

ACTS

PASSED BY

THE PARLIAMENT

OF THE

COMMONWEALTH OF AUSTRALIA

DURING THE YEAR

1947.

COMMONWEALTH PUBLIC SERVICE.

No. 1 of 1947.

An Act to provide for the transfer to the Commonwealth Service of certain Employees of the Repatriation Commission and of the War Service Homes Commission, and for other purposes.

[Assented to 14th March, 1947.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Commonwealth Public Service Act 1947*. Short title and citation.

(2.) The *Commonwealth Public Service Act 1922-1946** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Commonwealth Public Service Act 1922-1947*.

2.—(1.) This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

Act No. 21, 1922, as amended by No. 46, 1924; No. 41, 1928; No. 19, 1930; No. 21, 1931; No. 72, 1932; No. 38, 1933; Nos. 45 and 46, 1934; No. 72, 1936; No. 41, 1937; No. 72, 1939; No. 88, 1940; No. 5, 1941; No. 19, 1943; Nos. 11, 29 and 43, 1945; and No. 16, 1946.

(2.) The amendments made and repeals effected by this Act shall not have any effect in relation to persons holding office or employed, or to employment, under—

- (a) the *Australian Soldiers' Repatriation Act* 1920–1946 ; or
 (b) the *War Service Homes Act* 1918–1946,

until the day fixed by Proclamation, in pursuance of section eighty-one x of the Principal Act, as amended by this Act, as the day upon which the service of the Repatriation Commission or the service of the War Service Homes Commissioner, as the case may be, shall be transferred to the Commonwealth Service.

Parts.

3. Section three of the Principal Act is amended by inserting after the words "Division 9B.—Appointment and Employment of Certain State Taxation Employees." the words "Division 9c.—Transfer of Employees of Repatriation Commission and War Service Homes Commissioner."

Amendments of
 Australian
 Soldiers'
 Repatriation
 Act.

4.—(1.) Section twenty-one of the *Australian Soldiers' Repatriation Act* 1920–1946 is amended by omitting sub-section (2.).

(2.) Section twenty-two of the *Australian Soldiers' Repatriation Act* 1920–1946 is repealed.

(3.) The *Australian Soldiers' Repatriation Act* 1920–1946, as amended by this Act, may be cited as the *Australian Soldiers' Repatriation Act* 1920–1947.

Amendments
 of War
 Service
 Homes Act.

5.—(1.) Section nine of the *War Service Homes Act* 1918–1946 is amended by omitting sub-section (2.).

(2.) Section fifteen of the *War Service Homes Act* 1918–1946 is repealed.

(3.) The *War Service Homes Act* 1918–1946, as amended by this Act, may be cited as the *War Service Homes Act* 1918–1947.

Amendments of
 Superannuation
 Act.

6.—(1.) Section twelve of the *Superannuation Act* 1922–1946 is amended by omitting from sub-section (1A.) the words "section twenty-one of the *Australian Soldiers' Repatriation Act* 1920–1937, section fifteen of the *War Service Homes Act* 1918–1937,".

(2.) Section thirteen of the *Superannuation Act* 1922–1946 is amended by adding at the end thereof the following sub-section :—

"(9.) The transfer of a person to the Commonwealth Service by virtue of section eighty-one z of the *Commonwealth Public Service Act* 1922–1947 shall not affect the continuance of any right or privilege which that person had, under the last preceding sub-section, immediately before the transfer."

(3.) The *Superannuation Act* 1922–1946, as amended by this Act, may be cited as the *Superannuation Act* 1922–1947.

7. Section eight of the Principal Act is amended by omitting the words "any officers appointed or employed under the *Australian Soldiers' Repatriation Act 1920* or under the *War Service Homes Act 1918-1920*;"

Act not to apply to certain officers.

8. Section twenty-five of the Principal Act is amended—

Permanent Heads.

- (a) by omitting from sub-section (4.) the words "and the Commissioner of Taxation" and inserting in their stead the words "the Commissioner of Taxation and the War Service Homes Commissioner";
- (b) by inserting in sub-section (4.), after the words "powers of", the words "or exercisable by,"; and
- (c) by omitting from sub-section (5.) the words "his powers and functions" and inserting in their stead the words "the powers and functions vested in or exercisable by him".

9. After Division 9B of Part III. of the Principal Act the following Division is inserted:—

"Division 9c.—*Transfer of Employees of Repatriation Commission and War Service Homes Commissioner.*

"81y. In this Division—

Definitions.

'date of the transfer' means, in relation to persons holding office or employed, or to employment, under the *Australian Soldiers' Repatriation Act 1920-1946* or the *War Service Homes Act 1918-1946*, a day to be fixed by Proclamation as the day upon which the service of the Repatriation Commission or the service of the War Service Homes Commissioner, as the case may be, shall be transferred to the Commonwealth Service; and

'employee' means a person to whom section eighty-one z of this Act applies.

"81z.—(1.) Every person who—

- (a) immediately before the date of the transfer is employed under section twenty-two of the *Australian Soldiers' Repatriation Act 1920-1946* or under section fifteen of the *War Service Homes Act 1918-1946*; or
- (b) has been employed in a permanent capacity under section twenty-two of the *Australian Soldiers' Repatriation Act 1920-1946* but is, immediately before the date of the transfer, holding an office specified in section eight, thirteen, fifteen or fifty-five of that Act,

Transfer of employees of Repatriation Commission and War Service Homes Commissioner.

shall, by force of this section, be transferred to the Commonwealth Service.

"(2.) Where the Chairman of the Repatriation Commission or the War Service Homes Commissioner certifies to the Board that an office specified in the certificate was, immediately before the date

of the transfer, a classified office in the service of the Repatriation Commission or of the War Service Homes Commissioner, as the case may be, the office so specified shall, as from that date, become an office in the Commonwealth Service in the Division corresponding to the Division in which it was classified in the service in which it was formerly an office, and shall have allotted to it, subject to this Act, the same salary or limits of salary as were allotted to it in that last-mentioned service.

“(3.) Where a certificate under the last preceding sub-section in respect of any office certifies that, immediately before the date of the transfer, a person specified in the certificate was the occupant of that office, that person shall, as from that date, become the occupant of that office in the Commonwealth Service and shall, subject to this Act, be entitled to receive salary at the rate applicable to him immediately before the date of the transfer.

“(4.) A permanent employee to whom paragraph (a) of sub-section (1.) of this section applies, but to whom sub-section (3.) of this section does not apply, shall, subject to this Act, as from the date of the transfer, be an unattached officer in the Commonwealth Service with the same classification as he had, immediately before the date of the transfer, in the service from which he is transferred.

“(5.) A person to whom paragraph (b) of sub-section (1.) of this section applies shall, as from the date of the transfer, become, subject to this Act, an unattached officer in the Commonwealth Service with the classification which, in the opinion of the Board, he would have had as an officer in the service of the Repatriation Commission if he had not been appointed to an office referred to in that paragraph.

“(6.) Any person transferred by virtue of this section who is on probation at the time of the transfer shall be deemed to be on probation under section thirty-seven of this Act for the period of probation unexpired at the date of the transfer.

“(7.) A temporary employee who is transferred by virtue of sub-section (1.) of this section shall, as from the date of the transfer, become a temporary employee in the Commonwealth Service and shall, subject to this Act, be entitled to receive salary or wages at the rate applicable to him immediately before the transfer.

“(8.) For the purposes of this section, any reference to the occupant of an office shall not include a person temporarily occupying, or temporarily performing the duties of, that office.

“31ZA. Service of an employee—

(a) as a permanent officer or temporary employee in the service from which he is transferred during a continuous period immediately preceding the date of the transfer ; or

**Prior service
reckoned as
service under
this Act.**

(b) which, under the law applicable to his service immediately before the date of the transfer, was deemed to be, or was treated as, permanent or temporary service in the service from which he is transferred,

shall be reckoned for the purposes of this Act, as permanent or temporary service, as the case may be, in the Commonwealth Service.

“81ZB. An employee shall preserve his eligibility for the grant of leave of absence for recreation or during illness which had accrued immediately before his transfer to the Commonwealth Service.” Accrued recreation and sick leave.

10. The Second Schedule and the Third Schedule to the Principal Act are repealed and the following Schedules inserted in their stead :— Second and Third Schedules.

“SECOND SCHEDULE.

Sec. 7.

DEPARTMENTS.

The Department of the Senate.
 The Department of the House of Representatives.
 The Department of the Parliamentary Library.
 The Department of the Parliamentary Reporting Staff.
 The Joint House Department.
 The Prime Minister's Department.
 The Department of the Treasury.
 The Attorney-General's Department.
 The Department of the Interior.
 The Department of Defence.
 The Department of the Navy.
 The Department of the Army.
 The Department of Air.
 The Department of Trade and Customs.
 The Department of Commerce and Agriculture.
 The Department of External Affairs.
 The Postmaster-General's Department.
 The Department of Health.
 The Department of External Territories.
 The Department of Social Services.
 The Department of Works and Housing.
 The Department of Immigration.
 The Department of Information.
 The Department of Civil Aviation.
 The Department of Supply and Shipping.
 The Department of Munitions.
 The Department of Labour and National Service.
 The Department of Transport.
 The Department of Post-war Reconstruction.
 The Repatriation Department.

“THIRD SCHEDULE.

Sec. 25.

PERMANENT HEADS OF DEPARTMENTS.

The Clerk of the Senate.
 The Clerk of the House of Representatives.
 The Parliamentary Librarian.
 The Principal Parliamentary Reporter.
 The Secretary of the Joint House Department.
 The Secretary to the Prime Minister's Department.
 The Secretary to the Department of the Treasury.
 The Secretary to the Attorney-General's Department.
 The Secretary to the Department of the Interior.
 The Secretary to the Department of Defence.

"THIRD SCHEDULE—*continued*PERMANENT HEADS OF DEPARTMENTS—*continued*.

The Secretary to the Department of the Navy.
 The Secretary to the Department of the Army.
 The Secretary to the Department of Air.
 The Comptroller-General of Customs.
 The Secretary to the Department of Commerce and Agriculture.
 The Secretary to the Department of External Affairs.
 The Director-General of Posts and Telegraphs.
 The Director-General of Health.
 The Secretary to the Department of External Territories.
 The Director-General of Social Services.
 The Director-General of Works and Housing.
 The Secretary to the Department of Immigration.
 The Director-General of Information.
 The Director-General of Civil Aviation.
 The Secretary to the Department of Supply and Shipping.
 The Secretary to the Department of Munitions.
 The Secretary to the Department of Labour and National Service.
 The Secretary to the Department of Transport.
 The Director-General of Post-war Reconstruction.
 The Chairman of the Repatriation Commission."

STEVEDORING INDUSTRY.

No. 2 of 1947.

An Act to provide for the Prevention or Settlement by Conciliation or Arbitration of Industrial Disputes in connexion with Stevedoring Operations, to regulate Industrial Matters in connexion with Stevedoring Operations in the course of Trade and Commerce with other Countries or among the States, to regulate and control the Performance of Stevedoring Operations, to provide for the Establishment of a Stevedoring Industry Commission, and for other purposes.

[Assented to 28th March, 1947.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

- Short title.** 1. This Act may be cited as the *Stevedoring Industry Act 1947*.
- Commencement.** 2. This Act shall commence on a date to be fixed by Proclamation.
- Crown to be bound.** 3. This Act shall bind the Crown in right of the Commonwealth or a State, including any authority of the Commonwealth or a State.