

---

# COMMONWEALTH PUBLIC SERVICE.

---

**No. 37 of 1915.**

An Act to amend the *Commonwealth Public Service Act 1902-1913*.

[Assented to 13th September, 1915.]

**B**E 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  
and citation.

1.—(1.) This Act may be cited as the *Commonwealth Public Service Act 1915*.

(2.) The *Commonwealth Public Service Act 1902-1913* 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 1902-1915*.

Amendment of  
s. 3.

2. Section three of the Principal Act is amended by inserting after the words "class of officers" the words "or any employee or class of employees."

Amendment of  
s. 9.

3. Section nine of the Principal Act is amended by inserting in sub-section (3.) thereof, after the word "particulars", the words "regarding Commonwealth service."

4. After section twenty-six of the Principal Act, the following section is inserted :—

“26A. In the making of appointments to the Public Service from among persons who have successfully passed the prescribed examination, preference shall be given to those persons who have served with satisfactory record in any Expeditionary Force raised under the provisions of the *Defence Act 1903-1915.*”

Preference in appointments to members of Expeditionary Forces.

5. Section thirty-two of the Principal Act is amended by omitting from sub-section (1.) thereof the words “twenty-one years” and inserting in their stead the words “twenty-five years.”

Maximum age of appointees to Clerical Division.

6. After section thirty-four A of the Principal Act, and before the heading “Commonwealth and State Officers”, the following sections are inserted :—

“34B. Notwithstanding anything contained in this Act, the Governor-General may, on the recommendation of the Public Service Commissioner, and on his certificate that it is desirable in the interests of the Commonwealth that the appointment be made, appoint any officer of a Territory under the authority of the Commonwealth (other than an officer whose appointment is temporary) to any office in the corresponding Division of the Public Service of the Commonwealth, and may on the like recommendation require the officer to effect and continue such an assurance on his life as the Governor-General thinks fit.

Eligibility of officers of Territory for Commonwealth appointments.

“34c. Any person not more than fifty years of age, who has served in the Permanent Naval Forces of the Commonwealth for the full period for which he enlisted or engaged, and has a satisfactory record shall, without passing the prescribed examination, be eligible for appointment to any office in the Department of Trade and Customs which is classified in the General Division of the Public Service.”

Members of Permanent Naval Forces eligible for appointment to Department of Trade and Customs.

7. Section forty of the Principal Act is amended by omitting sub-sections (3.) and (4.) thereof, and inserting in their stead the following sub-sections :—

Temporary employment.

“(3.) No person who has been temporarily employed in any Department for six months continuously, or for six months in the whole in any twelve months, or for any extended period as herein-after provided, shall during the six months following such temporary employment be eligible for further temporary employment in the Public Service.

“(4.) Upon a report from the Permanent Head of a Department that for special reasons assigned the continuance beyond the period of six months of the temporary employment of any person who has been temporarily employed in that Department for six months is desirable in the public interest, the Commissioner may authorize such extension, if he is satisfied that no other suitable person is available for the work to be performed.”

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

Consequence of conviction of an officer of a criminal offence.

“(1.) Where an officer is charged with having committed any criminal offence against the law of the Commonwealth or of a State, punishable either on indictment or on summary conviction, he may be suspended by an authorized officer.

“(1A.) If the officer is convicted of the offence by any Commonwealth or State Court, the Governor-General may (whether the officer has been suspended or not), on the recommendation of the Commissioner, dismiss him from the Public Service, or reduce him to a lower class or grade in the Public Service, or reduce his salary or wages, or otherwise deal with him in such manner as the Governor-General thinks just.

“(1B.) Any officer who is dismissed in pursuance of sub-section (1A.) of this section shall, unless the Governor-General otherwise directs, cease to receive any salary from the date upon which he ceased to perform the duties of his office.

“(1C.) The Governor-General may at any time remove the suspension of any officer suspended under this section, whether before or after conviction.

“(1D.) This section shall not prevent an officer from being dealt with under some other provision of this Act, provided that he is not punished under this Act twice in respect of the same offence or matter.”

Holiday.

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

(a) by omitting from sub-section (1.) thereof the words “Commonwealth Day,” and inserting in their stead the words “twenty-sixth day of January,” ;

(b) by omitting from sub-section (5.) thereof all words from and including the words “but in that case”, and inserting in their stead the words “but in that case every such officer shall be granted an amount equal to a day’s salary if a full day’s attendance has been required and a proportionate amount if less than a full day’s attendance has been required, but no payment or other compensation shall be granted for attendance during any holiday or half-holiday observed in pursuance of sub-section (3.) of this section unless—

(a) the holiday or half-holiday (as the case may be) is a public holiday or half-holiday throughout the State ; and

(b) the Minister directs that payment shall be made for attendance on such holiday or half-holiday.” ;

and

(c) by adding at the end thereof the following sub-section :—

“(6.) Any officer whose services and attendance have, prior to the commencement of this sub-section, been required on any day observed as a holiday or half-holiday in pursuance of this section, and who has not been granted leave of absence in lieu thereof, shall, in respect of his attendance on such days as were observed as public holidays or half-holidays (as the case may be) throughout the State in which he was employed, be entitled to payment at the rate specified in the last preceding sub-section, the rate of salary of the officer for the purposes of that section being taken to be the rate of salary received by him at the time of his attendance; and upon such payment being made the officer shall cease to be entitled to any compensation in respect of his attendance on holidays or half-holidays observed in pursuance of this section prior to the commencement of this sub-section.”

10.—(1.) After section seventy of the Principal Act the following section is inserted :—

“70A. —(1.) Leave of absence may be granted to any officer who has enlisted in or been appointed to any Expeditionary Force raised under the provisions of the *Defence Act 1903–1915*, and the duration of such leave shall not, unless the Governor-General otherwise directs, exceed the period of service of the officer with the Expeditionary Forces. Leave of absence for Defence purposes.

“(2.) Leave of absence for a period not exceeding twelve months may be granted to any officer who is called up, in pursuance of the *Defence Act 1903–1915*, for active service in Australia.

“(3.) Leave of absence granted under this section shall be without pay, except for such period as may under some other provision of this Act or the Regulations be granted with pay.

“(4.) The period during which any officer is absent on leave granted pursuant to this section shall for all purposes be included as part of the officer's period of service.”

(2.) This section shall be deemed to have commenced on the first day of August One thousand nine hundred and fourteen.

*Offences in connexion with Examinations.*

11. After section seventy-nine of the Principal Act the following sections are inserted :—

“79A.—(1.) Any person who at any examination held under this Act personates any candidate shall be guilty of an offence against this Act. Impersonation at examinations.

Penalty: One hundred pounds or imprisonment for twelve months.

“(2.) If any person who is convicted of an offence against this section is employed in the Public Service he may be dismissed therefrom by the Governor-General.

Obtaining  
possession of  
examination  
papers.

“79B.—(1.) Any person who before the time fixed for any particular examination held under this Act—

- (a) improperly obtains possession of, or
- (b) without authority (proof whereof shall lie upon him) furnishes to any person—

any examination paper, or particulars relating to any examination paper, shall be guilty of an offence.

Penalty : One hundred pounds or imprisonment for six months.

“(2.) If any person who is convicted of an offence against this section is employed in the Public Service he may be dismissed therefrom by the Governor-General.”

Extension of  
eligibility for  
appointment.

12.—(1.) Notwithstanding anything contained in the Principal Act or the Regulations thereunder, any person who, having successfully passed any prescribed examination to which this section applies, is at the commencement of this Act eligible for appointment to the Public Service, shall continue to be so eligible until nine months after the termination of the present state of war.

(2.) This section applies to any examination for admission to the Public Service for which the maximum age fixed for candidates at the date of examination exceeds sixteen years.

