

# PUBLIC SERVICE.

No. 22 of 1953.

## An Act to amend the *Public Service Act* 1922-1951.

[Assented to 9th April, 1953.]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

- Short title and citation.** 1.—(1.) This Act may be cited as the *Public Service Act* 1953.  
(2.) The *Public Service Act* 1922-1951\* is in this Act referred to as the Principal Act.  
(3.) The Principal Act, as amended by this Act, may be cited as the *Public Service Act* 1922-1953.
- Commencement.** 2.—(1.) Sections five, ten, eleven, twelve and fourteen of this Act shall be deemed to have come into operation on the first day of July, One thousand nine hundred and fifty-two.  
(2.) The remaining sections of this Act shall come into operation on the day on which this Act receives the Royal Assent.
- Act not to apply to certain officers.** 3. Section eight of the Principal Act is amended by omitting the words—  
“ the Commissioner of Taxation ;  
the Assistant Commissioner of Taxation ; ”.

\* 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 ; No. 16, 1946 ; Nos. 1, 38, 52 and 84, 1947 ; Nos. 35 and 75, 1948 ; Nos. 51 and 80, 1950 ; and Nos. 46 and 48, 1951.

4. Section eight A of the Principal Act is amended by omitting from sub-section (3.) the words "the last preceding sub-section" and inserting in their stead the words "sub-section (1.) of this section".

Exempt officers  
and  
employees.

5. Section forty-nine of the Principal Act is amended by omitting sub-section (3.) and inserting in its stead the following sub-section :—

Employment of  
married women.

"(3.) Where a female officer who has continued in the Commonwealth Service for not less than five years but less than fifteen years and is not eligible for, and has not been granted, leave, or pay in lieu of leave, under section seventy-four of this Act retires from the Commonwealth Service upon her marriage, there shall be payable to the officer, upon her retirement from the Commonwealth Service, an amount ascertained as follows :—

- (a) where the period of service of the officer is not less than five years but is less than eight years—an amount equal to her salary for one month ;
- (b) where the period of service of the officer is not less than eight years but is less than twelve years—an amount equal to her salary for two months ;
- (c) where the period of service of the officer is not less than twelve years but is less than fifteen years—an amount equal to her salary for three months."

6. Section fifty of the Principal Act is amended by omitting from sub-section (4.) the words "naval or military".

Promotions.

7. Section sixty-eight of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-section :—

Leave of  
absence for  
recreation.

"(2.) The regulations may provide for the reduction, by reason of a period of absence from duty, of the period of leave of absence for recreation which may be granted to an officer."

8. Section sixty-nine of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-section :—

Leave of  
absence to  
attend  
proceedings  
under Public  
Service  
Arbitration Act,  
&c.

"(1.) The Chief Officer may grant leave of absence with pay to not more than two representatives of an organization for the purpose of attending proceedings under the *Public Service Arbitration Act* 1920-1952 or proceedings before the Industrial Registrar or a Deputy Industrial Registrar holding office under the *Conciliation and Arbitration Act* 1904-1952."

9. Section seventy-one of the Principal Act is amended—

Leave without  
pay.

- (a) by omitting from sub-paragraph (ii) of paragraph (b) of sub-section (1.) the word "or" (last occurring); and
- (b) by inserting after sub-paragraph (iii) of that paragraph the following word and sub-paragraph :—

" ; or (iv) to engage in employment with Commonwealth Hostels Limited,".

Furlough.

10. Section seventy-three of the Principal Act is amended—

(a) by omitting from sub-section (1.) the words “twenty years” and inserting in their stead the words “fifteen years”;

(b) by omitting sub-section (2.) and inserting in its stead the following sub-section :—

“(2.) Where an officer who has continued in the Commonwealth Service for not less than fifteen years is retiring or is being retired from the Commonwealth Service, the Board may, in lieu of granting leave to the officer under sub-section (1.) of this section, authorize payment to the officer, upon his retirement from the Commonwealth Service, of a sum not exceeding his salary for a period equal to the period of leave on full salary which the officer could have been granted under that sub-section.”; and

(c) by omitting sub-section (5.).

11. Section seventy-four of the Principal Act is repealed and the following section inserted in its stead :—

Extended leave  
or pay in lieu  
to officers not  
entitled to  
furlough.

“74.—(1.) The Board may grant to an officer who has continued in the Commonwealth Service for not less than four years but less than fifteen years, immediately prior to his retirement from the Commonwealth Service on, or subsequent to, his attaining the age of sixty years, leave of absence on full salary as follows :—

(a) where the period of service of the officer is not less than four years but is less than eight years—two months;

(b) where the period of service of the officer is not less than eight years but is less than twelve years—three months;

(c) where the period of service of the officer is not less than twelve years but is less than fifteen years—four months.

“(2.) Where an officer is eligible for leave under the last preceding sub-section, the Board may, in lieu of granting that leave, authorize payment to the officer, upon his retirement from the Commonwealth Service, of a sum not exceeding his salary for a period equal to the period of leave which the officer could have been granted under that sub-section.

“(3.) Where an officer who is less than sixty years of age—

(a) retires from the Commonwealth Service after not less than four years’ service but less than fifteen years’ service and satisfies the Board that his retirement is due to ill-health that is permanent and is not due to misconduct or to causes within his own control; or

(b) is retired from the Commonwealth Service under section twenty of this Act after not less than eight years’ service but less than fifteen years’ service,

the Board may authorize payment to the officer of a sum not exceeding his salary for a period equal to the period of leave which the officer could have been granted under sub-section (1.) of this section if he had attained the age of sixty years.

“(4.) Where, before an officer has completed fifteen years’ service in the Commonwealth Service and either before or after he has attained the age of sixty years—

(a) the officer dies ; or

(b) the Board, after consideration of all the circumstances, directs that the death of the officer be presumed,

the Board may authorize payment to the dependants of the officer of a sum equivalent to the amount of salary which the Board could have authorized to be paid to the officer under sub-section (2.) of this section if—

(c) he had retired from the Commonwealth Service on the date of his death or, where the Board has directed that the death of the officer be presumed, on a date determined by the Board ; and

(d) in the case of an officer who had not attained the age of sixty years at that date—he had attained that age.

“(5.) The official conduct record of an officer shall be taken into consideration in determining whether, and to what extent, leave of absence shall be granted, or payment authorized, in accordance with this section.”.

**12.** Section seventy-five of the Principal Act is amended by omitting from paragraph (b) the words “ ‘service’ includes ” and inserting in their stead the words “ the service of an officer in the Commonwealth Service shall be deemed to include ”. Interpretation.

**13.** Section seventy-six of the Principal Act is amended by omitting sub-section (7AA.). Public holidays.

**14.** Section eighty-one κ of the Principal Act is amended by omitting from sub-section (1.) the words “ twenty years ” and inserting in their stead the words “ fifteen years ”. Furlough.

**15.** Section eighty-two AA of the Principal Act is amended— Dismissal of temporary employees.

(a) by omitting from paragraph (a) of sub-section (1.) the words “ section eight ” and inserting in their stead the words “ section eight A ” ; and

(b) by inserting after sub-section (2.) the following sub-section :—

“(2A.) In the case of the illness, absence or suspension of the officer who is the elected representative referred to in paragraph (c) of the last preceding sub-section, or where there is no such representative or the Board of Commissioners is of opinion that, by reason of his being

personally interested in, or affected by, a matter which is the subject of the appeal under this section, it is undesirable that that elected representative should act as a member of the Appeal Board, the Board of Commissioners may appoint another officer of the same Division to act as a member of the Appeal Board in lieu of that representative.”

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