

## Act No. 31, 1902.

An Act to consolidate enactments relating to PUBLIC SERVICE.  
the better regulation of the Public Service.  
[16th August, 1902.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

## PART I.

## PRELIMINARY.

1. This Act may be cited as the "Public Service Act, 1902," Short title. and is divided into Parts, as follows :—

PART I.—PRELIMINARY—*ss.* 1-6.

PART II.—ADMINISTRATION OF THE PUBLIC SERVICE.—*ss.* 7-69.

PART III.—PENSIONS, GRATUITIES, &c.—*ss.* 70-77.

2. The Acts mentioned in the Schedule to this Act are, to the Repeal. extent therein expressed, hereby repealed.

3. (1) The members of the Public Service Board and all officers Existing officers. and persons appointed permanently or temporarily under or by virtue of any Act hereby repealed, and holding office at the commencement of this Act, shall remain in office as if this Act had been in force at the time they were appointed, and they had been appointed hereunder, and this Act shall apply to them accordingly.

(2) All rules, regulations, proclamations, and notifications Existing rules, &c. made or published under any Act hereby repealed and being in force at the commencement of this Act, shall be deemed to have been made or published hereunder, and any references in any such rules, regulations, proclamations, or notifications to any enactments hereby repealed, shall be construed as references to the corresponding provisions of this Act.

4. In this Act, unless the context or subject-matter otherwise Interpretation. indicates or requires :— 59 Vic. No. 25, s. 2.

"Board" means the Public Service Board appointed under this Act.

"Married woman" does not include a widow.

"Minister" means the responsible Minister of the Crown for the time being administering the department in which the officer in connection with whom the term is used is employed.

"Officer"

*Public Service.*

“Officer” means and includes all persons employed in any capacity in those branches of the Public Service to which this Act applies, but does not include officers or persons temporarily employed in terms of section forty-four and forty-five, or under any regulations made in pursuance of subsection (c) of section twenty.

“Permanent head” means the Under Secretary of the department in which the officer in connection with whom the term is used is employed, and includes the Auditor-General and such other officer as the Governor shall rank or class as such.

“Prescribed” means prescribed by this Act or the regulations hereunder.

“This Act” means this Act and the regulations made hereunder.

Act not to apply to certain public officers.  
59 Vic. No. 25, s. 3.

5. Except where otherwise expressly provided herein, nothing in this Act shall apply to the Judges of the Supreme Court or District Courts, President and Commissioners of the Land Appeal Court, Master in equity or lunacy, or to persons appointed by the Senate of the Sydney University, wardens of colleges affiliated thereto, teachers of the Sydney Grammar School, or Crown prosecutors; or to any person appointed by the Commissioners for Railways under the Government Railways Act, 1901, or any Act amending the same, or to any persons employed under the Military and Naval Forces Regulation Act or the Volunteer Force Regulation Act of 1867; or to any person employed under the Police Regulation Act of 1899; or to any officer of either House of Parliament or persons employed in either of the departments of the Legislature under the separate control of the President or Speaker, or under their joint control; or, except for the purposes of sections six, seventeen, thirty-three, forty-six, sixty-six, sixty-seven, sixty-eight, and sixty-nine, and Part III hereof, to any person in the Public Service whose salary or remuneration is fixed by statute.

Absent officers.  
*Ibid.* s. 65.

6. Where, in or by any Act, order in council, rule, regulation, by-law, contract, or agreement, any duty, obligation, right, or power, is imposed or conferred upon any officer in His Majesty's Service (other than a responsible Minister of the Crown) in his capacity as such officer such duty, obligation, right, or power, may be performed or exercised by any other officer whom the Governor may have directed to perform and exercise the duties, obligations, rights, and powers of such first-mentioned officer during his temporary absence or incapacity in the same manner and to the same extent in all respects as the same might have been respectively performed or exercised by such first-mentioned officer, and everything so done under the provisions of this section shall be as good and effectual for all purposes and against all persons whatsoever as if done by such first-mentioned officer.

*Public Service.*

PART II.

ADMINISTRATION OF THE PUBLIC SERVICE.

*The Public Service Board.*

7. (1) For the purpose of carrying out the provisions of this Act the Governor shall appoint a "Public Service Board," to consist of three persons, who shall be charged with the administration of this Act, and shall have the powers and authority and exercise the duties and functions hereinafter vested in or imposed upon the Board.

Appointment of Public Service Board.  
50 Vic. No. 25, ss. 4, 5.

(2) Each member of the Board shall be appointed for a term of seven years, and shall be eligible for reappointment.

Term of office.

(3) One of such persons shall be appointed Chairman of the Board.

Chairman.

(4) Any two members of the Board shall be a quorum, and subject to the next following provision, shall have all the powers and authority by this Act conferred upon the Board.

Quorum.

(5) If at any meeting of the Board, at which two members only are present, such members differ in opinion upon any matter, the determination of such matter shall be postponed until all the members are present.

Differences of opinion of any two members when sitting as Board.

(6) The Board shall keep minutes of their proceedings in such manner and form as the Governor directs.

Minutes of proceedings.

(7) In case of the illness, suspension, or absence of any member of the Board, the Governor may appoint a deputy to act for such member during his illness, suspension, or absence; and every such deputy shall, during the time he acts as deputy, have all the powers and authority of such member.

Illness, suspension, or absence of member.

(8) No action or suit shall be brought or maintained against any person who is, or at any time has been, a member of the Board, for any nonfeasance or misfeasance in connection with the duties imposed upon him by this Act, nor shall any action, suit, or other proceeding lie, nor any costs be payable in respect of any proceeding before the Board.

No action or suit against members of Board.

(9) Each of the three persons forming the Board shall receive in each and every year the sum of one thousand pounds as and by way of recompense, and such several sums of one thousand pounds payable respectively to the said persons shall be a charge upon and be paid out of the Consolidated Revenue, a special appropriation from which is hereby made for that purpose.

Salary of members of Board.

(10) The Board shall have, exercise, and perform all the powers, authority, and duties imposed upon "the Board" by the Civil Service Act of 1884, so far as the said Act is unrepealed.

*Public Service.*

Removal of members  
of Board.  
59 Vic. No. 25, s. 6.

8. (1) A member of the Board may be suspended or removed for misbehaviour or incompetence, as follows:—

(a) a member of the Board may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided. The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven days after such suspension if Parliament be in session and actually sitting, and when Parliament is not in session or not actually sitting within seven days after the commencement of the next session or sitting;

(b) a member of the Board suspended under this section shall be restored to office unless each House of Parliament within twenty-one days from the time when such statement has been laid before it, declares by resolution that the said member ought to be removed from office, and if each House of Parliament within the said time does so declare, the said member shall be removed by the Governor accordingly.

Office how otherwise  
vacated.

(2) A member of the Board shall be deemed to have vacated his office if he—

- (a) engages in New South Wales during his term of office in any paid employment outside the duties of his office;
- (b) becomes bankrupt, compounds with his creditors, or makes an assignment of his salary for their benefit;
- (c) absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Governor, or becomes incapable of performing his duties;
- (d) resigns his office, by writing under his hand, addressed to the Governor.

*General powers and duties of Board.*

Board to inspect  
departments, &c.  
*Ibid.* s. 8.

9. (1) As often as necessary to carry out the directions and provisions of this Act, and ensure the establishment and continuance of a proper standard of efficiency and economy in the Public Service, the Board shall, as far as practicable, personally inspect each department, and investigate the character of the work performed by every officer therein, and the efficiency, economy, and general working of such department, both separately and in its relation to other departments, and may, for such purpose, examine the permanent head of such department and such other witnesses as may appear to the Board to be necessary.

(2) If the Board at any time finds that a greater number of persons is employed in any department than it determines to be necessary for the efficient working thereof, such persons as are in excess

*Public Service.*

excess may (if practicable) be transferred to any other department which, in the opinion of the Board, requires additional assistance, and if the persons so found to be in excess cannot be usefully and profitably employed in any other department, their services shall be dispensed with subject to the provisions of section seventy-one hereof.

10. The Board, for the purpose of conducting any inquiry or investigation under this Act, shall have the same powers and authority to summon witnesses and receive evidence as are conferred upon Commissioners by Letters Patent by the Royal Commissioners Evidence Act, 1901; and all the provisions of the said Act shall apply to witnesses so summoned, and evidence so received and given, as completely and effectually as if such witnesses had been summoned, and such evidence had been received or given, by virtue or under the authority of the said Act.

Power of Board to  
summon witnesses.  
59 Vic. No. 25, s. 16.

11. For the purpose of conducting an inquiry or investigation under the authority of this Act outside of Sydney, at which it may be inconvenient for all the members of the Board to be present, the Board may delegate any of its powers or functions to any one member of the Board, or, with the approval of the Governor, to any fit person or persons, but the decision of the case shall be determined by a majority of the Board.

For purpose of  
inquiry Board may  
delegate powers.  
*Ibid.* s. 17.

12. The Board shall furnish to the Governor for presentation to Parliament at least once in each and every year a report on the condition and efficiency of the Public Service, and of its proceedings, and indicate the changes and measures necessary in its opinion for the improved working thereof, or of any department or subdivision thereof. The Board shall in such report draw attention to any breaches or evasions of this Act which may have come under notice.

Board to report on  
state of Public  
Service to Governor.  
*Ibid.* s. 18.

*Grading and salaries of officers.*

13. The Board shall, at intervals of not more than five years, commencing from the last grading made prior to the passing of this Act, grade the officers employed in all departments of the Public Service to whom this Act applies, and classify as far as practicable the work performed by, or assigned to, each officer or grade of officers, such grading and classification to be within the five principal divisions specified in section twenty, and to be respectively, according to fitness and to the character and importance of the work performed by or to be assigned to each officer or grade.

Board to grade  
officers and classify  
work.  
*Ibid.* s. 9.

14. The Board shall from time to time determine what salary, fee, or allowance is fairly appropriate to the work to be performed by, or assigned to each officer or grade of officers, or to be performed by or assigned to persons temporarily employed, and the salary, fee, or allowance so determined shall, subject to the necessary provision being from time to time made therefor by Parliament, be the salary payable in respect of such work accordingly.

Board to determine  
the salaries, fees, or  
allowances payable  
to officers.  
*Ibid.* s. 10.

15.

*Public Service.*

Provisions where  
salary of officer in  
excess of value of  
work, &c.

59 Vic. No. 25, s. 12.

15. If at any time the Board finds that any officer employed in any department of the Public Service is in receipt of a greater salary than the maximum determined by the Board to be fairly appropriate to the work performed by or assigned to such officer, such case shall be dealt with by the Board subject to the following provisions:—

- (1) If, in the opinion of the Board, such officer is fitted for or capable of performing work of a class equivalent to the amount of his salary, and such work is available in the same or another department, the Board may assign such work to such officer.
- (2) If in the opinion of the Board such officer is unfitted for or incapable of performing work of a class equivalent to the amount of his salary, or if such work is not available, the Board shall reduce the salary of such officer to the maximum determined by the Board to be appropriate to the class of work actually performed by or assigned to him, and he shall have the option of continuing in the Service at such reduced salary, or of retiring therefrom as hereinafter provided.
- (3) If any reduction of salary under the provisions of this section is certified by the Board to be made on the ground only that no work equivalent to the salary previously received by the officer affected is at the time of such reduction available, and the officer affected elects to continue in the Service at such reduced salary, such officer shall remain eligible for promotion as from the grade to which his salary before reduction was incident, notwithstanding such reduction, and shall be entitled to employment on the class of work to which his previous salary was appropriate as soon as a vacancy occurs therein in preference to any other officer of the same or a lower grade whose salary has not been reduced.
- (4) If the reduction of salary referred to in the last preceding subsection exceeds one-fourth of the salary previously paid to the officer affected, and such officer is a contributor to the Civil Service Superannuation Account, under the provisions of the Civil Service Act of 1884, such officer shall be entitled to retire from the Service and to receive the payment and gratuity mentioned in section seventy-one, subsection (a) of this Act; or if such officer is not a contributor to the Civil Service Superannuation Account, and he elects to retire from the Service by reason of the reduction aforesaid, he shall be entitled to receive on retirement the payment and gratuity mentioned in subsection (b) of the said section.
- (5) If any reduction of salary under the provisions of this section exceeds one-fourth, and is certified by the Board to be made on the

*Public Service.*

the ground that the officer affected is unfitted for or incapable of performing work equivalent to the amount of salary previously received by him, and such officer is a contributor to the Civil Service Superannuation Account, under the provisions of the Civil Service Act of 1884, but is not entitled to retire under the provisions of sections forty-three or forty-four of that Act, and such officer elects to retire from the Service by reason of such reduction of salary as aforesaid, he shall be entitled to receive the payment and gratuity mentioned in section seventy-one, subsection (a) of this Act :

Provided that if any reduction of salary under the provisions of this section does not exceed one-fourth of the salary previously paid to the officer affected, such officer shall not be entitled to any allowance, payment, or gratuity on resignation or retirement by reason of such reduction, except such capital sum as he may have paid to the Civil Service Superannuation Fund, together with interest thereon at four and a half per centum.

16. If at any time any office or any particular work or division of work has become of greater importance, or the duties incident thereto more onerous or extensive than at the date of the last general classification, the permanent head of the department may draw the attention of the Board thereto, and the Board may thereupon, if it thinks fit, alter the classification of such office or work, and determine the salary appropriate thereto under the provisions of section fourteen, and may assign such office or work either to the officer previously employed therein, with the necessary change of grade, or may treat such office or work as vacant or new, and appoint or promote thereto under and subject to the provisions of this Act such officer as the Board may think most fit and qualified therefor.

Provision for increase of importance of work or office.  
59 Vic. No. 25, s. 13.

17. If any officer not entitled to quarters is allowed to use, for the purpose of residence, any building belonging to the Government, the Governor may direct that a fair and reasonable sum as rent thereof be deducted from such officer's salary, and the amount of such sum shall be fixed by the Board.

Rent may be charged to officers residing in Government buildings.  
*Ibid.* s. 66.

18. The Board may in the first instance exercise, provisionally only, any of the powers and authorities by this Act conferred upon it, and without regard to the times or periods fixed for the general grading and classification of the Public Service may make such alterations in such grading and classification either as affecting officers or departments as the Board may from time to time consider desirable.

Power of Board may be exercised provisionally.  
*Ibid.* s. 14.

19. Any officer dissatisfied with any decision of the Board either particular or general, in regard to grade affecting him, or to the classification of the work performed by or assigned to him, may forward to the Board within thirty days after such decision has been made

Appeals to Board in respect of grade or classification.  
*Ibid.* s. 15.

*Public Service.*

made or given a notice of appeal, setting forth the grounds of his dissatisfaction, and the Board shall thereupon consider such appeal and the grounds thereof, and any further evidence in relation thereto which the Board may deem necessary for the proper determination of such appeal, and may allow or disallow such appeal, and the decision of the Board thereon shall be final.

*Power to make regulations.*

General regulations.

59 Vic. No. 25, s. 19, given in particular cases, make regulations for:—

20. (1) The Board may, in addition to the powers hereinafter
- (a) the arrangement of the Service in its prescribed divisions and the facilitation of the working thereof; the classification of the work therein; the grading of officers; the specification and assignment of work, duties, and offices; the determination of the order and conditions of promotion; the regulation of the transference or exchange of duties, work or offices; appeals to the Board; the determination of amounts or rates of salary, wages, fee, or allowance appropriate to work, duties, or offices, or classes thereof; and the regulation of the payment of such salaries, wages, fees or allowances;
  - (b) regulating and determining the scale on which officers shall insure their lives, and other matters in connection with the carrying out of the provisions of section thirty-three hereof;
  - (c) regulating and determining who are fit and proper persons to be employed in temporary employment, and for causing the names of such persons desiring employment to be enrolled in a register kept for that purpose;
  - (d) regulating the hours of attendance and the conditions on which leave of absence may be granted, and the duration of such leave, subject to any rights already acquired under the Civil Service Act of 1884;
  - (e) regulating the performance of and payment for extra service;
  - (f) determining the dates, times, or periods of time at or within which shall be done all acts and things directed by this Act to be done, and in respect of which no dates, times, or periods of time may be herein specifically provided;
  - (g) regulating the amount and nature of the security to be given for the fidelity of officers in those cases in which the Board may deem it to be necessary, and the nature and extent of any special allowances to be made to officers in respect of travelling and other necessary expenses; the increased cost of living in distant parts of the State or otherwise; and generally

*Public Service.*

- generally for the maintenance of discipline, order, economy, and efficiency in the service, and the carrying out of the objects and provisions of this Act;
- (h) determining the mode of procuring stores or other material or requisites for the Public Service, and providing for and regulating the inspection of stores, material, or requisites, and examining and auditing the books and accounts of officers in charge of stores, materials, and requisites, and for taking stock thereof, and for investigating and examining all contracts, accounts, invoices, requisitions, orders, and vouchers in any way relating to stores, material, or requisites for the Public Service: Provided always that the Governor may determine and carry out methods of procuring supplies for the Public Service other than by public tender, and independently of regulations framed by the Board;
  - (i) facilitating and securing the better selection of suitable persons for appointment and promotion as officers belonging to the General Division employed in any department, and retaining the services of those of such persons as are found most fit;
  - (j) providing for the services of those not so retained being either dispensed with or transferred to another department or branch of the Public Service as may be thought desirable; and
  - (k) providing for the admission into the Public Service in special cases to be indicated in such regulations and upon such terms and conditions as may be therein prescribed:

(2) The Board may affix to breaches of any regulations under this Act, or prescribe for minor offences against discipline, a fine or penalty not exceeding fifty pounds, according to the nature and gravity of the offence. Penalty for breach of regulation.

(3) No regulations made hereunder shall in any manner alter or affect duties which by any Act now or hereafter to be in force are or may be required to be performed. Effect of regulations.

*Divisions of Public Service.*

21. The Public Service shall for the purposes of this Act consist of five principal divisions, that is to say:— Divisions of Service. 59 Vic. No. 25, s. 21.

- The Special Division.
- The Professional Division.
- The Clerical Division.
- The Educational Division.
- The General Division.

22. (1) The Special Division shall include all persons whose offices the Governor, by notification in the Gazette, declares to belong to such division. Special Division. Ibid.

*Public Service.*

(2) The Board may, whenever it appears advantageous to the Public Service so to do, certify to the Governor that it is expedient to add any office to, or to abolish any office in the Special Division, and the Governor may upon such certificate but not otherwise, add any office to the said Special Division, or abolish any office therein.

(3) Any person appointed to or holding any office so added to such Special Division shall thereupon be included in such division.

Professional  
Division.  
59 Vic. No. 25, s. 21.

**23.** The Professional Division shall include all officers whose offices or duties require in the persons holding or performing them some special skill or technical knowledge, usually acquired only in some profession or occupation different from the ordinary routine of the Civil Service.

Clerical Division.  
*Ibid.*

**24.** The Clerical Division shall include all such officers as the Board, with the approval of the Governor, from time to time directs to be included in such division.

Educational  
Division.  
*Ibid.*

**25.** The Educational Division shall include all persons in the Public Service employed in the work of public instruction under or in connection with the Department of Public Instruction.

General Division.  
*Ibid.*

**26.** The General Division shall include all persons in the Public Service not included in the Special, Professional, Clerical, or Educational Divisions.

*Examination and appointment of officers.*

Board to provide by  
regulation for  
examinations.  
*Ibid.* s. 22.

**27.** (1) The Board shall, subject to the approval of the Governor, make regulations for the competitive examination of persons desirous of admission into the Public Service, which shall prescribe—

- (a) a preliminary medical examination as to the health of the candidates ;
- (b) the character and standard of the examinations or tests as to acquirements and efficiency to which candidates are required to submit themselves ;
- (c) the times and places where the examinations shall be held, and the manner of holding the same ;
- (d) a maximum and minimum age of candidates ; and
- (e) the fee (not exceeding ten shillings) to be paid by candidates.

(2) For the purposes of this section the Governor may, on the recommendation of the Board, appoint as many fit persons as may from time to time be required to be examiners to conduct examinations in the prescribed manner.

Qualification for  
appointment.  
*Ibid.* s. 23.

**28.** (1) No person shall be admitted to the Public Service unless he is a natural born or naturalised subject of His Majesty, and (except as hereinafter provided) unless he has successfully passed the examination prescribed.

(2) With the permission of the Governor a person not a natural born or naturalised subject of His Majesty may be so admitted.

(3)

*Public Service.*

(3) Candidates for employment in the General Division shall not be required to pass any examination other than the medical examination.

**29.** Separate entrance examinations shall be held in connection with the Professional, Clerical, and Educational Divisions, and shall be designed to test the acquirements, fitness, and aptitude of candidates for employment in such divisions respectively.

Separate examinations to be held for the different Divisions.  
59 Vic. No. 25, s. 24.

**30.** The Board shall so arrange the times and places when and where candidates are to comply with the requirements of this Act, and present themselves for examination, that persons living in country districts shall have reasonable facility in the district in which they reside for competing for employment or passing such examinations without the necessity of attendance in Sydney.

Arrangement of times and places of examination.  
*Ibid.* s. 25.

**31.** The Board shall, from time to time, as additions to the Public Service are required, give public notice thereof three times in a Sydney daily paper, stating the number of appointments proposed to be made, the division, grade, and salary, and the time and place of examination, and the number of competitors to be admitted to such examination.

Public notice of vacancies.  
*Ibid.* s. 26.

**32.** Except as hereinafter provided every person admitted to the Public Service shall, in the first instance, be admitted on probation only, and may be continued in such probationary position for a period of not less than six months. After the period of such probation has expired, the Governor may, on the recommendation of the Board, based on inquiry and report, confirm or annul such appointment.

Admissions to Public Service to be on probation only.  
*Ibid.* s. 27.

**33.** (1) No such appointment shall be confirmed until such probationer has effected with some life assurance company carrying on business in New South Wales an assurance on his life providing for the payment of a sum of money at his death, or at the age of sixty, whichever event first happens.

Appointment not to be confirmed unless probationer effects assurance on his life.  
*Ibid.* s. 63.

(2) Such assurance shall be continued and the amount thereof fixed and increased from time to time in accordance with regulations as herein provided in that behalf.

(3) No policy of assurance so effected shall during the time such person remains in the Public Service be assignable either at law or in equity, and the property and interest under such policy of the person assured shall during the time aforesaid be wholly exempt from the operation of any laws now or hereafter to be in force relating to bankruptcy, and shall not be liable to be seized, levied upon, or sold, by, upon, or under any legal process.

(4) If such person is unable to assure his life, or to assure his life without a loading of five years or more being made upon his age, and in such latter case is unwilling to assure his life, he shall not thereby be disqualified for appointment or promotion, but a prescribed deduction shall be made at prescribed times from his salary, which deductions

*Public Service.*

deductions shall be invested and accumulated in the prescribed manner, and such accumulations shall be protected as hereinbefore provided with respect to policies of assurance, and shall be paid to him without any deduction, and with all accumulated interest on his leaving the Public Service, or to his personal representative on his death, whichever first happens.

Conditions of new appointments.  
59 Vic. No. 25, s. 28.

**34.** (1.) Subject to the provisions of section thirty-six hereof, no appointment of any person not already in the Service to any permanent office or position therein shall be made except—

- (a) at the instance of the Board ; or
- (b) upon the written request of the permanent head of a department to the Minister, to be transmitted by the Minister to the Board ; or
- (c) upon the written request of the Minister himself, addressed to the Board.

(2) No such appointment shall in any case be made except upon a certificate from the Board that such an appointment is required.

Certificate of Board.  
Preliminary to appointment.  
*Ibid.* s. 23.

**35.** (1) The Board, in giving the certificate in the last section mentioned, shall in addition state therein—

- (a) the name of the person proposed to be appointed ;
- (b) that there is no person in the Public Service fit or qualified and available for such appointment ; and
- (c) that a competitive examination under the provisions of this Act has been held, and that the person named in the certificate is the most successful candidate ; or
- (d) having regard to the nature of the appointment that examination is not required, or may be dispensed with under the provisions of this Act.

(2) The Governor may thereupon appoint the person named in such certificate, subject to the provisions of section thirty-two.

Appointment in special cases.  
*Ibid.* s. 30.

**36.** (1) If in any special case it is expedient or desirable in the interests of the Public Service to appoint to the Special, Professional, or Educational Division some person who is not then in the Service, the Governor may appoint such person accordingly without either examination or probation, and without requiring compliance with the requirements of section thirty-three.

(2) No such appointment shall be made until the Board has been informed of the proposal to make such appointment, and has reported whether in its opinion there is any person in the Service capable of filling the position to which it is proposed that an appointment shall be made.

(3) All such reports shall be laid before Parliament.

*Public Service.*

**37.** No person shall be appointed to the office of Police Magistrate unless—

(a) he is at the time of such appointment of the full age of thirty-five years or upwards, and is willing to reside permanently within the district in which he is appointed to act; and

Qualification and appointment of Police Magistrates. 59 Vic. No. 25, s. 31.

(b) he has passed the prescribed examination in law.

**38.** The Board shall make regulations prescribing the subjects for and the nature and standard of the examination to be undergone by persons who desire to be appointed Police Magistrates.

Examination for Police Magistrates. *Ibid.* s. 32.

**39.** (1) No person shall be appointed to the Clerical Division of the Public Service whose age at his last birthday, previous to appointment, was less than sixteen or more than thirty years, unless such person is at the time of appointment already in the Public Service.

Age of appointees: Clerical Division. *Ibid.* s. 33.

(2) No person shall be appointed to the General Division of the Public Service whose age at his last birthday, previous to appointment, was less than sixteen or (except as hereinafter provided) more than forty years, unless such person is at the time of his appointment already in the Public Service.

General Division.

(3) In cases of special duties the Governor may, however, on the recommendation of the Board, extend the age from forty to forty-five years.

Extension of age limit.

(4) Nothing in this section contained shall be taken to prevent the appointment of persons of any age to be junior messengers.

Age of messengers.

**40.** No person related by blood or marriage to any member of the Board shall, except with the approval of the Governor in writing, be appointed to or promoted in the Public Service while the member of the Board to whom such person is so related continues to be a member of such Board :

Relatives of members of the Board. *Ibid.* s. 34.

Provided that the Governor may, by notification in the Gazette, define the limits or degrees of relationship within which this section shall apply.

**41.** The Board may make regulations for facilitating the employment of women in those departments or branches of the Public Service in which it may seem desirable to employ them; and such regulations may determine the salary or wages to be paid to women employed on any particular work or class of work, and may provide generally for all matters relating to the examination of female candidates for employment, which may require special provision.

Regulations for appointment of women. *Ibid.* s. 35.

**42.** Except in the Department of Public Instruction no married woman shall be eligible for appointment to any office in the Public Service if her husband is already in the employment of the State, unless the Board certifies in each case that there are special circumstances which make such appointment desirable.

Married women when eligible. *Ibid.* s. 36.

*Public Service.*

Appointment of  
officers of gaols, &c.  
59 Vic. No. 25, s. 39.

**43.** (1) No person shall be permanently appointed to any office in any penal establishment or gaol or reformatory school, probationary school, or receiving depôt, whether he is already an officer in the Public Service or not, unless and until he has served for twelve months on probation as an officer of some penal establishment or gaol or reformatory school, probationary school, or receiving depôt.

Appointment of  
officers of hospitals  
for the insane.

(2) No person shall be permanently appointed to any office in any hospital for the insane, whether he is already an officer in the Public Service or not, unless and until he has served for twelve months on probation as an officer of some hospital or receiving house for insane.

*Temporary Officers.*

Temporary officers  
may be appointed in  
cases of necessity.  
*Ibid.* s. 37.

**44.** (1) Whenever in the opinion of the Minister the prompt despatch of the business of any department renders temporary assistance necessary, and the Board, upon being so informed, is unable to provide such assistance from other departments, the Board shall select from the persons whose names are upon the register referred to in subsection (c) of section twenty such person or persons as to the Board appear best qualified for such work.

(2) Such person or persons may be employed to perform such work for any period not exceeding three months, and, if necessary, may, with the sanction of the Board, be employed at the end of such period for any further period not exceeding three months, but shall not be so employed for more than three periods of three months each successively.

(3) No person who has been temporarily employed in any department shall, on the termination of his employment, be eligible for temporary employment in the Public Service during the six months next following such termination.

(4) The services of any person employed temporarily may be dispensed with at any time by the Minister or by the Board.

Public Works  
Department.  
*Ibid.* s. 38.

**45.** (1) Notwithstanding the provisions hereinbefore contained, the Minister may, in the case of temporary work, in the carrying out of any public work or scheme (if he considers that, for the public interest the provisions of the last preceding section should not apply to such work or scheme) order that the temporary employment upon such work or scheme shall be until the completion of the same.

Government Printing  
Office and Census  
Returns.  
*Ibid.*

(2) Any person may, upon the recommendation of the Board, be temporarily employed in the Government Printing Office, or in the preparation of the Census Returns, for such time as may be necessary.

*Appointment of retired officers.*

Retired officers may  
be appointed.  
*Ibid.* s. 72.

**46.** Notwithstanding anything in this Act contained the Board may recommend for any vacancy any officer who has been retired from the

*Public Service.*

the Public Service under the Civil Service Act of 1884 or of this Act, and such officer may be appointed without examination or probation: Provided that the officer so recommended has not at the time of such recommendation attained the age of sixty years.

*Internal administration—Promotions, &c.*

47. All promotions in and appointment to the Special Division shall, as far as practicable, and subject to the provisions of this Act, be from such Special Division, or from the higher grades of the Professional or Clerical Divisions, or from the Educational Division, and shall be made with regard to special qualifications and aptitude, as well as to seniority in grade or duration of service, seniority being subordinated to considerations of special fitness.

Order of promotions, &c.  
59 Vic. No. 25, s. 40.

48. There shall be two series of grades in the Professional and Clerical Divisions, called the higher and the lower grades, and all officers engaged in the performance of work entitling them to a salary of three hundred pounds per annum and upwards shall be deemed to be included in the higher grades of such divisions, and all officers engaged in the performance of work entitling them to a salary of less than three hundred pounds per annum shall be deemed to be included in the lower grades of such divisions respectively.

Higher and lower grades.  
*Ibid.* s. 41.

49. (1) Whenever any vacancy occurs in any office or class of work within the higher and lower grades, respectively, of the Professional or Clerical, or in the Educational or the General Division, if it is expedient to fill such vacancy, the Governor may, upon the recommendation of the Board, appoint—

How vacancies to be filled.  
*Ibid.* s. 42.

- (a) any officer of the department in which such vacancy occurs (regard being had to the relative seniority and fitness respectively of the officers of such department), if it appears that such appointment would result in the duties of such office being more efficiently performed than by selecting an officer from any other department; or
- (b) any officer from any other department whom (on the ground of seniority combined with fitness) it appears desirable so to appoint.

(2) "Fitness" in this section means special qualifications and aptitude for the discharge of the duties of the office to be filled.

(3) All promotions or appointments under this section shall, as far as practicable, and subject to the provisions of this Act, be from the same grade as that in which the vacancy occurs, or from the immediately inferior grade in the same series of grades or division, or from equivalent grades in some other division, so that such promotions

or

*Public Service.*

or appointments are from a junior to a senior position in the same grade, or from an inferior to an immediately superior grade, in the same or a corresponding series of grades.

Examination before promotion to higher grades of Professional and Clerical Divisions.

59 Vic. No. 25, s. 43.

**50.** (1) No person entering the Service on or after the twenty-third day of December, one thousand eight hundred and ninety-five, shall be eligible for promotion from the lower to the higher grades of the Professional and Clerical Divisions unless he has passed the examination prescribed by the Board as preliminary to admission to those grades.

(2) The Board shall, from time to time as may appear necessary, cause examinations for promotions from the lower to the higher grades in the Professional and Clerical Divisions, to be held by the examiners appointed under the provisions of section twenty-seven, which examinations shall be open to all officers employed in the lower grades of the Professional and Clerical Divisions, who, at the date on which they present themselves for examination, have been at least three years in the Public Service, and the names of the persons who have passed the required standard of examination shall be registered by the Board, and all vacancies in the higher series of grades in the two divisions mentioned which it may be considered expedient to fill, and which subject to the provisions of this Act may be filled from a lower series of grades shall be filled by the appointment of those officers whose names appear in the register aforesaid.

Board may allow officer to decline promotion.

*Ibid.* s. 44.

**51.** The Board may, in any case, allow any officer to decline any offered promotion or appointment without prejudice to his right to any future promotion or appointment to which his grade and order of seniority and merit would, under the provisions of this Act, entitle him; but no officer shall be allowed to refuse compliance with any order of the Board, directing his removal from one position to another, or from one division or department to another, and disregard of, or disobedience to, any such order shall be followed by dismissal, unless the officer concerned justifies such refusal, in the judgment of the Board, by adducing some valid and sufficient reason therefor.

Minister or permanent head may propose changes of officers or rearrangement of work.

*Ibid.* s. 45.

**52.** When it appears to the Minister or permanent head of any department necessary or expedient for the more economic, efficient, or convenient working of such department, or any branch thereof, that any particular disposition of officers and rearrangement of work should be effected, the matter shall be referred to the Board for consideration and action:

Provided that nothing in this Act contained shall be construed as restricting the ordinary and necessary departmental authority of such Minister or permanent head of any department with respect to the direction and control of officers and work.

*Public*

*Public Service.*

*Public Instruction.*

**53.** Any power of appointment, dismissal, or control of officers conferred upon the Minister, or upon the Minister with the approval of the Governor, or conferred upon the Governor alone under the provisions of the Public Instruction Act of 1880, shall be exercised by the Governor upon the recommendation of the Board, in accordance with the provisions of this Act, and not otherwise, and all officers or persons employed under the provisions of that Act shall be deemed to be under the control of the Board for the same purposes and to the same extent as the other branches of the Public Service to which this Act applies.

Transfer of powers under Public Instruction Act. 59 Vic. No. 25, s. 46.

**54.** All regulations made under the provisions of the Public Instruction Act of 1880, having reference to the officers and persons employed thereunder shall, so far as the Board considers them applicable and consistent with the provisions of this Act, be applied by the Board in the exercise of their powers, duties, and functions under this Act in the organisation and administration of that branch of the Public Service.

Regulations made under Public Instruction Act may be retained and applied under this Act. *Ibid.* s. 47.

**55.** The Board shall have power to make regulations,—

Regulations as to Public Instruction. *Ibid.* s. 48.

- (a) prescribing the nature and standard of the examinations to be held for admission to or promotions or appointments within the Educational Division;
- (b) prescribing and defining such subdivisions of the Educational Division as may be necessary to facilitate the application of the provisions of this Act to the organisation and administration of that branch of the Public Service;
- (c) for determining the relative positions in order of precedence of teachers in each grade;
- (d) providing for increased scale of salary or allowance, without reference to grade, in special cases;
- (e) providing for appeals to the Board from decisions of the Board concerning salary, grading, or classification of duty or work;
- (f) providing for penalties and fines for minor offences against discipline or order, or for breaches of the regulations;
- (g) for other matters and things in connection with the above or similar objects.

*Dismissals, removals, &c.*

**56.** (1) If any officer permanently employed in the Public Service—

Punishment of offences. *Ibid.* s. 49.

- (a) is guilty of any breach of the provisions of this Act, or the regulations made thereunder; or
- (b) is guilty of leaving the final judgment of any Court of law for the payment of any debt unsatisfied for the period of one month; or
- (c)

---

*Public Service.*

---

- (c) is guilty of any misconduct; or
  - (d) is guilty of habitually using intoxicating beverages to excess; or
  - (e) is guilty of any wilful disobedience or disregard of any lawful order made or given by any person having authority to give such order; or
  - (f) is negligent or careless in the discharge of his duties; or
  - (g) is inefficient or incompetent, and such inefficiency or incompetency appear to arise from causes within his own control; or
  - (h) is guilty of any disgraceful or improper conduct,
- he shall be liable to dismissal or such other punishment as may be determined upon under the provisions of this section.

(2) Any officer, not being an officer included in the Special Division, charged with the commission of any such offence, may be dealt with in one of the modes following:—

- (a) in emergent cases he may be temporarily suspended by the senior officer of the branch in which the offending officer is employed; but such suspension shall be immediately reported to the permanent head of the department;
- (b) the permanent head, if he is of opinion, after hearing such officer in his defence, that the alleged offence has been committed, but is not of so serious a nature that a report thereof should in the course of his duty be made to the Board, may reprimand or caution such officer only, and thereupon remove the suspension;
- (c) the permanent head may, if he considers the offence is of so serious a nature that a report thereof should in the course of his duty be made to the Board, suspend such officer and forthwith report him to the Board, and if such officer does not in writing admit the truth of the charges made against him, the Board shall inquire as to the truth of such charges, or if the Board is of opinion that it is desirable that any such charges should be inquired into by some persons specially appointed for the purpose, it may communicate its opinion to the Governor, who may thereupon appoint one or more persons to inquire as to the truth of such charges. Any such person or persons so appointed for such purpose shall have the same powers as the Board to summon and examine upon oath any witnesses whose evidence may be necessary or material, and shall, after fully hearing the case, report to the Board their opinion thereon;
- (d) if any such charges are admitted as aforesaid, or are found by the Board or by the person or persons appointed as aforesaid to be proved, the Board may, according to the nature of the offence, reduce such officer to a lower grade in the Public Service,

*Public Service.*

Service, or to a lower salary, or fine him, or deprive him of his leave of absence during such time as the Board thinks fit, or with the approval of the Governor may dismiss such officer from the Public Service or require him to resign, and unless the Board otherwise orders, such officer shall forfeit all salary or wages except such as may have been due before his suspension ;

- (c) if such charges are found by the Board or by persons appointed as aforesaid not to be proved the suspension shall be immediately removed.

**57.** If any officer in the Special Division is charged with any of the offences enumerated in section fifty-six, the Minister may suspend such officer and report the charge and suspension to the Board, and thereupon the Board shall inquire into the truth of the charge and deal with the matter in the manner provided in subsections (c), (d), and (e) of section fifty-six.

Offences by officers in Special Division.  
59 Vic. No. 25, s. 50.

**58.** If it comes to the knowledge of the Board that any officer is guilty of any conduct which in the opinion of the Board renders him unfit to continue in the Public Service, the Board may initiate an inquiry into the case, and for that purpose shall summon the officer concerned before it, and shall specify the charge against him and receive evidence thereon, and in all other respects deal with the charge as though it had arisen under the provisions of either of the two last preceding sections.

Board may initiate inquiry into misconduct.  
*Ibid.* s. 51.

**59.** In the event of the address for the time being of any officer being unknown to the Board, all notices, orders, or communications relative to any charges against such officer shall be posted to the last-known address of such officer, and compliance with this section shall be deemed a sufficient service on such officer of any such notice or order : Provided that if within any time specified in such notice, order, or communication, no answer is received by the Board to an inquiry asking whether the officer admits the truth of any charges brought against him, he shall be deemed to deny the truth of such charges, and the Board may inquire into and deal with such charges in the absence of the officer affected.

As to officers whose address is unknown.  
*Ibid.* s. 52.

**60.** Neither officers nor departments shall be entitled to be represented by counsel, attorney, or agent at inquiries held by the Board. The Board or any persons appointed under the authority of subsection (c) of section fifty-six, when inquiring as to the truth of any charge made against an officer, may conduct the inquiry without regard to legal forms, and shall direct itself or themselves by the best evidence it or they can procure, or that is laid before it or them, whether the same be such evidence as the law would require or admit in other cases or not, and the Board or such persons (as the case may be),

Procedure at inquiries held by the Board.  
*Ibid.* s. 53.

*Public Service.*

be), may receive or reject as it or they deem fit any evidence that may be tendered. The Board shall keep a complete record of all such inquiries which shall afterwards be available for reference.

Dismissal for felony, &c.  
59 Vic. No. 25, s. 54.

**61.** (1) If any officer is convicted of any felony or other infamous offence he shall be summarily dismissed.

Services dispensed  
with for fraudulent  
bankruptcy.

(2) If he becomes bankrupt or applies to take the benefit of any Act now or hereafter in force for the relief of insolvent debtors, or makes an assignment for the benefit of his creditors, he shall be deemed to have committed an offence within the meaning of this Act, and his services shall thereupon be dispensed with, unless he prove to the satisfaction of the Board that his pecuniary embarrassment has not been caused or attended by any fraud, extravagance, or dishonorable conduct.

Statutory powers and  
duties of officers  
confirmed in certain  
cases.

*Ibid.* s. 55.

**62.** Where, on the twenty-third day of December, one thousand eight hundred and ninety-five, any Act or the regulations under any Act other than the Civil Service Act of 1884, specifically imposed or conferred upon any officer in the Public Service, any duty, power, or authority to be exercised in connection with any department of the Service, such duty, power, or authority, and any obligation or right to exercise the same, shall remain unaffected by this Act, except in so far as such duty, power, or authority relates to the classification, salary, and allowances of officers or persons employed in the Public Service.

Services of incapable  
officer may be  
dispensed with.

*Ibid.* s. 56.

**63.** If any officer in the Public Service is at any time found unfit to discharge or incapable of discharging the duties of his office, and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part, or from causes within his own control, the Governor may, on the recommendation of the Board, cause the retirement of such officer, and may direct that compensation be granted to him in terms of section seventy-one hereof.

Fines to be stopped  
from salary.

*Ibid.* s. 57.

**64.** The Paying Officer on receiving notice of any pecuniary penalty imposed upon any officer under the authority of this Act shall deduct the amount thereof from the salary of the officer incurring such penalty.

Right of Crown to  
dispense with the  
services of any public  
servant.

*Ibid.* s. 58.

**65.** Nothing in this Act, or in the Civil Service Act of 1884, shall be construed or held to abrogate or restrict the right or power of the Crown, as it existed before the passing of the said Civil Service Act, to dispense with the services of any person employed in the Public Service.

*Retiring age of officers.*

Officers between sixty  
and sixty-five years  
of age entitled or  
may be called upon  
to retire.

*Ibid.* s. 68.

**66.** (1) Every officer in the Public Service, whether appointed before or after the commencement of this Act, and whether he have attained the age of sixty years before or after the commencement of this Act, shall be entitled, if he desires so to do, having attained the age of sixty years, to retire from the Public Service.

(2)

*Public Service.*

(2) Any such officer may (unless called upon to retire as hereinafter provided) continue in the Public Service until he attains the age of sixty-five years.

(3) If any such officer continues in the Public Service after he has attained the age of sixty years, he may at any time before he attain the age of sixty-five years be called upon by the Governor, acting upon the recommendation of the Board, to retire; and every such officer so called upon to retire shall retire accordingly.

67. (1) Every officer, whether appointed before or after the commencement of this Act, if he attains the age of sixty-five years after the commencement of this Act, shall retire immediately on attaining that age, unless he is required, notwithstanding his age, to continue to perform his duty in the Public Service as hereinafter provided, and is willing so to do.

Officers on attaining the age of sixty-five to retire unless called upon to continue.  
59 Vic. No. 25, s. 69.

(2) The Governor may, notwithstanding that any officer has attained the age of sixty-five years (if the Board certify that in the interests of the Public Service it is desirable that such officer should continue in the performance of the duties of his office, or of any office in the Public Service to which he may be appointed, and if such officer be able and willing to do so), from time to time direct such officer to continue in the Service for such fixed time not exceeding twelve months (as the Governor in each case directs), or during pleasure.

Officers of age of sixty-five may be continued in Public Service by Governor.

(3) Every officer who retires under the provisions of this or the last preceding section, and is not a contributor to the Civil Service Superannuation Account, shall, if otherwise within the provisions of subclause (b) of section seventy-one be entitled to receive, on such retirement, the gratuity or allowance thereby specified.

*Private employment of officers.*

68. (1) Except with the express permission of the Governor signified by notice published in the Gazette, which permission may be at any time withdrawn, no officer shall—

Officers not to engage in commercial pursuits or practice of professions.

(a) accept or continue to hold or discharge the duties of or be employed in any paid office in connection with any banking, insurance, mining, mercantile, or other commercial business, whether the same be carried on by any corporation, company, firm, or individual; nor

Ibid. s. 64.

(b) engage in or undertake any such business, whether as principal or agent; nor

(c) engage in or continue in the private practice of any profession.

(2) If any officer is the holder of any office, or is engaged in any employment whatsoever other than in connection with the duties of his office under the Crown, he shall at once notify the fact to the Board.

Officers to notify Board if engaged in any private employment.

(3)

*Public Service.*

(3) If in the opinion of the Board such first-mentioned office or employment interferes with the due and proper discharge of his public duties the Board shall require such officer to resign such office or abstain from engaging in such employment.

(4) Any officer failing to comply with the requirement of the Board shall be deemed guilty of misconduct within the meaning of section fifty-six hereof.

Exceptions.

(5) Nothing herein contained shall prevent any officer from accepting and continuing to hold any office in any society founded under the law relating to Friendly Societies for the benefit of public servants only.

*Notices of appointments, promotion, &c*

Promotions, retirements, &c., to be gazetted.  
59 Vic. No. 25, s. 70.

69. (1) All notices of appointments, promotions, transfers, retirements, and removals of officers under this Act shall be published in a special Gazette to be issued weekly.

(2) Notification of every appointment shall appear in the Gazette within fourteen days from the date from which the appointment is to take effect, otherwise such appointment shall not be considered as valid for any purpose under this Act, and every such notice shall be deemed and taken to be conclusive evidence of every such appointment, retirement, or removal respectively.

## PART III.

## PENSIONS, GRATUITIES, &amp;C.

Pensions, &c., not to be paid to public officers hereafter appointed.  
*Ibid.* s. 59.

70. No person who, on or after the twenty-third day of December, one thousand eight hundred and ninety-five, enters or becomes employed in any department of the Public Service to which this Act applies, or was not at such date a contributor to the Superannuation Account under the provisions of the Civil Service Act of 1884, shall be allowed to become a contributor to or to acquire any right to any payment by way of pension, annual superannuation, retiring allowance, or gratuity out of such Superannuation Account. Nor shall any person to whom this Act applies, except as in the next succeeding section provided, receive out of the Consolidated Revenue of the State any payment, by way of pension, annual superannuation, retiring allowance, or gratuity, either directly or indirectly.

Gratuities on retirement, in what cases allowed.  
*Ibid.* s. 60.

71. If the services of any person permanently employed in the Public Service are dispensed with by the Board under the provisions of this Act otherwise than for an offence, then—

(a) if such person was employed in the Public Service before and on the twenty-third day of December, one thousand eight

*Public Service.*

eight hundred and ninety-five, and was a contributor to the Superannuation Account under the provisions of the Civil Service Act of 1884, but not entitled to retire under sections forty-three and forty-four of that Act, such person shall receive a refund of the amount of his contributions to such Account, calculated to the date on which his services were dispensed with, together with a gratuity not exceeding one month's pay for each year of service from the date of his permanent appointment, and a fortnight's pay in respect of each year of temporary service; such gratuity to be calculated on the average of his salary during the whole term of his employment, and to be payable only in respect to service prior to the commencement of this Act;

- (b) if such person was employed in the Public Service before and on the said date, but was not a contributor to the said Superannuation Account, such person shall receive a gratuity not exceeding one month's pay for each year of service from the date of his permanent appointment, and a fortnight's pay in respect of each year of temporary service; such gratuity to be calculated on the average of his salary during the whole term of his employment, and to be payable only in respect of service prior to the said date.

**72.** The superannuation allowance referred to in section forty-eight of the Civil Service Act of 1884, and payable under that Act, shall, after the twenty-third day of December, one thousand eight hundred and ninety-five, be computed upon the amount of salary and emoluments other than forage, equipment, or travelling allowances; and from and after such date the four per centum deductions referred to in section fifty-three of the Civil Service Act of 1884 shall be made from the total value of salary and emoluments other than forage, equipment, or travelling allowances.

**73.** (1) Any person who, on the first day of November, one thousand eight hundred and ninety-six, was a contributor to the Superannuation Account under the Civil Service Act of 1884, but who is not an "officer" within the meaning of this Act, and before the twenty-third day of December, one thousand eight hundred and ninety-six, elected to discontinue contributing thereto, shall be entitled to receive from the said account on his retirement from his public employment for any cause other than an offence (or in the event of his death before retirement, his representative shall be entitled to receive) a refund of the amount paid thereto up to the date of his so electing, together with interest thereon at the rate of three per centum per annum from the date of his ceasing to contribute. And every person as aforesaid who has so ceased to contribute to the said account, shall thereupon cease to be entitled to any right in or benefit from such account, except such refund and interest aforesaid.

(2)

Calculation of allowances under Civil Service Act of 1884. How made. 59 Vic. No. 25, s. 61.

Contributors to Superannuation Fund. 60 Vic. No. 27, s. 1.

*Public Service.*

59 Vic. No. 25, s. 62.

(2) All officers employed in the Public Service on the twenty-third day of December, one thousand eight hundred and ninety-five, who then were contributors to the said Superannuation Account, and who after the expiration of twelve months from the said date, continue to be employed in the service and to contribute to the said account, shall, notwithstanding anything in this Act contained, be entitled on retirement or removal from the Public Service otherwise than for an offence to all the rights and benefits conferred upon contributors to the Superannuation Account by the provisions of Part V of the Civil Service Act of 1884; and for the purpose of this subsection, such rights and benefits shall be deemed to include the right to superannuation allowance under sections forty-six and forty-eight of that Act as though their office were abolished where the officer who retires or is removed as aforesaid is otherwise within the terms of section forty-eight of that Act.

Certain services to count in estimating allowances and gratuities.

No. 55, 1899, s. 1.

74. For the purpose of estimating the amount of any superannuation allowance or gratuity due to any person, service by that person whether continuous or not under the Council of Education constituted in pursuance of the Act thirtieth Victoria number twenty-two, or under the said Council of Education and under the Board of Commissioners incorporated by the Act eleventh Victoria number forty-eight under the name and style of the Board of National Education or the Denominational School Board created by the Governor in the year one thousand eight hundred and forty-eight, shall be deemed to have been and to be service by that person within the meaning of the Civil Service Act of 1884, and the Public Service Act of 1895, and any Act amending the same, and this Act.

Powers and duties of the Auditor-General in respect of the Civil Service Superannuation Account.

59 Vic. No. 25, s. 71.

75. The Auditor-General shall have and exercise the same powers and duties in respect of the Civil Service Superannuation Account as are by the Audit Act, 1898, conferred and imposed upon him in reference to the Public Account, and it shall be competent for the said Auditor-General to investigate the past operations upon the said Superannuation Account as well as future operations, but the authority hereby conferred upon the Auditor-General shall not extend to requiring or demanding a refund of any moneys actually paid out of the said Superannuation Account before the twenty-third day of December, one thousand eight hundred and ninety-five.

No claim for compensation if salary reduced or services dispensed with.

*Ibid.* s. 67.

76. Except as in this Act provided, no officer in the Public Service shall be deemed to be entitled to any compensation by reason of any reduction of his salary, or in consequence of his services being dispensed with.

Publication of regulations.

*Ibid.* s. 20.

77. All regulations made by the Board, and any repeal, alteration, or amendment of the same, shall, as soon as they have been approved

# Act No. 32, 1902.

193

---

## *Constitution.*

---

approved by the Governor and published in the Gazette, have full force and effect, and such regulations shall be laid as soon as may be before both Houses of Parliament.

---

### SCHEDULE.

#### *Repeal of Acts.*

Reference to Act.	Title or short title.	Extent of repeal.
59 Vic. No. 25 ...	The "Public Service Act of 1895"...	The whole Act.
60 Vic. No. 27 ...	The "Public Service (Superannuation) Act, 1896."	The whole Act.
No. 55, 1899 ...	The "Public Service (Superannuation) Act, 1899."	The whole Act.

---