

COMMONWEALTH PUBLIC SERVICE  
(No. 2).

**No. 84 of 1947.**

An Act to amend the Law regulating the  
Public Service.

[Assented to 11th December, 1947.]

[Date of commencement, 8th January, 1948.]

**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 :—

**1.**—(1.) This Act may be cited as the *Commonwealth Public Service Act (No. 2) 1947.*

**Short title  
and citation.**

(2.) The *Commonwealth Public Service Act 1922-1946\**, as amended by the *Commonwealth Public Service Act 1947†*, the *War Service Homes Act 1947‡* and the *Salaries (Statutory Offices) Adjustment Act 1947§*, is in this Act referred to as the Principal Act.

(3.) The Second Schedule to the *Salaries (Statutory Offices) Adjustment Act 1947* is amended by omitting the words—

<p>“ <i>Commonwealth Public Service Act 1922-1946</i>, as amended by the <i>Commonwealth Public Service Act 1947</i> and by the <i>War Service Homes Act 1947</i></p>	<p><i>Commonwealth Public Service Act 1922-1947</i> ”.</p>
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(4.) The Principal Act, as amended by this Act, may be cited as the *Commonwealth Public Service Act 1922-1947*.

2. Section forty-one of the Principal Act is repealed.

Employment of  
Telegraph  
Messengers.  
Promotions.

3. Section fifty of the Principal Act is amended by omitting sub-section (7.).

4. Section seventy-one of the Principal Act is amended by omitting paragraph (a) of sub-section (1.) and inserting in its stead the following paragraphs :—

Leave without  
pay.

“ (a) where the leave of absence is for the purpose of enabling the officer to occupy a full-time executive office in an organization of employees in the Public Service within the meaning of the *Arbitration (Public Service) Act 1920-1947*— for any period ;

“ (ab) where the leave of absence is for the purpose of enabling the officer—

(i) to pursue a course of study relating to the duties of his office ;

(ii) to undertake research work relating to the duties of his office ; or

(iii) to pursue a course of study under the Commonwealth Reconstruction Training Scheme,

for a period not exceeding twelve months, or such further period as the Board considers reasonable in the circumstances ; or ”.

5. Section seventy-six of the Principal Act is amended—

Public holidays.

(a) by adding at the end of sub-section (8.) the words “ or to officers of the Canberra Fire Brigade ” ; and

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

“ (9.) Notwithstanding the preceding provisions of this section, the days to be observed as holidays by an officer stationed at a place outside Australia may be such days,

\* 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.

† Act No. 1, 1947.

‡ Act No. 38, 1947.

§ Act No. 52, 1947.

not exceeding in number the number of holidays which may be observed under those provisions, as the Board, in its discretion, determines.”.

6. After section eighty-two of the Principal Act the following section is inserted :—

Dismissal of  
temporary  
employees.

“ 82AA.—(1.) Where the services of a person—

(a) who is an employee, or is included in a class of employees, to whom or to which the Governor-General has, in pursuance of section eight of this Act, declared that the provisions of this Act shall not apply, or whose temporary employment is authorized by section eighty-two of this Act; and

(b) who is a contributor to the Superannuation Fund established under the *Superannuation Act* 1922–1947 or to the Provident Account established under Part IVB. of that Act, are dispensed with by the Chief Officer on the ground that that person has been guilty of conduct which, if he were an officer, would have constituted an offence specified in sub-section (1.) of section fifty-five of this Act, the Chief Officer shall give to that person written notice that his services have been so dispensed with and shall specify in the notice the ground on which, and the date upon which, his services were dispensed with.

“(2.) A person whose services have been dispensed with in accordance with the last preceding sub-section may appeal, in such manner and within such time (not being less than seven days) as are prescribed, against the decision of the Chief Officer and the appeal shall be heard by an Appeal Board which shall consist of—

(a) a Chairman who shall have the qualifications of a Stipendiary or Police Magistrate and shall be appointed to the office by the Board of Commissioners, but who shall not, while sitting as Chairman of an Appeal Board, be subject to any direction by any person or authority under this Act;

(b) an officer of the Department in which the appellant was employed, appointed by the Chief Officer for the purpose of the particular appeal to be heard; and

(c) the officer who, in the State or part of a State in which the appellant was employed, is the elected representative of the Division to which the appellant would have belonged if he had been an officer performing similar work to the work performed by the appellant immediately prior to the date on which his services were dispensed with.

“(3.) An appeal may be made on the ground—

(a) that the appellant is not guilty of the conduct specified in the notice given to him under sub-section (1.) of this section; or

(b) that the appellant is so guilty but that the conduct does not justify the decision to dispense with his services.

“(4.) The Appeal Board may confirm or annul the decision appealed against or vary the decision by imposing a fine not exceeding Five pounds and the decision of the Appeal Board shall be final.

“(5.) On the hearing of an appeal on the ground specified in paragraph (b) of sub-section (3.) of this section, the Appeal Board shall take into consideration the previous record of the appellant.

“(6.) Where the Appeal Board annuls the decision appealed against or varies the decision of the Chief Officer by imposing a fine, the person whose services have been dispensed with shall be re-instated as from the date from which his services were dispensed with without a break in the continuity of his service but he shall not, unless otherwise ordered by the Appeal Board, be entitled to receive salary in respect of the period between the date from which his services were dispensed with and the date upon which the Appeal Board decided the appeal.

“(7.) Where at any meeting of an Appeal Board the members present are divided in opinion as to any action to be taken under sub-section (4.) of this section, the question shall be decided according to the decision of the majority, if there is a majority, and where the members present are equally divided on any such question, the question shall be postponed to a later meeting of the Board.

“(8.) Subject to this Act, the provisions of sections fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one of this Act shall, *mutatis mutandis*, apply to an appeal under this section.”.

7. After section ninety-one of the Principal Act the following section is inserted:—

“91A.—(1.) Where an officer receives, in addition to the salary payable to him under this Act, any other amount by way of remuneration or allowance for the performance of services, and the Board directs, by notice in writing given to that officer, that this section shall apply to that remuneration or allowance, this section shall apply accordingly and that officer shall be deemed to receive that remuneration or allowance on behalf of the Commonwealth and shall pay to the Commonwealth any amount of that remuneration or allowance received by him.

Officers  
receiving  
remuneration  
additional to  
salary

“(2.) The amount of any remuneration or allowance received by an officer to which, by virtue of a notice given to that officer under the last preceding sub-section, this section applies, shall be any amount received by the officer for the performance of services during such period (whether before or after the commencement of this section but not being earlier than the first day of July, One thousand nine hundred and forty-seven) as is specified in that notice.”.