



ANNO SEPTIMO

# GEORGI V REGIS.

A.D. 1916.

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## No. 1259.

An Act to Consolidate and Amend the Law relating to the Public Service.

[Assented to, November 16th, 1916.]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

### PART I. PRELIMINARY.

### PART I.

1. This Act may be cited as the "Public Service Act, 1916."

Short title.

2. This Act shall come into force on a date to be fixed by proclamation, which date is in this Act referred to as the commencement of this Act.

Commencement.

3. The provisions of this Act are arranged as follows:—

Arrangement of Act.

PART I.—Preliminary.

PART II.—Reclassification of the Public Service.

PART III.—Administration.

PART IV.—Divisions and Classes of the Public Service, and Salaries.

PART V.—Admission to the Service, Alterations of Staff, Dismissals, &c.

PART VI.—Miscellaneous.

4. In this Act, unless some other meaning is clearly intended—

Interpretation.

"Board" means the Public Service Reclassification Board appointed under this Act:

"Class" means class of the Public Service:

## PART 1.

*Public Service Act.—1916.*

- “Commissioner” means the Public Service Commissioner appointed under this Act:
- “Commonwealth” means the Commonwealth of Australia:
- “Department” means any Department declared by the Governor under this Act:
- “*Gazette*” means the *South Australian Government Gazette*:
- “Grade” includes office or position:
- “Minister” means the 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, is employed or is proposed or seeks to be employed, or which comprises the office in connection with which the term is used:
- “Office” includes any position in the Public Service:
- “Officer” means person employed in any capacity in the Public Service:
- “Permanent Head” means the Permanent Head of the Department wherein any officer or person, in connection with whom the term is used, is employed or is proposed or seeks to be employed, or which comprises the office in connection with which the term is used:
- “Prescribed” means prescribed by this Act or by regulation:
- “Proclamation” means proclamation by the Governor published in the *Gazette*:
- “Public Service” means the Public Service of the State as defined by section 6:
- “Regulation” means regulation for the time being in force under this Act:
- “State” means the State of South Australia:
- “This Act” includes the regulations:

Repeal.

**5.** (1) The Acts mentioned in the First Schedule are hereby repealed.

Certain rights preserved.  
No. 231 of 1881.

(2) Such repeal shall not affect any privileges or rights conferred by section 4 of the Civil Service Amendment Act, 1881; and in respect of any such officer as referred to in the said section, and his legal personal representative, the said section shall apply notwithstanding such repeal.

Appointments continued.  
Cf. N.S.W. 31,  
1902, s. 3.

(3) All officers and persons appointed permanently or temporarily under any Act hereby repealed, and holding office at the commencement of this Act, shall remain in office as if this Act had been in force at the time when they were appointed, and they had been appointed hereunder, and this Act shall apply to them accordingly.

(4) All

*Public Service Act.—1916.*

## PART I.

(4) All regulations made by the Governor under any Act hereby repealed which are in force at the commencement of this Act shall, except so far as inconsistent with this Act, continue in force until repealed by regulations made under this Act. Any such regulation, though not expressly repealed, shall be deemed to be repealed in so far as it is inconsistent with this Act or any regulation made under this Act. Any references in any such regulations to any enactment hereby repealed shall be construed as references to the corresponding provisions of this Act.

Regulations continued until repealed.  
Cf. *ibid.*

6. The Public Service, within the meaning of this Act, comprises all persons employed in any capacity in the public service of the State, with the following exceptions (save where otherwise expressly provided), namely:—

Public Service defined.

- (a) The Judges of the Supreme Court:
- (b) The Commissioner of Insolvency:
- (c) The President of the Industrial Court:
- (d) The Agent-General:
- (e) The Commissioner of Audit:
- (f) Any officer of either House of Parliament, or any person under the separate control of the President or the Speaker, or under their joint control:
- (g) The South Australian Railways Commissioner, and any person in the service of the South Australian Railways:
- (h) The Harbors Commissioners appointed under the Harbors Act, 1913.
- (i) Any teacher appointed under the Education Act, 1875, or any Act amending or substituted for that Act:
- (j) Any member of the Police Force:
- (k) Any honorary officer:
- (l) Any officer remunerated by fees, allowances, or commissions only:
- (m) Any person employed at daily or weekly wages, or at piece-work rates of payment, except persons employed in the Government Printing Department, the Gaols and Prisons Department, the Destitute Persons Department, or the Department of the Inspector-General of Hospitals, whose work is of a permanent character:
- (n) Any person whose salary or remuneration is fixed by Act of Parliament:
- (o) Any officer or class of officers or Department to whom or to which it is provided by any Act that this Act, or the Acts hereby repealed, shall not apply:
- (p) Any officer or class of officers or Department to whom or to which the Governor declares by proclamation that this Act shall not apply: Provided

No. 1149 of 1913.

No. 11 of 1875.

## PART I.

*Public Service Act.—1916.*

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

- i. apply to any of the persons or officers, classes, or Departments, mentioned or referred to in this section, or
- ii. cease to apply to any persons or officers, classes, or Departments to which, by reason of a proclamation made under this section, the same applies or 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.

## PART II.

## PART II.

## RECLASSIFICATION OF THE PUBLIC SERVICE.

Public Service  
Reclassification  
Board.

**7.** (1) For the purpose of the reclassification of the Public Service required by section 10, there shall be a Public Service Reclassification Board.

How constituted.

(2) The Board shall consist of—

- i. the Commissioner for the time being, who shall be the Chairman of the Board, and
- ii. two other members appointed by the Governor, who shall be selected from the officers in the Public Service, and one of whom shall be so appointed after nomination, in manner prescribed, by the members of the Public Service Association of South Australia.

How vacancies filled.

(3) In case of the resignation of a member of the Board other than the Chairman, or of his ceasing to be an officer in the Public Service (unless in the latter case the Governor directs to the contrary), such member shall cease to be a member of the Board, and the Governor may appoint another person who is eligible under subsection (2) hereof to fill the vacancy.

Remuneration of  
members.

(4) The members of the Board, other than the Chairman, shall receive such remuneration for their services as such members as the Governor determines, which remuneration shall, if the Governor so directs, be in addition to their salaries as officers in the Public Service.

Board to be  
temporary.

(5) Upon the publication in the *Gazette* of the final classification under section 10 the Board shall cease to exist.

Quorum of the Board.

Cf. N.S.W., 31,  
1902, s. 7.

**8.** Any two members of the Board shall be a quorum thereof: Provided that if at any meeting only two members are present, and such members differ in opinion upon any matter, the determination of such matter shall be postponed until all the members are present.

**9.** (1) The

*Public Service Act.—1916.*

## PART II.

**9.** (1) The Governor may appoint a secretary to the Board, and such (if any) other officers as may be necessary to assist the Board.

Officers of the Board.

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

To be under control of Board.

**10.** (1) As soon as practicable after the commencement of this Act, the Board shall prepare a return—

Reclassification of the Public Service.

Cf. Vic. 2383, 1912, s. 2.

(a) classifying each permanent officer and office in the Public Service, and stating the salary or other remuneration which in the Board's opinion should be payable to each officer or should be assigned to each office ;

(b) classifying (if the Board think fit) any office without assigning thereto any officer, in which case the office shall be recorded in the return as "vacant" ; and

(c) stating as far as practicable, in a general way, the duties of each officer, or to be assigned to each office so recorded as vacant, or such particulars as the Board deem necessary.

(2) The classification so made (hereinafter referred to as "the provisional classification") shall be in accordance with Part IV.

(3) Such return shall be published in the *Gazette*.

Publication.

(4) If any officer feels aggrieved by the classification of his office set forth in the provisional classification, or with the salary or other remuneration therein stated with regard to him, he may, within thirty days after the publication of the return in the *Gazette*, apply to the Board to reconsider his case. Such application shall be by writing setting out fully the grounds on which reconsideration is sought.

Application for reconsideration.

Ibid.

Cf. S.A., 748, 1900, s. 9.

(5) The Board shall, as soon as practicable after the expiration of such thirty days, hear and determine every application made in accordance with subsection (4) hereof, but dealing only with the grounds stated in the application. The Board shall, if the applicant so desires, hear him and any witnesses whom they deem necessary, and shall otherwise inform themselves upon the matter in such manner as they think proper.

Board to deal with such applications.

Cf. *ibid.*, s. 10.

(6) Any officer permanently employed in the Public Service may, within thirty days after the publication of the return under subsection (3) hereof, apply to the Board for appointment to any office raised in class by the provisional classification or in such return recorded as vacant; and the Board shall determine, wherever practicable, the officer to be appointed to any such office.

Application for appointment to vacancies, etc.

Cf. Vic. 2383, 1912, s. 2 (5), (6).

(7) When all applications under subsections (4) and (6) hereof have been dealt with by the Board, they shall, subject to Part IV., make a final classification classifying each permanent officer and office and fixing the salary or other remuneration of each such officer, and shall publish such final classification in the *Gazette*.

Final classification.

Cf. *ibid.* (9).

(8) On

## PART II.

*Public Service Act.—1916.*

To take effect from date to be fixed.

Cf. *ibid.* (10).

(8) On being so published, the final classification shall, without further or other authority than this Act, take effect from a date to be fixed by proclamation, and every officer shall, as from that date, be entitled to the salary or other remuneration fixed in his case, or assigned to his office, in such final classification.

Saving of rights of officers when reduced in class.

Cf. *Vic.* 2383, 1912, s. 2 (13).

**11.** Where by the classification under section 10 the office occupied by an officer is reduced in class and assigned a salary less than the salary such officer is receiving at the commencement of this Act, the salary assigned to such office shall, notwithstanding anything in this Act, not apply to such officer, but such officer shall be paid in accordance with the scale or regulation under which he was paid immediately before such commencement, until he is promoted or transferred to another office providing a salary not less than that received by him at the time of the transfer or promotion.

## PART III.

## PART III.

## ADMINISTRATION.

The Public Service Commissioner, his appointment and functions.

**12.** (1) The Governor may, from time to time, appoint a Public Service Commissioner. No person shall be eligible to be so appointed unless he has been continuously an officer in the Public Service for at least ten years.

*Com. P.S. Acts* 1902-1911, s. 5 (1).

(2) The Commissioner shall have the powers and authorities, and shall discharge and exercise the duties and functions, by this Act vested in or imposed or conferred upon him.

Deputy Public Service Commissioner.

*Ibid.* (4).

**13.** In case of the illness or other incapacity, absence, or suspension of the Commissioner, or any vacancy in the office of Commissioner, the Governor may appoint a Deputy Public Service Commissioner, who during such illness, incapacity, absence, suspension, or vacancy shall have all the powers and authorities, and discharge and exercise all the duties and functions, of the Commissioner, including his powers, authorities, duties, and functions as a member of the Board and as Chairman thereof.

Salary of Commissioner.

Cf. *Vic.* 1779, 1901, s. 6.

**14.** (1) The salary of the Commissioner shall be at the following rates:—

(a) for the first seven years that he holds office, Eight Hundred Pounds a year:

(b) for any subsequent term of seven years, such sum as is fixed by the Governor at or before the commencement of such term.

(2) A Deputy Commissioner shall receive such remuneration as is fixed by the Governor.

Cf. *ibid.*, and *S.A.* 612, 1894, s. 5.

(3) The salaries of the Commissioner and any Deputy Commissioner shall be a charge upon and be payable out of the general revenue of the State, which is hereby to the necessary extent appropriated accordingly.

**15.** (1) The



*Public Service Act.—1916.*

## PART III.

**15.** (1) The Commissioner shall be appointed for a term of seven years, and may, from time to time, be reappointed for further terms of seven years each ; and, save as provided by this section, the Commissioner shall not be removable from office during any term of appointment, unless an address praying for his removal is presented to the Governor from both Houses of Parliament during one Session of Parliament, or from one House during one Session and from the other House during the next succeeding Session, which Sessions however need not be both during the same Parliament.

Tenure of office by Commissioner.

Cf. *ibid.* (2), and s. 6.

S.A 414, 1887, s. 11.

(2) The Commissioner may be removed from office in the following manner :—

Removal after suspension.

*Ibid.*

(a) The Governor may, at any time, suspend the Commissioner from office on the ground of incompetence or misbehaviour.

(b) Whenever the Commissioner is so suspended a full statement of the cause thereof shall be laid before both Houses of Parliament within seven days after the suspension if Parliament is in Session, or, if not, within seven days after the commencement of the next Session.

(c) Unless within one month after the day when, and during the same Session as, such statement is laid before Parliament, an address from either House of Parliament praying for the removal from office of the Commissioner is presented to the Governor, he shall be restored to office ; but if such address is so presented the Governor may remove him from office.

(3) The Commissioner shall be deemed to have vacated his office if he—

When office deemed vacant.

*Ibid.*, s. 12.

(a) absents himself from duty for a period of fourteen days, except on leave granted by the Governor ;

(b) resigns his office ;

(c) is adjudicated insolvent, or makes a composition for the benefit of his creditors for less than Twenty Shillings in the Pound ;

(d) except with the consent of the Governor, engages in any paid employment other than in connection with his duties as Commissioner ; or

(e) becomes a member of either House of the Parliament of the State or of the Commonwealth.

**16.** (1) The Governor may appoint a secretary to the Commissioner, and such (if any) other officers as may be necessary to assist the Commissioner in the administration of this Act.

Secretary and other officers of the Commissioner.

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

**17.** (1) The

## PART III.

*Public Service Act.—1916.*

Departments of the  
Service and  
Permanent Heads.

**17.** (1) The Governor may, as soon as practicable after the commencement of this Act, declare by proclamation—

- (a) what are to be the several Departments of the Public Service, and
- (b) the office in each Department, the holder of which for the time being shall be the Permanent Head of such Department.

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

Duties of Permanent  
Heads of Depart-  
ments.

Cf. Com. P.S. Acts,  
1902-1911, s. 12 (2).

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

Commissioner to  
inspect Departments.  
N.S.W., 31, 1902,  
s. 9.

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

May delegate powers  
of inquiry.

Ibid., s. 11.

(2) For the purpose of conducting an inquiry or investigation under the authority of this Act outside the City of Adelaide, at which it may not be convenient for the Commissioner to be present, the Commissioner may, with the approval of the Governor, delegate any of his powers or functions to any fit person or persons; but the report or decision upon any such inquiry or investigation shall be made by the Commissioner.

Commissioner to  
propose changes of  
officers or rearrange-  
ment of work.

Cf. W.A. 41, 1904,  
s. 9.

**20.** (1) The Commissioner may from time to time recommend to the Governor—

- (a) any particular disposition of officers and offices,
- (b) the division, class, and grade of any officer, and
- (c) any rearrangement or improved method of carrying out any work,

which appears to the Commissioner necessary or expedient for the more economic, efficient, or convenient working of any Department or of the Public Service.

(2) Any



*Public Service Act.—1916.*

## PART III.

(2) Any recommendation so made shall be considered and dealt with by the Governor.

(3) If the Governor does not approve of such recommendation, it shall be the duty of the Commissioner to reconsider such recommendation, and within a time to be specified by the Governor to submit another recommendation.

(4) Such fresh recommendation shall be considered and dealt with by the Governor.

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

Transfer or retirement when excessive number of officers employed.  
Com., s. 8 (4), (6).

(2) If the services of any officer in excess in any Department are not likely to be required in any other Department, the Governor may call upon such officer to retire from the Public Service within a specified time; and if he does not so retire he may be dismissed from the Public Service.

**22.** (1) The Commissioner shall keep a record of all officers showing with regard to each officer—

Record of officers to be kept and gazetted.  
Ibid.

(a) his age and length of service,

(b) the office he holds,

(c) his division, class, and grade, and

(d) his salary.

(2) The Commissioner shall in the month of August in each year forward to the Governor a list of all officers employed on the next preceding thirtieth day of June together with the particulars recorded as required by subsection (1) hereof with respect to them, and showing the dates of appointment of such officers.

(3) A copy of the list so published shall be laid before Parliament within fourteen days of publication, or if Parliament is not sitting, then within fourteen days after the commencement of the next Session of Parliament.

**23.** The Commissioner shall submit for the consideration of the Governor reports as to any matters which by this Act are required to be, or may be, dealt with by the Governor.

Commissioner to make reports for assistance of the Governor.

**24.** The

## PART III.

*Public Service Act.—1916.*

Commissioner to report on state of Public Service to Governor.

Ibid., s. 11.

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

## PART IV.

## PART IV.

## DIVISIONS AND CLASSES OF THE PUBLIC SERVICE, AND SALARIES.

Divisions of the Service.

Cf. Com., s. 15.

**25.** The Public Service shall consist of three Divisions, that is to say—

the Professional Division,  
the Clerical Division, and  
the General Division.

Professional Division.

Ibid., s. 16.

**26.** (1) The Professional Division shall include all officers the discharge of whose duties requires some special skill or technical knowledge usually acquired only in some profession or occupation different from the ordinary routine of the Public Service, and whose offices the Governor, on the recommendation of the Commissioner, directs to be included in such Division.

Clerical Division.

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

General Division.

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

Classes in the several Divisions.

Cf. S.A. 3, 1874, s. 7.

**27.** (1) The Professional and Clerical Divisions shall consist of such classes as are prescribed.

(2) The General Division shall, with regard to each Department, consist of such classes as are determined by the Departmental classification for the time being in force.

Office in the First Class.

**28.** The First Class shall consist of the officers who, at the commencement of this Act, are officers of the First Class and, unless the Governor, on the recommendation of the Commissioner, otherwise directs, their successors in office, and the occupants for the time being of such other offices as the Governor directs shall be offices of the First Class.

Salaries of officers in the First Class.

Cf. S.A., 3, 1874, s. 8.

**29.** Officers of the First Class, except officers whose salaries are fixed by some other Act now or hereafter in force, shall respectively receive the several salaries provided for them in the votes of the Committee of Supply whereon the Act for the general appropriation

*Public Service Act.—1916.*

## PART IV.

appropriation of the revenue of the State for the year ending on the thirtieth day of June, nineteen hundred and sixteen, was founded, or such higher salaries as are determined by the Governor on the recommendation of the Commissioner.

**30.** Every class in the Professional and Clerical Divisions, except the First Class, shall have such minimum and maximum limits of salary as are prescribed; and every officer therein shall be entitled to receive such (if any) annual or other increases as, subject to anything prescribed, are determined by the Minister on the recommendation of the Commissioner.

Salaries of officers in other classes.  
Cf. *ibid.*, s. 9.

## PART V.

## PART V.

## ADMISSION TO THE SERVICE, ALTERATIONS OF STAFF, DISMISSALS, ETC.

*Admission to the Service.*

**31.** Except as hereinafter provided, no person shall be admitted to the Public Service unless he is a natural-born or naturalized subject of His Majesty and has successfully passed the entrance examination prescribed, and a naturalized subject, who before his naturalization was a subject of any foreign State prescribed by regulation, shall not be admitted to the Public Service within five years of the date of his naturalization.

Who are eligible.  
Com., s. 26.

**32.** (1) Regulations may be made by the Governor for the examination of persons desirous of admission into the Public Service. Such regulations, in addition to any other matter thereby prescribed, shall prescribe—

Entrance examinations.  
*Ibid.*, s. 27.

- i. a preliminary medical examination or test as to the health of candidates;
- ii. the character and standards of the examinations to which candidates are required to submit themselves; and
- iii. the manner of holding such examinations.

(2) Such examinations (other than medical) shall be competitive.

(3) The Governor, on the recommendation of the Commissioner, may from time to time appoint such examiners as may be necessary for the conduct of the prescribed examinations.

Examiners.

**33.** (1) Separate entrance examinations shall be held in connection with the Professional, Clerical, and General Divisions respectively, and shall be designed to test the efficiency and aptitude of candidates for employment in such several Divisions.

Separate examinations to be held for the different Divisions.  
*Ibid.*, s. 28.

(2) The Commissioner shall, as far as practicable, arrange the times and places of entrance examinations so that candidates shall have reasonable facilities in the localities in which they reside for competing at such examinations.

Arrangement of times and places of examination.

**34.** It

## PART V.

*Public Service Act.—1916.*

Public notice of  
examinations.

Ibid., s. 29.

**34.** It shall be the duty of the Commissioner from time to time, as additions to the Public Service may be required, to give notice thereof in the manner prescribed, stating—

- I. the number of new appointments which it is estimated will have to be made, and
- II. the Division and class or grade thereof respectively, and
- III. the times and places of examinations.

Admissions to Public  
Service to be on  
probation only.  
Cf. *ibid.*, s. 30.

**35.** (1) Except as hereinafter provided, every person admitted to the Public Service shall, in the first instance, be appointed on probation only, and may be continued on probation for a period of six months, but the Minister may, on the recommendation of the Commissioner made upon a report from the Permanent Head, confirm or annul the appointments.

(2) After the period of six months on probation has expired, the Governor may, after reports on the matter by the Commissioner and the Permanent Head, confirm or annul the appointment.

(3) No probationer whose appointment has been annulled as aforesaid shall be eligible as a probationer at any time within twelve months from the date of the annulling of his appointment.

Appointments  
in special cases  
without examination  
or probation.  
Cf. *ibid.*, s. 31 (parts).

**36.** (1) If at any time in a special case it appears expedient or desirable, in the interests of the Public Service, to appoint to any Division a person who is not in the Public Service, or is only temporarily employed in the Public Service, the Governor may, after considering the recommendation of the Commissioner on the matter, appoint such person as the Governor thinks suitable without examination, and, if the Governor thinks proper, without probation.

(2) No such appointment shall be made until the Commissioner has certified that in his opinion there is no person available in the Public Service or, if the person proposed to be appointed is temporarily employed in the Public Service, no person available and permanently employed in the Public Service, who is as capable of filling the position to which it is proposed that the appointment shall be made as the person proposed to be appointed.

Age of new  
appointees.  
Cf. *Com.*, s. 32.

**37.** (1) Except as otherwise expressly provided by this Act, no person under fifteen years of age or over twenty years of age shall be appointed to the Clerical Division, unless such person is at the time of appointment already in the Public Service.

(2) No person under sixteen years of age or over fifty years of age shall be appointed to the General Division, unless such person is at the time of appointment already in the Public Service: Provided that in case of special duties the Governor may, after a recommendation on the matter by the Commissioner, increase the maximum age.

(3) Nothing

*Public Service Act.—1916.*

## PART V.

(3) Nothing in this section shall be taken to prevent the employment of boys over the age of fourteen years to be junior messengers ; and such boys may be dismissed as prescribed.

**38.** Notwithstanding section 37, or any other provision of this Act, any person who is permanently in the employ of the Government of the State but is not in the Public Service shall, subject to regulations made in that behalf, be eligible for appointment, upon the recommendation of the Commissioner, to any Division and office in the Public Service ; and such appointment may, if the Commissioner so recommends, be made without examination, and also if he so recommends, without probation.

Appointment of persons in Government employ to offices in the Public Service.

Cf. Tas. 9, 1905, sec. 34.

**39.** (1) Any person having at any time, either before or after the commencement of this Act, retired from any salaried office in the Public Service not being of a temporary or casual character shall, if not more than sixty years of age, be eligible for appointment to the Public Service without examination or probation.

Reappointment of retired officers.

Cf. *ibid.*, s. 34.

(2) In the case of any person who has received a sum of money as allowance on such retirement, no appointment shall be made until he has, if so required by the Governor, paid into the Treasury an amount equal to such allowance, or has arranged so to pay the same by instalments to the satisfaction of the Commissioner. Any sum so paid shall be refunded upon the person so appointed again retiring from the Public Service.

**40.** (1) The Governor may, within one year after the commencement of this Act, appoint as a permanent officer any person temporarily employed in the Public Service at such commencement, subject to the following conditions:—

Power to appoint temporary officers permanently in certain cases.

Vic. 2383, 1912, s. 9.

- (a) That the Commissioner is satisfied that the work of such person is permanent in character :
- (b) That the Commissioner is satisfied that such person is competent to perform such work, and the Permanent Head of the Department certifies that he is of good character and satisfactorily performs his duties :
- (c) That such person has within the period of ten years next preceding the first day of January, nineteen hundred and seventeen, been employed in the Public Service for at least three years continuously or in the aggregate.

(2) The provisions of this Act as to age at the time of appointment, and as to examinations for appointment, shall not apply to persons appointed under this section, nor, except in cases where the Governor otherwise directs, shall the provisions as to probation apply to such persons.

*Commonwealth and State Officers.*

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

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

Officer of  
Commonwealth may  
discharge State  
functions.  
Ibid., s. 36.

**42.** (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.

Consequent  
arrangements to be  
made.

(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 to the Government of the Commonwealth for the services 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 the execution of such work by such officer.

Arrangement for  
performance of  
Commonwealth duties  
by State officer.  
Ibid., s. 37.

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

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

Arrangement for  
performance of work  
or services for  
Government of  
Commonwealth.  
Ibid., s. 38.

**44.** 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 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  
Commonwealth  
Public Service.  
Ibid., s. 39.

**45.** (1) Every person who has heretofore been or hereafter is appointed or transferred to the Public Service of the Commonwealth, and who at the time of appointment or transfer was or is employed permanently in the Public Service of the State, shall, subject to anything



*Public Service Act.—1916.*

## PART V.

anything prescribed, be eligible for appointment to an office in the Public Service of the State; and the Governor, on the recommendation of the Commissioner, may exempt such person from examination or probation or both.

(2) The expression "Public Service of the State," where firstly used in this section, has not the limited meaning assigned to it by sections 4 and 6.

*Temporary Employment.*

**46.** (1) Whenever in the opinion of the Minister of a Department the prompt dispatch of the business of such Department renders temporary assistance necessary, and the Commissioner is unable to arrange for such assistance from other Departments, the Commissioner may select such persons as appear to him to be best qualified for such work.

Temporary employment.  
Cf. *ibid.*, s. 40.

(2) The Minister may employ the persons so selected to supply such temporary assistance; and they shall be paid at the rates determined from time to time by the Commissioner as applicable to the work performed.

Rate of payment.

(3) No person shall be employed under this section for a longer period, at any one time, than eleven months.

Limit of employment.

(4) No person who has been employed under this section shall, during the month following the termination of such employment, be eligible for further employment in the Public Service under this section.

Restriction on re-employment.

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

Liability to being dispensed with.

(6) Notwithstanding the provisions hereinbefore contained, if it appears desirable in the public interest, in the case of any public work of construction or reconstruction, or of a like nature, the temporary employment of all or any persons employed upon such work may, by order of the Minister, be continued until the completion of such work.

Provision as to works of construction.

*Alterations of Staff.*

**47.** The Governor, may, after he has obtained a recommendation from the Commissioner on the matter,—

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

- I. create a new office in any Division in any Department:
- II. abolish any office in any Department:
- III. raise or lower the classification or grading of any office:
- IV. with the consent of any officer, transfer him from any Division to any other Division: Provided that no officer shall be transferred from the General to the Clerical Division, or from the General or Clerical to the Professional Division, until after such examination as is prescribed.

*Ibid.*, s. 41.  
Vic. 1324, 1893, s. 23,  
and 2383, 1912, s. 20.

**48.** (1) Whenever

## PART V.

*Public Service Act.—1916.*

How vacancies to be filled by appointment of officers in the Service.

Cf. Com., s. 42.

**48.** (1) Whenever a vacancy occurs in any office, if it is expedient to fill such vacancy, the Governor may, after he has obtained a recommendation from the Commissioner on the matter, appoint an officer in the Public Service to fill such vacancy, regard being had to the relative efficiency or, in the event of an equality of efficiency of two or more officers, to the relative seniority of the officers available for appointment.

(2) "Efficiency" in this section means special qualifications and aptitude for the discharge of the duties of the office to be filled, together with merit and good and diligent conduct.

(3) Nothing in this section shall be construed as derogating from the power conferred by section 36.

How promotions made.

Cf. Com., s. 44.

**49.** No officer shall be promoted from any office to a higher office in the Professional or Clerical Division until the Governor has considered the report of the Commissioner on the matter.

Commissioner may allow officer to decline promotion.

Ibid., s. 45 (1).

**50.** Any officer may decline an offer of promotion or appointment without prejudice to his right to future promotion or appointment.

Officer may not refuse to remove to another office.

Ibid. (2).

**51.** No officer shall refuse compliance with an order of the Governor, directing his removal from one office to another, at his existing salary, in any part of the State. Disregard of or disobedience to any such order shall be deemed to be a breach of this section.

Rearrangement of officers and work.

N.S.W., 31, 1902, s. 52.

**52.** When it appears to the Minister or the Permanent Head of any Department necessary or expedient for the more economic, efficient, or convenient working of such Department, or any branch thereof, that any particular disposition of officers and re-arrangement of work should be effected, the matter shall be referred to the Commissioner for consideration and report: Provided that nothing in this Act shall be construed as restricting the ordinary and necessary departmental authority of such Minister or Permanent Head with respect to the direction and control of officers and work.

*Dismissal and Disrating of Officers.*

Offences.

Com., s. 46 (1).

**53.** If any officer employed, otherwise than temporarily, in the Public Service is guilty of a breach of any provision of this Act, or

- i. disobeys, disregards, or makes wilful default in carrying out any lawful order made or given by any person having authority to give such order, or by word or conduct displays insubordination; or

*Public Service Act.—1916.*

## PART V.

- II. is negligent, careless, or indolent in the discharge of his duties; or
- III. is inefficient or incompetent for the discharge of his duties, his inefficiency or incompetency arising from causes within his own control; or
- IV. uses intoxicating beverages or drugs to excess; or
- v. conducts himself in a disgraceful, improper, or unbecoming manner either in the discharge of his duties or in public; or
- VI. otherwise than in the discharge of his duties, directly or indirectly discloses information acquired in the course of his duties, except by the direction or with the permission of the Minister; or
- VII. 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 the Public Service or any Department, or the business or the officers of the Public Service or of any Department, or on his own office or his own acts or duties as an officer,

he shall be guilty of an offence, and shall be liable to such punishment as may be determined upon under section 54.

**54.** If any officer (not being a Permanent Head) is charged with the commission of any such offence as mentioned in section 53, he may be dealt with in the following manner:—

Investigation of  
and punishment for  
offences.  
Cf. Com., s. 46 (2).

- (a) 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 such officer is employed. If he is suspended otherwise than by the Permanent Head, the suspension shall be reported forthwith to the Permanent Head.
- (b) The Permanent Head, if satisfied that the charges are not of such a serious nature as to require a suspension, may permit the officer to continue in the performance of his duties pending the determination of the charges.
- (c) The Permanent Head or other suspending officer shall forthwith after suspension furnish the suspended officer with a statement in writing of the charges on which he is suspended, and require him forthwith to state in writing whether he admits or denies the truth of the charges, or any of them, and to give any explanation in writing which he desires to furnish as to such charges, or any of them, for consideration.

(d) After

- (d) After consideration of the charges and the explanation in writing (if any) furnished by the suspended officer, and after such (if any) further investigation as he deems necessary, the Permanent Head—
- I. if he is of opinion that the alleged offences have not been committed, may remove the suspension :
  - II. if he is of opinion that the alleged offences, or any of them, have or has been committed, but are or is not of a serious nature, may reprimand or caution the suspended officer and remove the suspension :
  - III. if he is of opinion that the alleged offences, or any of them, have or has been committed and are or is of so serious a nature that an investigation thereof should be made by a Board of Inquiry, may forthwith refer the charges, or such charge, to a Board of Inquiry consisting of—
    - (1) a Judge of the Supreme Court, or a Special Magistrate, approved by the Governor, who shall be the Chairman ;
    - (2) a member appointed by the Commissioner (not being a member of the legal profession), who shall be an officer of the Public Service, but not of the Department in which the suspended officer is employed ; and
    - (3) an officer of the Division to which the suspended officer belongs, who shall be elected for the purpose of the inquiry by the officers of such Division in the prescribed manner.
- (e) If the suspended officer is dissatisfied with the action of the Permanent Head he may, within seven days after such action has been taken, 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 the charges, and may give such decision as he deems just concerning the charges, and the decision of the Commissioner shall be final.
- (f) If any of the charges is admitted, or is found by the Board of Inquiry to be proved, the Minister may—
- I. deprive the suspended officer of his annual or other leave of absence during, or in respect of, a specified period, or
  - II. according to the gravity of the offence, reduce such officer to a lower class or grade and salary or other remuneration, or transfer him to some other office in the Department, or
  - III. dismiss

*Public Service Act.—1916.*

## PART V.

III dismiss such officer from the Public Service or require him to resign within a specified time (in which case he may be dismissed by the Minister unless he so resigns): Provided that, in the case of any office as to which it is so prescribed by regulation, the power to dismiss or to call upon an officer to resign shall not be exercised except with the previous approval of the Governor ;

and the suspended officer, however dealt with, under this subdivision, shall not, unless otherwise ordered by the Governor, be entitled to any salary or wages in respect of the time of his suspension.

(g) If none of the charges is admitted, and the Board of Inquiry report that they find none of them to be proved, the suspension shall be removed by the Minister upon his being supplied with the Board's report.

**55.** When the Permanent Head of a Department is charged with any of the offences mentioned in section 53 the Minister may suspend him and, in such case, the provisions of paragraphs (c) to (g) inclusive of section 54, *mutatis mutandis*, shall apply, the word "Minister" being read instead of the words "Permanent Head" wherever they occur in those paragraphs, and the word "Governor" being read instead of the word "Minister" wherever it so occurs.

Offences by Permanent Heads.  
Cf. *ibid.*, s. 47.

**56.** The following provisions shall apply to and in respect of inquiries by the Commissioner under section 54 or 55 :—

Various provisions as to inquiries by the Commissioner.

(a) The officer against whom a charge is made may, with the approval in writing of the Minister, be represented upon the hearing by the Commissioner by counsel or agent, who may examine witnesses and address the Commissioner on his behalf.

Representation by counsel.  
Com., s. 48 (1).

(b) The Commissioner shall inquire as to the truth of the charges without regard to technicalities or legal forms, and shall direct himself by the best evidence he can procure, or that is laid before him, whether it is such evidence or is tendered in such manner, as the law would require or admit in other cases, or not.

Technical rules of procedure and evidence not to apply  
*Ibid.* (2).

(c) The inquiry shall, if the Commissioner so directs, be held in private.

Hearing may be in private.  
Cf. *ibid.*, s. 49.

(d) If the Commissioner finds that a charge is not proved, he may recommend that the reasonable expenses, or any part thereof, incurred by the officer in meeting such charge, or if he has been suspended any loss of salary incurred by him in consequence of such suspension (the amount recommended being specified in the recommendation), be paid by the Government. Every such recommendation shall be considered by the Governor.

Expenses of officer.  
*Ibid.*

(e) A

## PART V.

*Public Service Act.—1916.*

Copy of charge and documents to be supplied.

Ibid.

(e) A copy of any charge and of all documents intended to be used against the officer at the inquiry shall, where practicable, be furnished to the officer at least seven days before the hearing of the inquiry is commenced.

Forfeiture of office on conviction of indictable offence.

Ibid., s. 66 (1).

**57.** If any officer is convicted of any felony or, unless the Governor directs to the contrary, of any other indictable offence, he shall be deemed to have forfeited his office, and shall thereupon cease to perform the duties thereof, and his salary or other remuneration shall cease as from the date of the conviction, or, if the Governor so directs, from the date of the commission of the offence.

Dismissal on insolvency, etc.

Ibid. (2).

**58.** If any officer is adjudicated insolvent, or makes a composition for the benefit of his creditors for less than Twenty Shillings in the Pound, 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, dishonorable conduct, or extravagance, such officer may, by order of the Governor, be dismissed from the Public Service, or be reduced to a lower class or grade, or be reprimanded or otherwise punished.

Services of incapable officer may be dispensed with.

Cf. *ibid.*, s. 65.

**59.** (1) If an officer appears to the Commissioner, after a report from the Permanent Head or otherwise, to be unfit to discharge or incapable of discharging the duties of his office efficiently, the Minister may, on the recommendation of the Commissioner, call upon such officer to retire from the Public Service within the time specified by the Minister, or transfer him to some other office in a Department under the Minister; or such officer may be transferred by the Governor to an office in any Department.

(2) 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 Minister.

Right of Crown to dispense with service of officers preserved.

N.S.W., 31, 1902, s. 65.

**60.** Nothing in this Act shall be construed or held to abrogate or restrict the right or power of the Crown, under any other Act or at common law, to dispense with the services of any person employed in the Public Service.

Power of Chief Justice to appoint and dismiss Associates preserved.

**61.** (1) Nothing in this Act shall affect the mode of appointing and dismissing the Associates to the Judges of the Supreme Court which existed at the time of the passing of this Act.

(2) Subject to subsection (1) hereof, all the provisions of this Act shall apply to such Associates in the same manner as if they had been appointed by the Governor under section 36 upon the recommendation of the Commissioner.



## PART VI.

## MISCELLANEOUS.

**62.** 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 4 and 6 or not (other than a Minister of the Crown or a judicial officer) in his capacity as such officer, such duty, obligation, right, or power may, during his temporary absence or incapacity, be performed or exercised by any officer directed by the Governor to perform and exercise the duties, obligations, rights, and powers of the first-mentioned officer during such absence or incapacity, in the same manner and to the same extent in all respects as the same might have been respectively performed or exercised by such 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.

Com. s. 59.

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

Officers not British subjects to obtain naturalisation.

Ibid., s. 63.

**64.** (1) Any officer affected by any report or recommendation made by the Commissioner under this Act, as to his classification or grading, or the classification of the work performed by or assigned to him, may, in such manner and within such time as are prescribed, apply to the Commissioner to reconsider the matter: Provided that the application is made before the report or recommendation is dealt with by the Governor.

Application to Commissioner to reconsider a report or recommendation.

Cf. s. 50.

Gas. 9, 1905, s. 57.

(2) The Commissioner shall hear and determine all such applications, provided they are made in accordance with this Act.

**65.** (1) The Board or the Commissioner, or any person to whom any power or function of the Commissioner is delegated under this Act, may at any time, by writing signed by them or him, summon any person whose evidence appears to be material for the purpose of any application, inquiry, or investigation before them or him under this Act, to appear at the time and place specified in the summons and produce any official or public or other books, documents, or writings in his custody or under his control which may be material to such application, inquiry, or investigation.

Power to summon witnesses and take evidence on oath.

Com., s. 10.

(2) The Board or any member thereof, and the Commissioner or any person to whom any power or function of the Commissioner is delegated as aforesaid, may examine any witness upon oath or otherwise touching the matter of any such application, inquiry, or investigation.

(3) If,

(3) If, without reasonable cause, any person summoned as aforesaid, after being paid or tendered the prescribed allowance for expenses—

(a) fails to appear as required by the summons, or

(b) refuses to be sworn or to answer any question put to him by the Board or any member thereof, or the Commissioner or any person to whom any power or function of the Commissioner is delegated as aforesaid, or

(c) fails to produce any book, document, or writing pursuant to such summons,

he shall be liable to pay a penalty not exceeding Twenty Pounds, which shall be recoverable before any Special Magistrate or two Justices of the Peace: Provided that no person shall be compelled to answer any question the answer to which would tend to incriminate him.

No action to lie in respect of discharge of the Act.

Ibid., s. 5 (5).

**66.** (1) No action or suit shall be brought or maintained against any person or body for any misfeasance or non-feasance in connection with the carrying out, or attempted carrying out, of any provision of this Act.

No action to lie in respect of proceedings before the Board or the Commissioner.

(2) Except so far as expressly provided by this Act, no action, suit, or other proceeding shall lie, nor shall any costs be payable, in respect of any proceeding before the Board or any member thereof, or before the Commissioner or any person to whom any power or function of the Commissioner is delegated under this Act.

Annual leave of absence granted by the Minister.

S.A. 231, 1881, s. 2 (altered).

**67.** (1) The Minister of any Department may, at such times as he deems convenient, grant to any officer in such Department who has been not less than one year continuously in the Public Service, leave of absence for recreation not exceeding two weeks or, in the case of an officer whose ordinary duties require him to work on more than six days in the week, three weeks, during any one financial year: Provided that in the event of any officer being unable through press of official duties to take his annual leave of absence or part thereof during any financial year, the Minister may permit such leave of absence to accumulate to an extent not exceeding four weeks.

Sick leave.

Ibid.

(2) The Minister may also, in case of illness or other pressing necessity, grant to any officer in his Department additional leave, not exceeding one month continuously, on such terms as he thinks fit.

Long leave of absence granted by the Governor.

Ibid., s. 3.

S.A. 607, 1894, s. 1. 900, 1905, s. 2.

**68.** (1) The Governor may grant to any officer in the Public Service of at least ten years' continuous service leave of absence not exceeding eight months on half salary, or, at the option of the officer, not exceeding four months on full salary; or, if of twenty years' continuous service, eight months' leave of absence on full salary: Provided that—

- i. in the case of an officer to whom, before the twenty-first day of December, eighteen hundred and ninety-four (being the date of the passing of the Civil Service Amendment Act

*Public Service Act.—1916.*

## PART VI.

Act of 1894), leave of absence could not be granted under section 3 of the Civil Service Amendment Act, 1881, no service before the said twenty-first day of December shall be taken into account for the purposes of this section :

No. 607 of 1894.  
No. 3 of 1881.

II. in the case of an officer who entered the Public Service, or became an employé of the Government of the State, after the ninth day of December, nineteen hundred and five (being the date of the passing of the Civil Service Further Amendment Act, 1905), the length of the leave of absence which may be granted under this section shall be reduced by one-half thereof.

No. 900 of 1905.

(2) The Governor may, in case of illness or other pressing necessity, grant such extension as he thinks fit of the leave of absence granted under this section, on such terms as he thinks fit.

Sick leave.  
S.A. 3, 1881, s. 3.

(3) Notwithstanding section 4 or any other provision of the South Australian Railways Commissioners Act, 1887—

Provisions as to long leave of absence to apply to Railways servants.

(a) the provisions of subsections (1) and (2) hereof, except the provisos to subsection (1), shall apply to all persons in the service of the South Australian Railways holding the offices mentioned in the Second Schedule to this Act, and also to all persons holding such (if any) other offices in the said service, and to such (if any) other persons in the said service, as are ordered by the Governor in Council to be within the application of this subdivision of this subsection ;

S.A. 1061, 1911,  
s. 3 (1).

(b) the provisions of subsections (1) and (2) hereof, including the provisos to subsection (1), shall apply to all other persons in the service of the South Australian Railways.

(4) The power to make regulations, conferred by section 29 of the South Australian Railways Commissioners Act, 1887, shall not extend to regulations as to the granting to employés of such leave of absence as is provided for by this section.

Regulations as to such leave not to be made under Railways Commissioners Act  
Ibid (2).

(5) For the purposes of this section, all persons in the employ of the Government of the State (except any officers or class of officers, or the officers of any Department, to whom or to which it is provided by any Act that this Act, or the Acts hereby repealed, shall not apply) shall be deemed to be officers in the Public Service.

This section to apply to all employés of the Government.

S.A., 607, 1894,  
s. 1.

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

Length of service.  
New.

(7) If any person to whom there is power to grant leave of absence under this section dies—

Salary in respect of unexpired leave may be paid to dependants.

(a) before the commencement or during the currency of any leave so granted, or

S.A., 1061, 1911,  
s. 4.

(b) before such leave has been granted, the

the Governor may, in respect of the period of the leave so granted or the unexpired portion thereof, or in respect of the period of the leave which might have been granted (according to the circumstances of the case), pay to the dependants (if any) of such person the amounts of salary which would have been payable to such person himself if he had survived.

Any question as to—

- i. whether there are any dependants in any particular case, or who are the dependants,
- ii. what dependant or dependants shall be entitled to the benefit of payments made under this subsection, and in what proportions if more than one dependant,

shall be settled by the Governor, as he deems proper.

In this subsection the term—

“dependants” means such members of the family of a person as were wholly or in part dependent upon his earnings at the time of his death:

“members of the family” includes wife or husband, parents, grand-parents, step-parents, children, grand-children, step-children, brothers, sisters, half-brothers, and half-sisters.

Public Holidays.  
No. 1010 of 1910.

**69.** (1) Nothing in this Act shall be construed as affecting the provisions of the Holidays Act, 1910: Provided that the Governor may, by proclamation, declare that a day specified therein shall be a holiday with regard to any Department, either in addition to or in substitution for any public holiday, in which case the offices connected with such Department shall be closed on that day: Provided nevertheless that nothing in this Act or such proclamation shall prevent the Minister from requiring the services of any officer of such Department during such day in case of emergency.

(2) When, under the Holidays Act, 1910, or this Act, the services of any officer are required by the Minister on any public holiday or departmental holiday, such officer shall be entitled to another day in lieu thereof.

Retirement of officers.  
S.A., 827, 1903, s. 3.

**70.** (1) Every officer shall retire on attaining the age of seventy years: Provided that—

- i. the Governor may, from time to time, direct that any officer competent and willing to do so shall remain in the Public Service after attaining the age of seventy years for any period not exceeding, in any one direction hereunder, more than twelve months:

New.

- ii. if before the retirement of any officer there is power to grant him leave of absence under section 68 (except sick leave), or the whole or any portion of the period of such leave already granted to him has not expired, he shall, for the purposes only of that section, be deemed to be still in the Public Service; but his successor may, nevertheless, be appointed. (2) Notwithstanding

*Public Service Act.—1916.*

## PART VI.

(2) Notwithstanding the provisions of any Act as to the tenure of office of any officers appointed thereunder this section shall apply to all persons in the employ of the Government of the State, except the Judges of the Supreme Court, the Commissioner of Insolvency, the President of the Industrial Court, and the Clerks of the Legislative Council and the House of Assembly.

To what officers this section applies.

*Ibid.*, ss. 2 and 5.

**71.** Notice of every appointment, transfer, retirement, vacation of office, or dismissal of an officer, and of every order in Council or proclamation under this Act, shall be published in the *Gazette* within twenty-eight days after the same is made or occurs, and such notice shall be conclusive evidence of such appointment, transfer, retirement, vacation of office, dismissal, or order in Council or proclamation.

Notices, &c., to be published in the *Gazette*.

S.A., 3, 1874, s. 40.

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

Notice to officer whose address is unknown.

Com., s. 77.

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

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

**73.** No officer shall be deemed to be entitled to any compensation by reason of any reduction of his salary or other remuneration, or any alteration of the limits of salary of his class or grade, or any alteration in the scale of his allowances or expenses, made by or under this Act, or any Act amending this Act, or by regulation.

No compensation in consequence of operation of Act.

Tas. 9, 1905, 69 (4).

**74.** (1) Except pursuant to such arrangement as authorised by section 43 or 44, or with the express permission of the Minister, which permission may at any time be withdrawn, no officer shall—

Officer not to engage in duties unconnected with his office.

Com., s. 79.

- I. accept or continue to hold an office in or under the Government of the Commonwealth:
- 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 is carried on by any corporation company, firm, or individual:
- III. engage in or undertake any such business, whether as principal or agent:

IV. engage



## PART VI.

*Public Service Act.—1916.*

- iv. engage or continue in the private practice of any profession, trade, or business :
- v. accept or engage in any paid employment other than in connection with the duties of his office or offices in the Public Service.

May be a shareholder.

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

Regulations.

Tas. 9, 1905, s. 71.

Cf. Com., s. 80.

**75.** (1) In addition to any power by this Act conferred on the Governor to make regulations as to any matter (which power shall in every case be implied for the purposes of any section in this Act in which regulations are referred to, or in which the word "prescribed" is used), the Governor may make any regulations which may be necessary or convenient for the carrying out of any of the provisions of this Act, or for better effecting the objects of this Act, and in particular (without limiting the effect of this section) for all or any of the following purposes, namely:—

- i. for regulating the performance by the Commissioner of his various duties and functions :
- ii. for regulating the appointment of officers of the Public Service:
- iii. for the arrangement of the Public Service in its prescribed Divisions; for facilitating the working of the Public Service; the classification of the work therein; and the classification and grading of officers :
- iv. for arranging the various Divisions into classes, and for determining the limits of salaries and wages to be paid to persons in such classes, or in such classes in any specified Department or Departments:
- v. for prescribing the conditions under which officers of the Clerical and General Divisions may be transferred to the Professional Division, and the conditions under which officers may be transferred from the General Division to the Clerical Division:
- vi. for regulating examinations (whether entrance examinations or not), for fixing the fees payable for entrance examinations, and for registering in the order of merit the names of all persons who have passed the entrance examinations, and of those candidates who, having qualified at any such examination, are appointed to fill subsequent vacancies arising within a prescribed period:
- vii. for prescribing the rates of salaries or wages for women employed otherwise than in the Clerical Division, and the terms upon which the service of female officers may be dispensed with upon their marriage: Provided, that nothing in any regulation shall be taken to permit the employment



*Public Service Act.—1916.*

## PART VI.

employment of any married woman except upon the certificate of the Commissioner in each case that such employment is desirable :

- viii. for regulating and determining the scales or amounts of payments to be made to officers for transfer or travelling allowances or expenses :
- ix. for regulating the duties of officers, and the mode in which such duties shall be performed, and for regulating the conduct of officers :
- x. for prescribing the mode of registering applicants for temporary employment, and the mode of keeping the register, and the mode of selecting persons therefrom, and the method of dealing with or punishing persons temporarily employed, and for regulating generally the terms and conditions of any temporary employment :
- xi. for regulating the hours of attendance of officers, and the keeping and signing of records of attendances, or prescribing other methods of recording attendances :
- xii. for regulating the granting of leave of absence to officers of the Public Service :
- xiii. for regulating the performance of and payment of officers for extra services :
- xiv. for regulating the payment of examiners :
- xv. for fixing the amount and nature of the security to be given for the fidelity of officers occupying positions the nature of which, in the opinion of the Commissioner, renders it necessary for such officers to find security for their fidelity :
- xvi. for fixing, subject to the provisions of this Act, the maximum or minimum age of persons who may be appointed to any particular Division or class or grade, or to any particular office :
- xvii. for providing for notification to the Commissioner of every punishment inflicted on any officer by virtue of this Act, and for keeping records thereof :
- xviii. for determining the dates, times, or periods of time at or within which shall be done any 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 :
- xix. for notifying vacancies, and the method of applying for appointment to fill vacancies :
- xx. for prescribing the allowances to be paid to witnesses for their attendance and expenses :

xxi. for

## PART VI.

*Public Service Act.—1916.*

XXI. for prescribing, where there is no provision in this Act, or no sufficient provision, in respect of any matter or thing necessary to give effect to this Act, in what manner and form the want or insufficiency of provision shall be met:

XXII. for fixing penalties, not exceeding in any case Twenty Pounds, for the breach of any regulation, and for deducting such penalties from the salaries or other remuneration of officers committing such breaches.

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 class, or grade of officers, or the officers in any particular place.

Publication and effect of regulations.

(3) All regulations—

(a) shall be published in the *Gazette* :

(b) from the date of such publication, or from a later date fixed by the order making the same, shall, subject to subsection (4) hereof, be of the same effect as if they were contained in this Act ; and

(c) shall be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session of Parliament.

Disallowance by Parliament.

(4) If either House of Parliament passes a resolution disallowing any such regulations, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same Session or Parliament as that in which the regulation is laid before such House.

Resolution to be notified in *Gazette*.

(5) When a resolution has been passed, as mentioned in subsection (4) hereof, notice of such resolution shall forthwith be published in the *Gazette*.

Provision of moneys for purposes of the Act.

**76.** The moneys required for the purposes of this Act shall, except where express provision is made in this Act for any such moneys, be paid out of moneys provided by Parliament for such purposes.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.

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*Public Service Act.—1916.*

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## SCHEDULES.

## THE FIRST SCHEDULE.

Sec. 5.

- Act No. 3 of 1874.—The Civil Service Act, 1874.  
 Act No. 231 of 1881.—The Civil Service Amendment Act, 1881.  
 Act No. 355 of 1885.—An Act to further amend the Civil Service Act, 1874.  
 Act No. 483 of 1890.—An Act to amend the Civil Service Amendment Act, 1881.  
 Act No. 607 of 1894.—The Civil Service Amendment Act of 1894.  
 Act No. 748 of 1900.—The Public Service Classification Board Act, 1900.  
 Act No. 774 of 1901.—The Public Service Classification Board Amendment Act, 1901.  
 Act No. 827 of 1903.—The Public Officers Retirement Act, 1903.  
 Act No. 900 of 1905.—The Civil Service Further Amendment Act, 1905.  
 Act No. 1061 of 1911.—The Civil Service Further Amendment Act, 1911.

## THE SECOND SCHEDULE.

Sec. 68 (3).

- The South Australian Railways Commissioner.  
 Secretary to the South Australian Railways Commissioner.  
 General Traffic Manager.  
 Chief Engineer for Railways.  
 Chief Mechanical Engineer.  
 Comptroller of Railway Accounts.  
 Chief Assistant Engineer.  
 Accountants.  
 Assistant Engineers.  
 Bookkeeper (Comptroller of Accounts Branch).  
 Bookkeeper (Locomotive Branch).  
 Chief Audit Inspector.  
 Chief Clerk (Railways Commissioner's Office).  
 Chief Clerk (General Traffic Manager's Branch).  
 Chief Clerk (Chief Engineer for Railways' Branch).  
 Chief Clerk (Chief Mechanical Engineer's Branch).  
 Chief Clerk (Traffic Audit Office).  
 Collector of Accounts (senior).  
 District Locomotive Superintendents.  
 Draughtsmen in charge.  
 Goods Superintendent.  
 Outdoor Running Superintendent.  
 Passenger Superintendent.  
 Paymaster.  
 Railway Electrician.  
 Receiver.  
 Resident Engineers.  
 Superintendent of Station Services.  
 Traffic Auditor.  
 Traffic Superintendents.  
 Works Manager.