

Public Service Act (No. 2) 1973

No. 71 of 1973

AN ACT

To amend the *Public Service Act* 1922-1972 as amended by the *Public Service Act* 1973.

[Assented to 18 June 1973]

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Public Service Act (No. 2) 1973*.

(2) The *Public Service Act* 1922-1972,* as amended by the *Public Service Act* 1973,† is in this Act referred to as the Principal Act.

(3) Section 1 of the *Public Service Act* 1973 is amended by omitting sub-section (2).

(4) The Principal Act, as amended by this Act, may be cited as the *Public Service Act* 1922-1973.

Commence-
ment.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

* 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; Nos. 46 and 48, 1951; No. 22, 1953; No. 63, 1954; No. 18, 1955; Nos. 13 and 39, 1957; No. 11, 1958; Nos. 17 and 105, 1960; Nos. 2 and 75, 1964; Nos. 47 and 85, 1966; Nos. 2 and 115, 1967; Nos. 59, 114 and 120, 1968; and No. 6, 1972.

† Act No. 21, 1973.

3. Section 88 of the Principal Act is amended by adding at the end thereof the following sub-section:—

Performance
of duties
of officer
in absence.

“(2) Where an office referred to in sub-section (1) is an office in a Department, an officer temporarily performing the duties of that office under this Act may perform or exercise any duty, obligation, right or power that he would have been able to perform or exercise if the Governor-General had given a direction to him under sub-section (1) in relation to that office.”.

4. The Second and Third Schedules to the Principal Act are repealed and the Schedules set out in Schedule 1 are substituted.

Second
and Third
Schedules.

5. The Principal Act is amended as set out in Schedule 2.

Formal
amendments.

SCHEDULE 1

Section 4

SCHEDULES TO BE INSERTED IN THE PRINCIPAL ACT

SCHEDULE 2

Sections 7 and 10

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 Department of Aboriginal Affairs
The Department of Air
The Department of the Army
The Attorney-General's Department
The Department of the Capital Territory
The Department of Civil Aviation
The Department of Customs and Excise
The Department of Defence
The Department of Education
The Department of the Environment and Conservation
The Department of External Territories
The Department of Foreign Affairs
The Department of Health
The Department of Housing
The Department of Immigration
The Department of Labour
The Department of the Media
The Department of Minerals and Energy
The Department of the Navy
The Department of Northern Development
The Department of the Northern Territory
The Department of Overseas Trade
The Postmaster-General's Department
The Department of Primary Industry
The Department of the Prime Minister and Cabinet
The Repatriation Department
The Department of Science
The Department of Secondary Industry
The Department of Services and Property
The Department of Social Security
The Department of the Special Minister of State
The Department of Supply
The Department of Tourism and Recreation
The Department of Transport
The Department of the Treasury
The Department of Urban and Regional Development
The Department of Works

SCHEDULE 1—*continued*
SCHEDULES TO BE INSERTED IN THE PRINCIPAL ACT—*continued*

SCHEDULE 3

Section 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 Department of Aboriginal Affairs
The Secretary to the Department of Air
The Secretary to the Department of the Army
The Secretary to the Attorney-General's Department
The Secretary to the Department of the Capital Territory
The Director-General of Civil Aviation
The Comptroller-General of Customs
The Secretary to the Department of Defence
The Secretary to the Department of Education
The Secretary to the Department of the Environment and Conservation
The Secretary to the Department of External Territories
The Secretary to the Department of Foreign Affairs
The Director-General of Health
The Secretary to the Department of Housing
The Secretary to the Department of Immigration
The Secretary to the Department of Labour
The Secretary to the Department of the Media
The Secretary to the Department of Minerals and Energy
The Secretary to the Department of the Navy
The Secretary to the Department of Northern Development
The Secretary to the Department of the Northern Territory
The Secretary to the Department of Overseas Trade
The Director-General of Posts and Telegraphs
The Secretary to the Department of Primary Industry
The Secretary to the Department of the Prime Minister and Cabinet
The office under the *Repatriation Act* 1920-1973 of Chairman of the Repatriation Commission
The Secretary to the Department of Science
The Secretary to the Department of Secondary Industry
The Secretary to the Department of Services and Property
The Director-General of Social Services
The Secretary to the Department of the Special Minister of State
The Secretary to the Department of Supply
The Secretary to the Department of Tourism and Recreation
The Secretary to the Department of Transport
The Secretary to the Department of the Treasury
The Secretary to the Department of Urban and Regional Development
The Director-General of Works

SCHEDULE 2

Section 5

FORMAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting any number expressed in words that is used, whether with or without the addition of a letter or letters, to identify a section of that Act or of another Act, and substituting that number expressed in figures:—

Sections 7 (1) (definitions of " Chief Officer ", " National Service ", " Returned Soldier ", " Selection Test ", " The Commonwealth Service " and " the prescribed educational qualification "), 24 (5), 25 (4A), 31 (3), 36 (1), 38 (1), 40 (2) and (3), 46 (3), 47A (2) and (4), 47AA, 47B (4), 48 (3), 48AA (1), 50 (7A), 53A (1), 53B (5), 53C (5), 54B (6) and (7), 54C, 68 (3) and (12), 68D, 68E (1), 68F (1), 70 (2), 72 (5), 72AA, 75A (1), 76 (10), 81A (definition of " State employee ") 81D (2), 81F (1), 81G, 81J, 81K (2), 81L (definition of " State employee ") 81P (2), 81R (1), 81V (2), 81Y (definition of " employee "), 81Z (1), 81ZC (definition of " employee "), 81ZD (1) and (2), 81ZG (1) and (4), 81ZH (definitions of " classified office ", " employee ", " the date of transfer " and " transferred work "), 81ZI (1), 82 (13), 82AA (1), (2) and (8), 82A and 97 (1) (q).

2. The following provisions of the Principal Act are amended by omitting the words " of this Act ", " to this Act ", " of this section " or " of this sub-section " (wherever occurring):—

Section 7 (1) (definitions of " Chief Officer ", " Selection Test ", " The Commonwealth Service " and " the prescribed educational qualification "), 8A (3), 9 (8), 24 (5), 25 (7), 29 (5), 31 (3), 36 (1), 40 (2) and (3), 45 (4) and (5), 46 (3), 47A (2), 47AA, 48 (3), 50 (5), (7A), (8D), (8F) and (13), 53A (1) and (3), 53B (4) and (5), 53C (4) and (5), 54 (4), (5), (6), (7) and (8), 54B (3), (4) and (7), 54C, 55 (5) (c), (8) and (9A), 68 (8) and (12), 68E (1), 68F (definition of " salary "), 70 (2), 72 (5), 72AA (1), 73 (2), 74 (3A) and (4), 76 (3) and (10), 81D (2), 81F (1), 81J, 81K (2), 81P (2), 81R (1), 81Y (definition of " employee "), 81ZC (definition of " employee "), 81ZG (1) and (5), 82 (4), (11) and (13), 82AA (2), (3) and (5) and 97 (1) (q).

SCHEDULE 2—continued

3. The Principal Act is further amended as set out in the following table:—

Provision	Amendment
Section 4	Omit " the First Schedule to this Act ", substitute " Schedule 1 ".
Section 7 (f) (definition of " Department ")	Omit " the Second Schedule to this Act ", substitute " Schedule 2 ".
Section 7 (i) (definition of " Returned soldier ")	Omit " the eleventh day of November, One thousand nine hundred and eighteen ", substitute " 11th November, 1918, ".
Section 7 (l) (definition of " The War ")	Omit " the fourth day of August, One thousand nine hundred and fourteen ", substitute " 4th August, 1914 ".
Section 7A	Omit " the Second Schedule " (wherever occurring), substitute " Schedule 2 ".
Section 10	Omit " the Second Schedule to this Act ", substitute " Schedule 2 ".
Section 25 (1)	Omit " the Third Schedule to this Act ", substitute " Schedule 3 ".
Section 34 (d)	Omit " the Fourth Schedule to this Act ", substitute " Schedule 4 ".
Section 50 (5c)	Omit " the Sixth Schedule to this Act ", substitute " Schedule 6 ".
Section 55 (1) (g)	Omit " the Fourth Schedule to this Act ", substitute " Schedule 4 ".
Section 55 (7)	Omit " the Fifth Schedule to this Act ", substitute " Schedule 5 ".
Section 68 (6)	Omit " the first day of January, One thousand nine hundred and sixty-seven, ", substitute " 1st January, 1967, ".
Section 68 (7)	Omit " the first day of January, One thousand nine hundred and sixty-six, " (wherever occurring), substitute " 1st January, 1966, ".
Section 68A (1)	Omit " the first day of January, One thousand nine hundred and sixty-seven, " (wherever occurring), substitute " 1st January, 1967, ".
Section 71A (4)	Omit " the thirtieth day of June, One thousand nine hundred and sixty-five ", substitute " 30th June, 1965 ".
Section 75A (1)	Omit " the twelfth day of June, One thousand nine hundred and forty-one, ", substitute " 12th June, 1941, ".
Section 81A (definition of " State employee ")	Omit " the thirty-first day of January, One thousand nine hundred and forty-two ", substitute " 31st January, 1942 ".
Section 81f	Omit " the nineteenth day of July, One thousand nine hundred and sixteen, ", substitute " 19th July, 1916, ".
Section 81L (definition of " State employee ") (a) (iii)	(a) Omit " the first day of September, One thousand nine hundred and forty-two ", substitute " 1st September, 1942 ".
	(b) Omit " the thirty-first day of August, One thousand nine hundred and forty-two, ", substitute " 31st August, 1942, ".
Section 81K	Omit " the first day of July, One thousand nine hundred and forty-six, ", substitute " 1st July, 1946, ".
Section 82 (9) and (10) Schedules	Omit " the Fourth Schedule to this Act ", substitute " Schedule 4 ".
	(a) Omit " SCHEDULES. ",
	(b) Omit " FIRST SCHEDULE. ", substitute " SCHEDULE 1 ".
	(c) Omit " FOURTH SCHEDULE. ", substitute " SCHEDULE 4 ".
	(d) Omit " FIFTH SCHEDULE. ", substitute " SCHEDULE 5 ".
	(e) Omit " SIXTH SCHEDULE. ", substitute " SCHEDULE 6 ".