rules or regulations may be made for the good order, management, or administration of, or the maintenance of discipline in any department of the Public Service, or any institution belonging to or connected with such department, or subject to the control or direction of the permanent head thereof, such rules and regulations may by the direction of the Governor be included and printed with any regulations made under this Act, and shall thereupon form part thereof and be construed therewith.

Provided that such rules or regulations shall, if made by any other authority than the Governor, be submitted to and confirmed by the Governor before they shall have the force of law.

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

*Public Service.**Saving of Crown's Rights.*

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58 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.
Ibid., s. 100.

SCHEDULE.

Date.	Title.
9 Geo. V. No. 69	"The Public Service Act, 1918"
10 Geo. V. No. 53	"The Public Service Amendment Act, 1919"
11 Geo. V. No. 52	"The Public Service Amendment Act, 1920"
12 Geo. V. No. 41	"The Public Service Amendment Act, 1921"

