



# Public Service Acts Amendment Act 1982

## No. 111 of 1982

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# Public Service Acts Amendment Act 1982

No. 111 of 1982

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## An Act relating to the Australian Public Service

[Assented to 5 November 1982]

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

### PART I—PRELIMINARY

#### Short title

1. This Act may be cited as the *Public Service Acts Amendment Act 1982*.

#### Commencement

2. (1) Sections 1, 2 and 3, sub-section 4 (2), sections 7, 8, 9, 10, 11, 12, 16 and 17, sub-sections 18 (1) and 25 (1), sections 28, 44, 45, 46, 47, 48, 52, 57, 68 and 72, sub-section 74 (2), sections 75, 77 and 82 and Part IV (other than sections 89, 90, 94 and 95) shall come into operation on the day on which this Act receives the Royal Assent.

(2) Sub-sections 4 (3) and 34 (1), sections 41 and 49, sub-section 51 (2), sections 53, 54 and 64, sub-section 65 (1) and sections 67 and 94 shall be deemed to have come into operation on 15 March 1981.

(3) Section 90 shall come into operation on the day fixed under sub-section 2 (2) of the *Australian National Airlines Repeal Act 1981*.

(4) The remaining provisions of this Act shall come into operation on such date as is, or on such respective dates as are, fixed by Proclamation.

## **PART II—AMENDMENTS OF THE PUBLIC SERVICE ACT 1922**

### **Principal Act**

3. The *Public Service Act 1922*<sup>1</sup> is in this Part referred to as the Principal Act.

### **Interpretation**

4. (1) Section 7 of the Principal Act is amended by omitting from sub-section (1) the definitions of “Division”, “Selection Test” and “the prescribed educational qualification”.

(2) Section 7 of the Principal Act is further amended—

(a) by omitting from sub-section (1) the definition of “Department” and substituting the following definition:

“ ‘Department’ means—

(a) any Department of the Service (other than a Department of the Service that has been abolished or the name of which has been altered) the name of which is specified, or deemed by virtue of section 7A to be specified, in Schedule 2; or

(b) a branch or part of the Service in relation to which a person has, under this Act or another Act, the powers of, or exercisable by, a Permanent Head as if that branch or part of the Service were a separate Department;”;

(b) by inserting in sub-section (1) after the definition of “national service” the following definition:

“ ‘office of Permanent Head’ means—

(a) an office (other than an office that has been abolished or the name of which has been altered) the name of which is specified, or deemed by virtue of sub-section 25 (1) to be specified, in Schedule 3; or

(b) an office the holder of which has, under this Act or another Act, in relation to a branch or part of the Service, the powers of, or exercisable by, a Permanent Head;”;

(c) by inserting in sub-section (1) after the definition of “overseas” the following definitions:

“ ‘Permanent Head’ means a person for the time being holding, or performing the duties of, an office of Permanent Head;

‘relevant Permanent Head’ means the Permanent Head of the Department in connection with which, or in which is employed an officer or employee in connection with whom, the expression is used or is applicable;” and

(d) by omitting from sub-section (1) the definition of “The Permanent Head”.

(3) Section 7 of the Principal Act is further amended by adding at the end thereof the following sub-section:

“(2) In this Act, unless the contrary intention appears—

(a) a reference to the repealed *Officers’ Rights Declaration Act 1928* shall be read as a reference to that Act as amended and in force immediately before 15 March 1981; and

(b) a reference to the former section 6 of the *Trade Commissioners Act 1933* shall be read as a reference to section 6 of that Act as amended and in force immediately before 15 March 1981.”.

### **Officers of the Parliament**

5. (1) Section 9 of the Principal Act is amended—

(a) by omitting from paragraph (1) (a) “all appointments or promotions of officers of the Department” and substituting “the appointment of a person to the office of Clerk”;

(b) by omitting from paragraph (1) (b) “all appointments or promotions of officers of the Department” and substituting “the appointment of a person to the office of Clerk”;

(c) by omitting from paragraph (1) (c) “all appointments or promotions of officers of the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or” and substituting “the appointment of a person to the office of Parliamentary Librarian, Principal Parliamentary Reporter or Secretary to”;

(d) by omitting sub-section (2) and substituting the following sub-sections:

“(2) Notwithstanding anything contained in this Act—

(a) the President of the Senate may appoint persons, or promote officers, to offices in the Department of the Senate (other than the office of Clerk of the Senate);

(b) the Speaker may appoint persons, or promote officers, to offices in the Department of the House of Representatives (other than the office of Clerk of the House of Representatives); and

(c) the President and the Speaker may appoint persons, or promote officers, to offices in the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department (other than the

offices of Parliamentary Librarian, Principal Parliamentary Reporter and Secretary to the Joint House Department).

“(2AA) Subject to this section, unless inconsistent with the context, any action or approval required or authorized by this Act, the regulations or any determinations in force under section 82D to be taken or given by the Board shall or may, so far as officers and offices of the Parliament are concerned, be taken or given by the President or the Speaker, or the President and the Speaker, as the case may be, in substitution for the Board and any action (other than an action referred to in sub-section (2)) required or authorized by this Act, the regulations or any determination in force under section 82D to be taken by a Permanent Head or Chief Officer shall or may be taken—

- (a) in relation to officers of, and offices in, the Department of the Senate—by the Clerk of the Senate;
  - (b) in relation to officers of, and offices in, the Department of the House of Representatives—by the Clerk of the House of Representatives;
  - (c) in relation to officers of, and offices in, the Department of the Parliamentary Library—by the Parliamentary Librarian;
  - (d) in relation to officers of, and offices in, the Department of the Parliamentary Reporting Staff—by the Principal Parliamentary Reporter; and
  - (e) in relation to officers of, and offices in, the Joint House Department—by the Secretary to the Joint House Department.”;
- (e) by inserting “or authorized” after “required” in paragraph (2A) (a);
  - (f) by inserting “shall or” before “may” (first occurring) in paragraph (2A) (a);
  - (g) by omitting from paragraph (2A) (b) “Secretary of” and substituting “Secretary to”;
  - (h) by omitting sub-section (5);
  - (j) by omitting from paragraph (8) (a) “and”; and
  - (k) by inserting after paragraph (8) (a) the following paragraph:

“(aa) a reference to offices of the Parliament shall be read as a reference to offices in 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 or the Joint House Department; and”.

(2) All offices that, immediately before the date of commencement of this section, were offices in 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 or the Joint House Department shall, on and after that date, continue to be offices in that Department having the same designation and classification as they had

immediately before that date as if they had been validly created under and in accordance with sub-section 9A (1), (2) or (3) of the Principal Act as amended by this Act and persons occupying those offices immediately before that date shall be entitled, on and after that date, to continue to occupy those offices as if they had been validly appointed, promoted or transferred, as the case may be, to those offices under and in accordance with sub-section 9 (1) or (2) of the Principal Act as amended by this Act.

6. (1) After section 9 of the Principal Act the following sections are inserted in Part I:

**Creation, &c., of offices in Parliamentary Departments**

“9A. (1) The President may, after obtaining a report from the Clerk of the Senate—

- (a) create an office in the Department of the Senate; or
- (b) abolish an office in the Department of the Senate.

“(2) The Speaker may, after obtaining a report from the Clerk of the House of Representatives—

- (a) create an office in the Department of the House of Representatives; or
- (b) abolish an office in the Department of the House of Representatives.

“(3) The President and the Speaker may, after obtaining a report from the Parliamentary Librarian, the Principal Parliamentary Reporter or the Secretary to the Joint House Department, as the case may be—

- (a) create an office in the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department, as the case may be; or
- (b) abolish an office in the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department, as the case may be.

“(4) The President may, after obtaining a report from the Clerk of the Senate—

- (a) raise or lower the classification of an office in the Department of the Senate; or
- (b) alter the designation of an office in the Department of the Senate, other than the office of Clerk of the Senate.

“(5) The Speaker may, after obtaining a report from the Clerk of the House of Representatives—

- (a) raise or lower the classification of an office in the Department of the House of Representatives; or
- (b) alter the designation of an office in the Department of the House of Representatives, other than the office of Clerk of the House of Representatives.

“(6) The President and the Speaker may, after obtaining a report from the Parliamentary Librarian, the Principal Parliamentary Reporter or the Secretary to the Joint House Department, as the case may be—

- (a) raise or lower the classification of an office in the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department, as the case may be; or
- (b) alter the designation of an office in the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department, as the case may be,

other than the office of Parliamentary Librarian, Principal Parliamentary Reporter or Secretary to the Joint House Department.

“(7) Where the classification of an office in a Department referred to in sub-section (4), (5) or (6) is altered, the office shall be deemed to be vacant and the officer who occupied the office immediately before the alteration becomes an unattached officer.

“(8) Where the President or the Speaker, or the President and the Speaker, as the case may be, makes or make the same alteration of the classification of all offices having the same designation and classification, the President or the Speaker, or the President and the Speaker, as the case may be, may, by notice published in the *Gazette*, direct that sub-section (7) shall not apply and, in that case, that sub-section does not apply.

“(9) Where—

- (a) the President or the Speaker, or the President and the Speaker, as the case may be, makes or make an alteration of the classification of an office in a case where there is no other office having the same designation and classification as that office; and
- (b) the President or the Speaker, or the President and the Speaker, as the case may be, declares or declare, by notice published in the *Gazette*, that that alteration is related to an alteration in respect of which a notice is or has been published under sub-section (8),

the President or the Speaker, or the President and the Speaker, as the case may be, may, in that first-mentioned notice, direct that sub-section (7) shall not apply in relation to that first-mentioned alteration and, in that case, that sub-section does not apply.

#### **Annual report to Parliament by Presiding Officers**

“9B. (1) In this section—

- (a) a reference to a Parliamentary Department shall be read as a reference to 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 or the Joint House Department;
- (b) a reference to the relevant Presiding Officer or the relevant Presiding Officers, in relation to a Parliamentary Department, shall be read as a reference to—

- (i) in the case of the Department of the Senate—the President;
  - (ii) in the case of the Department of the House of Representatives—the Speaker; and
  - (iii) in the case of each other Parliamentary Department—the President and the Speaker; and
- (c) ‘officer of the Parliament’ and ‘employee of the Parliament’ have the same meanings as those expressions have in section 9.

“(2) The person who is the relevant Presiding Officer, or the persons who are the relevant Presiding Officers, in relation to a Parliamentary Department shall, as soon as practicable after 30 June in each year, cause a report concerning the operation of that Parliamentary Department during the year that ended on that 30 June to be prepared and to be laid before—

- (a) the Senate, in the case of a report concerning the Department of the Senate;
- (b) the House of Representatives, in the case of a report concerning the Department of the House of Representatives; and
- (c) each House of the Parliament, in the case of a report concerning any of the other Parliamentary Departments.

“(3) Nothing in this section shall be taken to affect any means by which a member of a House of the Parliament might seek information from the President or the Speaker, or the President and the Speaker, concerning any matter related to the administration of a Parliamentary Department.”.

(2) If this section comes into operation on a date after 30 June in any year and before the next following 1 January, the first report in relation to each Parliamentary Department under section 9B of the Principal Act as amended by this Act shall relate to the period commencing on the date of commencement of this section and ending on 30 June next following that date and shall so relate to that period as if that period were a year.

(3) If this section comes into operation on a date after 31 December in any year and before the next following 1 July, the first report in relation to each Parliamentary Department under section 9B of the Principal Act as amended by this Act shall relate to the period commencing on the date of commencement of this section and ending on 30 June second occurring after that date and shall so relate to that period as if that period were a year.

### **Constitution of the Public Service**

7. Section 10 of the Principal Act is amended by omitting “the offices in the several Departments specified in Schedule 2” and substituting “offices in Departments”.

**Appointment of Public Service Board**

**8.** Section 11 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “, and on the happening of any vacancy in the office of member of the Board the Governor-General shall appoint a person to the vacant office”; and
- (b) by omitting sub-section (8).

**Chairman of the Board**

**9.** Section 12 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “, and on the happening of any vacancy in the office of Chairman the Governor-General shall appoint a person to fill that office”; and
- (b) by omitting sub-section (2).

**10.** After section 12 of the Principal Act the following section is inserted:

**Acting appointments of members of the Board**

“12A. (1) The Governor-General may appoint a person to act as Chairman—

- (a) during a vacancy in the office of Chairman; or
- (b) during a period, or during all periods, when the Chairman is suspended from office, is absent from duty or Australia or is, for any other reason, unable to perform the functions of his office,

but a person appointed to act during a vacancy shall not continue so to act after the expiration of 6 months after the occurrence of the vacancy.

“(2) While a person is acting as Chairman in pursuance of an appointment under sub-section (1)—

- (a) he has and may exercise all the powers, and shall perform all the functions, of a member of the Board under this Act or any other law, and, in addition, he has and may exercise all the powers, and shall perform all the functions, of the Chairman under this Act; and
- (b) in a case where he is not a member of the Board—he shall be deemed to be a member of the Board for the purposes of sub-sections 11 (8A), (8B) and (9) and 15 (2) and (3) and section 16.

“(3) The Governor-General may appoint a person to act as a member of the Board—

- (a) during a vacancy in the office of a member of the Board (other than the Chairman); or
- (b) during a period, or during all periods, when a member of the Board (other than the Chairman) is acting as Chairman, is suspended from office, is absent from duty or Australia or is, for any other reason, unable to perform the functions of his office,

but a person appointed to act during a vacancy shall not continue so to act after the expiration of 6 months after the occurrence of the vacancy.

“(4) While a person is acting as a member of the Board in pursuance of an appointment under sub-section (3), he has and may exercise all the powers, and shall perform all the functions, of a member of the Board under this Act or any other law, and shall be deemed to be a member of the Board for the purposes of sub-sections 11 (8A), (8B) and (9) and 15 (2) and (3) and section 16.

“(5) An appointment of a person under sub-section (1) or (3) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

“(6) The Governor-General may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person acting as Chairman or as a member of the Board (other than the Chairman); and
- (b) terminate such an appointment at any time.

“(7) Where—

- (a) a person is acting in the office of Chairman in pursuance of an appointment made under paragraph (1) (b); or
- (b) a person is acting in the office of a member of the Board (other than the Chairman) in pursuance of an appointment made under paragraph (3) (b),

and that office becomes vacant while the person is so acting, then, subject to sub-section (5), that person may continue so to act until the Governor-General otherwise directs, the vacancy is filled or a period of 6 months from the date on which the vacancy occurred expires, whichever first happens.

“(8) The appointment of a person to act as Chairman, or as a member of the Board (other than the Chairman), ceases to have effect if he resigns his appointment by writing signed by him and delivered to the Governor-General.

“(9) Section 18 does not apply to the making of an appointment under sub-section (1) or (3) or to the termination of such an appointment.

“(10) The validity of anything done by a person purporting to act in pursuance of an appointment under sub-section (1) or (3) shall not be called in question on the ground that—

- (a) the occasion for his appointment had not arisen;
- (b) there is a defect or irregularity in or in connection with his appointment;
- (c) the appointment had ceased to have effect; or
- (d) the occasion for him to act had not arisen or had ceased.”.

#### **Constitution of Board where vacancies exist**

**11.** Section 13A of the Principal Act is amended—

- (a) by omitting paragraph (1)(b) and substituting the following paragraph:

“(b) where a vacancy in the office of a member of the Board remains unfilled, the Board shall, for the purposes of this Act, be

deemed to be constituted by the remaining members or member and by the person (if any) acting as a member of the Board during the vacancy.”; and

- (b) by omitting sub-sections (2), (3) and (4) and substituting the following sub-section:

“(4) In the event of the Board being constituted by one member, that member shall have all the powers and functions of the Chairman of the Board under this Act.”.

### **Delegation by Board**

**12. (1)** Section 16 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “or to an officer or employee” and substituting “, to an officer or employee or to a person appointed to an office, under a law of the Commonwealth, by the Governor-General or a Minister all or”;
- (b) by omitting from sub-section (3) “Permanent Head” and substituting “relevant Permanent Head”; and
- (c) by omitting sub-section (4) and substituting the following sub-section:

“(4) In this section, a reference to the Chairman of the Board shall, if a person is acting as the Chairman of the Board, be read as a reference to that person.”.

(2) An instrument of delegation in force under section 16 of the Principal Act immediately before the commencement of this section shall, after the commencement of this section, have effect as if it were an instrument of delegation under section 16 of the Principal Act as amended by sub-section (1).

(3) Any delegation that the Public Service Board purported to make before the commencement of this section of all of its powers and functions under the *Public Service Act 1922* or under any other law shall be deemed to have been as valid as it would have been if the reference in sub-section 16 (1) of the *Public Service Act 1922* as in force at the time when the purported delegation was made to any of the Board’s powers and functions under the *Public Service Act 1922* or under any other law had been a reference to all or any of the Board’s powers and functions under that Act or under any other law.

(4) The reference in sub-section (2) to an instrument of delegation in force under section 16 of the Principal Act immediately before the commencement of this section includes a reference to such an instrument that is to be taken to have been in force by reason of the operation of sub-section (3).

### **Records of officers**

**13.** Section 21 of the Principal Act is amended—

- (a) by omitting paragraphs (1) (a) and (b) and substituting the following paragraphs:

“(a) if he is occupying an office—the designation of that office; or

“(b) if he is an unattached officer performing duties in a Department—the designation applicable to him as a person performing those duties.”; and

(b) by omitting sub-sections (3), (4) and (5).

#### **Division heading**

14. The heading to Division 1 of Part III of the Principal Act is repealed and the following heading is substituted:

#### ***“Division 1—Permanent Heads and Chief Officers”.***

#### **Repeal of sections 23 and 24**

15. Sections 23 and 24 of the Principal Act are repealed.

#### **Permanent Heads**

16. Section 25 of the Principal Act is amended—

(a) by omitting from sub-section (3) “Permanent Head” (wherever occurring) and substituting “relevant Permanent Head”;

(b) by adding at the end of sub-section (4) “as if those branches of the Service were separate Departments”;

(c) by omitting sub-section (4A);

(d) by inserting in sub-section (5) “or to a person appointed to an office, under a law of the Commonwealth, by the Governor-General or a Minister” after “delegate to an officer”; and

(e) by omitting sub-section (7).

#### **Chief Officers**

17. (1) Section 26 of the Principal Act is amended—

(a) by omitting paragraph (1) (b) and substituting the following paragraph:

“(b) an officer or employee appointed by the Board, on the recommendation of the relevant Permanent Head, to be a Chief Officer of that Department.”; and

(b) by omitting sub-section (3) and substituting the following sub-sections:

“(3) In the event of—

(a) the absence from duty or from Australia; or

(b) a vacancy occurring in the office,

of a person who is a Chief Officer, an officer or employee appointed for the purpose by the relevant Permanent Head shall, unless the Governor-General otherwise directs, perform the duties of the Chief Officer, and anything done by that officer or employee shall be as valid and effective for all purposes and against all persons as if done by the Chief Officer.

“(4) The Board may, on the recommendation of a Permanent Head who has the control of a branch or part of the Service, determine, in writing, that the holder of a specified Commonwealth office has, and may exercise and perform, in relation to—

- (a) specified officers or a specified class of officers of, or performing duties in, that branch or part of the Service; or
- (b) specified employees or a specified class of employees employed in that branch or part of the Service,

such of the powers, authorities or duties conferred or imposed on a Chief Officer by this Act, the regulations or determinations in force under sub-section 9 (7A) or section 82D, and such other powers, authorities and duties (if any), as are specified in the instrument of determination.

“(5) In the event of—

- (a) the absence from duty or from Australia; or
- (b) a vacancy occurring in the office,

of a person who, by virtue of a determination under sub-section (4), has and may exercise, in relation to a branch or part of the Service, powers, authorities or duties conferred or imposed on a Chief Officer, an officer or employee appointed for the purpose by the Permanent Head who has the control of that branch or part of the Service, shall, unless the Governor-General otherwise directs, exercise and perform the powers, authorities and duties specified in the determination, and anything done by that officer or employee shall be as valid and effective for all purposes and against all persons as if done by the first-mentioned person.

“(6) In this section—

‘Commonwealth office’ means an office or appointment the holder of which is appointed, under a law of the Commonwealth, by the Governor-General or a Minister, but does not include any of the offices or appointments referred to in paragraphs (c) to (n) (inclusive) of the definition of ‘Commonwealth office’ in sub-section 87 (1);

‘Department’ means a Department referred to in paragraph (a) of the definition of ‘Department’ in sub-section 7 (1).”.

(2) An appointment of an officer under paragraph 26 (1) (b) of the Principal Act as a Chief Officer of a Department is not affected by the amendments made by sub-section (1) but, on and after the commencement of this section, any such appointment shall have effect as if it were an appointment under paragraph 26 (1) (b) of the Principal Act as amended by this Act.

(3) An appointment under sub-section 26 (3) of the Principal Act of an officer to perform the duties of a Chief Officer is not affected by the amendments made by sub-section (1) but, on and after the commencement of this section, any such appointment shall have effect as if it were an appointment under sub-section 26 (3) of the Principal Act as amended by this Act.

**Creation, &c., of offices**

**18. (1)** Section 29 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Permanent Head” and substituting “relevant Permanent Head”;
- (b) by inserting after sub-section (1) the following sub-sections:

“(1A) Where a Department is abolished, the Governor-General may, on the recommendation of the Board—

- (a) create in another Department an office—
  - (i) that has the same classification as an office that existed in the first-mentioned Department immediately before it was abolished; and
  - (ii) the holder of which is required to perform substantially the same duties as the holder of the office referred to in sub-paragraph (i); and
- (b) declare the office so created by him to be in substitution for the first-mentioned office.

“(1B) Where, by virtue of administrative arrangements approved by the Governor-General, a matter is to be dealt with by a different Department from the Department by which that matter was dealt with immediately before those arrangements were approved, the Governor-General may, on the recommendation of the Board—

- (a) abolish an office in the last-mentioned Department the holder of which is required to perform duties that relate wholly or mainly to that matter;
- (b) create in the first-mentioned Department an office—
  - (i) that has the same classification as the office so abolished; and
  - (ii) the holder of which is required to perform substantially the same duties as the holder of the office so abolished; and
- (c) declare the office so created by him to be in substitution for the office so abolished.”; and
- (c) by omitting from sub-section (2) “Permanent Head” (first occurring) and substituting “relevant Permanent Head”.

**(2)** Section 29 of the Principal Act is further amended by adding at the end thereof the following sub-section:

“(6) In this section, ‘office’ does not include an office of the Parliament within the meaning of section 9.”.

**19. (1)** Section 30 of the Principal Act is repealed and the following section is substituted:

### Salaries of officers

“30. (1) A Permanent Head shall be paid such remuneration as is determined by the Remuneration Tribunal but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.

“(2) The operation, in relation to Permanent Heads, of this Act, the regulations or determinations in force under sub-section 9 (7A) or section 82D is subject to the *Remuneration Tribunals Act 1973*.

“(3) Officers other than Permanent Heads shall be paid salary at such rates, or in accordance with such scales of rates, as are determined under sub-section 9 (7A) or section 82D.

“(4) In this section, ‘Permanent Head’ means a person for the time being holding, or performing the duties of, an office referred to in paragraph (a) of the definition of ‘office of Permanent Head’ in sub-section 7 (1).”.

(2) A determination made by the Remuneration Tribunal that was in force immediately before the repeal of section 30 of the Principal Act continues in force after the repeal of that section as if it were a determination made by that Tribunal for the purposes of section 30 of the Principal Act as amended by this Act.

### Division heading

20. The heading to Division 4 of Part III of the Principal Act is repealed and the following heading is substituted:

**“Division 4—Appointments, Transfers and Promotions”.**

21. (1) Section 33 of the Principal Act is repealed and the following heading and sections are substituted:

**“Subdivision A—Preliminary**

### Interpretation

“33. (1) In this Division, unless the contrary intention appears—

‘Committee’ means a Promotions Appeal Committee established under section 50C;

‘prescribed day’, in relation to a promotion of an officer under section 50, means the later of—

- (a) a day ascertained in accordance with the regulations, being a day occurring not earlier than the date of notification of the promotion in the *Gazette*; and
- (b) the day on which the office to which the officer is promoted becomes vacant;

‘promotion’, in relation to an officer, means a movement of the officer within the Service for the purpose of his occupying an office in respect of which a rate of salary is payable, or a maximum rate of salary is

applicable, that is higher than the rate of salary that was payable, or the maximum rate of salary that was applicable, as the case may be, in respect of the office occupied by him, or, in the case of an unattached officer, to or in respect of him, immediately before the movement took place.

“(2) In this Division, unless the contrary intention appears, a reference to a vacant office includes a reference to an office that is expected to become vacant and a reference to a vacancy includes a reference to a vacancy that is expected to occur.

“(3) In this Division, a reference to the determination of an appeal against the promotion of an officer is a reference to the allowing or disallowing of the appeal under section 50D.

“(4) For the purposes of this Division, an appeal shall be taken to become inoperative if—

- (a) the appeal is withdrawn;
- (b) the appeal lapses by virtue of section 50F or 50G;
- (c) the appellant or the officer against whose promotion the appeal was made ceases to be an officer, otherwise than by virtue of his becoming a person to whom Division 3 of Part IV applies; or
- (d) the appellant or the officer against whose promotion the appeal was made ceases, by reason of his promotion to another office having taken effect or for any other reason, to be eligible for promotion to the office concerned.

“(5) For the purposes of this Division, the parties to particular appeal proceedings are the officer promoted under section 50 and the appellant or appellants.

**Notification of certain matters related to appointment, transfer or promotion**

“33A. (1) The Board may from time to time, by notice published in the *Gazette*, notify—

- (a) the manner in which applications for appointment to the Service will be invited;
- (b) the manner of ascertaining the order in which appointments of persons who apply for appointment to specified vacancies or to vacancies included in a specified class of vacancies will be made;
- (c) the academic or other qualifications required, or the conditions to be satisfied, for appointment to the Service;
- (d) the academic or other qualifications required, or the conditions to be satisfied, for appointment, transfer or promotion to a specified office or to an office included in a specified class of offices, or for appointment as an unattached officer of the Service;
- (e) the circumstances in which notification will be given in the *Gazette* of the existence of vacant offices in Departments; or

(f) such other matters with respect to appointments, transfers or promotions as the Board considers desirable.

“(2) A qualification or condition set out in a notification under paragraph (1) (c) or (d) may be a qualification or condition that is defined or expressed by reference to the opinion of the Board in relation to a particular matter.

**Prohibition of patronage, &c.**

“33B. Powers under this Act in respect of recruitment, appointments, transfers or promotions shall be exercised in accordance with procedures that involve a careful assessment of those personal qualifications and capabilities that are likely to contribute to the efficient working of the Service and preclude patronage, favouritism or unjustified discrimination.

**Board may arrange for tests and examinations**

“33C. The Board may, from time to time, for the purposes of this Division, arrange for the taking of tests or examinations—

- (a) by applicants for appointment to the Service, or by applicants for appointment to the Service included in a particular class of such applicants; or
- (b) by officers who wish to become eligible for promotion or transfer to particular offices, or to offices included in a particular class of offices.

**Unattached officers**

“33D. A person who is, or is deemed to be, an unattached officer of the Service shall, for the purposes of this Act and of any other Act, be taken to be included in such Department, or in a Department that is identified in such manner, as the Board, by instrument in writing, directs.”.

(2) An appointment to the Service made before the commencement of this section under section 33 of the Principal Act is not affected by the repeal of section 33 of the Principal Act effected by sub-section (1), but, after the commencement of this section, any reference in an instrument of appointment made under sub-section 33 (1) of the Principal Act to an appointment of an officer in a Division of the Service shall be read as a reference to an appointment of an officer to the Service.

**22.** Sections 35 to 46 (inclusive) of the Principal Act are repealed and the following Subdivision, Subdivision heading and sections are substituted:

***“Subdivision B—Appointment of Permanent Heads***

**Interpretation**

“35. (1) In this Subdivision, unless the contrary intention appears—

‘appointment’ includes re-appointment;

‘Chairman’ means Chairman of the Board and includes a person acting as the Chairman of the Board;

'established candidate', in relation to a vacancy in an office of Permanent Head, means a person who—

- (a) has been nominated by the Chairman, or by a Committee, in accordance with the procedures prescribed by section 37, as being suitable for appointment to fill that vacancy;
- (b) not being a person mentioned in paragraph (a), holds another office of Permanent Head, other than an office to which he was appointed in accordance with sub-section 36 (6) or in accordance with sub-section 54 (8) as in force immediately before its repeal by the *Public Service Acts Amendment Act 1982*; or
- (c) not being a person mentioned in paragraph (a) or (b), has at any previous time or times held an office of Permanent Head, other than an office to which he was appointed in accordance with sub-section 36 (6) or in accordance with sub-section 54 (8) as in force immediately before its repeal by the *Public Service Acts Amendment Act 1982*, and has continued to be an officer of the Service since he ceased, or last ceased, so to hold an office of Permanent Head;

'office of Permanent Head' means an office referred to in paragraph (a) of the definition of 'office of Permanent Head' in sub-section 7 (1), but does not include an office to or in relation to which section 9 applies.

“(2) For the purposes of this Subdivision, a person shall be taken to have been a permanent officer of the Service at any relevant time if—

- (a) the person—
  - (i) held an office in the Service at that time, other than an office to which he had been appointed in accordance with sub-section 36 (6) or in accordance with sub-section 54 (8) as in force immediately before its repeal by the *Public Service Acts Amendment Act 1982*; or
  - (ii) was an unattached officer at that time; or
- (b) the person—
  - (i) had held an office in the Service during any period that ended before that time, other than an office to which he had been appointed in accordance with sub-section 36 (6) or in accordance with sub-section 54 (8) as in force immediately before its repeal by the *Public Service Acts Amendment Act 1982*; or
  - (ii) had been an unattached officer during such a period,

and the person continued to be an officer of the Service from the expiration of that period, or, if there was more than one such period, the expiration of the last such period, until the relevant time.

### **Appointment of Permanent Heads**

“36. (1) Every appointment to an office of Permanent Head shall be made by the Governor-General in accordance with the recommendation of the Prime Minister.

“(2) Before an appointment is made to fill a vacancy that has occurred, or is expected to occur within 6 months, in an office of Permanent Head—

- (a) the procedures prescribed by section 37 shall be followed; and
- (b) any recommendation made to the Governor-General by the Prime Minister for the appointment of a person to fill that vacancy shall state whether or not the person is an established candidate in relation to that vacancy.

“(3) Where a person is appointed to an office of Permanent Head—

- (a) the instrument of appointment shall state that the Prime Minister has informed the Governor-General that the person was, or was not, as the case may be, an established candidate; and
- (b) as soon as practicable after the appointment is made—
  - (i) a copy of the instrument of appointment shall be published in the *Gazette*; and
  - (ii) a copy of the instrument of appointment shall be furnished to the person appointed.

“(4) In any proceeding, a statement in the instrument of appointment of a person to fill a vacancy in an office of Permanent Head that the Prime Minister has informed the Governor-General that the person was, or was not, an established candidate is *prima facie* evidence that the person was, or was not, as the case may be, an established candidate in relation to that vacancy.

“(5) The following provisions of this section apply only where a person to be appointed to fill a vacancy in an office of Permanent Head after the commencement of this section is not an established candidate in relation to that vacancy.

“(6) The person shall be appointed to hold office for such period, not exceeding 5 years and not extending beyond the date on which he will attain the age of 65 years, as is specified in the instrument of his appointment but, subject to this section, he is eligible for re-appointment.

“(7) The Governor-General may, before the expiration of the period for which the person is appointed to hold office, terminate the appointment of the person on the recommendation of the Prime Minister if the Prime Minister who makes the recommendation is not a member of—

- (a) the political party of which the Prime Minister on whose recommendation the person was appointed was a member at the time when the person was appointed; or
- (b) a political party of which any other person who held office as a Minister at that time was then a member.

“(8) Except in the case of a person who is a permanent officer of the Service immediately before his appointment takes effect, the Governor-General may, at the time when the appointment is made, on the recommendation of the Prime Minister, by instrument under his hand determine that, if the appointment—

- (a) is terminated under sub-section (7) before the expiration of the period for which the person is appointed; or
- (b) terminates by reason of the abolition of the office held by the person, the person shall be entitled to such compensation (if any) as is specified in, or ascertained in accordance with, that instrument.

“(9) As soon as practicable after a determination is made under sub-section (8), a copy of the instrument of determination shall be published in the *Gazette*.

“(10) Where the appointment of a person to an office of Permanent Head is terminated under sub-section (7) before the expiration of the period for which he was appointed or terminates by reason of the expiration of that period or an office of Permanent Head held by a person is abolished, then—

- (a) if he was, immediately before his appointment took effect, a permanent officer of the Service—
  - (i) he shall be deemed to be an unattached officer having such status (other than the status of a Permanent Head) and salary, as are determined by the Board having regard to the office (other than an office of Permanent Head) last held by him and the period of his service, or the aggregate of the periods of his service, as a Permanent Head; and
  - (ii) he is entitled to be appointed to an appropriate office having that status and salary, but, if he gives notice in writing to the Board stating that he wishes to retire from the Service, he shall be deemed to be retired from the Service forthwith upon the giving of the notice; and
- (b) if he was not, immediately before his appointment took effect, a permanent officer of the Service, he shall be deemed to be retired from the Service forthwith upon the termination of his appointment or the abolition of his office, as the case may be.

“(11) Where—

- (a) a person is deemed to be retired from the Service by reason of sub-section (10); and
- (b) the person had not attained the age of 60 years before the time when he is deemed to be so retired,

he shall, for the purposes of the *Superannuation Act 1976*, be deemed to have retired involuntarily.

“(12) Section 18 does not apply in relation to the doing of any act by the Governor-General under this section in relation to an office of Permanent Head.

“(13) Nothing in this section affects the operation of Division 6 of this Part or of section 18 of the *Commonwealth Employees (Redeployment and Retirement) Act 1979*.

**Procedures for nominating persons as suitable for appointment as Permanent Head**

“37. (1) The procedures set out in the following provisions of this section are prescribed for the purposes of section 36.

“(2) Where a vacancy has occurred, or is expected to occur within 6 months, in an office of Permanent Head (in this section referred to as the ‘relevant office’), the Chairman—

- (a) shall prepare a written report nominating persons (whether officers of the Service or not) whom he considers suitable for appointment to fill that vacancy; and
- (b) shall, after consulting the Prime Minister as to the persons who are to be members of the Committee, by instrument under his hand, appoint a Committee, to be constituted as provided by sub-section (3), to prepare a written report nominating persons (whether officers of the Service or not) whom the Committee considers suitable for appointment to fill that vacancy.

“(3) Subject to sub-section (4), the Committee shall consist of—

- (a) the Chairman; and
- (b) such number (not being less than 2) of other persons, being persons each of whom holds an office of Permanent Head, as the Chairman thinks it desirable to appoint.

“(4) The Chairman may, after consulting the Prime Minister, at any time appoint an additional person or persons (being a person who, or persons each of whom, holds an office of Permanent Head) to be a member or members of the Committee but any such appointment does not affect the validity of anything done by the Committee as constituted before the additional member is, or the additional members are, appointed.

“(5) A member of the Committee other than the Chairman may, at any time, by notice in writing to the Chairman, resign from the Committee.

“(6) The Chairman—

- (a) shall convene such meetings of the Committee as he considers necessary for the proper performance of its functions; and
- (b) shall preside at all meetings of the Committee.

“(7) A quorum at a meeting of the Committee is constituted by the Chairman and such number of other members as, together with the Chairman, constitute at least two-thirds of the total number of members.

“(8) At a meeting of the Committee—

- (a) the procedure to be followed shall, subject to this section, be as determined by the Committee;

- (b) questions arising shall be determined by a majority of the votes of the members present and voting; and
- (c) the Chairman has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

“(9) For the purpose of assisting the Committee in the performance of its functions, the Chairman may consult, or authorize a person on his behalf to consult, such other persons as he considers appropriate for the purpose of ascertaining the names of persons whom the persons consulted consider suitable for appointment to the relevant office, and shall inform the Committee as to the persons consulted and as to the persons who are considered by the persons consulted to be suitable for appointment to the relevant office.

“(10) A report under this section—

- (a) shall contain a list of the names of persons whom the Chairman or the Committee, as the case may be, considers suitable for appointment to the relevant office; and
- (b) may contain such comments as the Chairman or the Committee, as the case may be, considers relevant.

“(11) The Chairman shall furnish to the Prime Minister and to the Minister (in this section referred to as the ‘Minister concerned’) of the Department in which the relevant office exists the report prepared by him in accordance with paragraph (2) (a) and the report prepared by the Committee in accordance with paragraph (2) (b).

“(12) The Prime Minister may, after the reports have been furnished in accordance with sub-section (11), require the Chairman to arrange for the publication in the *Gazette*, and in such newspapers or other publications (which may include newspapers or other publications outside Australia) as the Chairman thinks appropriate, advertisements inviting applications for appointment to the relevant office and the Chairman shall comply with any such requirement.

“(13) If the Prime Minister has required the publication of advertisements in relation to the relevant office as mentioned in sub-section (12), the Chairman and the Committee shall consider whether any persons who make applications in pursuance of the advertisements are suitable for appointment to the relevant office and prepare revised reports accordingly.

“(14) If, after reports have been furnished in accordance with this section, the Prime Minister or the Minister concerned requests the Chairman and the Committee to reconsider their respective reports so as to consider—

- (a) whether a particular person whose name is not, or particular persons whose names are not, specified in the list contained in the report concerned is or are suitable for appointment to the relevant office; or
- (b) whether there are other persons not specified in the list who are suitable for appointment to the relevant office,

the Chairman and the Committee shall comply with the request and, if they think it appropriate to do so, prepare revised reports accordingly.

“(15) If a list of names contained in a report prepared by the Chairman or by the Committee under this section in relation to an office of Permanent Head includes the name of a person who holds another office of Permanent Head, the Chairman or the Committee, as the case may be, may also prepare a report under sub-section (2) in relation to that other office as if that other office were expected to become vacant and, in the case of the Committee, as if the Committee had been appointed in accordance with that sub-section to prepare a report in relation to that other office.

### **Acting appointments of Permanent Head**

“38. (1) The Governor-General may, by instrument in writing, appoint an officer to act in an office of Permanent Head—

- (a) during a vacancy in the office;
- (b) during a period (if any) when the holder of the office is suspended from duty under section 57 or 59; or
- (c) during a period, or during all periods, when the holder of the office is absent from duty or from Australia or is, for any other reason, unable to perform the functions of his office,

but an officer appointed to act during a vacancy shall not continue so to act for more than 6 months.

“(2) An appointment of an officer under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

“(3) The Governor-General may, at any time, by instrument in writing, terminate an appointment under sub-section (1).

“(4) Where an officer is acting in an office in accordance with paragraph (1) (b) or (c) and that office becomes vacant while that officer is so acting, then, subject to sub-section (2), that officer may continue so to act until the Governor-General otherwise directs, the vacancy is filled or a period of 6 months from the date on which the vacancy occurred expires, whichever first happens.

“(5) While an officer is acting in an office in accordance with sub-section (1), he has and may exercise all the powers, and shall perform all the functions, of the holder of that office under this Act or any other law.

“(6) Section 18 does not apply to the making of an appointment under sub-section (1) or to the termination of such an appointment.

“(7) The validity of anything done by an officer purporting to act under sub-section (1) shall not be called in question on the ground that—

- (a) the occasion for his appointment had not arisen;
- (b) there is a defect or irregularity in or in connection with his appointment;
- (c) the appointment had ceased to have effect; or
- (d) the occasion for him to act had not arisen or had ceased.

“(8) In this section, ‘office of Permanent Head’ includes an office referred to in paragraph (a) of the definition of ‘office of Permanent Head’ in sub-section 7 (1) that is an office to or in relation to which section 9 applies.

### **Dual appointments of Permanent Heads**

“39. (1) A person who at any time holds an office of Permanent Head may be appointed to hold another office of Permanent Head and shall not, by reason only of being so appointed, cease to hold the first-mentioned office.

“(2) Sub-sections 36 (2) to (13), inclusive, do not apply in relation to an appointment to which sub-section (1) of this section applies.

“(3) A person who at any time holds, or holds an appointment to act in, an office of Permanent Head may be appointed to act in another office of Permanent Head and shall not, by reason only of being so appointed, cease to hold, or to hold the appointment to act in, the first-mentioned office.

“(4) If a person who is appointed to hold, or to act in, an office of Permanent Head at a time when he holds, or holds an appointment to act in, another office of Permanent Head ceases for any reason to hold, or to hold the appointment to act in, the first-mentioned office, he thereupon also ceases, by force of this sub-section, to hold, or to hold the appointment to act in, the other office.

“(5) If a person who holds, or holds an appointment to act in, an office of Permanent Head is appointed to hold, or to act in, another office of Permanent Head, he shall not be paid any remuneration, whether by way of salary, annual allowance or otherwise, in respect of his holding, or holding the appointment to act in, the other office.

“(6) This section has effect notwithstanding anything contained in any other section of this Act or in the *Remuneration Tribunals Act 1973*.

“(7) Nothing in this section shall be construed as excluding the application of sub-section 19B (3) of the *Acts Interpretation Act 1901* in relation to any provision of this section.

### **“Subdivision C—Appointment of Officers other than Permanent Heads**

#### **Appointment of officers other than Permanent Heads**

“40. (1) Subject to this Part, the Board may appoint a person to a particular office in the Service (not being an office of Permanent Head) or as an unattached officer in the Service.

“(2) An unattached officer appointed under sub-section (1) shall have such designation as the Board determines to be appropriate to his duties.

“(3) A person shall not be appointed as an unattached officer unless he is qualified for appointment to an office having a designation corresponding to his designation as an unattached officer.

### **Special appointments**

“41. (1) Subject to this section, if in a special case it appears to the Board to be desirable in the public interest to do so, the Board may, under this section, appoint to an office in the Service (other than an office of Permanent Head) a person who is not ineligible for appointment by reason of section 34 but is not qualified, by reason of his not satisfying a requirement for appointment specified in a notification under section 33A, to be appointed to that office.

“(2) An appointment of a person under this section to an office shall not be made unless the Board certifies, after obtaining a report from the Permanent Head of the Department concerned, that it is satisfied that there is no officer available in the Service who is as capable as that person of filling the office.

“(3) Where the Board makes an appointment under this section, it shall cause a statement containing particulars of the appointment, together with a copy of the report and certificate referred to in sub-section (2), to be laid before each House of the Parliament within 6 sitting days of that House after the making of the appointment.”.

### **Appointments to be on probation**

**23.** Section 47 of the Principal Act is amended—

(a) by omitting from sub-section (1) “of the Second, Third or Fourth Division” and substituting “(other than a Permanent Head)”; and

(b) by omitting sub-section (3) and substituting the following sub-section:

“(3) Where a person has been appointed as an unattached officer, the Board may, at any time while he is a probationer, transfer him to an office in the Department in which he is performing duties.”.

### **Special provisions relating to appointment of returned soldiers**

**24.** Section 47A of the Principal Act is amended by omitting sub-sections (1) and (2) and substituting the following sub-section:

“(1) Where, in relation to any proposed appointments to the Service, an applicant who is a returned soldier and an applicant who is not a returned soldier are placed equal in the order in which, in accordance with a notification under section 33A, appointments to the Service are to be made, the applicant who is a returned soldier shall be preferred for appointment to the other applicant.”.

### **Re-appointment of retired officers**

**25. (1)** Section 47B of the Principal Act is amended by omitting from paragraph (1B) (a) “within the meaning of Division 6”.

**(2)** Section 47B of the Principal Act is further amended by omitting sub-section (2).

**Re-appointment of persons who have retired from Service to become candidates at elections**

26. Section 47C of the Principal Act is amended by omitting from sub-section (2) all the words after “examination”.

27. The heading to Division 5 of Part III of the Principal Act and sections 50 and 50A of the Principal Act are repealed and the following Subdivision heading and sections are substituted:

**“Subdivision D—Promotions and Transfers of Officers other than Permanent Heads**

**Transfers and promotions**

“50. (1) Where an office in a Department (other than an office of Permanent Head) is vacant, the Permanent Head of the Department may cause notification of the vacancy to be given in the *Gazette*.

“(2) Where notification of a vacancy in an office referred to in sub-section (1) has not been given in the *Gazette*, the Board may direct the relevant Permanent Head to cause notification of the vacancy to be given in the *Gazette*.

“(3) The Permanent Head of the Department in which a vacant office referred to in sub-section (1) exists may, subject to this Act, transfer or promote an officer to fill the vacancy.

“(4) Where an office referred to in sub-section (1) is an office in relation to which there is in force for the time being a notice in writing given by the Board to the Permanent Head of the Department in which the office exists that the office is an office in relation to which this sub-section is to apply, an officer shall not be transferred or promoted under sub-section (3) to fill the vacancy unless the Board has approved the filling of the vacancy.

“(5) A promotion of an officer under sub-section (3)—

- (a) shall be notified in the *Gazette*; and
- (b) is subject to appeal under section 50B.

“(6) A promotion of an officer under sub-section (3) does not take effect on the making of the promotion but, if—

- (a) no appeal is made under section 50B against the promotion; or
- (b) an appeal is, or appeals are, made under section 50B against the promotion, but the appeal, or each of the appeals, is disallowed or becomes inoperative,

the promotion takes effect on a day ascertained in accordance with section 50E.

**Selection of officers for promotion**

“50A. (1) In the selection of an officer for promotion to a vacancy, consideration shall be given only to the relative efficiency of the officers available for promotion to the vacancy.

“(2) For the purposes of sub-section (1), ‘efficiency’, in relation to an officer, means the suitability of the officer for the discharge of duties of the kind

to be performed in the vacant office concerned, having regard to the following matters:

- (a) the capability of the officer to discharge those duties;
- (b) the standard of the work performed by the officer in other offices;
- (c) any experience possessed by the officer relevant to the discharge of those duties;
- (d) the training and educational qualifications of the officer;
- (e) any personal qualities of the officer relevant to the discharge of those duties,

and, in the case of an officer who is a returned soldier or who is or has been absent on specified defence service, includes such efficiency as, in the opinion of the relevant Permanent Head, a Committee or the Board, as the case requires, the officer would have had but for the absence of the officer on active service or on specified defence service.

“(3) The Board may, by notice published in the *Gazette*, declare that, in assessing the efficiency of officers for promotion to offices included in a specified class of offices, greater weight may be given to one or more of the matters referred to in paragraphs (2) (a) to (e) (inclusive), being a matter or matters specified in the declaration, than to the other matter or matters referred to in those paragraphs.

### **Appeals**

“50B. (1) An officer who considers that he is more entitled than another officer to promotion to the vacant office to which the other officer has been promoted under section 50 may appeal against the promotion of the other officer to that office.

“(2) The only ground of appeal under sub-section (1) shall be the greater efficiency of the officer making the appeal.

“(3) An appeal under sub-section (1) shall be made in such manner, and within such period after the notification of the promotion in the *Gazette*, as is prescribed.

“(4) The Board may, where it considers it appropriate to do so, extend the period of time prescribed under sub-section (3).

### **Promotions Appeal Committees**

“50C. (1) The Board shall, from time to time, arrange for the establishment of such Promotions Appeal Committees as appears to it to be required for the purposes of determining appeals made under section 50B.

“(2) A Committee established for the purposes of an appeal made under section 50B shall be constituted as provided in section 53C.

### **Determination of appeals**

“50D. (1) Upon an appeal or appeals being made under section 50B against the promotion of an officer or an appeal or appeals being made under

regulations made for the purposes of section 51A against the selection of an officer to perform temporarily the duties of an office of a classification higher than the classification of the office occupied by him, the Committee shall make full inquiries into the claims of each party to the appeal proceedings.

“(2) In making inquiries into the claims of each party to the appeal proceedings, the Committee—

- (a) may follow such procedures as it thinks fit; and
- (b) is not bound by the rules of evidence and may inform itself in such manner as it thinks fit.

“(3) Where the promotion in respect of which an appeal is or appeals are made under section 50B is a promotion to a vacant office other than a vacant office referred to in sub-section (4), the Committee shall, on the completion of its inquiries into the claims of each party to the appeal proceedings—

- (a) if there is one appellant in respect of the promotion—allow or disallow the appeal; or
- (b) if there are 2 or more appellants in respect of the promotion—allow the appeal of one only of the appellants or disallow the appeals.

“(4) Where the promotion in respect of which an appeal is or appeals are made under section 50B is a promotion to a vacant office the rate or minimum rate of salary applicable to which is not less than the rate or minimum rate of salary from time to time applicable to a class of offices prescribed for the purposes of this sub-section, the Committee shall furnish to the Board a report on the claims of each party to the appeal proceedings.

“(5) After the conclusion of the appeal proceedings, the Committee may, in addition to any report referred to in sub-section (4), furnish to the Board a report on any matter arising out of the inquiries made by the Committee that the Committee considers desirable to bring to the attention of the Board.

“(6) Upon receipt of a report under sub-section (4) in relation to the claims of each party to the appeal proceedings in respect of a promotion to a vacant office, the Board shall, having regard to the report and to such other matters as it considers relevant—

- (a) if there is one appellant in respect of the promotion—allow or disallow the appeal; or
- (b) if there are 2 or more appellants in respect of the promotion—allow the appeal of one only of those appellants or disallow the appeals.

“(7) Where, in respect of the promotion, an appeal is allowed under sub-section (3) or (6), the Board shall cancel that promotion and promote to the vacant office the appellant whose appeal has been allowed.

“(8) Where the promotion of an officer the subject of an appeal is a promotion to an office included in a class of offices to which a determination of the Board under sub-section 50A (3) relates, the Committee or the Board, in the performance of its functions or the exercise of its powers under this section, shall have regard to that determination.

**Day on which promotion takes effect, &c.**

“50E. (1) Where—

- (a) no appeal is made under section 50B against the promotion of an officer under section 50; or
- (b) an appeal is, or appeals are, made under section 50B against the promotion, but the appeal, or each of the appeals, is disallowed or becomes inoperative not later than the prescribed day in respect of the promotion,

the promotion takes effect on the prescribed day in respect of the promotion.

“(2) Where—

- (a) an appeal is, or appeals are, made under section 50B against the promotion of an officer under section 50; and
- (b) the appeal, or each of the appeals, is disallowed or becomes inoperative but the day on which the appeal or one of the appeals is disallowed or becomes inoperative is later than the prescribed day in respect of the promotion,

the promotion takes effect on the day on which the appeal is disallowed or becomes inoperative, or the latest day on which any of the appeals is disallowed or becomes inoperative, as the case may be.

“(3) A promotion of an officer under sub-section 50D (7) takes effect on the day on which the promotion is made.

“(4) Where a promotion under section 50 of an officer to an office takes effect, salary at the rate applicable to that office is payable to the officer on and from the prescribed day in respect of the promotion.

“(5) Where, upon the determination of an appeal against the promotion under section 50 of an officer to an office, the promotion under sub-section 50D (7) of another officer to that office takes effect, salary at the rate applicable to that office is payable to that other officer on and from the day that is the prescribed day in respect of the first-mentioned promotion.

“(6) Notwithstanding any other provision of this Act, where an officer has been promoted, under section 50 or 50D to an office held by another officer, the promotion of the first-mentioned officer does not take effect unless the other officer ceases to hold the office.

**Death of officer before appeal determined**

“50F. Where, before an appeal under section 50B against the promotion of an officer has been determined, the officer dies, the appeal shall be deemed to lapse on the date of his death but the promotion shall not take effect unless the death occurred on or after the prescribed day in respect of the promotion.

**Cancellation of promotions**

“50G. (1) Notwithstanding any other provision of this Subdivision, if, after the date of notification of the promotion, under section 50, of an officer to

a vacant office but before the day on which the promotion takes effect, the Board is satisfied that—

- (a) the office should be abolished; or
- (b) notification or further notification of the vacancy is desirable,

the Board may cancel the promotion.

“(2) If a promotion of an officer under section 50 that has not taken effect ceases, by reason of a change in rates of salary, to be a promotion of that officer, the relevant Permanent Head shall cancel that promotion.

“(3) Where a promotion is cancelled under this section, any appeal under section 50B against the promotion shall be deemed to lapse on the date of the cancellation.

**Promotion appeal rights of officers eligible for redeployment under Commonwealth Employees (Redeployment and Retirement) Act**

“50H. (1) This section applies to an officer who is a declared employee within the meaning of the *Commonwealth Employees (Redeployment and Retirement) Act 1979*.

“(2) An officer to whom this section applies has a right under this section to appeal against the promotion under section 50 of another person to a vacant office the classification of which is equal to or lower than the classification of the office occupied by the officer to whom this section applies.

“(3) Where an officer to whom this section applies is an unattached officer, the reference in sub-section (2) to a vacant office the classification of which is equal to or lower than the classification of the office occupied by the officer to whom this section applies shall be read as a reference to a vacant office the maximum rate of salary applicable to which is equal to or lower than the salary, or the maximum rate of salary, applicable to the officer to whom this section applies as an unattached officer.

“(4) Sub-sections 50B (2), (3) and (4) apply in relation to an appeal under this section as if the appeal were an appeal under sub-section 50B (1).

“(5) Where an officer to whom this section applies appeals under this section against the promotion of another officer, then, for the purposes of this Act in relation to that appeal—

- (a) references in this Act to promotion shall, in relation to the officer to whom this section applies, be read as references to the transfer of the officer; and
- (b) references in this Act to an appeal under section 50B shall be read as references to an appeal under this section.

“(6) Where an officer to whom this section applies makes an appeal under this section or section 50B, the making of the appeal—

- (a) does not prevent the Board from issuing a certificate in respect of the officer under section 11 or 14 of the *Commonwealth Employees (Redeployment and Retirement) Act 1979*;

- (b) does not constitute a ground for a Commonwealth Employees Redeployment and Retirement Appeals Tribunal revoking under paragraph 15 (2) (b) of that Act a certificate issued in respect of the officer under section 11 or 14 of that Act; and
- (c) does not affect the operation of section 19 of that Act.

“(7) The revocation, under paragraph 11 (6) (a) of the *Commonwealth Employees (Redeployment and Retirement) Act 1979*, of a declaration made under section 9 of that Act in relation to an officer to whom this section applies does not affect the right of that officer to have an appeal under this section determined.

### **Transfer of officers by Permanent Head from one Department to another**

“50J. (1) Where—

- (a) an officer whom it is proposed to transfer to a vacant office under section 50 is an officer performing duties in a Department other than the Department in which the vacant office exists; and
- (b) the officer or the Permanent Head of the first-mentioned Department does not approve of the transfer being made,

the transfer shall not be made unless the relevant approving authority has approved the making of that transfer.

“(2) The relevant approving authority shall not approve the transfer of an officer performing duties in a Department to a vacant office in another Department unless—

- (a) a reasonable opportunity has been given to the Permanent Head of each Department and to the officer to furnish submissions to the authority either in support of or against the making of the transfer; and
- (b) the authority has considered any submissions so furnished.

“(3) For the purposes of this section, a reference to the relevant approving authority in relation to the transfer of an officer performing duties in a Department to a vacant office in another Department shall be read as a reference to—

- (a) in the case of the transfer of an officer performing duties in the Department of the Senate—the President of the Senate;
- (b) in the case of the transfer of an officer performing duties in the Department of the House of Representatives—the Speaker of the House of Representatives;
- (c) in the case of the transfer of an officer performing duties in the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department—the President of the Senate and the Speaker of the House of Representatives; and
- (d) in the case of the transfer of an officer performing duties in any other Department—the Board.

### **Simultaneous transfers within a Department**

“50K. Where 2 or more officers hold offices in the one Department having the same classification and it is proposed to transfer each of those officers to the office held by the other officer or to an office held by another of those officers, the relevant Permanent Head may, by instrument in writing, declare the offices to be offices to which this sub-section applies and, upon the making of such a declaration, each office to which the declaration relates shall, for the purposes of the application of section 50 and any regulations made for the purposes of that section in effectuating the proposed transfers, be deemed to be vacant.”.

**28.** After section 51 of the Principal Act the following section is inserted:

### **Abolition of Department or changed administrative arrangements**

“51AA. (1) Where, under sub-section 29 (1A) or (1B), the Governor-General creates an office (in this section referred to as ‘the substituted office’) in a Department and declares that office to be in substitution for another office (in this section referred to as ‘the former office’) that existed in another Department immediately before the abolition of the other Department or before the abolition of the other office, as the case may be, the following provisions of this section have effect in relation to the filling of the vacancy in the substituted office.

“(2) Where the former office was, at the time when it ceased to exist, occupied by an officer, the Board may, by instrument in writing, transfer the officer to the substituted office.

“(3) Where the former office was, at the time when it ceased to exist, a vacant office in respect of which an act had been done or a thing had occurred in relation to the filling of the vacancy, that act shall be deemed to have been done or that thing shall be deemed to have occurred in relation to the filling of the vacancy in the substituted office.

“(4) Where the Board transfers an officer to the substituted office under sub-section (2), the Board shall cause a copy of the instrument of transfer to be furnished to—

- (a) where the substituted office is created under sub-section 29 (1A)—the Permanent Head of the Department in which the substituted office is created; or
- (b) where the substituted office is created under sub-section 29 (1B)—the Permanent Head of the Department in which the substituted office is created and the Permanent Head of the Department in which the former office existed.”.

### **Temporary performance of duties**

**29.** Section 51A of the Principal Act is amended—

- (a) by omitting from sub-section (1) “in the First Division by an officer who occupies another office in that Department” and substituting “of

Permanent Head by an officer who occupies another office in that Department or an office in another Department”; and

(b) by inserting after sub-section (1) the following sub-section:

“(1A) Regulations under sub-section (1) may make different provision in respect of different periods of temporary performance of the duties of an office or in respect of different circumstances in which the selection of an officer to perform temporarily the duties of an office may be made.”.

**30. (1)** Sections 53 to 54B (inclusive) of the Principal Act are repealed and the following sections and Subdivision are substituted:

**Transfers or promotions to specified offices to be made in accordance with the order of passing examinations**

“53. (1) Where—

(a) a notification under paragraph 33A (1) (d) provides that it is a condition of promotion or transfer to an office included in a class of offices that an officer pass an examination held or authorized by the Board; and

(b) there is a vacancy in an office included in that class of offices,

the Permanent Head of the Department in which the vacant office exists shall—

(c) if only one officer has passed the examination specified in the notification and is otherwise eligible for transfer or promotion to that office—transfer or promote, under this section, that officer to that office; or

(d) if 2 or more officers have passed the examination specified in that notification and are otherwise eligible for transfer or promotion to that office—transfer or promote those officers to that office, under this section, in accordance with the order of merit in which they passed the examination.

“(2) A person shall not be transferred or promoted to an office that is included in a class of offices in respect of which the Board has, under paragraph 33A (1) (d), issued a notification of the kind referred to in sub-section (1) unless the transfer or promotion is made under and in accordance with this section.

“(3) The promotion of an officer to an office under this section takes effect on the day on which the promotion is made, and salary at the rate applicable to that office is payable to the officer on and from that day.

“(4) A reference in this section to passing an examination shall be read as including a reference to completing satisfactorily any task required to be performed for the purposes of assessment.

**Promotion of officers who complete courses of training for special positions**

“53A. (1) The Board may, by notice in writing published in the *Gazette*, determine that—

- (a) a specified office (in this section referred to as a ‘training office’) is an office the occupant of which is required to undergo a course of training for the purpose of enabling him to perform duties that require professional, technical or other knowledge; and
- (b) an officer who has completed that course of training to the satisfaction of the Board is entitled to occupy an office (in this section referred to as the ‘relevant higher office’) having a designation and classification that is specified in the notice.

“(2) If an officer is transferred or promoted under section 50 to a training office other than a training office that is an office of the Parliament within the meaning of section 9, another officer—

- (a) who holds an office the classification of which is not higher than the classification of the relevant higher office; or
- (b) who, being an unattached officer, performs duties in respect of which there is payable to him a salary that is, or the maximum rate of which is, not higher than the salary or the maximum rate of salary applicable to the relevant higher office,

may appeal against the transfer or promotion of that first-mentioned officer to the training office.

“(3) An appeal referred to in sub-section (2) shall be made under section 50B and, for all purposes of that appeal—

- (a) in a case where the appeal is an appeal against the transfer of an officer to a training office—
  - (i) references in this Act to the promotion of that officer shall be read as references to the transfer of that officer to the training office;
  - (ii) references in this Act to the cancellation of the promotion of that officer shall, in a case where, immediately before that officer was transferred to the training office, he occupied another office, be read as references to the transfer of that officer back to that other office; and
  - (iii) references in this Act to the cancellation of the promotion of that officer shall, in a case where, immediately before that officer was transferred to the training office, he was an unattached officer performing specified duties in a Department, be read as a reference to that officer’s being deemed again to have become an unattached officer and to his being required to perform those duties in that Department; and
- (b) in a case where the appeal is an appeal by an officer in relation to whom it would constitute a transfer for him to occupy the training office—references in this Act to promotion of that officer, shall be read as references to the transfer of that officer to the training office.

“(4) Where there is a vacancy in an office that is, in relation to a training office, a relevant higher office, the Permanent Head of the Department in which the relevant higher office exists shall—

- (a) if, at the time when that relevant higher office becomes vacant, an officer who has completed that course of training is, by virtue of the operation of sub-section (7), an unattached officer—transfer that officer to that office under this section;
- (b) if, at the time when that relevant higher office becomes vacant, 2 or more officers who have completed that course of training are, by virtue of the operation of sub-section (7), unattached officers—transfer to that office under this section whichever of those officers was the first so to become an unattached officer; or
- (c) if, at the time when the relevant higher office becomes vacant, no officer who has completed that course of training is, by virtue of the operation of sub-section (7), an unattached officer—subject to sub-section (8), promote to that office under this section the first officer to complete that course of training.

“(5) The promotion of an officer to an office under paragraph (4) (c) takes effect on the day on which the promotion is made and salary at the rate applicable to that office is payable to the officer on and from that day.

“(6) Where 2 or more officers complete a course of training at the one time or become, by virtue of the operation of sub-section (7), unattached officers at the one time, they shall be treated, for the purposes of sub-section (4), as having completed that course of training, or as having become unattached officers, as the case requires, in a sequence of time corresponding to the order of merit in which, on the assessment of the person or body conducting the course of training, those officers completed the course.

“(7) Where an officer who is entitled, upon completion of a particular course of training to the satisfaction of the Board, to occupy a relevant higher office so completes that course of training but there is, at the time when he completes that course, no vacant relevant higher office, or no vacant relevant higher office to which he is entitled under paragraph (4) (c) to be promoted—

- (a) he becomes forthwith, by force of this sub-section, an unattached officer who is required to perform duties corresponding to the duties of such an office; and
- (b) he shall have the designation appropriate to the occupant of such an office and shall be entitled to be paid the salary that would, from time to time, be payable to him if he were the occupant of such an office.

“(8) Nothing in sub-section (4) shall be taken to prevent the Permanent Head from promoting or transferring an officer under section 50 to an office to which that sub-section relates at any time when there is no officer immediately entitled to occupy that office in accordance with a determination under sub-section (1).

“(9) A transfer of an officer under section 50 to a vacant training office shall be notified in the *Gazette*.

“(10) Where an officer is transferred under section 50 from an office held by him to a training office, no person shall be appointed or transferred to that first-mentioned office, and no promotion to that first-mentioned office shall take effect, until—

- (a) if paragraph (b) does not apply—the period for appealing against the transfer of that officer to the training office expires without any appeal having been made; or
- (b) if any such appeal is, or 2 or more such appeals are, made within that period—that appeal or each of those appeals has been determined or has become inoperative.

**“Subdivision E—Constitution and Organization of Promotions Appeal Committees**

**Interpretation**

“53B. In this Subdivision, ‘appoint’ includes re-appoint.

**Constitution of Promotions Appeal Committees**

“53C. (1) A Promotions Appeal Committee shall be constituted by—

- (a) a Chairman, who shall be either—
  - (i) a person appointed by the Governor-General, on the recommendation of the Board, to be a Chairman of Promotions Appeal Committees established for the purposes of determining appeals made under section 50B; or
  - (ii) a person appointed by the Governor-General, on the recommendation of the Board, to be a member of a panel from which Chairmen of Promotions Appeal Committees established for such purposes may, from time to time, be selected by the Board;
- (b) an officer nominated by the Permanent Head of the Department in which the promotion the subject of the appeal has been made; and
- (c) an officer nominated by the organization that is, in accordance with the regulations, the appropriate organization or, failing such a nomination, nominated in such other manner as the regulations provide.

“(2) An appointment made under sub-paragraph (1) (a) (i) shall be a full-time appointment and an appointment made under sub-paragraph (1) (a) (ii) shall be a part-time appointment.

“(3) A person appointed under paragraph (1) (a) shall be appointed for such period, not exceeding 5 years, as the Governor-General specifies in the instrument of appointment, and on such terms and conditions as the Governor-General determines, and is eligible for re-appointment.

“(4) A person who has attained the age of 65 years shall not be appointed under sub-paragraph (1) (a) (i), and a person shall not be appointed under that sub-paragraph for a period that extends beyond the date on which he will attain the age of 65 years.

“(5) A decision of a Committee shall not be called in question by reason of a defect or an irregularity in connection with the nomination of a member of the Committee referred to in paragraph (1) (b) or (c).

#### **Remuneration and allowances**

“53D. (1) A person appointed under paragraph 53C (1) (a) shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.

“(2) A person appointed under paragraph 53 C (1) (a) shall be paid such allowances as are prescribed.

“(3) This section has effect subject to the *Remuneration Tribunals Act 1973*.

#### **Resignation of Chairman**

“53E. A person appointed under paragraph 53C (1) (a) may resign his office by writing signed by him delivered to the Governor-General.

#### **Leave of absence for full-time Chairman**

“53F. The Board may grant leave of absence to a person appointed under sub-paragraph 53C (1) (a) (i) on such terms and conditions as to remuneration or otherwise as the Governor-General determines.

#### **Termination of appointment of full-time Chairman**

“53G. (1) The Governor-General may terminate the appointment of a person appointed under paragraph 53C (1) (a) by reason of his misbehaviour, or his physical or mental incapacity.

“(2) If—

- (a) a person appointed under paragraph 53C (1) (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
- (b) a person appointed under sub-paragraph 53C (1) (a) (i)—
  - (i) engages, without the consent of the Board, in paid employment outside the duties of his office; or
  - (ii) is absent from duty, except on leave of absence granted by the Board, for 14 consecutive days or for 28 days in any period of 12 months,

the Governor-General shall terminate his appointment.

**Member ceasing to act**

“53H. (1) Where a Committee has been constituted for the purposes of an appeal but, before the appeal has been finally determined by the Committee or the Committee has furnished a report to the Board on the claims of each party to the appeal proceedings, as the case may be, a member or members of the Committee (in this sub-section referred to as the “ceasing member or ceasing members”) ceases or cease to be such a member or members or, for any other reason, ceases or cease to take part in consideration of the claims of the respective parties to the appeal proceedings or in the determination of the appeal or the furnishing of the report, the Committee shall be reconstituted by the remaining member or members (if any) and another member or other members selected or nominated in accordance with sub-section 53C (1).

“(2) Where a Committee is reconstituted pursuant to sub-section (1), the Committee as reconstituted may, subject to sub-section (3), have regard to the evidence given, the argument adduced and the reasons for any decision given during the proceedings before the Committee as previously constituted.

“(3) Sub-section (2) does not apply in relation to a Committee that is reconstituted pursuant to sub-section (1) unless—

- (a) 2 of the members of the Committee as reconstituted were members of the Committee as previously constituted; or
- (b) the parties to the appeal proceedings agree that the sub-section is to apply.

**Split decisions**

“53J. For the purposes of the determination of an appeal or of any matter arising in the course of an appeal, where the members of the Committee do not concur in a decision relating to the determination of that appeal or of that matter—

- (a) if a majority of the members concur in a decision—the decision of the majority shall be deemed to be the decision of the Committee; and
- (b) in any other case—the decision of the Chairman of the Committee shall be deemed to be the decision of the Committee.

**Places of sitting of Committee**

“53K. Sittings of a Committee may be held from time to time as required at such places in Australia as are approved by the Board.”.

(2) The repeal of section 53B of the Principal Act effected by sub-section (1) does not affect the operation of a determination in force under that section, but, on and after the commencement of this section, the determination shall be regarded as having been made under section 53A of the Principal Act as amended by this Act.

(3) Where, for the purposes of section 54A of the Principal Act, the Chairman of the Public Service Board or a Committee referred to in that section has prepared a report nominating persons whom the Chairman or the Committee, as the case may be, considers suitable for appointment to fill a

vacancy in an office of Permanent Head, that report shall, on or after the date of commencement of this section, be deemed to have been prepared for the purposes of section 37 of the Principal Act as amended by this Act.

(4) Notwithstanding the repeal of section 54B of the Principal Act effected by sub-section (1), where an officer was, immediately before the date of commencement of this section, acting in an office in accordance with that section by reason of the absence or unavailability of the holder of that office or by reason of a vacancy in that office, that section continues to apply to and in relation to him in respect of his acting in that office during that absence, unavailability or vacancy, as the case may be.

### **Interpretation**

**31.** Section 55 of the Principal Act is amended—

- (a) by omitting from sub-section (1) the definition of “Minister”; and
- (b) by omitting from sub-section (4) “Subdivision B,” and substituting “Subdivision”.

**32.** The heading to Subdivision B of Division 6 of Part III of the Principal Act is repealed and the following heading and section are substituted:

**“Subdivision B—Permanent Heads and Certain Unattached Officers**

### **Interpretation**

“56A. In this Subdivision, unless the contrary intention appears—

‘Minister’, in relation to an officer, means the Minister for the time being administering the Department in which—

- (a) in the case of an officer who is a Permanent Head—the officer holds office; or
- (b) in any other case—the officer is included by virtue of a direction under section 33D;

‘officer’ means—

- (a) a Permanent Head; or
- (b) a person who—
  - (i) has held an office the name of which was, at the time when the person held the office, specified, or deemed by virtue of sub-section 25 (1) to be specified, in Schedule 3; and
  - (ii) is performing duties in the Service as an unattached officer, otherwise than by reason of the operation of sub-section 36 (10) or of sub-section 54 (12) as in force immediately before its repeal by the *Public Service Acts Amendment Act 1982*;

‘Permanent Head’ means a person holding, or performing the duties of, an office referred to in paragraph (a) of the definition of ‘office of Permanent Head’ in sub-section 7 (1).

**Disciplinary action in respect of Permanent Heads, &c.**

**33.** Section 57 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “of the First Division”; and
- (b) by omitting from sub-paragraph (7) (a) (ii) “in the same or a lower Division”.

**Conviction by courts of Permanent Heads, &c.**

**34. (1)** Section 58 of the Principal Act is amended by omitting from paragraph (1) (a) “within the period of 6 months immediately preceding, or succeeding, the commencement of this section” and substituting “after 15 September 1980”.

**(2)** Section 58 of the Principal Act is further amended—

- (a) by omitting from paragraph (1) (a) “included in the First Division”; and
- (b) by omitting from paragraph (1) (c) “in the same or a lower Division”.

**Suspension of Permanent Heads, &c.**

**35.** Section 59 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “included in the First Division”; and
- (b) by inserting in that sub-section “(whether officers within the meaning of this Subdivision or not)” after “fellow officers”.

**36.** The heading to Subdivision C of Division 6 of Part III of the Principal Act is repealed and the following Subdivision heading and section are substituted:

***“Subdivision C—Officers other than Permanent Heads***

**Interpretation**

“60A. In this Subdivision, unless the contrary intention appears, ‘officer’ means an officer other than an officer within the meaning of Subdivision B.”

**Disciplinary action in respect of officers other than Permanent Heads**

**37.** Section 61 of the Principal Act is amended by omitting from sub-sections (1) and (2) “included in the Second, Third or Fourth Division”.

**Inquiries into misconduct in relation to officers other than Permanent Heads**

**38.** Section 62 of the Principal Act is amended—

- (a) by omitting from paragraph (1) (b) “Permanent Head” and substituting “relevant Permanent Head”;
- (b) by omitting from sub-paragraphs (6) (a) (iv), (v) and (vi) “in the same Division”;
- (c) by omitting “and” at the end of sub-paragraph (6) (a) (vi) and substituting “or”;
- (d) by omitting from sub-paragraph (6) (a) (vii) “in the same or a lower Division”; and
- (e) by omitting sub-section (7).

**Convictions by courts of officers other than Permanent Heads**

**39.** Section 63 of the Principal Act is amended—

- (a) by omitting from paragraph (1) (a) “included in the Second, Third or Fourth Division”;
- (b) by omitting from sub-paragraph (1) (c) (i) “in the same Division”;
- (c) by omitting from sub-paragraph (1) (c) (ii) “in the same or a lower Division”; and
- (d) by omitting sub-section (2).

**Suspension of officers other than Permanent Heads**

**40.** Section 63B of the Principal Act is amended by omitting from paragraphs (1) (a) and (b) “included in the Second, Third or Fourth Division”.

**Criminal offences**

**41.** Section 63M of the Principal Act is amended by omitting from paragraph (1) (a) “within the period of 6 months immediately preceding, or after, the commencement of this section” and substituting “after 15 September 1980”.

**Imprisonment**

**42.** Section 63R of the Principal Act is amended by omitting from sub-section (2) “included in the First Division” and substituting “referred to in Subdivision B”.

**43. (1)** Section 64 of the Principal Act is repealed and the following section is substituted:

**Attachment of salaries of officers**

“64. (1) Where judgment has been given for the payment of a sum of money, the person in whose favour the judgment is given (in this section referred to as the ‘judgment creditor’) may serve on the Paying Officer of the Department in which the officer against whom the judgment was given is employed a copy of the judgment, certified under the hand of the Registrar or other appropriate officer of the Court by which the judgment was delivered, and a statutory declaration stating that the judgment has not been satisfied by the officer, and setting out the amount due by the officer under the judgment.

“(2) Upon the service on him of a copy of a judgment and a statutory declaration in pursuance of this section, the Paying Officer shall, as soon as practicable, notify the officer against whom the judgment was given, in writing, of the service of the copy of the judgment and statutory declaration, and require him to state, in writing, within a time to be specified by the Paying Officer, whether the judgment has been satisfied, and, if so, to furnish evidence in support thereof, and, if the judgment has not been satisfied, to state the amount then due under the judgment.

“(3) If an officer fails, within the time specified in the notice given to him under sub-section (2), to satisfy the Paying Officer of his Department that the judgment debt has been satisfied, the Paying Officer shall, subject to sub-section (15), in respect of each pay-day, cause to be deducted from the salary becoming payable to the officer on that pay-day an amount equal to the normal deduction in respect of the officer and the pay-day, or such lesser amount as is, in the opinion of the Paying Officer, sufficient to satisfy the balance of the judgment debt.

“(4) There is payable to the Commonwealth, by a judgment creditor who causes a copy of a judgment to be served on a Paying Officer under this section, an administration fee, at the prescribed rate, in respect of the making of such deduction as is, or such deductions as are, made under this section in relation to the judgment debt.

“(5) Where an amount is deducted in respect of a judgment debt, under sub-section (3), from the salary becoming payable to an officer on a pay-day, the Paying Officer shall, subject to sub-section (6), cause the amount so deducted to be paid to the judgment creditor.

“(6) Where an amount is deducted in respect of a judgment debt under sub-section (3) and the whole or part of the administration fee payable in relation to the debt has not been paid, the Paying Officer shall—

- (a) apply, in or towards payment of that fee, the amount of the deduction or so much of the amount of the deduction as is equal to the amount payable by way of, or in respect of, that fee; and
- (b) if the whole of the amount of the deduction is not applied in accordance with paragraph (a)—pay an amount equal to the balance to the judgment creditor.

“(7) Upon the application, in or towards payment of the administration fee payable in relation to that judgment debt, of an amount deducted in respect of a judgment debt from the salary becoming payable to an officer on a pay-day—

- (a) the judgment creditor shall be deemed to have paid the amount so applied to the Commonwealth in satisfaction, or partial satisfaction, as the case requires, of the administration fee;
- (b) an amount equal to the amount so applied shall be deemed to have been paid by the Commonwealth to the officer on account of salary payable to the officer on that pay-day; and
- (c) an amount equal to the amount so applied shall also be deemed to have been paid by the officer to the judgment creditor in respect of the judgment debt.

“(8) Upon payment being made, in relation to a deduction from the salary becoming payable to an officer on a pay-day, of an amount to a judgment creditor under sub-section (5) or (6)—

- (a) an amount equal to the amount so paid shall be deemed to have been paid by the Commonwealth to the officer on account of salary payable to the officer on that pay-day; and
- (b) an amount equal to the amount so paid shall also be deemed to have been paid by the officer to the judgment creditor in respect of the judgment debt.

“(9) Where more than one judgment and statutory declaration are served on a Paying Officer in respect of the one officer, the judgments shall be satisfied in the order in which copies of the judgments are served on the Paying Officer.

“(10) A person to whom any payment has been made in pursuance of this section shall notify the Paying Officer immediately a judgment debt in respect of which payment was made is satisfied.

Penalty: \$100 or imprisonment for 3 months.

“(11) If any payment deemed to have been made to a judgment creditor under paragraph (7) (c) or (8) (b) by an officer in respect of a judgment debt exceeds the amount due under the judgment, the excess shall be repayable by the judgment creditor to the officer, and, in default of payment, may be recovered by the officer from the judgment creditor in any Court of competent jurisdiction.

“(12) Where an amount is deemed to have been paid by an officer to a judgment creditor in respect of a judgment debt under paragraph (7) (c) in relation to a deduction made from the salary becoming payable to the officer on a pay-day and an amount is also deemed to have been paid by the officer to the judgment creditor in respect of the judgment debt under paragraph (8) (b) in relation to that deduction, for the purposes of sub-section (11), the second-mentioned payment shall be deemed to have been made after the first-mentioned payment.

“(13) Where an officer ceases to be employed in a Department after a copy of a judgment given against the officer has been served on the Paying Officer of the Department or has been forwarded to him under a previous application of this sub-section and before the Paying Officer of the Department has been notified that the judgment debt has been satisfied—

- (a) the Paying Officer shall forthwith after the officer ceases to be employed in the Department inform the judgment creditor, in writing, that the officer has ceased to be so employed and of the date on which he has ceased to be so employed; and
- (b) if the officer, upon ceasing to be employed in that Department, becomes employed in another Department—
  - (i) the Paying Officer shall also inform the judgment creditor of the name of the Department in which the officer has become employed, of the fact that deductions will be made, in respect of the judgment debt, by the Paying Officer of that Department, and of the address of that Paying Officer in order that the

judgment creditor may comply with any obligation imposed upon him by sub-section (10); and

- (ii) the Paying Officer of the first-mentioned Department shall forward to the Paying Officer of the other Department all documents held by him in relation to the judgment debt, together with a statement containing particulars of the deductions (if any) made in relation to the judgment debt.

“(14) Where documents relating to a judgment given against an officer are forwarded to the Paying Officer of a Department (in this sub-section referred to as the ‘relevant Paying Officer’) in accordance with sub-section (13)—

- (a) if the time specified in the notice given to the officer under sub-section (2) in respect of the judgment had expired before the documents were so forwarded and the officer had failed, within that time, to satisfy the Paying Officer concerned at that time that the judgment debt had been satisfied—

- (i) the relevant Paying Officer shall, subject to sub-section (15), in respect of each pay-day, cause to be deducted from the salary becoming payable to the officer on that pay-day an amount equal to the normal deduction in respect of the officer and the pay-day or such lesser amount as is, in the opinion of the relevant Paying Officer, sufficient to satisfy the balance of the judgment debt; and

- (ii) sub-sections (4), (5), (6), (7) and (8) apply to and in relation to those deductions in like manner as they apply to and in relation to deductions made in accordance with sub-section (3);  
or

- (b) in any other case—sub-sections (3), (4), (5), (6), (7) and (8) apply as if the copy of the judgment and the statutory declaration concerned had been served on the relevant Paying Officer and any notice given to the officer in relation to that judgment under sub-section (2) had been given by the relevant Paying Officer.

“(15) Where a Paying Officer is satisfied that the deduction of the amount that he would, but for this sub-section, be required to deduct from the salary of an officer under sub-section (3) or (14), as the case requires, would cause severe hardship to that officer, he may deduct a lesser amount.

“(16) If, under sub-section (13), more than one judgment and statutory declaration are forwarded to the Paying Officer of a Department in respect of the one officer, the Paying Officer forwarding them shall indicate to the Paying Officer to whom they are forwarded the order in which they were served under this section, and, for the purposes of sub-section (9), they shall be treated as if they had been served upon the first-mentioned Paying Officer in that order.

“(17) The foregoing provisions of this section shall not apply in relation to any officer whose estate the Paying Officer is satisfied has been sequestrated either voluntarily or compulsorily for the benefit of his creditors, and who has not yet obtained a certificate of discharge.

“(18) In this section, unless the contrary intention appears—

‘net salary’, in relation to an officer and to a pay-day, means the amount of salary becoming payable by the Commonwealth to the officer on the pay-day after deduction from that salary of—

- (a) any sum deducted from that salary under Division 2 of Part VI of the *Income Tax Assessment Act 1936*;
- (b) any sum deducted from that salary under Part IV of the *Superannuation Act 1976*; and
- (c) any other sum deducted from that salary for a prescribed purpose;

‘normal deduction’, in relation to an officer and to a pay-day, means an amount equal to 20% of the net salary of the officer in respect of that pay-day or such greater amount as the officer has, by instrument in writing delivered to his Paying Officer, specified as the normal deduction for the purposes of this section;

‘officer’ includes employee;

‘pay-day’ means a day on which salary becomes payable to an officer;

‘Paying Officer’, in relation to a Department, means such officer as the Chief Officer of that Department appoints as Paying Officer for the purposes of this section;

‘salary’, in relation to an officer, means any moneys payable by the Commonwealth to the officer by way of salary or wages, and includes any moneys payable by the Commonwealth to the officer by way of an allowance that is a prescribed allowance for the purposes of this section but does not include any moneys payable to the officer by way of a weekly payment of compensation under the *Compensation (Commonwealth Government Employees) Act 1971*.”.

(2) Where, for the purposes of section 64 of the Principal Act as in force at any time before the date of commencement of this section, a person has done, or omitted to do, any act or thing, that person shall, in the application, on or after that date, of section 64 of the Principal Act as amended by this Act, be deemed to have done, or to have omitted to do, that act or thing, for the purposes of section 64 of the Principal Act as so amended.

### **Forfeiture of office**

44. Section 66A of the Principal Act is amended by omitting from sub-section (1) “Permanent Head” (first occurring) and substituting “relevant Permanent Head”.

### **Remuneration to be not less favourable than State remuneration**

45. Section 81F of the Principal Act is amended by omitting from sub-section (1) “sections 20, 31, 55, 56, 62, 63 and 67” and substituting “regulations and determinations referred to in section 31, the provisions of Division 6 relating to the reduction in, or suspension of, remuneration payable to an officer, the *Commonwealth Employees (Redeployment and Retirement) Act 1979*”.

**Rate of remuneration**

46. Section 81R of the Principal Act is amended by omitting from sub-section (1) “sections 20, 31, 55, 56, 62, 63 and 67” and substituting “regulations and determinations referred to in section 31, the provisions of Division 6 relating to the reduction in, or suspension of, remuneration payable to an officer, the *Commonwealth Employees (Redeployment and Retirement) Act 1979*”.

**Appointment to the Service**

47. Section 81ZQ of the Principal Act is amended by omitting “paragraphs 34 (a)” and substituting “paragraphs 34 (1) (a)”.

**Rate of remuneration**

48. Section 81ZS of the Principal Act is amended by omitting from sub-section (1) “sections 20, 55, 56, 62 and 67,” and substituting “the provisions of Division 6 relating to the reduction in, or suspension of, remuneration payable to an officer, the *Commonwealth Employees (Redeployment and Retirement) Act 1979*”.

**Officers serving with other bodies**

49. Section 84B of the Principal Act is amended by omitting paragraph (1)(c) and substituting the following paragraph:

“(c) in an appointment that was referred to in section 72B immediately before the repeal of that section by the *Public Service Amendment Act 1978*,”.

50. Section 84C of the Principal Act is repealed and the following section is substituted:

**Promotion of transferred officers to offices in the Service**

“84C. (1) Where—

(a) a transferred officer—

(i) was promoted under section 50 to fill a vacant office in the Service; or

(ii) appealed under section 50B against the promotion of another person to fill such an office,

before the day on which his transfer takes effect and the promotion had not taken effect, or had not been cancelled, before that day; or

(b) a transferred officer would, on the day on which his transfer takes effect, have a right to appeal under section 50B against the promotion of another person to fill such an office, being a promotion made before that day, if his transfer were to take effect on a later day,

sub-sections (2), (3) and (4) have effect in relation to the promotion.

“(2) On and after the day on which the transfer of the transferred officer takes effect, sections 50 to 50H (inclusive), 51AA and 53 continue to apply,

subject to such modifications (if any) as are prescribed, to and in relation to a promotion referred to in sub-section (1), as if the transferred officer had not ceased to be an officer of the Service and his service as an employee of the Public Service of the Northern Territory were service in the Service.

“(3) If the office referred to in sub-section (1) is included in a class of offices specified in an instrument of transfer under section 84A that was signed on or before the day on which, but for this sub-section, the promotion under section 50 or 50D would take effect, the promotion does not take effect, but the transferred officer is entitled to be paid salary at the rate applicable to the office during the period (if any) commencing on the day on which salary at that rate would, if the promotion had taken effect, have been payable to him and ending on the day immediately before the day on which his transfer takes effect.

“(4) If the office referred to in sub-section (1) is not included in a class of offices referred to in sub-section (3), the transferred officer shall be deemed, notwithstanding his transfer, to have continued, on and after the day on which his transfer took effect, to be an officer of the Service, but any amount paid to him as salary in respect of his service in the Public Service of the Northern Territory shall be deemed to have been paid to him as salary under this Act.”.

### **Interpretation**

**51. (1)** Section 87 of the Principal Act is amended—

(a) by omitting from sub-section (1) the definition of “promote” and substituting the following definition:

“ ‘promotion’ has the same meaning as it has in Division 4 of Part III;” and

(b) by omitting from sub-section (1) the definition of “transfer”.

**(2)** Section 87 of the Principal Act is further amended by omitting sub-section (9).

### **Restriction on prescription of public authorities, &c.**

**52.** Section 87B of the Principal Act is amended by inserting after sub-section (1) the following sub-section:

“(1A) The Board shall not make a regulation—

(a) prescribing, for the purposes of paragraph (c) of the definition of ‘public authority’ in sub-section 87 (1), a body corporate established for a public purpose by a law of a State;

(b) prescribing, for the purposes of paragraph (e) of the definition of ‘public authority’ in sub-section 87 (1), an unincorporated body established for a public purpose by a law of a State or a class of unincorporated bodies which includes any such bodies;

(c) prescribing, for the purposes of paragraph (b) of the definition of ‘public office’ in sub-section 87 (1)—

(i) an office or appointment the holder of which is appointed by the Governor of a State or by a Minister of a State; or

- (ii) a class of such offices or appointments; or
- (d) prescribing, for the purposes of paragraph 87 (3) (a)—
  - (i) an office or appointment in the Public Service of a State; or
  - (ii) a class of offices or appointments in the Public Service of a State,

unless the Premier of the State has informed the Prime Minister, in writing, that he has agreed to the making of the regulation.”.

#### **Officers engaged in eligible public employment**

- 53.** Section 87C of the Principal Act is amended—
- (a) by omitting from paragraph (1) (b) “sub-section 44 (2) of the *Public Service Amendment Act 1978*” and substituting “section 87TA”;
  - (b) by adding at the end of paragraph (1) (b) “or”;
  - (c) by omitting paragraph (1) (c);
  - (d) by omitting from paragraph (2) (b) “or section 6” and substituting “, the repealed *Officers’ Rights Declaration Act 1928* or the former section 6”; and
  - (e) by omitting from paragraph (4) (b) “, or the former section 6 of the *Trade Commissioners Act 1933*,”.

#### **Preservation of rights in respect of leave**

**54.** Section 87E of the Principal Act is amended by omitting from paragraph (2) (a) “or the former section 6 of the *Trade Commissioners Act 1933*”.

#### **Office to become vacant in certain circumstances**

- 55. (1)** Section 87G of the Principal Act is amended—
- (a) by omitting sub-sections (1) and (2) and substituting the following sub-sections:
    - “(1) Subject to this section, where—
      - (a) an officer to whom this Division applies was, immediately before he became such an officer, the holder of an office in the Service; or
      - (b) the promotion of an officer to whom this Division applies to an office in the Service takes effect, or the officer is transferred to such an office under section 50, 53, 63F or 63G, but the officer does not commence to perform the duties of that office within a period of 30 days after the day on which the promotion takes effect or notice of the transfer is published in the *Gazette*,

the office becomes vacant upon his becoming such an officer or upon the expiration of that period, as the case may be, and the officer thereupon becomes an unattached officer.

“(2) Where the promotion of an officer to whom this Division applies to an office in the Service takes effect or the officer is transferred under section 50, 53, 63F or 63G, the Board may, on

application made by the officer before the expiration of the period of 30 days after the day on which the promotion takes effect or notice of the transfer is published in the *Gazette*, determine that sub-section (1) shall have effect in relation to the promotion or transfer as if the reference in that sub-section to a period of 30 days were a reference to such longer period as is specified in the determination.”; and

- (b) by omitting sub-section (4) and substituting the following sub-section:

“(4) Where—

(a) an officer to whom this Division applies is promoted to an office in the Service or is transferred to such an office under section 50, 53, 63F or 63G; and

(b) at the time when the promotion takes effect or notice of the transfer is published in the *Gazette*, the officer is absent from his eligible public employment for a period on leave of absence granted before that time,

the reference in sub-section (1) to the period of 30 days after the day on which the promotion takes effect or notice of the transfer is published in the *Gazette* shall be read as a reference to the period of 30 days after the expiration of the first-mentioned period.”.

(2) Notwithstanding the amendments made by sub-section (1), section 87G of the Principal Act continues to apply to and in relation to promotions or transfers referred to in that section made before the date of commencement of this section and any determination in force under sub-section 87G (2) immediately before the commencement of this section continues in force according to its tenor as if those amendments had not been made.

#### **Application of sections 50 and 53 to certain unattached officers**

**56.** Section 87H of the Principal Act is amended—

- (a) by inserting “or 53” after “50”; and  
(b) by omitting “in the Division in which he was included immediately before he became or last became such an officer, being an office”.

#### **Employment of officers by certain authorities, &c., upon transfer of functions**

**57.** Section 87J of the Principal Act is amended by inserting after sub-section (6) the following sub-section:

“(6A) A declaration shall not be made under this section declaring—

- (a) employment in an office or appointment the holder of which is appointed by the Governor of a State or by a Minister of a State;  
(b) employment in an office included in a class of such offices;  
(c) employment by a body, whether incorporated or not, established for a public purpose by a law of a State; or  
(d) employment by a State,

to be employment that is connected with the performance of a prescribed function that corresponds to a declared Commonwealth function, unless the

Premier of the State has informed the Prime Minister, in writing, that he has agreed to the making of the declaration.”.

**Right to re-enter Service by way of transfer or promotion**

**58.** Section 87M of the Principal Act is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:
- “(1) Sections 50 to 50H (inclusive), 51AA and 53 apply, subject to this section and to such modifications (if any) as are prescribed, in relation to a person to whom this Division applies as if the person were an officer and—
- (a) unless paragraph (b) applies—were the holder of an office the classification of which is equivalent, or is as nearly as possible equivalent, to the classification of the office held by him immediately before he ceased, or last ceased, to be an officer; or
- (b) if he was an unattached officer immediately before he ceased, or last ceased, to be an officer—were the holder of an office having such classification as the Board considers appropriate having regard to the designation and salary, or limits of salary, applicable to him immediately before he ceased, or last ceased, to be an officer.”;
- (b) by omitting paragraph (3) (a) and substituting the following paragraph:
- “(a) does not commence to perform the duties of that office within the period of 30 days after the day on which notice of the transfer is published in the *Gazette* or the promotion takes effect; or”;
- (c) by omitting from sub-section (4) “after notice of the transfer or promotion is published in the *Gazette*” and substituting “after the day on which notice of the transfer is published in the *Gazette* or the promotion takes effect”;
- (d) by omitting sub-sections (6) and (7) and substituting the following sub-sections:
- “(6) Where—
- (a) a person to whom this Division applies is transferred or promoted to an office in the Service;
- (b) at the time when notice of the transfer is published in the *Gazette* or the promotion takes effect, the person is absent from the eligible public employment in which he is employed on leave granted before that time; and
- (c) the Board has not made a determination under sub-section (4) in relation to the transfer or promotion,

the reference in sub-section (3) to the period of 30 days after the day on which notice of the transfer is published in the *Gazette* or the promotion takes effect shall be read as a reference to the period of 30 days after the expiration of the period of the leave so granted to him.

“(7) Where—

- (a) by virtue of the operation of sub-section (1), a person to whom this Division applies—
  - (i) has been promoted under section 50 to fill a vacant office in the Service; or
  - (ii) has appealed under section 50B against the promotion of another person to fill such an office; and
- (b) the person ceases to be a person to whom this Division applies before the promotion takes effect or is cancelled,

then, subject to sub-section (8)—

- (c) the preceding provisions of this section continue to apply to and in relation to the promotion or appeal as if he had not ceased to be a person to whom this Division applies; and
- (d) if he commences to perform the duties of the office as a result of his promotion to the office having taken effect—
  - (i) he shall be deemed to have been re-appointed to the Service as an officer on the day immediately following the day on which he ceased to be a person to whom this Division applies and to have been absent from the Service on leave of absence without pay from the day on which he is to be deemed to have been so re-appointed until he commences to perform the duties of the office; and
  - (ii) the period during which he is to be deemed to have been absent from the Service on leave of absence without pay shall form part of his period of service under this Act for all purposes of this Act and of the *Long Service Leave (Commonwealth Employees) Act 1976.*”; and
- (e) by adding at the end thereof the following sub-section:

“(9) A reference in this section (other than in sub-section (7)) to a promotion is a reference to a promotion that has taken effect.”.

#### **Application for re-appointment to Service**

**59.** Section 87N of the Principal Act is amended—

- (a) by omitting paragraph (5)(e) and substituting the following paragraph:

“(e) shall, in a case where, by virtue of the operation of sub-section 87M (1)—

- (i) he had been promoted under section 50 to fill a vacant office in the Service, or had appealed under section 50B against the promotion of another person to fill such an office, before the day on which his employment is terminated; and
- (ii) the promotion had not taken effect or had not been cancelled before that day,

set out particulars of the promotion or of the appeal, as the case may be.”;

- (b) by omitting from sub-paragraph (7)(a)(i) “in a specified Division”;
- (c) by omitting paragraph (10)(a); and
- (d) by omitting paragraph (11)(b) and substituting the following paragraph:

“(b) determine that the applicant is eligible for re-appointment with a specified designation whether or not he has the academic or other qualifications (if any) applicable, in accordance with a notification in force under paragraph 33A (1) (d), to an office having that designation.”.

### **Re-appointment to Service**

**60.** Section 87Q of the Principal Act is amended—

- (a) by omitting from sub-section (1) “of the Division,”; and
- (b) by omitting from paragraph (4) (d) “of the Division,”.

### **Re-appointment in special circumstances**

**61.** Section 87R of the Principal Act is amended by omitting from paragraph (2) (a) “of the Division of which he was last an officer”.

### **Rights of officers upon re-appointment**

**62.** Section 87S of the Principal Act is amended by omitting sub-sections (4) and (5).

### **Constitution of, and inquiries by, Committees**

**63.** Section 87T of the Principal Act is amended by omitting from paragraph (2) (b) “section 50” and substituting “section 50C”.

**64.** Before section 87U of the Principal Act the following section is inserted in Division 4 of Part IV:

### **Preservation of rights of certain officers**

“87TA. Where—

- (a) on the commencing day, an officer is engaged in eligible Commonwealth employment; and
- (b) the repealed *Officers’ Rights Declaration Act 1928*, or the former section 6 of the *Trade Commissioners Act 1933*, applied to him in respect of the employment (if any) in which he was engaged immediately before that day,

then, notwithstanding the repeal of the *Officers’ Rights Declaration Act 1928*—

- (c) that Act as amended and in force immediately before that day continues to apply, or applies, as the case requires, on and after that

day, by force of this section, to and in relation to him, and he retains his existing and accruing rights, until the expiration of the day on which—

- (i) he becomes engaged in employment other than eligible Commonwealth employment;
- (ii) he is appointed to an office in the Service;
- (iii) he ceases to be an officer; or
- (iv) he makes an election, or appeals against the promotion of another person to fill a vacant office in the Service, under sub-section 87U (2),

whichever first occurs; and

- (d) for the purpose of determining those rights, his service in eligible Commonwealth employment during the period during which the first-mentioned Act so continues to apply, or so applies, as the case requires, shall be taken into account as if it were service in the Service.”.

**Rights of officers to whom repealed Officers’ Rights Declaration Act applies**

**65. (1)** Section 87U of the Principal Act is amended—

- (a) by omitting from sub-section (1) all the words after “1928” and substituting “applies by virtue of section 87TA”; and
- (b) by omitting from paragraph (2) (a) “, or the former section 6 of the *Trade Commissioners Act 1933*, as the case may be,”.

**(2)** Section 87U of the Principal Act is further amended—

- (a) by omitting paragraph (2) (b) and substituting the following paragraph:
  - “(b) may appeal under section 50B of this Act against the promotion of another person to fill a vacant office in the Service.”; and
- (b) by omitting from sub-sections (3) and (4) “provisional”.

**Effect of repealed Officers’ Rights Declaration Act ceasing to apply to officer**

**66.** Section 87V of the Principal Act is amended by omitting paragraph

(1) (c) and substituting the following paragraph:

- “(c) in any other case—the officer continues, by force of this sub-section, to be an unattached officer until—
  - (i) his promotion to an office in the Service takes effect;
  - (ii) he is transferred to such an office under section 50 or 53;
  - (iii) he ceases to be an officer; or
  - (iv) he resumes duty in the Service,whichever first occurs.”.

**Effect of election or appeal on Trade Commissioner, &c.**

**67.** Section 87W of the Principal Act is repealed.

**Provisions relating to certain officers on leave under section 71 and employed in Northern Territory Public Service**

**68.** Section 87Z of the Principal Act is amended by omitting from paragraph (1) (c) “day (in this section referred to as the ‘prescribed day’) on which those regulations take effect” and substituting “prescribed day”.

**Provisions relating to former officers who resigned to join certain commissions**

**69.** Section 87ZA of the Principal Act is amended—

- (a) by omitting from paragraph (2) (a) “of the Division of which he was last an officer”; and
- (b) by omitting paragraph (2) (c).

**Seniority of certain former officers re-appointed to Service**

**70.** Section 87ZB of the Principal Act is repealed.

**71.** Section 87ZD of the Principal Act is repealed and the following section is substituted:

**Promotion of certain former officers**

“87ZD. (1) Where—

- (a) a person (in this section referred to as the ‘former officer’) who ceases to be an officer by reason of sub-section 87D (1), 87V (2), 87Y (3), 87Z (3), 87ZA (5) or 87ZC (2), is deemed, by reason of sub-section 87J (6), to have ceased to be an officer—
  - (i) had, on or before the day (in this section referred to as the ‘relevant day’) on which he was so deemed to have ceased to be an officer, been promoted under section 50 to fill a vacant office in the Service;
  - (ii) had, on or before the relevant day, appealed under section 50B against the promotion of another person to fill such an office; or
  - (iii) would, if he had continued to be an officer on the relevant day, have had, on that day, a right to appeal under section 50B against the promotion of another person to fill such an office, being a promotion made before that day; and
- (b) the promotion had not taken effect, or had not been cancelled, before the relevant day,

the relevant provisions of this Act apply to and in relation to the promotion as if—

- (c) the former officer had, on the day on which the promotion was made, been a person to whom Division 3 applies; and
- (d) anything done in relation to the former officer for the purposes of the promotion before the relevant day had been done under the relevant provisions of this Act.

“(2) In sub-section (1), ‘relevant provisions of this Act’ means the provisions of sections 50 to 50H (inclusive), 51AA and 53 or, if those provisions are, for the purposes of Division 3, modified by the regulations, those provisions as so modified.”.

72. After section 89 of the Principal Act the following section is inserted:

**Protection of persons in respect of work reports on officers or employees**

“89A. (1) An action or proceeding, civil or criminal, does not lie against a person for or in respect of any oral or written report made in good faith for the purposes of this Act or the *Public Service Acts Amendment Act 1982* by the person on or in connection with work performed, or proposed to be performed, by an officer or employee.

“(2) A report shall be deemed to have been made in good faith if the person by whom the report was made was not actuated by ill will to the officer or employee affected or by any other improper motive.

“(3) Sub-section (1) does not apply in relation to a report unless—

- (a) the person who made the report believed on reasonable grounds that it was the function or duty of the person to whom the report was made to receive the report; and
- (b) in the case of a report containing matter that was false or misleading in a material respect, the person who made the report did not know, and could not with reasonable diligence have ascertained, that the report contained matter that was so false or misleading.”.

**Payments to officers**

73. Section 90 of the Principal Act is amended by omitting sub-section (2).

**Regulations**

74. (1) Section 97 of the Principal Act is amended—

- (a) by omitting paragraphs (1) (a), (b) and (c) and substituting the following paragraphs:

- “(a) for regulating the appointment of persons to the Service;
- (b) for regulating transfers or promotions of officers;
- (c) for regulating the holding and conduct of tests or examinations referred to in section 33C;
- (d) for determining the allowances in respect of travelling expenses that are to be paid to members of the Joint Council who are not officers or employees;”;

- (b) by omitting paragraph (1) (h) and substituting the following paragraphs:

- “(h) for regulating the procedure and duties of Promotions Appeal Committees and for making provision in relation to any other matter related to the determining of appeals;

“(ha) for regulating the making, under sub-section 50D (6), of inquiries by the Board into the claims of parties to appeal proceedings;” and

(c) by omitting from paragraph (1) (s) “provisional promotion” and substituting “promotions”.

(2) Section 97 of the Principal Act is further amended by omitting sub-sections (1A) and (1B).

### **Schedule 3**

75. Schedule 3 to the Principal Act is amended by omitting “The Secretary of the Joint House Department” and substituting “The Secretary to the Joint House Department”.

### **Principal Act to continue to apply in relation to provisional promotions not confirmed before commencing day**

76. (1) In this section, “commencing day” means the day on which section 27 comes into operation.

(2) Notwithstanding the amendments of the Principal Act made by this Act, where—

(a) an officer—

(i) had, before the commencing day, been provisionally promoted to fill a vacant office in the Service; or

(ii) had, before that day, appealed against the provisional promotion of another officer to fill such an office,

and the provisional promotion had not been confirmed or cancelled before that day; or

(b) an officer had, on that day, a right to appeal against the provisional promotion of another officer to fill such an office, being a provisional promotion made before that day,

the Principal Act and the regulations in force under the Principal Act continue to apply to and in relation to that provisional promotion, that appeal and any appeal made by an officer referred to in paragraph (b) in respect of that provisional promotion.

### **Dual appointments of Permanent Heads**

77. (1) A person who at any time holds an office of Permanent Head may be appointed to hold another office of Permanent Head and shall not, by reason only of being so appointed, cease to hold the first-mentioned office.

(2) Sub-sections 54 (4) to (15), inclusive, of the Principal Act do not apply in relation to an appointment to which sub-section (1) of this section applies.

(3) A person who at any time holds, or holds an appointment to act in, an office of Permanent Head may be appointed to act in another office of Permanent Head and shall not, by reason only of being so appointed, cease to hold, or to hold the appointment to act in, the first-mentioned office.

(4) If a person who is appointed to hold, or to act in, an office of Permanent Head at a time when he holds, or holds an appointment to act in, another office of Permanent Head ceases for any reason to hold, or to hold the appointment to act in, the first-mentioned office, he thereupon also ceases, by force of this sub-section, to hold, or to hold the appointment to act in, the other office.

(5) If a person who holds, or holds an appointment to act in, an office of Permanent Head is appointed to hold, or to act in, another office of Permanent Head, he shall not be paid any remuneration, whether by way of salary, annual allowance or otherwise, in respect of his holding, or holding the appointment to act in, the other office.

(6) This section has effect notwithstanding anything contained in the Principal Act or in the *Remuneration Tribunals Act 1973*.

(7) Nothing in this section shall be construed as excluding the application of sub-section 19B (3) of the *Acts Interpretation Act 1901* in relation to any provision of this section.

(8) This section ceases to have effect on the day on which section 30 of the *Public Service Acts Amendment Act 1982* comes into operation and it shall, when it so ceases to have effect, thereupon be deemed for the purposes of section 8 of the *Acts Interpretation Act 1901* to have been repealed by an Act other than this Act.

### **PART III—AMENDMENTS OF THE COMMONWEALTH EMPLOYEES (REDEPLOYMENT AND RETIREMENT) ACT 1979**

#### **Principal Act**

78. The *Commonwealth Employees (Redeployment and Retirement) Act 1979*<sup>2</sup> is in this Part referred to as the Principal Act.

#### **Interpretation**

79. Section 3 of the Principal Act is amended—

(a) by omitting paragraph (a) of the definition of “Department” in sub-section (1) and substituting the following paragraph:

“(a) any Department of the Australian Public Service (other than a Department of the Australian Public Service that has been abolished or the name of which has been altered) the name of which is specified, or deemed by virtue of section 7A of the *Public Service Act 1922* to be specified, in Schedule 2 to that Act; or”; and

(b) by omitting the definition of “Permanent Head” in sub-section (1) and substituting the following definitions:

“‘office of Permanent Head’ means—

(a) an office (other than an office that has been abolished or the name of which has been altered) the name of which is specified, or deemed by virtue of sub-section 25 (1) of

the *Public Service Act 1922* to be specified, in Schedule 3 to that Act; or

- (b) an office the holder of which has, under the *Public Service Act 1922* or another Act, the powers of or exercisable by a Permanent Head;

“ ‘Permanent Head’ means a person for the time being holding, or performing the duties of, an office of Permanent Head;”.

### **Approved criteria and procedures**

**80.** Section 8 of the Principal Act is amended by omitting from sub-section (6) “is included in the First Division of the Australian Public Service” and substituting “holds an office referred to in paragraph (a) of the definition of ‘office of Permanent Head’ in sub-section 3 (1)”.

### **Redeployment in Public Service**

**81.** Section 12 of the Principal Act is amended—

- (a) by omitting from paragraphs (1) (b) and (c) “(being a designation corresponding to that of an office in the Division in which he is included)”;
- (b) by omitting from paragraph (1) (e) “paragraphs 34 (a) and (c)” and substituting “paragraphs 34 (1) (a) and (c)”;
- (c) by omitting paragraphs (1) (h) and (j) and substituting the following paragraphs:
  - “(h) by instrument in writing determine that a promotion that has been notified under section 50 of the *Public Service Act 1922* but has not taken effect under that Act shall not take effect while the determination is in force; and
  - “(j) cancel a promotion that has been notified under section 50 of the *Public Service Act 1922* but has not taken effect under that Act, whether or not an appeal has, or appeals have, been made under that Act against the promotion.”;
- (d) by omitting from sub-section (5) “sub-section 50 (11)” and substituting “section 50G”; and
- (e) by adding at the end thereof the following sub-sections:
  - “(6) Where, in pursuance of paragraph (1) (h), the Public Service Board determines that a promotion shall not take effect while the determination in relation to that promotion is in force, the Board may, at any time while the determination is in force, cancel the promotion in pursuance of paragraph (1) (j).

“(7) If the Public Service Board revokes a determination under paragraph (1) (h), the promotion to which the determination relates takes effect on the day on which it would have taken effect if the determination had not been made, but the Board may, in the instrument of revocation, determine that salary at the rate applicable to the office to which the promotion was made is payable to the officer

concerned on and from a day (not being a day after the day on which the instrument of revocation was made) after the prescribed day in respect of the promotion.

“(8) Where the Public Service Board, in a determination under sub-section (7), specifies a day on and from which salary at a particular rate is payable to an officer, salary at that rate is payable on and from that day notwithstanding section 50E of the *Public Service Act 1922*.”

“(9) In this section, ‘prescribed day’, in relation to a promotion, has the same meaning as it has in Division 4 of Part III of the *Public Service Act 1922*.”.

### **Commonwealth Employees Redeployment and Retirement Appeals Tribunals**

82. Section 16 of the Principal Act is amended by inserting in sub-section (8) “, and a person shall not be appointed or re-appointed under that sub-paragraph” after “sub-paragraph (2) (a) (ii)”.

### **Retirement of Permanent Heads of Departments on ground of inefficiency or incapacity**

83. Section 18 of the Principal Act is amended—

(a) by omitting from sub-section (1) “person included in the First Division of the Australian Public Service” and substituting “Permanent Head”; and

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

“(3) In this section, ‘Permanent Head’ means—

(a) a person for the time being holding or performing the duties of an office referred to in paragraph (a) of the definition of ‘office of Permanent Head’ in sub-section 3 (1); or

(b) a person who—

(i) has held such an office; and

(ii) is performing duties in the Australian Public Service as an unattached officer, otherwise than by reason of the operation of sub-section 36 (10) of the *Public Service Act 1922* or of sub-section 54 (12) of that Act as in force immediately before the repeal of the latter sub-section by the *Public Service Acts Amendment Act 1982*.”.

### **Permanent Heads of Departments recommended for retirement on medical grounds may be declared unattached**

84. Section 20 of the Principal Act is amended by omitting from sub-section (1) “in the First Division of the Australian Public Service” and substituting “referred to in paragraph (a) of the definition of ‘office of Permanent Head’ in sub-section 3 (1)”.

**Officers other than Permanent Heads recommended for retirement on medical grounds may be declared unattached**

85. Section 21 of the Principal Act is amended by omitting from sub-section (1) “employee who holds an office in the Second, Third or Fourth Division of the Australian Public Service” and substituting “officer of the Australian Public Service (other than a Permanent Head)”.

**Retirement on ground of age**

86. Section 22 of the Principal Act is amended—

(a) by omitting sub-section (4) and substituting the following sub-section:

“(4) A determination shall not be made under sub-section (2) in respect of an employee who holds an office referred to in paragraph (a) of the definition of ‘office of Permanent Head’ in sub-section 3 (1), being an employee who was appointed to fill the vacancy in that office after the commencement of the *Public Service Amendment (First Division Officers) Act 1976*, if he was not, when so appointed, an established candidate in relation to the vacancy, within the meaning of section 35 of the *Public Service Act 1922* or of section 54 of that Act as in force immediately before the repeal of that section by the *Public Service Acts Amendment Act 1982*.”;

(b) by omitting from paragraph (a) of the definition of “relevant authority” in sub-section (5) “person included in the First Division” and substituting “Permanent Head within the meaning of section 18”; and

(c) by omitting from paragraph (b) of the definition of “relevant authority” in sub-section (5) “a person included in the Second, Third or Fourth Division of the Australian Public Service” and substituting “an officer of the Australian Public Service (other than an officer referred to in paragraph (a))”.

**Regulations**

87. Section 29 of the Principal Act is amended by omitting sub-paragraph (1) (d) (ii) and substituting the following sub-paragraph:

“(ii) persons appointed as officers or engaged as employees under the *Commonwealth Teaching Service Act 1972*.”.

**PART IV—AMENDMENTS OF OTHER ACTS**

**Amendments of *Aboriginal Affairs (Arrangements with the States) Act 1973***

88. (1) The *Aboriginal Affairs (Arrangements with the States) Act 1973*<sup>3</sup> is in this section referred to as the Principal Act.

(2) Section 7 of the Principal Act is amended by omitting “paragraphs 34 (a), (c) and (d)” and substituting “paragraphs 34 (1) (a) and (c)”.

- (3) Section 9 of the Principal Act is amended—
- (a) by omitting from sub-section (1) “and to sections 20, 55, 56, 62 and 67 of the Public Service Act” and substituting “, the provisions of Division 6 of Part III of the Public Service Act relating to the reduction in, or suspension of, remuneration payable to an officer, the *Commonwealth Employees (Redeployment and Retirement) Act 1979*”; and
  - (b) by omitting from sub-section (2) “which, under sub-sections 31 (4), (5) and (6), of the Public Service Act, apply to increments of salary referred to in sub-section 31 (1) of that Act” and substituting “of the regulations under the Public Service Act, and of the determinations in force under sub-section 9 (7A) or section 82D of that Act that are applicable to him, relating to increments of salary”.

**Amendment of *Administrative Decisions (Judicial Review) Act 1977***

89. (1) The *Administrative Decisions (Judicial Review) Act 1977*<sup>4</sup> is in this section referred to as the Principal Act.

(2) Schedule 2 to the Principal Act is amended by omitting from paragraph (s) “promotions in accordance with section 53B or 53C” and substituting “transfers or promotions under section 53A”.

**Amendments of *Australian National Airlines Repeal Act 1981***

90. (1) The *Australian National Airlines Repeal Act 1981*<sup>5</sup> is in this section referred to as the Principal Act.

- (2) Section 9 of the Principal Act is amended—
- (a) by omitting from sub-section (5) “Subject to the *Public Service Act 1922*, where” and substituting “Where”; and
  - (b) by omitting from sub-section (5) all the words after paragraph (b) and substituting “then, during any relevant period, that person shall be deemed, subject to sub-sections (7) and (8), to have continued for all purposes to be employed in employment that is, within the meaning of Part IV of the *Public Service Act 1922*, eligible Commonwealth employment.”.

**Amendment of *Meat Inspection Arrangements Act 1964***

91. (1) The *Meat Inspection Arrangements Act 1964*<sup>6</sup> is in this section referred to as the Principal Act.

(2) Section 7 of the Principal Act is amended by omitting “paragraphs (a), (c) and (d)” and substituting “paragraphs (a) and (c) of sub-section (1)”.

**Amendments of *Mint Employees Act 1964***

92. (1) The *Mint Employees Act 1964*<sup>7</sup> is in this section referred to as the Principal Act.

(2) Section 7 of the Principal Act is amended by omitting “paragraphs (a), (c) and (d)” and substituting “paragraphs (a) and (c) of sub-section (1)”.

(3) Section 9 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “and to sections twenty, fifty-five, fifty-six, sixty-two and sixty-seven of the Public Service Act” and substituting “, the provisions of Division 6 of Part III of the Public Service Act relating to the reduction in, or suspension of, remuneration payable to an officer, the *Commonwealth Employees (Redeployment and Retirement) Act 1979*”; and
- (b) by omitting from sub-section (2) “that, under sub-sections (4), (5) and (6) of section thirty-one of the Public Service Act, apply to increments of salary referred to in sub-section (1) of that section” and substituting “of the regulations under the Public Service Act, and of the determinations in force under sub-section 9 (7A) or section 82D of that Act that are applicable to him, relating to increments of salary”.

(4) Section 10 of the Principal Act is amended by omitting from sub-section (2) “*Commonwealth Employees’ Furlough Act 1943-1959*” and substituting “*Long Service Leave (Commonwealth Employees) Act 1976*”.

#### **Amendments of *National Parks and Wildlife Conservation Act 1975***

93. (1) The *National Parks and Wildlife Conservation Act 1975*<sup>8</sup> is in this section referred to as the Principal Act.

(2) Section 59 of the Principal Act is amended by omitting “paragraphs 34 (a) and (c)” and substituting “paragraphs 34 (1) (a) and (c)”.

(3) Section 61 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “and to sections 20, 55, 56, 62 and 67 of the Public Service Act” and substituting “, the provisions of Division 6 of Part III of the Public Service Act relating to the reduction in, or suspension of, remuneration payable to an officer, the *Commonwealth Employees (Redeployment and Retirement) Act 1979*”; and
- (b) by omitting from sub-section (2) “that, under sub-sections 31 (4), (5) and (6) of the Public Service Act, apply to increments of salary referred to in sub-section 31 (1) of that Act” and substituting “of the regulations under the Public Service Act, and of the determinations in force under sub-section 9 (7A) or section 82D of that Act that are applicable to him, relating to increments of salary”.

(4) Section 62 of the Principal Act is amended by omitting “*Commonwealth Employees’ Furlough Act 1943-1973*” and substituting “*Long Service Leave (Commonwealth Employees) Act 1976*”.

#### **Amendments of *Public Service Amendment Act 1978***

94. (1) The *Public Service Amendment Act 1978*<sup>9</sup> is in this section referred to as the Principal Act.

(2) Section 44 of the Principal Act is amended by omitting sub-section (2).

(3) Section 45 of the Principal Act is amended by omitting sub-section (2).

**Amendments of *Remuneration Tribunals Act 1973***

**95. (1)** The *Remuneration Tribunals Act 1973*<sup>10</sup> is in this section referred to as the Principal Act.

(2) Section 7 of the Principal Act is amended by omitting from sub-section (3) “in the First Division of the Australian Public Service” and substituting “referred to in paragraph (a) of the definition of ‘office of Permanent Head’ in sub-section 7 (1) of the *Public Service Act 1922*”.

(3) Section 8 of the Principal Act is amended by omitting from sub-section (4) “in the First Division of the Australian Public Service” and substituting “referred to in paragraph (a) of the definition of ‘office of Permanent Head’ in sub-section 7 (1) of the *Public Service Act 1922*”.

**Amendments of *Statistics (Arrangements with States) Act 1956***

**96. (1)** The *Statistics (Arrangements with States) Act 1956*<sup>11</sup> is in this section referred to as the Principal Act.

(2) Section 7 of the Principal Act is amended by omitting from sub-section (2) all the words after “probation”.

(3) Section 10 of the Principal Act is amended—

(a) by omitting from sub-section (1) “and to sections twenty, fifty-five, fifty-six, sixty-two and sixty-seven of the Public Service Act” and substituting “, the provisions of Division 6 of Part III of the Public Service Act relating to the reduction in, or suspension of, remuneration payable to an officer, the *Commonwealth Employees (Redeployment and Retirement) Act 1979*”; and

(b) by omitting from sub-section (2) “which, under sub-sections (4), (5) and (6) of section thirty-one of the Public Service Act, apply to increments of salary referred to in sub-section (1) of that section” and substituting “of the regulations under the Public Service Act, and of the determinations in force under sub-section 9 (7A) or section 82D of that Act that are applicable to him, relating to increments of salary”.

(4) Section 14 of the Principal Act is amended—

(a) by omitting from sub-section (3) “section seventy-three or seventy-four of the Public Service Act or of section seven or eight of the *Commonwealth Employees’ Furlough Act 1943-1953*” and substituting “the *Long Service Leave (Commonwealth Employees) Act 1976*”; and

(b) by omitting sub-sections (4) and (5) and substituting the following sub-section:

“(4) Where a State employee—

(a) has, before 20 December 1976, been granted furlough or pay in lieu of furlough under the Public Service Act or under the *Commonwealth Employees’ Furlough Act 1943*; or

*Public Service Acts Amendment No. 111, 1982*

(b) is, on or after 20 December 1976, granted long service leave or pay in lieu of long service leave under the *Long Service Leave (Commonwealth Employees) Act 1976*,

the period of the leave so granted, or the period in respect of which the pay is granted, as the case may be, shall be deducted from any period of furlough for the grant of which he is entitled or eligible, or from any period in respect of which he is entitled to or eligible for pay in lieu of furlough, under sub-section (1).”.

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**NOTES**

1. No. 21, 1922, as amended. For previous amendments, see 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; No. 6, 1972; Nos. 21, 71, 73 and 209, 1973; No. 59, 1974; No. 40, 1975; Nos. 193 and 194, 1976; Nos. 6 and 80, 1977; No. 170, 1978; Nos. 52 and 155, 1979; No. 177, 1980; and No. 61, 1981.
2. No. 52, 1979, as amended. For previous amendments, see No. 155, 1979; and No. 26, 1981.
3. No. 115, 1973.
4. No. 59, 1977, as amended. For previous amendments, see No. 66, 1978; and No. 111, 1980.
5. No. 78, 1981.
6. No. 100, 1964, as amended. For previous amendments, see No. 192, 1976.
7. No. 45, 1964, as amended. For previous amendments, see No. 216, 1973 (as amended by No. 20, 1974).
8. No. 12, 1975, as amended. For previous amendments, see Nos. 29 and 36, 1978; Nos. 42 and 155, 1979; and No. 70, 1980.
9. No. 170, 1978.
10. No. 215, 1973, as amended. For previous amendments, see No. 80, 1974; No. 96, 1975; Nos. 60 and 178, 1978; Nos. 26, 108, 136 and 155, 1979; No. 160, 1980; and No. 74, 1981.
11. No. 17, 1956, as amended. For previous amendments, see No. 76, 1958.