

TASMANIA.

 THE PUBLIC SERVICE AMENDMENT
 ACT, 1920.

ANALYSIS.

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Incorporation with 9 Geo. V. No. 69. 2. Amendment of Section 5. 3. Amendment of Section 6 of 9 Geo. V. No. 69. 4. Amendment of Section 7. 5. Amendment of Section 15, Sub-section (2). 6. Amendment of Section 17. 7. Repeal and re-enactment of Section 24. Additional increment of Ten Pounds to be paid male married officers. 8. Amendment of Section 25. 9. Amendment of Section 27. 10. Amendment of Section 28. 11. Amendment of Section 30. 12. Amendment of Section 31. 13. Amendment of Section 32. 14. Amendment of Section 34. 15. Amendment of Section 42. 16. New Section 45a.
Date of reckoning officer's service. | <ol style="list-style-type: none"> 17. Amendment of Section 52.
"Returned soldier," new definition. 18. Amendment of Section 56. 19. Amendment of Section 57. 20. New Section 58.
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T A S M A N I A



1920.

ANNO UNDECIMO

GEORGII V. REGIS.

No. 52.

AN ACT to amend "The Public Service Act, ^{A.D.} **1920.**
 1918," and for other purposes.

[24 December, 1920.]

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

1 This Act may be cited as "The Public Service Amendment Act, 1920," and shall be construed as one with "The Public Service Act, 1918," which is hereinafter referred to as "the said Act," and any reference herein to a section or a subsection shall, except where a contrary intention appears, be read as a reference to such section or subsection of the said Act. Short title.
Incorporation
with 9 Geo. V
No. 69.

2 Section Five is hereby amended by inserting at the end of Paragraph vi. the words "or in connection with the Tasmanian Government Shipping Department." Amendment of
Section 5.

3 Subsection (3) of Section Six is hereby repealed and the following subsections enacted in place thereof :— Amendment of
Section 6 of 9
Geo. V. No. 69.

"(3) No person serving on probation, or temporarily employed, and no officer in the Public Service shall directly or indirectly solicit or endeavour to influence either the Commissioner or the Assistant Commissioner, in respect to any matter affecting his remuneration or position in the Public Service. Any person guilty of any contra-

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vention of this subsection shall be liable to be dismissed, or in the case of an officer, to such penalties as are prescribed in Section 71 of this Act.

“(4) The foregoing provisions of this section shall be read subject to the provisions hereinafter contained, and to the regulations.”

Amendment of Section 7.

4 Section Seven is amended—

- i. By adding at the end of Subsection (4) thereof, the words “In case of the illness, suspension, or absence from Tasmania of the Commissioner, or in the event of any vacancy arising under any of the circumstances set out in Section Ten, the Assistant Commissioner shall have all the powers and authority, and may discharge and exercise all the duties and functions under this Act of the Commissioner”:
- ii. By striking out the words “Commissioner or of an” in the First and Second lines of Subsection (8), and the words “Commissioner or” in both the Third and Sixth lines of that subsection.

Amendment of Section 15, Subsection (2).

5 Subsection (2) of Section Fifteen is amended by substituting the word “July” for the word “February” in the First line thereof, and by striking out the words “other than the age” in the Fourth line thereof.

Amendment of Section 17.

6 Section Seventeen is amended by substituting the word “Regulation” for the word “Proclamation” wherever the latter word occurs therein.

Repeal and re-enactment of Section 24.

7 Section Twenty-four is hereby repealed, and the following substituted therefor:—

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

“**24** Where the amount of salary assigned to any subdivision of a class or grade is payable in any year to male officers who are or become married, such amount shall be increased by a sum of not less than Ten Pounds, and not more than Twenty-six Pounds: Provided that the amount of salary assigned to any subdivision of a class or grade is not thereby increased beyond Three hundred Pounds.

“The amount of such additional annual sum shall, in each year, be fixed by regulation published in the ‘Gazette’ not later than the First week in July.”

Amendment of Section 25.

8 Section Twenty-five is amended by substituting the words “Two hundred and fifty-two” for the words “One hundred and ninety” in the Second and Third lines thereof.

Amendment of Section 27.

9 Section Twenty-seven is amended by inserting after the word “shall” in line Three thereof, the words “unless the Commissioner shall otherwise determine in the interests of the service.”

Amendment of Section 28.

10 Section Twenty-eight is amended by inserting after the word “promotion” in the First line thereof, the words “or in any special case determined by the Commissioner”

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- 11** Section Thirty is amended by inserting after the word "thereupon" in the Seventh line thereof, the words "or at any time upon his own initiative." A.D. 1920.
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Amendment of Section 30.
- 12** At the end of Section Thirty-one the following paragraph is inserted :—
"No deduction whatever from the salary of any officer shall be made except as is provided by this Act."
Amendment of Section 31.
- 13** Section Thirty-two is amended by expunging the full-stop after the word "available" in line Fifteen thereof. Amendment of Section 32.
- 14** Section Thirty-four is hereby amended by omitting in the Second line thereof the words, "is qualified as prescribed," and inserting therefor the words, "has qualified by passing either the Junior Public or the Senior Public Examination of the University of Tasmania as may be prescribed, or has passed a public competitive examination recognised as an equivalent by such University." Amendment of Section 34.
- 15** Section Forty-two is amended by substituting the words "Forty-four" for the word "Ten" in the Eighth line thereof. Amendment of Section 42.
- 16** After Section Forty-five the following section is inserted :—
"45a The date from which an officer's service shall be reckoned shall be—
Date of reckoning officer's service.
- i. In the case of an officer who is in the first instance appointed on probation, the date on which he was so appointed :
 - ii. In the case of an officer who has held in the 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 service of this State directly from such other office aforesaid, the date on which he was permanently appointed to such other office aforesaid :
 - iii. In the case of an officer who has, previously to his appointment as an officer, been temporarily employed in the Public Service 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 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.
 - iv. 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

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apprenticeship and the date of his appointment to the permanent staff to the length of his service on the permanent staff.

Amendment of Section 52.

“Returned soldier,” new definition.

17 Section Fifty-two is amended by repealing the definition of “Returned Soldier,” and substituting the following therefor:—

“‘Returned soldier’ means any person who (whether before or after the commencement of this Act) has enlisted with any expeditionary force raised in Tasmania for naval or military service with His Majesty’s navy or army during war, and has left Tasmania on duty in such service, and has been honourably discharged after active service afloat or in the field.”

Amendment of Section 56.

18 The following words are added at the end of Section Fifty-six:—“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.”

Amendment of Section 57.

19 Section Fifty-seven is amended by substituting for the words “Soldiers’ Board” therein, the word “Commissioner.”

New Section 58.

20 Section Fifty-eight is repealed and the following section substituted therefor:—

Register of returned soldiers.

“**58** 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.”

New Sections 59 and 60.

21 Sections Fifty-nine and Sixty are repealed and the following sections substituted therefor—

Applications to be invited except in certain cases.

“**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, 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, and any such vacancy, new office, or position may be filled from the register of candidates who have qualified for admission to the Clerical Division of the Public Service in the manner prescribed.

Classification on appointment.

“**60** Notwithstanding anything in this Act, a returned soldier appointed to a position in the Public Service, whose age at his last birthday previous to appointment was not less than Twenty-two, shall not be appointed at a less salary than One hundred and fifty-six Pounds; whose age at his last birthday previous to appointment was Twenty-

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three, shall not be appointed at a less salary than One hundred and eighty 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 ninety-two 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 Two hundred and four Pounds.” A.D. 1920.

22 Section Sixty-four is amended by inserting at the beginning the words “Subject to the provisions of Part V. of this Act.” Amendment of Section 64.

23 Section Sixty-nine is amended by adding thereto the following words:— Amendment of Section 69.

“Provided also that the Commissioner may, without any such reference, and on his own initiative, submit to the Governor any recommendation which may appear to him expedient for the purposes in this section aforesaid.”

24 Section Seventy is amended by adding immediately after Clause v. thereof the following words:— Amendment of Section 70.

“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”:

25 Section Seventy-nine is amended by substituting for the word “grade” in the Fourth line thereof, the words “any matter.” Amendment of Section 79.

26 Section Eighty is repealed, and the following section substituted therefor:— Appeals to be heard by judge.

“**80** The Chief Justice of the Supreme Court, or a judge thereof, nominated by the Chief Justice, shall from time to time be appointed by the Governor to hear all appeals under Section Seventy-nine.

“Such Chief Justice or judge shall have all the powers and duties of, and be deemed for all purposes to constitute alone, the Board of Appeal; and shall continue to exercise the functions of such Board of Appeal until another appointment is made under this Section.

“Such Chief Justice or judge may refer any question arising on any such appeal to the decision of all the judges of the Supreme Court, who shall thereupon, *ipso facto*, have jurisdiction to hear such question in such manner as they shall think fit, and to determine the same, and their decision, or the decision of any Two of them, shall be binding upon the Chief Justice or judge constituting the Board of Appeal, and shall be the decision of the Board of Appeal thereon.

If the Chief Justice at any time notifies the Governor that he withdraws himself, or the judge nominated by him, from the Board of Appeal, such notification shall be deemed to be the resignation of the Chief Justice or such judge from the Board of Appeal, and thereupon his appointment thereto shall cease as from the date stated in such

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withdrawal. If no other judge is appointed under this section to be the Board of Appeal, the Governor may, from time to time, appoint some other person or persons to be such Board of Appeal, and such person or persons shall have all the powers and duties of, and be deemed for all purposes to constitute alone such Board of Appeal, and shall continue to exercise the functions of such Board of Appeal for such period as shall be stated in his or their appointment. Any such person may resign, by writing, from such appointment."

Amendment of
Section 83.

27 Section Eighty-three is amended by inserting after the word "incapacity," in the Eighth line thereof, the words "in the event of a vacancy in such office," and by inserting after the word "incapacity," in the Eleventh line thereof, the words "or vacancy."

Amendment of
Section 87.

28 Section Eighty-seven is amended by substituting the word "Twenty-one" for the word "Fourteen" wherever the latter word occurs, and by inserting after the word "Minister" in Subsection (2) the words "on the recommendation of the Commissioner."

Amendment of
Section 89.

29 Section Eighty-nine is amended by adding at the end of Subsection (2) thereof, the words "unless otherwise specially recommended by the permanent head."

Amendment of
Section 90.

30 Section Ninety is amended by inserting after the word "him" in the Fourth line of Subsection (1), and also after the word "him" in the Fourth line of Subsection (2), the words "upon the recommendation of the Commissioner."

Amendment of
Section 97.

31 Subsection (3) of Section Ninety-seven is repealed, and the following subsection substituted therefor—

"(3) An officer who is appointed by the Governor to perform, and performs for a period of more than Twenty-eight days, the duties of an officer senior to himself may, on the recommendation of the Commissioner, and with the approval of the Governor, in addition to his salary be paid in respect of such period a further amount not exceeding One-fifth of such salary and not exceeding the difference between his salary and the salary of the officer whose duties he performs."

Amendment of
Section 99.

32 Section Ninety-nine is amended—

- i. By adding at the end of Paragraph iv. of Subsection (1) the words "and for prescribing the method of determining the order of merit for registration":
- ii. By repealing Paragraph xviii. of Subsection (1).
- iii. By striking out the words "open for inspection by officers at all reasonable times at the office of the Commissioner" in Subsection (4), and substituting therefor the words "set forth in such notice":