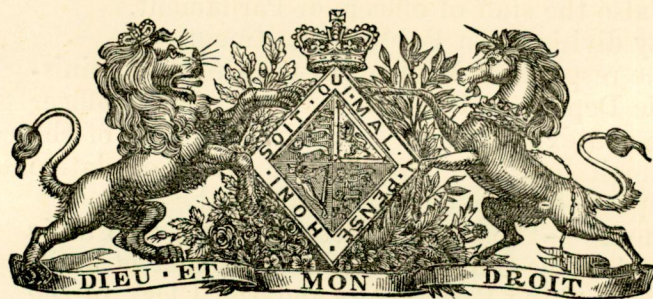


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 2 October, 1884. }*

STEPHEN W. JONES,  
*Clerk of Legislative Assembly.*

## New South Wales.



ANNO QUADRAGESIMO OCTAVO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No. .

An Act for the regulation of the Civil Service for providing Superannuation and Retiring Allowances to the Members thereof and for other purposes.

**W**HEREAS it is expedient that Officers of the Civil Service Preamble. should be classified and that a scale of salaries and a system of appointments promotions and retiring allowances should be established and that other provisions for the regulation of the Service should be made Be it therefore enacted by the Queen'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:—

1. This Act shall come into force on the first day of January Commencement and short title. one thousand eight hundred and eighty-five and may be cited as the "Civil Service Act 1884."

2. In the construction of this Act the terms within inverted commas shall have the meanings set against them respectively unless Interpretation of terms. inconsistent with or repugnant to the context viz. :—

15 "Governor"—The Governor with the advice of the Executive Council.

"Civil Service" or "Service"—The body of persons now or hereafter appointed to permanent salaried offices in the service

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- of the Government except the Judges of the Supreme and District Courts the Chief Commissioner of Insolvent Estates Professors in the University or Wardens of the Colleges affiliated thereto claimants under Schedule C of the Constitution Act and persons holding appointments in the Military or Naval Service the Police and the Royal Mint.
- 5 “Officer”—Any person holding office in the Civil Service other than those mentioned in sections seven and eight and teachers under the Educational Division and persons employed temporarily.
- 10 “Prescribed”—Prescribed by this Act or the Regulations made thereunder.
- “Public Department”—Any department of the Government presided over by a Minister although embracing any number of Departments also the staff of officers of Parliament.
- 15 “Department”—Any division of a Public Department.
- “The Minister”—The responsible Minister of the Crown administering the Public Department to which the particular officer indicated by the context is attached also the President of the Legislative Council and the Speaker of the Legislative
- 20 Assembly in respect of the officers of Parliament.
- “Head of Department”—The Under Secretary of a Public Department the Auditor-General the Commissioner of Railways and the Clerk of the Parliaments and the Clerk of the Legislative Assembly.
- 25 “The Board”—The Civil Service Board appointed under this Act.

## PART I.

## CLASSIFICATION.

3. All officers at the time of the passing of this Act shall be <sup>Classification.</sup> classed in one of the following Divisions and Classes and every officer hereafter entering the Service shall be assigned a position in one of such Divisions and Classes:—

1.—*The General Division.*

- 35 FIRST CLASS—The Heads of Departments and all officers whose annual salaries shall have been fixed by the “Appropriation Act of 1884” at rates not less than eight hundred pounds.
- SECOND CLASS—All officers whose salaries shall have been so fixed at not less than six hundred and fifty and under eight hundred pounds per annum.
- 40 THIRD CLASS—All officers whose salaries shall have been so fixed at not less than five hundred and under six hundred and fifty pounds per annum.
- FOURTH CLASS—All officers whose salaries shall have been so fixed at not less than three hundred and fifty and under five hundred pounds per annum.
- 45 FIFTH CLASS—All officers whose salaries shall have been so fixed at not less than two hundred and under three hundred and fifty pounds per annum.
- SIXTH CLASS—All officers whose salaries shall have been so fixed
- 50 under two hundred pounds per annum.
- PROBATIONARY CLASS—All unclassified officers serving as probationers.

*Civil Service (No. 2).*2.—*The Professional Division.*

- FIRST CLASS—All professional officers whose salaries shall have been so fixed as aforesaid at not less than nine hundred pounds per annum.
- 5 SECOND CLASS—All professional officers whose salaries shall have been so fixed at not less than six hundred and under nine hundred pounds per annum.
- THIRD CLASS—All professional officers whose salaries shall have been so fixed at not less than three hundred and under six
- 10 hundred pounds per annum.
- FOURTH CLASS—All professional officers whose salaries shall have been so fixed under three hundred pounds per annum.
- CADET OR JUNIOR CLASS—All unclassified officers admitted to the Service to qualify for appointment to the above classes.

3.—*The Educational Division.*

- 15 OFFICERS.—All persons employed in the Department of Public Instruction except teachers.
- TEACHERS.—All teachers assistant or pupil teachers but not inspectors or assistant inspectors.
- 20 All Teachers shall be classified under the Rules and Regulations made in pursuance of the "Public Instruction Act of 1880" and be entitled to promotion and consequent additions to their salaries thereunder.
- All officers in the Department shall be classified according to their
- 25 respective positions in the General or Professional Divisions.

4. In the case of officers whose salaries shall have been so fixed as aforesaid at or over one thousand pounds per annum in the General Division or at or over twelve hundred pounds per annum in the Professional Division or who under the provisions of this Act may attain

30 to such salaries an increase shall be given only by special vote on the Estimates Each officer in the General Division not in receipt of the maximum salary of his class shall be entitled every year to an increase on the following scale until such maximum be reached :—

35	In the First Class ... ..	Thirty Pounds
	In the Second and Third Class ...	Twenty-five Pounds
	In any other Class ... ..	Twenty Pounds

And such increases shall commence to run from the first day of January one thousand eight hundred and eighty-five Provided always that if any Minister shall be dissatisfied with the habits or conduct of any

40 officer in his department or with the mode in which he discharges his duties the Governor may order that such officer shall not receive the then accruing or any other increase to which otherwise he would have been entitled Provided always that the Board shall be informed of the intended order of disallowance at least seven days before the said order

45 is made and the said Board may make any representation to the Minister in respect thereof and provided further that visiting surgeons and chaplains to Government Institutions and other persons whose services shall be only partially employed shall not be entitled to the annual increment aforesaid.

50 5. In the Professional Division which shall include engineers surveyors barristers solicitors medical officers and others who subject to the approval of the Governor shall be so classified by the Board or be admitted to the service as such each officer whose salary shall have been so fixed under twelve hundred pounds per annum shall have the

Increase of salaries  
in the General and  
Professional  
Divisions.

Increase of salaries  
in the Professional  
Division.

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the same rate of increase but within the same maximum limit as officers in the General Division entitled to the like salary Provided that in the First Class the annual increase shall continue until the maximum of such class is reached.

5 6. Whenever any officer shall have received the maximum salary of his class for four years the Governor may order that such officer shall enter the class next above him at the minimum rate of such class and he shall thereafter be entitled to receive the increase to which officers in such class are entitled but no officer shall be entitled  
10 thus to enter the First Class in either Division but the entrance to such class shall be attained only by promotion to fill vacancies therein or by appointments to fill any new office which may be determined by Parliament to belong to such class.

Officers receiving for four years the maximum of any class to enter the next higher class.

15 7. Nothing herein contained shall interfere with the rules and regulations made by the Commissioner for Railways as to the mode of admission examination promotion classification and salaries under which persons employed in the Railway Service are engaged and agree to serve or with such rules and regulations of a similar kind with regard to any other Department except as hereinafter provided in  
20 Parts V and VI.

Commissioner's rules and regulations for railway service to be continued.

8. In the case of messengers housekeepers letter-carriers stampers or sorters bailiffs warders matrons nurses attendants boatmen storemen and persons employed in the Printing and Telegraph Offices Dredge and Marine Services and other persons occupying positions of  
25 similar class character or importance who are in the receipt of annual salaries and not of daily or monthly wages or paid by piece work the Governor may order an increase of any salary in any year not exceeding ten pounds But all such increases shall be specified in the annual Estimates.

Increase to salaries of messengers &c.

30 9. Any reduction or increase made by Parliament in any salary shall not alter the then existing classification of any officer or his right to an increase under section four and no officer shall be entitled to any claim for compensation by reason of any such reduction.

Reduction or increase not to alter classification.

35 10. If the services of any officer shall be dispensed with in consequence of the abolition of his office or of any departmental change and not from any fault on his part such officer may be required at the rate of salary last received by him to perform any duty for which he is considered competent in any public department and should he refuse such change of duty he shall not be entitled to receive  
40 any compensation.

Abolition of office.

45 11. The Estimates submitted to Parliament each year shall under the head of each department specify the number of officers of each class and the aggregate amount of salaries required for the service of the year and shall show in comparison therewith the number of each class and aggregate amount of salaries for the previous year. Provided that the classifications imposed by this Act shall not be held to diminish or affect the rights by way of precedence or otherwise except by way of emolument of any officer.

Number and distribution of officers to be in Estimates.

## CIVIL SERVICE BOARD.

50 12. The Governor shall appoint five persons to be a Civil Service Board to perform the duties hereafter mentioned and such Board shall be appointed solely on the ground of fitness and competency for the performance of the duties assigned to them Three members shall form a quorum and one shall retire annually and shall not be eligible for  
55 reappointment within twelve months after retirement.

Appointment of Board.

13. The Board shall within thirty days after being appointed and afterwards annually in the month of January elect a Chairman who shall be the medium of communication with the Minister and in  
the

Duties of Board.

*Civil Service (No. 2).*

the absence of the Chairman from any meeting the members present may elect one of their number to preside. The Chairman shall in case of equality of votes have in addition to his original a second or casting vote. The Board shall meet at least twice in each month and shall cause minutes of the meetings to be kept by its Secretary who shall be appointed by the Governor and shall rank in the Fourth class.

14. The Colonial Treasurer shall pay out of the Consolidated Revenue Fund the sum of five hundred pounds annually to the Board as fees for the attendance of its members but such fees shall not in the calculation of any claim to a superannuation allowance be considered as forming part of a salary.

15. Whenever any vacancy shall occur in the Board through the retirement insolvency removal death or resignation of any member or by his absence from its meetings for three consecutive months without leave obtained the Governor shall fill up such vacancy.

16. The Board shall within ninety days after its appointment prepare for publication in the *Gazette* a List containing the names alphabetically arranged of all the officers in each Division and class and all other persons employed and thereafter the Board shall annually prepare for publication a similar list to be called the "Civil Service List". And in making such classification it shall be competent for the Board to value and include as if it were salary the annual value of any official residence or any allowance which any officer may receive for house rent fees or otherwise except for forage or travelling expenses or equipment and such list shall be deemed to be the classification for the ensuing year unless the same be within thirty days appealed against as hereinafter provided.

17. Any officer dissatisfied with the position assigned to him in such classification may forward to the Board within thirty days of such publication an appeal setting forth the grounds of his dissatisfaction and if the Board shall thereupon recommend that such officer be changed from one Division to the other or be raised from one class to another the Governor may adopt or decline such recommendation and the Board shall include in its next Annual Report a return of all such appeals and the result thereof.

## PART II.

## EXAMINATION—APPOINTMENT AND PROMOTIONS.

18. Every candidate for admission to the Service shall make his application in writing to the Board accompanied by a certificate of his having passed the University Civil Service Examination or other examination equivalent thereto and the Board shall record the name age place of birth and residence of each candidate and the result of every such examination and it shall be competent afterwards for any Minister to select any person from the list of candidates so registered to fill any vacancy in the probationary class.

19. The Board may whenever other examination is necessary than such as is prescribed herein make Regulations subject to approval by the Governor appointing subjects for examination and standards of efficiency therein for candidates for employment in the various branches of the Service and such Regulations when published in the *Gazette* shall have the same force as if embodied in this Act.

20. The Governor shall appoint examiners to conduct the examination of such candidates and such examiners shall report to the Board the result of each examination.

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21. No person shall be admitted to the probationary class who is under seventeen years of age or above the age of twenty-five nor unless he shall satisfy the Board as to his character and shall comply with the prescribed requirements and every person so admitted into the Service shall serve as a probationer for at least twelve months and shall during the first six months be entitled to a salary at the rate of fifty pounds per annum but thereafter while he remains in such class he may on the recommendation of the Board and provided he pass at least the Junior University Examination if he has not already done so or given proof of his possessing educational attainments not inferior thereto shall be entitled to receive an addition to such salary at the rate of twenty-five pounds per annum as a reward of special merit.
22. No person in the probationary class shall be eligible for promotion to a higher class until he shall have passed the prescribed examination or given the prescribed proof and any vacancy occurring in the Sixth class shall be filled by selection of the probationer who shall have passed such examination with the highest number of marks.
23. Every Candidate for the junior class of the Professional Division shall produce a certificate of having passed the Junior University Examination or shall satisfy the Board that he possesses attainments equivalent thereto and if admitted shall remain in such class for the prescribed period and remuneration.
24. No Cadet in such junior class shall be eligible for promotion to the Fourth class until he shall have passed the Senior University Examination or an examination equivalent thereto and attained the prescribed efficiency.
25. The Head of each Department shall transmit to the Board annually a return showing the number of officers in his department and also of persons temporarily employed therein and the salaries received by them respectively and shall report on their efficiency and character and shall specify all periods of absence and the causes thereof and such returns shall be preserved as a permanent record for reference in considering claims for promotion.
26. In the General and Professional Divisions every appointment to the lowest class shall be made from the probationary or junior class or from persons who shall have been temporarily employed in the Service Provided that in such latter case the person to be appointed shall have been so employed for at least twelve months and shall satisfy the Board that he possesses the prescribed qualifications.
27. When a vacancy shall occur in any class other than the probationary or junior class the superior officer of the Department in which such vacancy occurs shall transmit to the Board through the Head of the Department a report in writing and may recommend any officer in such department competent in his opinion to fulfil the duties of the vacant office and the Head of the Department may in like manner make a report and recommendation and the Board shall report to the Minister the name of such officers and of any other in the same or any other department either in the same class as the vacancy or in the class immediately below it who in the opinion of the Board are qualified to fill such vacancy and in such reports the respective lengths of service degree of competency and attainments of such officers shall be specified and if it be expedient to fill up such vacancy the Governor may on the recommendation of the Minister promote the officer thus reported as best qualified to fill the vacancy giving preference to an officer of the same Department if equally fit and the officer thus promoted if from a lower class shall enter the superior class at the minimum salary of such class But the salary of any officer who shall be promoted to fill a vacancy in the same class shall not by reason of such promotion be increased but shall remain subject to the ordinary rate of increment in the class.

Condition of examination.

Service of probationers.

Promotion of probationers.

Junior Class of Professional Division.

Promotion from junior class.

Heads of departments to transmit returns of officers employed.

Appointments from probationary class.

Board to report to the Minister names of officers competent to fill vacancies.

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28. In any special case if the Minister shall deem it expedient to secure the services of some person who is not in the Service but who is specially qualified by professional or special attainments or experience the Governor on a recommendation under the Minister's hand specifying the grounds thereof and the reasons for dispensing with examination or probationary service may appoint such person without either examination or probation. And the Board shall in its annual report specify all such appointments and reasons.

In special cases persons may be appointed without probation or examination.

29. When any new office shall be created there shall be placed on the Estimates the salary proposed to be paid to the holder of such office and such salary as may be voted shall fix the class of such officer who shall thereupon be entitled to receive the same together with the annual increment of such class. Provided that until such vote be taken he shall be entitled to the salary thus placed on the Estimates.

Salary and classification of new office.

30. When any vacancy shall occur the Board shall take into consideration whether the vacant office should be continued in the class determined by the salary of the late occupant and if the Board shall consider that the officer had been assigned a higher class owing to his long services or otherwise than was properly assignable to the work to be performed they shall report the vacancy as one in the next lower class and such power of alteration of classification when a vacancy occurs may be made by the Governor on the express recommendation of the Minister.

Duty of Board when vacancies occur.

31. In any Public Department persons may be temporarily employed by the Minister but no such person shall be qualified for admission to the Service by reason of such temporary employment until he shall have passed the prescribed examination and such temporary employment shall cease at or before the expiration of two years.

Temporary appointments.

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## PART III.

## DISMISSAL—PENALTIES.

32. If in the opinion of the Minister or of any officer by him duly authorized to investigate any matters or accounts any officer shall have committed any act which appears to him to justify suspension such officer may be immediately suspended from his office pending a report and another officer may be temporarily appointed to perform his duties. Provided that in the event of such suspension not being made by the Minister the officer making such suspension shall immediately lay before the Minister a report stating his reasons for such suspension and the Minister may either confirm the same or restore such officer to his office.

Suspension of officer for misconduct.

33. If the Minister order or confirm the suspension of any officer he shall report the same to the Governor who after calling on the officer to show cause or make explanation may remove such suspension or according to the nature of the offence dismiss such officer from the Service or reduce him to a lower class therein or to a lower salary within his class or deprive him of such future annual increase as he would otherwise have been entitled to receive or of any part thereof during any specified time or punish him by a fine not exceeding fifty pounds. Provided always that the Governor before deciding thereon may direct the Board or may appoint one or more persons to inquire into the matter and the Board or such persons shall have authority

Dismissal or other penalties.

Board of inquiry may be appointed.

to

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to receive evidence and to summon and examine witnesses on oath which they are hereby authorized to administer and shall transmit their report with such evidence to the Minister to be laid before the Governor for final decision.

5 34. When any officer is negligent or careless in the discharge of his duties if the Head of the Department shall be of opinion that the offence is not of so serious a nature as to justify suspension he may report the same to the Minister who may in such case order a sum not exceeding ten pounds to be deducted by way of fine from

10 the salary of such officer.

35. If any officer be convicted of any felony or other infamous offence he shall be summarily dismissed and if he become bankrupt or apply to take the benefit of any Act now or hereafter in force for the relief of insolvent debtors or make an assignment for the benefit

15 of his creditors he shall be deemed to have forfeited his office Provided however that if such officer prove to the satisfaction of the Governor that his pecuniary embarrassment has not been caused or attended by any fraud extravagance or dishonorable conduct the Governor may retain or reinstate such officer.

20 36. The Colonial Treasurer on receiving due notice of any fine imposed under the authority of this Act shall deduct the amount thereof from the next payment of salary to the officer unless the minute of the Governor or Minister imposing such fine shall have specified other terms for the payment thereof And all such fines shall

25 be credited to the Civil Service Superannuation Account.

37. If any officer is reported to have been guilty of dishonorable conduct or to be addicted to excessive use of intoxicants or stupefying drugs the Board shall investigate the matter and if the report is in the opinion of the Board well founded the Governor may

30 upon the recommendation of the Minister fine suspend or dismiss such officer.

38. If the suspension of any officer be confirmed by the Governor and such officer be dismissed from the Service he shall not be entitled to any salary or other emolument of office during the time

35 of such suspension but if sufficient grounds for consideration be shown the Governor may authorize an amount to be paid to him or his family not exceeding one-half of such salary and emoluments as would otherwise have been payable to him.

## PART IV.

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## LEAVE OF ABSENCE—HOLIDAYS.

39. Every officer shall be entitled without diminution of salary to leave of absence for two weeks in each year at such time as the Minister may on the recommendation of the head of the department deem convenient but if any officer shall not take such leave in any

45 year he shall be entitled to it in any subsequent year in addition to the leave for such year but no such accumulated leave shall exceed two months and in cases of illness or other pressing necessity the Governor on recommendation of the Minister may grant leave of absence not exceeding three months on full or any less salary as may be deemed

50 fit and may renew such leave on the same or other terms But in all cases of illness the request for leave or for renewal thereof shall be accompanied by a medical certificate to the satisfaction of the Minister and in cases of pressing necessity the circumstances must be stated to the



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the Minister in writing and if such leave shall extend to one month such officer shall forfeit his right to his next ordinary annual leave or any portion thereof as above provided. Provided always that in the case of officers of Parliament leave of absence both as to frequency and duration shall be in the discretion of the President and the Speaker as the case may be.

40. The Governor may grant to any officer of twenty years service leave of absence not exceeding twelve months on half salary or six months on full salary or of ten years service for any time not exceeding six months on half salary or three months on full salary or in case of pressing necessity may grant leave of absence to any officer but such last-mentioned leave may be deducted from the leave hereinbefore provided.

41. All holidays under the "Bank Holidays Act of 1875" shall be observed as holidays in the Public Offices and any other day proclaimed by the Governor as a Public Holiday. Provided that any Minister may require any department to be kept open in the public interest for the whole or any portion of such holiday and may require the attendance of any officers of such department during such time but such officers shall be entitled to a day's holiday in lieu thereof.

## PART V.

## ALLOWANCES—GRATUITIES.

42. For the purposes of this part teachers in the Educational division shall be deemed to be officers.

43. Any officer shall at any time after having attained the age of sixty years be entitled to retire from active service upon the superannuation allowance hereinafter provided subject however to his not having or being entitled to any pension in excess thereof under the fifty-second section of the Constitution Act. But if such other pension or allowance shall be less than the allowance to which he would otherwise have been entitled under this Act then he shall in addition thereto be entitled to the difference between such pension and such superannuation allowance.

44. When any officer owing to infirmity of mind or body desires to retire from active service but has not attained the age of sixty years if he produce medical evidence satisfactory to the Board that he is by reason of such infirmity incapable of discharging the duties of his office and that such infirmity is likely to be permanent the Governor may permit such officer to retire upon the superannuation allowance hereinafter provided. Provided that the Board may require him to be examined by the Government Medical Adviser.

45. When any officer is reported unfit to perform his duties by reason of any infirmity of mind or body the Governor may appoint three medical officers to examine and report upon his condition and may also direct the head of the Department to report on the manner in which his duties have been performed and if on such reports it shall appear to the Governor to be for the public interest he may order that such officer shall retire upon the superannuation allowance hereinafter provided.

46. When the services of any officer are dispensed with in consequence of the abolition of his office and no other office can be offered to him at the same salary as hereinbefore provided or at a salary of not less than five-sixths of the same he shall be entitled to retire upon the superannuation allowance hereinafter provided.

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47. If the health of any officer superannuated by reason of infirmity of body or of mind become so restored as to enable him to perform his duties the Governor may require him to resume such duties or any other duties for which he is qualified at his former salary and if he decline to undertake the same such officer shall forfeit his right to his superannuation allowance and if he resume his duties such allowance shall be discontinued. But in the event of a recurrence of his infirmity he shall be entitled to his superannuation allowance together with any prescribed increase to which he would be entitled from additional length of service.

On restoration to health officers may be ordered to resume duties.

48. The following shall be the scale of superannuation allowances payable under this Act viz.—

Scale of superannuation allowances.

To any officer who shall have served fifteen years a superannuation allowance equal to one-fourth of his annual salary with an addition of one-sixtieth part of such salary for each additional year of service but in no case shall such superannuation allowance exceed two-thirds of his annual salary

And such superannuation allowance shall be computed upon the average annual amount of salary or emoluments other than forage equipment or travelling allowance received by such officer during the preceding three years.

49. In the case of any officer entering the Service under the provisions of section twenty-eight at an age exceeding thirty years it shall be competent for the Governor on the recommendation of the Board and on the application of such officer made within six months of such entrance to allow that a number of years not exceeding seven shall be added to his period of service when he shall desire to retire provided that within twelve months of his thus entering he shall contribute to the Superannuation Account four per centum on the salary at which he enters the Service for each of such years to be so added. Provided always that it shall be competent for any professional officer now in the Service who shall have entered the Service at an age exceeding thirty years to have such years added in like manner and subject to payment of like contributions within two years from the passing of this Act.

Persons entering the Service under section twenty-eight

50. If any officer who shall have served for a less period than ~~fifteen~~ <sup>twenty</sup> years whose services may be dispensed with through no fault of his own or who may be compelled through infirmity of body or of mind to leave the Service and such infirmity be duly certified by medical authority to the satisfaction of the Minister as likely to be permanent the Governor may grant such gratuity as he may think fit not exceeding in any case the amount of one month's pay at his then rate of salary for each year of service.

Gratuities to such persons retiring from ill health.

51. If any officer shall receive in the discharge of his public duty and without his own fault such bodily injury as shall incapacitate him from the further discharge of his duties and be thus compelled to retire from the Service the Governor may grant to such officer a gratuity not exceeding two months' pay at his then rate of salary for each year of service. Provided that the amount shall in no case be less than six months of such salary. And if such officer shall die from such bodily injury before such gratuity shall have been paid the Governor may pay the same to the widow or children or failing such to the mother of the deceased.

Gratuities to disabled persons under fifteen years service.

Gratuity may be paid to widow or relative.

52. If any officer die leaving a widow or any children under sixteen years of age in necessitous circumstances the Governor may on inquiry into the case grant to such widow or children a gratuity not exceeding six months' salary which such officer shall have been receiving at the time of his death.

Widows or young children may receive gratuity.

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53. No officer shall receive or be entitled to any superannuation allowance or gratuity in respect of so much of his salary or emoluments of office as is in excess of one thousand pounds per annum in the General or of Twelve hundred pounds in the Professional Division and no officer shall be liable to contribute towards the Superannuation Account in respect of any salary in excess thereof.

Limitation of  
superannuation  
allowance.

## PART VI.

## CIVIL SERVICE SUPERANNUATION ACCOUNT—MISCELLANEOUS.

54. For the purpose of carrying out the provisions of this Act there shall be transferred to the credit of an account to be called the Civil Service Superannuation Account from the Consolidated Revenue Fund every year for a period of five years a sum of twenty thousand pounds and a deduction shall be made from each payment of the salary of every officer in the Service except as hereinafter provided at the annual rate of four per cent. commencing with the year one thousand eight hundred and eighty-five and the amount of such deduction shall be carried to the credit of such Account And the annual sum of three thousand five hundred pounds payable under the fifty-second section of the Imperial Act eighteenth and nineteenth Victoria cap. fifty-four from the Consolidated Revenue Fund for Pensions to superannuated officers shall hereafter be payable to the credit of the Civil Service Superannuation Account subject however to the claims of such officers as are or may become entitled to be paid Pensions out of such sum.

Civil Service  
Superannuation  
Account.

55. The Superannuation Account shall be credited with interest at four per cent. per annum and at the expiry of three years an actuarial investigation shall be made as to the state and sufficiency of the Superannuation Account and if on the report of such investigation the Governor shall be satisfied that the said Account does not require an annual contribution of four per centum on the officers salaries such contribution may be reduced for the ensuing period of three years to such rate as may be deemed expedient and thereafter at the expiry of each successive three years a similar investigation shall be made and the Governor may in like manner fix within the said limit of four per cent. such contribution for the ensuing three years Provided that if on any such triennial investigation it shall appear that the contributions at the rate of four per cent. together with the amount contributed from the Consolidated Revenue be deemed to be insufficient for the maintenance of the scale of superannuation allowances and gratuities hereinbefore provided then the Governor may by proclamation in the *Gazette* make a *pro ratâ* reduction in all such superannuation allowances and gratuities and such reduction shall apply to the future payments of such as shall have been already granted as well as those which may in future be granted.

Interest on  
Superannuation  
Account.

56. Any officer in the Service who held any office at the commencement of this Act except as hereinafter provided shall notwithstanding his not having contributed during his past service to the superannuation account be entitled to the superannuation allowances and gratuities herein provided subject to such an annual abatement from such pension as on the certificate of the actuaries appointed under this Act shall be the equivalent of four per centum on the total salary received by such officer during his term of office prior to the passing of this Act Provided always that it shall be competent for any such officer to pay up in one sum or by instalments extending

Officers now in the  
Service.

over

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over three years a sum equivalent to four per centum on his past salaries and on such payment he shall be entitled to the full pension when otherwise entitled thereto.

57. Any officer who held any office in the Service prior to the passing of the Constitution Act may elect at any time within three months after the passing of this Act to be exempt from contribution to and participation in the privileges of the superannuation allowances and gratuities under this Act and to rest solely on his rights and privileges under the fifty-second section and Schedule B of the Constitution Act or to come under the contributions superannuation allowances and gratuities of this Act and in such latter case in the event of there being a vacancy for him on the Constitution Act Fund when he so desires to retire he may retire thereon but no deduction shall be made for his non-payment of the contribution of four per cent. prior to the commencement of this Act in respect of such superannuation but if there be no such vacancy or it be insufficient and he retire in whole or in part upon the superannuation under this Act the abatement hereinbefore provided or proportion thereof shall be made from such superannuation allowance under this Act.

Officers in the Service prior to the Constitution Act.

58. Any person in the employment of the Government who shall be remunerated for his services by daily weekly or monthly wages or otherwise shall on application in writing addressed to the Treasurer be admitted as a contributor to the Superannuation Account and shall thereupon be liable to the same rate of deduction from his pay as is provided in respect of the officers and shall be entitled to participate in like manner in all the benefits of the superannuation allowances and gratuities.

Any person employed by Government on wages allowed to contribute to and participate.

59. The Governor may from time to time make and publish in the *Gazette* Regulations for the manner in which members of the Civil Service Board shall retire and for the transaction of business by such Board and also concerning the duties to be performed and the hours to be observed by officers of the Service and the discipline to be observed in the performance of such duties and also generally for the carrying out of the provisions of this Act and may affix to breaches of such Regulations according to the nature of the offence the penalties herein provided.

Regulations may be made for the Public Service.

60. No officer shall be deemed to be entitled to any compensation by reason of any reduction of his salary or for any alteration of the limits of salary of his class as hereinbefore provided or by reason of any alteration in the scale of allowances or gratuities which may be made by any Act amending this Act or by the Regulations herein provided for.

No claim for compensation if Act altered.

61. Nothing herein contained shall be taken to prevent the Governor from recommending to Parliament any addition to any retiring allowance or gratuity in consideration of any special services rendered by any officer.

Bounty of Parliament not restrained.

62. All notices of appointments retirements and removals of officers under this Act shall be inserted in the *Gazette* and every such notice shall be deemed and taken to be conclusive evidence of every such appointment retirement or removal respectively.

Notices to be inserted in *Government Gazette*.

63. The Board shall annually submit to the Governor a Report of its proceedings which shall be laid before Parliament and such report shall include a statement of the Superannuation Account And no reductions in any of the contributions under this Act shall be made until thirty days after the actuarial report recommending same shall be laid before Parliament.

Board to submit an annual Report to be laid before Parliament.

64. The Governor may appoint one or more qualified persons as actuaries under this Act.

Actuaries may be appointed.

65. The Colonial Secretary shall be entrusted with the administration of this Act except where duties are prescribed to any other Minister.

Colonial Secretary to administer Act.

CIVIL SERVICE BILL (No. 2).

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*SCHEDULE of the Amendments referred to in Message of 29th October, 1884.*

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- Page 2, clause 2, line 4. *After* "thereto" *insert* "the Teachers of the Sydney Grammar School"  
Page 2, clause 2, line 26. *After* "Assembly" *insert* "and such other officer as the Governor on the  
"recommendation of the Civil Service Board shall rank or class as a Head of Depart-  
"ment"
- Page 3. *Before* clause 4 *insert* sub-heading "Increases."  
Page 6, clause 22, line 16. *After* "who" *omit* remainder of clause *insert* "upon the whole is considered  
"the most eligible"
- Page 6, clause 24, lines 25 and 26. *Omit* "the Senior University Examination or"  
Page 6, clause 24, line 26. *After* "examination" *omit* remainder of clause *insert* "prescribed by the  
"Board and suited to the Department in which he desires to be employed"
- Page 6, clause 25, line 29. *Add* "s" to "Head"  
Page 6, clause 25, line 29. *Omit* "each"  
Page 6, clause 25, line 29. *After* "Department" *insert* "s as aforesaid in respect of officers employed  
"under their immediate directions and the Heads of Departments being divisions of  
"Public Departments"
- Page 6, clause 25, lines 32 and 33. *Omit* "his Department" *insert* "their Departments"  
Page 6, clause 27, line 51. *Omit* "s" from "officers"  
Page 7, clause 30, line 25. *Omit* "the next" *insert* "a"  
Page 8, clause 34, line 8. *After* "case" *insert* "after due inquiry"  
Page 8, clause 39, line 42. *Omit* "two" *insert* "three"  
Page 9, clause 43, line 26. *After* "sixty" *insert* "five"  
Page 9, clause 43, line 26. *Omit* "active" *insert* "the"  
Page 9, clause 44, line 35. *Omit* "active" *insert* "the"  
Page 9, clause 44, line 35. *After* "sixty" *insert* "five"
- Page 10, clause 49. *Omit* clause 49  
Page 10, clause 50. 49, line 36. *Omit* "If" *insert* "In the case of"  
Page 10, clause 50. 49, lines 36 and 37. *Omit* "who shall have served for a less period than fifteen years"  
*insert* "not entitled to a superannuation allowance"
- Page 10, clause 50. 49, line 40. *Omit* "and"  
Page 10, clause 50. 49, line 40. *Omit* "be" *insert* "being"  
Page 10, clause 52. 51, line 57. *After* "grant" *insert* "out of the Superannuation Account"  
Page 11, clause 55. 54, line 25. *At* commencement of clause *insert* "On the thirtieth day of June  
"and thirty-first day of December in each year"  
Page 11, clause 55. 54, line 27. *After* "at" *insert* "the rate of"  
Page 11, clause 55. 54, line 27. *After* "annum" *insert* "such interest shall be added to the principal  
"amount on these dates respectively"
- Page 11, clause 55. 54, lines 38 and 39. *Omit* "it shall appear that"  
Page 11, clause 55. 54, line 40. *Omit* "be deemed" *insert* "shall appear"  
Page 12, clause 58. 57, line 20. *Before* "employment" *insert* "permanent"  
Page 12, clause 63. 62, line 50. *After* "proceedings" *insert* "and of the nature and extent of the  
"duties performed in each Department of the Public Service by the persons employed  
"therein and shall state whether in the opinion of the Board more persons (and if so  
"how many more) are employed in any Department than the exigencies of the Service  
"reasonably require"

The House of Representatives of the Legislative Assembly, and during the day  
passed a resolution for the purpose of the Legislative Council for the convenience

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*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 2 October, 1884.* }

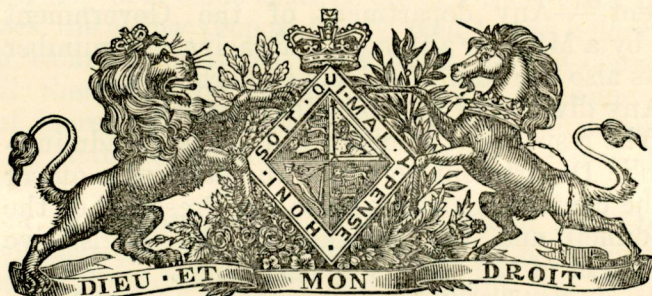
STEPHEN W. JONES,  
*Clerk of Legislative Assembly.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

*Legislative Council Chamber,  
Sydney, 29th October, 1884.* }

*For the Clerk of the Parliaments,  
ADOLPHUS P. CLAPIN,  
Clerk Assistant.*

## New South Wales.



ANNO QUADRAGESIMO OCTAVO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No. .

An Act for the regulation of the Civil Service for providing Superannuation and Retiring Allowances to the Members thereof and for other purposes.

**W**HEREAS it is expedient that Officers of the Civil Service Preamble. should be classified and that a scale of salaries and a system of appointments promotions and retiring allowances should be established and that other provisions for the regulation of the Service should be made Be it therefore enacted by the Queen'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:—

1. This Act shall come into force on the first day of January Commencement and short title. one thousand eight hundred and eighty-five and may be cited as the "Civil Service Act 1884."

2. In the construction of this Act the terms within inverted Interpretation of terms. commas shall have the meanings set against them respectively unless inconsistent with or repugnant to the context viz. :—

15 "Governor"—The Governor with the advice of the Executive Council.

"Civil Service" or "Service"—The body of persons now or hereafter appointed to permanent salaried offices in the service of

983—A

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

*Civil Service (No. 2.)*

- of the Government except the Judges of the Supreme and District Courts the Chief Commissioner of Insolvent Estates Professors in the University or Wardens of the Colleges affiliated thereto the Teachers of the Sydney Grammar School claimants under Schedule C of the Constitution Act and persons holding appointments in the Military or Naval Service the Police and the Royal Mint.
- 5  
10  
15  
20  
25
- “Officer”—Any person holding office in the Civil Service other than those mentioned in sections seven and eight and teachers under the Educational Division and persons employed temporarily.
- “Prescribed”—Prescribed by this Act or the Regulations made thereunder.
- “Public Department”—Any department of the Government presided over by a Minister although embracing any number of Departments also the staff of officers of Parliament.
- “Department”—Any division of a Public Department.
- “The Minister”—The responsible Minister of the Crown administering the Public Department to which the particular officer indicated by the context is attached also the President of the Legislative Council and the Speaker of the Legislative Assembly in respect of the officers of Parliament.
- “Head of Department”—The Under Secretary of a Public Department the Auditor-General the Commissioner of Railways and the Clerk of the Parliaments and the Clerk of the Legislative Assembly and such other officer as the Governor on the recommendation of the Civil Service Board shall rank or class as a Head of Department.
- “The Board”—The Civil Service Board appointed under this Act.

30

## PART I.

## CLASSIFICATION.

3. All officers at the time of the passing of this Act shall be Classification. classed in one of the following Divisions and Classes and every officer hereafter entering the Service shall be assigned a position in one of such Divisions and Classes:—

35

1.—*The General Division.*

- FIRST CLASS—The Heads of Departments and all officers whose annual salaries shall have been fixed by the “Appropriation Act of 1884” at rates not less than eight hundred pounds.
- 40 SECOND CLASS—All officers whose salaries shall have been so fixed at not less than six hundred and fifty and under eight hundred pounds per annum.
- THIRD CLASS—All officers whose salaries shall have been so fixed at not less than five hundred and under six hundred and fifty pounds per annum.
- 45 FOURTH CLASS—All officers whose salaries shall have been so fixed at not less than three hundred and fifty and under five hundred pounds per annum.
- FIFTH CLASS—All officers whose salaries shall have been so fixed at not less than two hundred and under three hundred and fifty pounds per annum.
- 50 SIXTH CLASS—All officers whose salaries shall have been so fixed under two hundred pounds per annum.
- PROBATIONARY CLASS—All unclassified officers serving as probationers.
- 55

2.—



*Civil Service (No. 2).*2.—*The Professional Division.*

- FIRST CLASS—All professional officers whose salaries shall have been so fixed as aforesaid at not less than nine hundred pounds per annum.
- 5 SECOND CLASS—All professional officers whose salaries shall have been so fixed at not less than six hundred and under nine hundred pounds per annum.
- THIRD CLASS—All professional officers whose salaries shall have been so fixed at not less than three hundred and under six
- 10 hundred pounds per annum.
- FOURTH CLASS—All professional officers whose salaries shall have been so fixed under three hundred pounds per annum.
- CADET OR JUNIOR CLASS—All unclassified officers admitted to the Service to qualify for appointment to the above classes.

15 3.—*The Educational Division.*

- OFFICERS.—All persons employed in the Department of Public Instruction except teachers.
- TEACHERS.—All teachers assistant or pupil teachers but not inspectors or assistant inspectors.
- 20 All Teachers shall be classified under the Rules and Regulations made in pursuance of the "Public Instruction Act of 1880" and be entitled to promotion and consequent additions to their salaries thereunder.
- All officers in the Department shall be classified according to their
- 25 respective positions in the General or Professional Divisions.

**Increases.**

4. In the case of officers whose salaries shall have been so fixed as aforesaid at or over one thousand pounds per annum in the General Division or at or over twelve hundred pounds per annum in the Professional Division or who under the provisions of this Act may attain
- 30 to such salaries an increase shall be given only by special vote on the Estimates Each officer in the General Division not in receipt of the maximum salary of his class shall be entitled every year to an increase on the following scale until such maximum be reached:—

35	In the First Class ... ..	Thirty Pounds
	In the Second and Third Class ... ..	Twenty-five Pounds
	In any other Class ... ..	Twenty Pounds

- And such increases shall commence to run from the first day of January one thousand eight hundred and eighty-five Provided always that if
- 40 any Minister shall be dissatisfied with the habits or conduct of any officer in his department or with the mode in which he discharges his duties the Governor may order that such officer shall not receive the then accruing or any other increase to which otherwise he would have been entitled Provided always that the Board shall be informed of the
- 45 intended order of disallowance at least seven days before the said order is made and the said Board may make any representation to the Minister in respect thereof and provided further that visiting surgeons and chaplains to Government Institutions and other persons whose services shall be only partially employed shall not be entitled to the
- 50 annual increment aforesaid.

5. In the Professional Division which shall include engineers surveyors barristers solicitors medical officers and others who subject to the approval of the Governor shall be so classified by the Board or be admitted to the service as such each officer whose salary shall
- 55 have been so fixed under twelve hundred pounds per annum shall have the

Increase of salaries  
in the General and  
Professional  
Divisions.

Increase of salaries  
in the Professional  
Division.

*Civil Service (No. 2).*

the same rate of increase but within the same maximum limit as officers in the General Division entitled to the like salary Provided that in the First Class the annual increase shall continue until the maximum of such class is reached.

5 6. Whenever any officer shall have received the maximum salary of his class for four years the Governor may order that such officer shall enter the class next above him at the minimum rate of such class and he shall thereafter be entitled to receive the increase to which officers in such class are entitled but no officer shall be entitled  
10 thus to enter the First Class in either Division but the entrance to such class shall be attained only by promotion to fill vacancies therein or by appointments to fill any new office which may be determined by Parliament to belong to such class.

Officers receiving for four years the maximum of any class to enter the next higher class.

15 7. Nothing herein contained shall interfere with the rules and regulations made by the Commissioner for Railways as to the mode of admission examination promotion classification and salaries under which persons employed in the Railway Service are engaged and agree to serve or with such rules and regulations of a similar kind with regard to any other Department except as hereinafter provided in  
20 Parts V and VI.

Commissioner's rules and regulations for railway service to be continued.

25 8. In the case of messengers housekeepers letter-carriers stampers or sorters bailiffs warders matrons nurses attendants boatmen storemen and persons employed in the Printing and Telegraph Offices Dredge and Marine Services and other persons occupying positions of similar class character or importance who are in the receipt of annual salaries and not of daily or monthly wages or paid by piece work the Governor may order an increase of any salary in any year not exceeding ten pounds But all such increases shall be specified in the annual  
Estimates.

Increase to salaries of messengers &c.

30 9. Any reduction or increase made by Parliament in any salary shall not alter the then existing classification of any officer or his right to an increase under section four and no officer shall be entitled to any claim for compensation by reason of any such reduction.

Reduction or increase not to alter classification.

35 10. If the services of any officer shall be dispensed with in consequence of the abolition of his office or of any departmental change and not from any fault on his part such officer may be required at the rate of salary last received by him to perform any duty for which he is considered competent in any public department and should he refuse such change of duty he shall not be entitled to receive  
40 any compensation.

Abolition of office.

45 11. The Estimates submitted to Parliament each year shall under the head of each department specify the number of officers of each class and the aggregate amount of salaries required for the service of the year and shall show in comparison therewith the number of each class and aggregate amount of salaries for the previous year. Provided that the classifications imposed by this Act shall not be held to diminish or affect the rights by way of precedence or otherwise except by way of emolument of any officer.

Number and distribution of officers to be in Estimates.

## CIVIL SERVICE BOARD.

50 12. The Governor shall appoint five persons to be a Civil Service Board to perform the duties hereafter mentioned and such Board shall be appointed solely on the ground of fitness and competency for the performance of the duties assigned to them Three members shall form a quorum and one shall retire annually and shall not be eligible for  
55 reappointment within twelve months after retirement.

Appointment of Board.

13. The Board shall within thirty days after being appointed and afterwards annually in the month of January elect a Chairman who shall be the medium of communication with the Minister and in  
the

Duties of Board.

*Civil Service (No. 2).*

the absence of the Chairman from any meeting the members present may elect one of their number to preside. The Chairman shall in case of equality of votes have in addition to his original a second or casting vote. The Board shall meet at least twice in each month and shall  
5 cause minutes of the meetings to be kept by its Secretary who shall be appointed by the Governor and shall rank in the Fourth class.

14. The Colonial Treasurer shall pay out of the Consolidated Revenue Fund the sum of five hundred pounds annually to the Board as fees for the attendance of its members but such fees shall not in  
10 the calculation of any claim to a superannuation allowance be considered as forming part of a salary.

15. Whenever any vacancy shall occur in the Board through the retirement insolvency removal death or resignation of any member or by his absence from its meetings for three consecutive months without  
15 leave obtained the Governor shall fill up such vacancy.

16. The Board shall within ninety days after its appointment prepare for publication in the *Gazette* a List containing the names alphabetically arranged of all the officers in each Division and class and all other persons employed and thereafter the Board shall annually  
20 prepare for publication a similar list to be called the "Civil Service List". And in making such classification it shall be competent for the Board to value and include as if it were salary the annual value of any official residence or any allowance which any officer may receive for house rent fees or otherwise except for forage or travelling expenses or  
25 equipment and such list shall be deemed to be the classification for the ensuing year unless the same be within thirty days appealed against as hereinafter provided.

17. Any officer dissatisfied with the position assigned to him in such classification may forward to the Board within thirty days of such  
30 publication an appeal setting forth the grounds of his dissatisfaction and if the Board shall thereupon recommend that such officer be changed from one Division to the other or be raised from one class to another the Governor may adopt or decline such recommendation and the Board shall include in its next Annual Report a return of  
35 all such appeals and the result thereof.

## PART II.

## EXAMINATION—APPOINTMENT AND PROMOTIONS.

18. Every candidate for admission to the Service shall make his application in writing to the Board accompanied by a certificate of  
40 his having passed the University Civil Service Examination or other examination equivalent thereto and the Board shall record the name age place of birth and residence of each candidate and the result of every such examination and it shall be competent afterwards for any Minister to select any person from the list of candidates so registered  
45 to fill any vacancy in the probationary class.

19. The Board may whenever other examination is necessary than such as is prescribed herein make Regulations subject to approval  
50 by the Governor appointing subjects for examination and standards of efficiency therein for candidates for employment in the various branches of the Service and such Regulations when published in the *Gazette* shall have the same force as if embodied in this Act.

20. The Governor shall appoint examiners to conduct the examination of such candidates and such examiners shall report to the Board the result of each examination.

*Civil Service (No. 2).*

21. No person shall be admitted to the probationary class who is under seventeen years of age or above the age of twenty-five nor unless he shall satisfy the Board as to his character and shall comply with the prescribed requirements and every person so admitted into the
- 5 Service shall serve as a probationer for at least twelve months and shall during the first six months be entitled to a salary at the rate of fifty pounds per annum but thereafter while he remains in such class he may on the recommendation of the Board and provided he pass at least the Junior University Examination if he has not already done
- 10 so or given proof of his possessing educational attainments not inferior thereto shall be entitled to receive an addition to such salary at the rate of twenty-five pounds per annum as a reward of special merit.
22. No person in the probationary class shall be eligible for promotion to a higher class until he shall have passed the prescribed
- 15 examination or given the prescribed proof and any vacancy occurring in the Sixth class shall be filled by selection of the probationer who shall have passed such examination with the highest number of marks upon the whole is considered the most eligible.
23. Every Candidate for the junior class of the Professional
- 20 Division shall produce a certificate of having passed the Junior University Examination or shall satisfy the Board that he possesses attainments equivalent thereto and if admitted shall remain in such class for the prescribed period and remuneration.
24. No Cadet in such junior class shall be eligible for promotion
- 25 to the Fourth class until he shall have passed the Senior University Examination or an examination equivalent thereto and attained the prescribed efficiency prescribed by the Board and suited to the Department in which he desires to be employed.
25. The Heads of each Departments as aforesaid in respect of
- 30 officers employed under their immediate directions and the Heads of Departments being divisions of public Departments shall transmit to the Board annually a return showing the number of officers in his department their departments and also of persons temporarily employed therein and the salaries received by them respectively and shall report
- 35 on their efficiency and character and shall specify all periods of absence and the causes thereof and such returns shall be preserved as a permanent record for reference in considering claims for promotion.
26. In the General and Professional Divisions every appointment to the lowest class shall be made from the probationary or
- 40 junior class or from persons who shall have been temporarily employed in the Service Provided that in such latter case the person to be appointed shall have been so employed for at least twelve months and shall satisfy the Board that he possesses the prescribed qualifications.
27. When a vacancy shall occur in any class other than the
- 45 probationary or junior class the superior officer of the Department in which such vacancy occurs shall transmit to the Board through the Head of the Department a report in writing and may recommend any officer in such department competent in his opinion to fulfil the duties of the vacant office and the Head of the Department may in
- 50 like manner make a report and recommendation and the Board shall report to the Minister the name of such officer-s- and of any other in the same or any other department either in the same class as the vacancy or in the class immediately below it who in the opinion of the Board are qualified to fill such vacancy and in such reports the respective
- 55 lengths of service degree of competency and attainments of such officers shall be specified and if it be expedient to fill up such vacancy the Governor may on the recommendation of the Minister promote the officer thus reported as best qualified to fill the vacancy giving preference to an officer of the same Department if equally fit and the
- 60 officer thus promoted if from a lower class shall enter the superior class

Condition of examination.

Service of probationers.

Promotion of probationers.

Junior Class of Professional Division.

Promotion from junior class.

Heads of departments to transmit returns of officers employed.

Appointments from probationary class.

Board to report to the Minister names of officers competent to fill vacancies.

*Civil Service (No. 2).*

class at the minimum salary of such class. But the salary of any officer who shall be promoted to fill a vacancy in the same class shall not by reason of such promotion be increased but shall remain subject to the ordinary rate of increment in the class.

5 28. In any special case if the Minister shall deem it expedient to secure the services of some person who is not in the Service but who is specially qualified by professional or special attainments or experience the Governor on a recommendation under the Minister's hand specifying the grounds thereof and the reasons for dispensing  
10 with examination or probationary service may appoint such person without either examination or probation. And the Board shall in its annual report specify all such appointments and reasons.

In special cases persons may be appointed without probation or examination.

15 29. When any new office shall be created there shall be placed on the Estimates the salary proposed to be paid to the holder of such office and such salary as may be voted shall fix the class of such officer who shall thereupon be entitled to receive the same together with the annual increment of such class. Provided that until such vote be taken he shall be entitled to the salary thus placed on the Estimates.

Salary and classification of new office.

20 30. When any vacancy shall occur the Board shall take into consideration whether the vacant office should be continued in the class determined by the salary of the late occupant and if the Board shall consider that the officer had been assigned a higher class owing to his long services or otherwise than was properly assignable to the  
25 work to be performed they shall report the vacancy as one in the next a lower class and such power of alteration of classification when a vacancy occurs may be made by the Governor on the express recommendation of the Minister.

Duty of Board when vacancies occur.

30 31. In any Public Department persons may be temporarily employed by the Minister but no such person shall be qualified for admission to the Service by reason of such temporary employment until he shall have passed the prescribed examination and such temporary employment shall cease at or before the expiration of two years.

Temporary appointments.

## PART III.

## 35 DISMISSAL—PENALTIES.

32. If in the opinion of the Minister or of any officer by him duly authorized to investigate any matters or accounts any officer shall have committed any act which appears to him to justify suspension such officer may be immediately suspended from his office  
40 pending a report and another officer may be temporarily appointed to perform his duties. Provided that in the event of such suspension not being made by the Minister the officer making such suspension shall immediately lay before the Minister a report stating his reasons for such suspension and the Minister may either confirm the same or  
45 restore such officer to his office.

Suspension of officer for misconduct.

33. If the Minister order or confirm the suspension of any officer he shall report the same to the Governor who after calling on the officer to show cause or make explanation may remove such suspension or according to the nature of the offence dismiss such officer from  
50 the Service or reduce him to a lower class therein or to a lower salary within his class or deprive him of such future annual increase as he would otherwise have been entitled to receive or of any part thereof during any specified time or punish him by a fine not exceeding fifty pounds. Provided always that the Governor before deciding thereon  
55 may direct the Board or may appoint one or more persons to inquire into the matter and the Board or such persons shall have authority  
to

Dismissal or other penalties.

Board of inquiry may be appointed.

*Civil Service (No. 2).*

to receive evidence and to summon and examine witnesses on oath which they are hereby authorized to administer and shall transmit their report with such evidence to the Minister to be laid before the Governor for final decision.

- 5        34. When any officer is negligent or careless in the discharge of his duties if the Head of the Department shall be of opinion that the offence is not of so serious a nature as to justify suspension he may report the same to the Minister who may in such case **after due inquiry** order a sum not exceeding ten pounds to be deducted by way  
10 of fine from the salary of such officer. Summary punishment for minor offences.
35. If any officer be convicted of any felony or other infamous offence he shall be summarily dismissed and if he become bankrupt or apply to take the benefit of any Act now or hereafter in force for the relief of insolvent debtors or make an assignment for the benefit  
15 of his creditors he shall be deemed to have forfeited his office. Provided however that if such officer prove to the satisfaction of the Governor that his pecuniary embarrassment has not been caused or attended by any fraud extravagance or dishonorable conduct the  
Governor may retain or reinstate such officer. Forfeiture of office in certain cases. Reinstatement in the absence of fraud.
- 20        36. The Colonial Treasurer on receiving due notice of any fine imposed under the authority of this Act shall deduct the amount thereof from the next payment of salary to the officer unless the minute of the Governor or Minister imposing such fine shall have specified other terms for the payment thereof. And all such fines shall  
25 be credited to the Civil Service Superannuation Account. Fines to be stopped from salary.
37. If any officer is reported to have been guilty of dishonorable conduct or to be addicted to excessive use of intoxicants or stupefying drugs the Board shall investigate the matter and if the report is in the opinion of the Board well founded the Governor may  
30 upon the recommendation of the Minister fine suspend or dismiss such officer. Suspension or dismissal in case of dishonorable conduct or intemperance.
38. If the suspension of any officer be confirmed by the Governor and such officer be dismissed from the Service he shall not be entitled to any salary or other emolument of office during the time  
35 of such suspension but if sufficient grounds for consideration be shown the Governor may authorize an amount to be paid to him or his family not exceeding one-half of such salary and emoluments as would otherwise have been payable to him. No right of salary during suspension if confirmed.

## PART IV.

40

## LEAVE OF ABSENCE—HOLIDAYS.

39. Every officer shall be entitled without diminution of salary to leave of absence for ~~two~~ **three** weeks in each year at such time as the Minister may on the recommendation of the head of the department deem convenient but if any officer shall not take such leave in any  
45 year he shall be entitled to it in any subsequent year in addition to the leave for such year but no such accumulated leave shall exceed two months and in cases of illness or other pressing necessity the Governor on recommendation of the Minister may grant leave of absence not exceeding three months on full or any less salary as may be deemed  
50 fit and may renew such leave on the same or other terms. But in all cases of illness the request for leave or for renewal thereof shall be accompanied by a medical certificate to the satisfaction of the Minister and in cases of pressing necessity the circumstances must be stated to the  
the

*Civil Service (No. 2).*

the Minister in writing and if such leave shall extend to one month such officer shall forfeit his right to his next ordinary annual leave or any portion thereof as above provided. Provided always that in the case of officers of Parliament leave of absence both as to frequency and duration shall be in the discretion of the President and the Speaker as the case may be.

40. The Governor may grant to any officer of twenty years service leave of absence not exceeding twelve months on half salary or six months on full salary or of ten years service for any time not exceeding six months on half salary or three months on full salary or in case of pressing necessity may grant leave of absence to any officer but such last-mentioned leave may be deducted from the leave hereinbefore provided.

Provision for extended leave of absence.

41. All holidays under the "Bank Holidays Act of 1875" shall be observed as holidays in the Public Offices and any other day proclaimed by the Governor as a Public Holiday. Provided that any Minister may require any department to be kept open in the public interest for the whole or any portion of such holiday and may require the attendance of any officers of such department during such time but such officers shall be entitled to a day's holiday in lieu thereof.

Holidays.

## PART V.

## ALLOWANCES—GRATUITIES.

42. For the purposes of this part teachers in the Educational division shall be deemed to be officers.

Teachers to be officers for this part.

43. Any officer shall at any time after having attained the age of sixty five years be entitled to retire from active the service upon the superannuation allowance hereinafter provided subject however to his not having or being entitled to any pension in excess thereof under the fifty-second section of the Constitution Act. But if such other pension or allowance shall be less than the allowance to which he would otherwise have been entitled under this Act then he shall in addition thereto be entitled to the difference between such pension and such superannuation allowance.

Officers may retire at sixty five.

44. When any officer owing to infirmity of mind or body desires to retire from active the service but has not attained the age of sixty five years if he produce medical evidence satisfactory to the Board that he is by reason of such infirmity incapable of discharging the duties of his office and that such infirmity is likely to be permanent the Governor may permit such officer to retire upon the superannuation allowance hereinafter provided. Provided that the Board may require him to be examined by the Government Medical Adviser.

Retirement through ill health before sixty five.

45. When any officer is reported unfit to perform his duties by reason of any infirmity of mind or body the Governor may appoint three medical officers to examine and report upon his condition and may also direct the head of the Department to report on the manner in which his duties have been performed and if on such reports it shall appear to the Governor to be for the public interest he may order that such officer shall retire upon the superannuation allowance hereinafter provided.

A Medical Board may examine officers.

46. When the services of any officer are dispensed with in consequence of the abolition of his office and no other office can be offered to him at the same salary as hereinbefore provided or at a salary of not less than five-sixths of the same he shall be entitled to retire upon the superannuation allowance hereinafter provided.

Retirement through abolition of office.

*Civil Service (No. 2).*

47. If the health of any officer superannuated by reason of infirmity of body or of mind become so restored as to enable him to perform his duties the Governor may require him to resume such duties or any other duties for which he is qualified at his former salary and if he decline to undertake the same such officer shall forfeit his right to his superannuation allowance and if he resume his duties such allowance shall be discontinued. But in the event of a recurrence of his infirmity he shall be entitled to his superannuation allowance together with any prescribed increase to which he would be entitled from additional length of service.

On restoration to health officers may be ordered to resume duties.

48. The following shall be the scale of superannuation allowances payable under this Act viz.—

Scale of superannuation allowances.

To any officer who shall have served fifteen years a superannuation allowance equal to one-fourth of his annual salary with an addition of one-sixtieth part of such salary for each additional year of service but in no case shall such superannuation allowance exceed two-thirds of his annual salary

And such superannuation allowance shall be computed upon the average annual amount of salary or emoluments other than forage equipment or travelling allowance received by such officer during the preceding three years.

49. In the case of any officer entering the Service under the provisions of section twenty-eight at an age exceeding thirty years it shall be competent for the Governor on the recommendation of the Board and on the application of such officer made within six months of such entrance to allow that a number of years not exceeding seven shall be added to his period of service when he shall desire to retire provided that within twelve months of his thus entering he shall contribute to the Superannuation Account four per centum on the salary at which he enters the Service for each of such years to be so added. Provided always that it shall be competent for any professional officer now in the Service who shall have entered the Service at an age exceeding thirty years to have such years added in like manner and subject to payment of like contributions within two years from the passing of this Act.

Persons entering the Service under section twenty-eight

49. If In the case of any officer who shall have served for a less period than fifteen years not entitled to a superannuation allowance whose services may be dispensed with through no fault of his own or who may be compelled through infirmity of body or of mind to leave the Service and such infirmity be being duly certified by medical authority to the satisfaction of the Minister as likely to be permanent the Governor may grant such gratuity as he may think fit not exceeding in any case the amount of one month's pay at his then rate of salary for each year of service.

Gratuities to such persons retiring from ill health.

50. If any officer shall receive in the discharge of his public duty and without his own fault such bodily injury as shall incapacitate him from the further discharge of his duties and be thus compelled to retire from the Service the Governor may grant to such officer a gratuity not exceeding two months' pay at his then rate of salary for each year of service. Provided that the amount shall in no case be less than six months of such salary. And if such officer shall die from such bodily injury before such gratuity shall have been paid the Governor may pay the same to the widow or children or failing such to the mother of the deceased.

Gratuities to disabled persons under fifteen years service.

Gratuity may be paid to widow or relative.

51. If any officer die leaving a widow or any children under sixteen years of age in necessitous circumstances the Governor may on inquiry into the case grant out of the Superannuation Account to such widow or children a gratuity not exceeding six months' salary which such officer shall have been receiving at the time of his death.

Widows or young children may receive gratuity.



*Civil Service (No. 2).*

53. 52. No officer shall receive or be entitled to any superannuation allowance or gratuity in respect of so much of his salary or emoluments of office as is in excess of one thousand pounds per annum in the General or of Twelve hundred pounds in the Professional Division and no officer shall be liable to contribute towards the Superannuation Account in respect of any salary in excess thereof.

Limitation of  
superannuation  
allowance.

## PART VI.

## CIVIL SERVICE SUPERANNUATION ACCOUNT—MISCELLANEOUS.

54. 53. For the purpose of carrying out the provisions of this Act there shall be transferred to the credit of an account to be called the Civil Service Superannuation Account from the Consolidated Revenue Fund every year for a period of five years a sum of twenty thousand pounds and a deduction shall be made from each payment of the salary of every officer in the Service except as hereinafter provided at the annual rate of four per cent. commencing with the year one thousand eight hundred and eighty-five and the amount of such deduction shall be carried to the credit of such Account And the annual sum of three thousand five hundred pounds payable under the fifty-second section of the Imperial Act eighteenth and nineteenth Victoria cap. fifty-four from the Consolidated Revenue Fund for Pensions to superannuated officers shall hereafter be payable to the credit of the Civil Service Superannuation Account subject however to the claims of such officers as are or may become entitled to be paid Pensions out of such sum.

Civil Service  
Superannuation  
Account.

55. 54. On the thirtieth day of June and thirty-first day of December in each year the Superannuation Account shall be credited with interest at the rate of four per cent. per annum such interest shall be added to the principal amount on these dates respectively and at the expiry of three years an actuarial investigation shall be made as to the state and sufficiency of the Superannuation Account and if on the report of such investigation the Governor shall be satisfied that the said Account does not require an annual contribution of four per centum on the officers salaries such contribution may be reduced for the ensuing period of three years to such rate as may be deemed expedient and thereafter at the expiry of each successive three years a similar investigation shall be made and the Governor may in like manner fix within the said limit of four per cent. such contribution for the ensuing three years Provided that if on any such triennial investigation it shall appear that the contributions at the rate of four per cent. together with the amount contributed from the Consolidated Revenue be deemed shall appear to be insufficient for the maintenance of the scale of superannuation allowances and gratuities hereinbefore provided then the Governor may by proclamation in the *Gazette* make a *pro rata* reduction in all such superannuation allowances and gratuities and such reduction shall apply to the future payments of such as shall have been already granted as well as those which may in future be granted.

Interest on  
Superannuation  
Account.

56. 55. Any officer in the Service who held any office at the commencement of this Act except as hereinafter provided shall notwithstanding his not having contributed during his past service to the superannuation account be entitled to the superannuation allowances and gratuities herein provided subject to such an annual abatement from such pension as on the certificate of the actuaries appointed under this Act shall be the equivalent of four per centum on the total salary received by such officer during his term of office prior to the passing of this Act Provided always that it shall be competent for any such officer to pay up in one sum or by instalments extending

Officers now in the  
Service.

over

*Civil Service (No. 2).*

over three years a sum equivalent to four per centum on his past salaries and on such payment he shall be entitled to the full pension when otherwise entitled thereto.

57. **56.** Any officer who held any office in the Service prior to the passing of the Constitution Act may elect at any time within three months after the passing of this Act to be exempt from contribution to and participation in the privileges of the superannuation allowances and gratuities under this Act and to rest solely on his rights and privileges under the fifty-second section and Schedule B of the Constitution Act or to come under the contributions superannuation allowances and gratuities of this Act and in such latter case in the event of there being a vacancy for him on the Constitution Act Fund when he so desires to retire he may retire thereon but no deduction shall be made for his non-payment of the contribution of four per cent. prior to the commencement of this Act in respect of such superannuation but if there be no such vacancy or it be insufficient and he retire in whole or in part upon the superannuation under this Act the abatement hereinbefore provided or proportion thereof shall be made from such superannuation allowance under this Act.

Officers in the Service prior to the Constitution Act.

58. **57.** Any person in the permanent employment of the Government who shall be remunerated for his services by daily weekly or monthly wages or otherwise shall on application in writing addressed to the Treasurer be admitted as a contributor to the Superannuation Account and shall thereupon be liable to the same rate of deduction from his pay as is provided in respect of the officers and shall be entitled to participate in like manner in all the benefits of the superannuation allowances and gratuities.

Any person employed by Government on wages allowed to contribute to and participate.

59. **58.** The Governor may from time to time make and publish in the *Gazette* Regulations for the manner in which members of the Civil Service Board shall retire and for the transaction of business by such Board and also concerning the duties to be performed and the hours to be observed by officers of the Service and the discipline to be observed in the performance of such duties and also generally for the carrying out of the provisions of this Act and may affix to breaches of such Regulations according to the nature of the offence the penalties herein provided.

Regulations may be made for the Public Service,

60. **59.** No officer shall be deemed to be entitled to any compensation by reason of any reduction of his salary or for any alteration of the limits of salary of his class as hereinbefore provided or by reason of any alteration in the scale of allowances or gratuities which may be made by any Act amending this Act or by the Regulations herein provided for.

No claim for compensation if Act altered.

61. **60.** Nothing herein contained shall be taken to prevent the Governor from recommending to Parliament any addition to any retiring allowance or gratuity in consideration of any special services rendered by any officer.

Bounty of Parliament not restrained.

62. **61.** All notices of appointments retirements and removals of officers under this Act shall be inserted in the *Gazette* and every such notice shall be deemed and taken to be conclusive evidence of every such appointment retirement or removal respectively.

Notices to be inserted in *Government Gazette*.

63. **62.** The Board shall annually submit to the Governor a Report of its proceedings and of the nature and extent of the duties performed in each Department of the Public Service by the persons employed therein and shall state whether in the opinion of the Board more persons (and if so how many more) are employed in any Department than the exigencies of the Service reasonably require which shall be laid before Parliament and such report shall include a statement of the Superannuation Account And no reductions in any of the contributions under this Act shall be made until thirty days after the actuarial report recommending same shall be laid before Parliament.

Board to submit an annual Report to be laid before Parliament.

64. **63.** The Governor may appoint one or more qualified persons as actuaries under this Act.

Actuaries may be appointed.

65. **64.** The Colonial Secretary shall be entrusted with the administration of this Act except where duties are prescribed to any other Minister.

Colonial Secretary to administer Act.

CIVIL SERVICE BILL (No. 2).

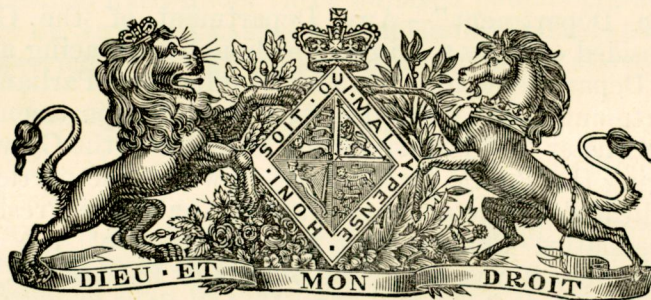
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*SCHEDULE showing the Legislative Assembly's disagreements from, and Amendment upon, the Legislative Council's Amendments in this Bill.*

- Page 2, clause 2, line 27. *Omit "Civil Service Board" insert "Minister"*  
Page 6, clause 22, line 17. *Re-insert "shall have passed such examination with  
"the highest number of marks" omit "upon the  
"whole is considered the most eligible"*  
Page 9, clause 43, line 26. *Omit "five"*  
Page 9, clause 44, line 35. *Omit "five"*
-



# New South Wales.



ANNO QUADRAGESIMO OCTAVO

## VICTORIÆ REGINÆ.

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### No. XXIV.

An Act for the regulation of the Civil Service for providing Superannuation and Retiring Allowances to the Members thereof and for other purposes. [Assented to, 31st October, 1884.]

**W**HEREAS it is expedient that Officers of the Civil Service Preamble. should be classified and that a scale of salaries and a system of appointments promotions and retiring allowances should be established and that other provisions for the regulation of the Service should be made Be it therefore enacted by the Queen'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 :—

1. This Act shall come into force on the first day of January Commencement and short title. one thousand eight hundred and eighty-five and may be cited as the "Civil Service Act 1884."

2. In the construction of this Act the terms within inverted Interpretation of terms. commas shall have the meanings set against them respectively unless inconsistent with or repugnant to the context viz. :—

"Governor"—The Governor with the advice of the Executive Council.

"Civil Service" or "Service"—The body of persons now or hereafter appointed to permanent salaried offices in the service of

*Civil Service (No. 2).*

of the Government except the Judges of the Supreme and District Courts the Chief Commissioner of Insolvent Estates Professors in the University or Wardens of the Colleges affiliated thereto the Teachers of the Sydney Grammar School claimants under Schedule C of the Constitution Act and persons holding appointments in the Military or Naval Service the Police and the Royal Mint.

“Officer”—Any person holding office in the Civil Service other than those mentioned in sections seven and eight and teachers under the Educational Division and persons employed temporarily.

“Prescribed”—Prescribed by this Act or the Regulations made thereunder.

“Public Department”—Any Department of the Government presided over by a Minister although embracing any number of Departments also the staff of officers of Parliament.

“Department”—Any division of a Public Department.

“The Minister”—The responsible Minister of the Crown administering the Public Department to which the particular officer indicated by the context is attached also the President of the Legislative Council and the Speaker of the Legislative Assembly in respect of the officers of Parliament.

“Head of Department”—The Under Secretary of a Public Department the Auditor-General the Commissioner of Railways and the Clerk of the Parliaments and the Clerk of the Legislative Assembly and such other officer as the Governor on the recommendation of the Minister shall rank or class as a Head of Department.

“The Board”—The Civil Service Board appointed under this Act.

## PART I.

## CLASSIFICATION.

Classification.

3. All officers at the time of the passing of this Act shall be classed in one of the following Divisions and Classes and every officer hereafter entering the Service shall be assigned a position in one of such Divisions and Classes :—

1.—*The General Division.*

FIRST CLASS—The Heads of Departments and all officers whose annual salaries shall have been fixed by the “Appropriation Act of 1884” at rates not less than eight hundred pounds.

SECOND CLASS—All officers whose salaries shall have been so fixed at not less than six hundred and fifty and under eight hundred pounds per annum.

THIRD CLASS—All officers whose salaries shall have been so fixed at not less than five hundred and under six hundred and fifty pounds per annum.

FOURTH CLASS—All officers whose salaries shall have been so fixed at not less than three hundred and fifty and under five hundred pounds per annum.

FIFTH CLASS—All officers whose salaries shall have been so fixed at not less than two hundred and under three hundred and fifty pounds per annum.

SIXTH CLASS—All officers whose salaries shall have been so fixed under two hundred pounds per annum.

PROBATIONARY CLASS—All unclassified officers serving as probationers.

2.—

*Civil Service (No. 2).*2.—*The Professional Division.*

FIRST CLASS—All professional officers whose salaries shall have been so fixed as aforesaid at not less than nine hundred pounds per annum.

SECOND CLASS—All professional officers whose salaries shall have been so fixed at not less than six hundred and under nine hundred pounds per annum.

THIRD CLASS—All professional officers whose salaries shall have been so fixed at not less than three hundred and under six hundred pounds per annum.

FOURTH CLASS—All professional officers whose salaries shall have been so fixed under three hundred pounds per annum.

CADET OR JUNIOR CLASS—All unclassified officers admitted to the Service to qualify for appointment to the above classes.

3.—*The Educational Division.*

OFFICERS—All persons employed in the Department of Public Instruction except teachers.

TEACHERS—All teachers assistant or pupil teachers but not inspectors or assistant inspectors.

All Teachers shall be classified under the Rules and Regulations made in pursuance of the "Public Instruction Act of 1880" and be entitled to promotion and consequent additions to their salaries thereunder.

All officers in the Department shall be classified according to their respective positions in the General or Professional Divisions.

## INCREASES.

4. In the case of officers whose salaries shall have been so fixed as aforesaid at or over one thousand pounds per annum in the General Division or at or over twelve hundred pounds per annum in the Professional Division or who under the provisions of this Act may attain to such salaries an increase shall be given only by special vote on the Estimates Each officer in the General Division not in receipt of the maximum salary of his class shall be entitled every year to an increase on the following scale until such maximum be reached:—

In the First Class...	...	...	Thirty Pounds
In the Second and Third Class	...	...	Twenty-five Pounds
In any other Class	...	...	Twenty Pounds

And such increases shall commence to run from the first day of January one thousand eight hundred and eighty-five Provided always that if any Minister shall be dissatisfied with the habits or conduct of any officer in his department or with the mode in which he discharges his duties the Governor may order that such officer shall not receive the then accruing or any other increase to which otherwise he would have been entitled Provided always that the Board shall be informed of the intended order of disallowance at least seven days before the said order is made and the said Board may make any representation to the Minister in respect thereof and provided further that visiting surgeons and chaplains to Government Institutions and other persons whose services shall be only partially employed shall not be entitled to the annual increment aforesaid.

5. In the Professional Division which shall include engineers surveyors barristers solicitors medical officers and others who subject to the approval of the Governor shall be so classified by the Board or be admitted to the service as such each officer whose salary shall have been so fixed under twelve hundred pounds per annum shall have the same rate of increase but within the same maximum limit as officers

Increase of salaries  
in the General and  
Professional  
Divisions.

Increase of salaries  
in the Professional  
Division.

*Civil Service (No. 2).*

officers in the General Division entitled to the like salary Provided that in the First Class the annual increase shall continue until the maximum of such class is reached.

Officers receiving for four years the maximum of any class to enter the next higher class.

6. Whenever any officer shall have received the maximum salary of his class for four years the Governor may order that such officer shall enter the class next above him at the minimum rate of such class and he shall thereafter be entitled to receive the increase to which officers in such class are entitled but no officer shall be entitled thus to enter the First Class in either Division but the entrance to such class shall be attained only by promotion to fill vacancies therein or by appointments to fill any new office which may be determined by Parliament to belong to such class.

Commissioner's rules and regulations for railway service to be continued.

7. Nothing herein contained shall interfere with the rules and regulations made by the Commissioner for Railways as to the mode of admission examination promotion classification and salaries under which persons employed in the Railway Service are engaged and agree to serve or with such rules and regulations of a similar kind with regard to any other Department except as hereinafter provided in Parts V and VI.

Increase to salaries of messengers &c.

8. In the case of messengers housekeepers letter-carriers stampers or sorters bailiffs warders matrons nurses attendants boatmen storemen and persons employed in the Printing and Telegraph Offices Dredge and Marine Services and other persons occupying positions of similar class character or importance who are in the receipt of annual salaries and not of daily or monthly wages or paid by piece-work the Governor may order an increase of any salary in any year not exceeding ten pounds But all such increases shall be specified in the annual Estimates.

Reduction or increase not to alter classification.

9. Any reduction or increase made by Parliament in any salary shall not alter the then existing classification of any officer or his right to an increase under section four and no officer shall be entitled to any claim for compensation by reason of any such reduction.

Abolition of office.

10. If the services of any officer shall be dispensed with in consequence of the abolition of his office or of any departmental change and not from any fault on his part such officer may be required at the rate of salary last received by him to perform any duty for which he is considered competent in any public department and should he refuse such change of duty he shall not be entitled to receive any compensation.

Number and distribution of officers to be in Estimates.

11. The Estimates submitted to Parliament each year shall under the head of each department specify the number of officers of each class and the aggregate amount of salaries required for the service of the year and shall show in comparison therewith the number of each class and aggregate amount of salaries for the previous year Provided that the classifications imposed by this Act shall not be held to diminish or affect the rights by way of precedence or otherwise except by way of emolument of any officer.

## CIVIL SERVICE BOARD.

Appointment of Board.

12. The Governor shall appoint five persons to be a Civil Service Board to perform the duties hereafter mentioned and such Board shall be appointed solely on the ground of fitness and competency for the performance of the duties assigned to them Three members shall form a quorum and one shall retire annually and shall not be eligible for reappointment within twelve months after retirement.

Duties of Board.

13. The Board shall within thirty days after being appointed and afterwards annually in the month of January elect a Chairman who shall be the medium of communication with the Minister and in the



*Civil Service* (No. 2).

the absence of the Chairman from any meeting the members present may elect one of their number to preside. The Chairman shall in case of equality of votes have in addition to his original a second or casting vote. The Board shall meet at least twice in each month and shall cause minutes of the meetings to be kept by its Secretary who shall be appointed by the Governor and shall rank in the Fourth class.

14. The Colonial Treasurer shall pay out of the Consolidated Revenue Fund the sum of five hundred pounds annually to the Board as fees for the attendance of its members but such fees shall not in the calculation of any claim to a superannuation allowance be considered as forming part of a salary.

Remuneration of Board &c.

15. Whenever any vacancy shall occur in the Board through the retirement insolvency removal death or resignation of any member or by his absence from its meetings for three consecutive months without leave obtained the Governor shall fill up such vacancy.

Governor may fill vacancies and make Regulations &c.

16. The Board shall within ninety days after its appointment prepare for publication in the *Gazette* a List containing the names alphabetically arranged of all the officers in each Division and class and all other persons employed and thereafter the Board shall annually prepare for publication a similar list to be called the "Civil Service List". And in making such classification it shall be competent for the Board to value and include as if it were salary the annual value of any official residence or any allowance which any officer may receive for house-rent fees or otherwise except for forage or travelling expenses or equipment and such list shall be deemed to be the classification for the ensuing year unless the same be within thirty days appealed against as hereinafter provided.

Annual list of classification to be published.

17. Any officer dissatisfied with the position assigned to him in such classification may forward to the Board within thirty days of such publication an appeal setting forth the grounds of his dissatisfaction and if the Board shall thereupon recommend that such officer be changed from one Division to the other or be raised from one class to another the Governor may adopt or decline such recommendation and the Board shall include in its next Annual Report a return of all such appeals and the result thereof.

Appeal from dissatisfied officer.

## PART II.

## EXAMINATION APPOINTMENT AND PROMOTIONS.

18. Every candidate for admission to the Service shall make his application in writing to the Board accompanied by a certificate of his having passed the University Civil Service Examination or other examination equivalent thereto and the Board shall record the name age place of birth and residence of each candidate and the result of every such examination and it shall be competent afterwards for any Minister to select any person from the list of candidates so registered to fill any vacancy in the probationary class.

Register of qualified candidates.

19. The Board may whenever other examination is necessary than such as is prescribed herein make Regulations subject to approval by the Governor appointing subjects for examination and standards of efficiency therein for candidates for employment in the various branches of the Service and such Regulations when published in the *Gazette* shall have the same force as if embodied in this Act.

Board may make Regulations.

20. The Governor shall appoint examiners to conduct the examination of such candidates and such examiners shall report to the Board the result of each examination.

Examiners to be appointed.

*Civil Service (No. 2).*

Condition of examination.

Service of probationers.

Promotion of probationers.

Junior Class of Professional Division.

Promotion from Junior class.

Heads of departments to transmit returns of officers employed.

Appointments from Probationary class.

Board to report to the Minister names of officers competent to fill vacancies.

21. No person shall be admitted to the probationary class who is under seventeen years of age or above the age of twenty-five nor unless he shall satisfy the Board as to his character and shall comply with the prescribed requirements and every person so admitted into the Service shall serve as a probationer for at least twelve months and shall during the first six months be entitled to a salary at the rate of fifty pounds per annum but thereafter while he remains in such class he may on the recommendation of the Board and provided he pass at least the Junior University Examination if he has not already done so or given proof of his possessing educational attainments not inferior thereto shall be entitled to receive an addition to such salary at the rate of twenty-five pounds per annum as a reward of special merit.

22. No person in the probationary class shall be eligible for promotion to a higher class until he shall have passed the prescribed examination or given the prescribed proof and any vacancy occurring in the Sixth class shall be filled by selection of the probationer who shall have passed such examination with the highest number of marks.

23. Every candidate for the Junior class of the Professional Division shall produce a certificate of having passed the Junior University Examination or shall satisfy the Board that he possesses attainments equivalent thereto and if admitted shall remain in such class for the prescribed period and remuneration.

24. No Cadet in such Junior Class shall be eligible for promotion to the Fourth class until he shall have passed an examination prescribed by the Board and suited to the Department in which he desires to be employed.

25. The Heads of Departments as aforesaid in respect of officers employed under their immediate directions and the Heads of Departments being divisions of Public Departments shall transmit to the Board annually a return showing the number of officers in their departments and also of persons temporarily employed therein and the salaries received by them respectively and shall report on their efficiency and character and shall specify all periods of absence and the causes thereof and such returns shall be preserved as a permanent record for reference in considering claims for promotion.

26. In the General and Professional Divisions every appointment to the lowest class shall be made from the Probationary or Junior class or from persons who shall have been temporarily employed in the Service Provided that in such latter case the person to be appointed shall have been so employed for at least twelve months and shall satisfy the Board that he possesses the prescribed qualifications.

27. When a vacancy shall occur in any class other than the Probationary or Junior class the superior officer of the Department in which such vacancy occurs shall transmit to the Board through the Head of the Department a report in writing and may recommend any officer in such department competent in his opinion to fulfil the duties of the vacant office and the Head of the Department may in like manner make a report and recommendation and the Board shall report to the Minister the name of such officer and of any other in the same or any other department either in the same class as the vacancy or in the class immediately below it who in the opinion of the Board are qualified to fill such vacancy and in such reports the respective lengths of service degree of competency and attainments of such officers shall be specified and if it be expedient to fill up such vacancy the Governor may on the recommendation of the Minister promote the officer thus reported as best qualified to fill the vacancy giving preference to an officer of the same Department if equally fit and the officer thus promoted if from a lower class shall enter the superior class at the minimum salary of such class But the salary of any

*Civil Service (No. 2).*

any officer who shall be promoted to fill a vacancy in the same class shall not by reason of such promotion be increased but shall remain subject to the ordinary rate of increment in the class.

28. In any special case if the Minister shall deem it expedient to secure the services of some person who is not in the Service but who is specially qualified by professional or special attainments or experience the Governor on a recommendation under the Minister's hand specifying the grounds thereof and the reasons for dispensing with examination or probationary service may appoint such person without either examination or probation. And the Board shall in its annual report specify all such appointments and reasons.

In special cases persons may be appointed without probation or examination.

29. When any new office shall be created there shall be placed on the Estimates the salary proposed to be paid to the holder of such office and such salary as may be voted shall fix the class of such officer who shall thereupon be entitled to receive the same together with the annual increment of such class. Provided that until such vote be taken he shall be entitled to the salary thus placed on the Estimates.

Salary and classification of new office.

30. When any vacancy shall occur the Board shall take into consideration whether the vacant office should be continued in the class determined by the salary of the late occupant and if the Board shall consider that the officer had been assigned a higher class owing to his long services or otherwise than was properly assignable to the work to be performed they shall report the vacancy as one in a lower class and such power of alteration of classification when a vacancy occurs may be made by the Governor on the express recommendation of the Minister.

Duty of Board when vacancies occur.

31. In any Public Department persons may be temporarily employed by the Minister but no such person shall be qualified for admission to the Service by reason of such temporary employment until he shall have passed the prescribed examination and such temporary employment shall cease at or before the expiration of two years.

Temporary appointments.

## PART III.

## DISMISSAL—PENALTIES.

32. If in the opinion of the Minister or of any officer by him duly authorized to investigate any matters or accounts any officer shall have committed any act which appears to him to justify suspension such officer may be immediately suspended from his office pending a report and another officer may be temporarily appointed to perform his duties. Provided that in the event of such suspension not being made by the Minister the officer making such suspension shall immediately lay before the Minister a report stating his reasons for such suspension and the Minister may either confirm the same or restore such officer to his office.

Suspension of officer for misconduct.

33. If the Minister order or confirm the suspension of any officer he shall report the same to the Governor who after calling on the officer to show cause or make explanation may remove such suspension or according to the nature of the offence dismiss such officer from the Service or reduce him to a lower class therein or to a lower salary within his class or deprive him of such future annual increase as he would otherwise have been entitled to receive or of any part thereof during any specified time or punish him by a fine not exceeding fifty pounds. Provided always that the Governor before deciding thereon may direct the Board or may appoint one or more persons to inquire into the matter and the Board or such persons shall have authority to

Dismissal or other penalties.

Board of inquiry may be appointed.

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to receive evidence and to summon and examine witnesses on oath which they are hereby authorized to administer and shall transmit their report with such evidence to the Minister to be laid before the Governor for final decision.

Summary punishment for minor offences.

34. When any officer is negligent or careless in the discharge of his duties if the Head of the Department shall be of opinion that the offence is not of so serious a nature as to justify suspension he may report the same to the Minister who may in such case after due inquiry order a sum not exceeding ten pounds to be deducted by way of fine from the salary of such officer.

Forfeiture of office in certain cases.

35. If any officer be convicted of any felony or other infamous offence he shall be summarily dismissed and if he become bankrupt or apply to take the benefit of any Act now or hereafter in force for the relief of insolvent debtors or make an assignment for the benefit of his creditors he shall be deemed to have forfeited his office. Provided however that if such officer prove to the satisfaction of the Governor that his pecuniary embarrassment has not been caused or attended by any fraud extravagance or dishonorable conduct the Governor may retain or reinstate such officer.

Reinstatement in the absence of fraud.

Fines to be stopped from salary.

36. The Colonial Treasurer on receiving due notice of any fine imposed under the authority of this Act shall deduct the amount thereof from the next payment of salary to the officer unless the minute of the Governor or Minister imposing such fine shall have specified other terms for the payment thereof. And all such fines shall be credited to the Civil Service Superannuation Account.

Suspension or dismissal in case of dishonorable conduct or intemperance.

37. If any officer is reported to have been guilty of dishonorable conduct or to be addicted to excessive use of intoxicants or stupefying drugs the Board shall investigate the matter and if the report is in the opinion of the Board well founded the Governor may upon the recommendation of the Minister fine suspend or dismiss such officer.

No right of salary during suspension if confirmed.

38. If the suspension of any officer be confirmed by the Governor and such officer be dismissed from the Service he shall not be entitled to any salary or other emolument of office during the time of such suspension but if sufficient grounds for consideration be shown the Governor may authorize an amount to be paid to him or his family not exceeding one-half of such salary and emoluments as would otherwise have been payable to him.

## PART IV.

## LEAVE OF ABSENCE—HOLIDAYS.

Leave of absence.

39. Every officer shall be entitled without diminution of salary to leave of absence for three weeks in each year at such time as the Minister may on the recommendation of the head of the department deem convenient but if any officer shall not take such leave in any year he shall be entitled to it in any subsequent year in addition to the leave for such year but no such accumulated leave shall exceed two months and in cases of illness or other pressing necessity the Governor on recommendation of the Minister may grant leave of absence not exceeding three months on full or any less salary as may be deemed fit and may renew such leave on the same or other terms. But in all cases of illness the request for leave or for renewal thereof shall be accompanied by a medical certificate to the satisfaction of the Minister and in cases of pressing necessity the circumstances must be stated to the

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the Minister in writing and if such leave shall extend to one month such officer shall forfeit his right to his next ordinary annual leave or any portion thereof as above provided. Provided always that in the case of officers of Parliament leave of absence both as to frequency and duration shall be in the discretion of the President and the Speaker as the case may be.

40. The Governor may grant to any officer of twenty years service leave of absence not exceeding twelve months on half salary or six months on full salary or of ten years service for any time not exceeding six months on half salary or three months on full salary or in case of pressing necessity may grant leave of absence to any officer but such last-mentioned leave may be deducted from the leave hereinbefore provided. Provision for extended leave of absence.

41. All holidays under the "Bank Holidays Act of 1875" shall be observed as holidays in the Public Offices and any other day proclaimed by the Governor as a Public Holiday. Provided that any Minister may require any department to be kept open in the public interest for the whole or any portion of such holiday and may require the attendance of any officers of such department during such time but such officers shall be entitled to a day's holiday in lieu thereof. Holidays.

## PART V.

## ALLOWANCES—GRATUITIES.

42. For the purposes of this Part teachers in the Educational division shall be deemed to be officers. Teachers to be officers for this Part.

43. Any officer shall at any time after having attained the age of sixty years be entitled to retire from the service upon the superannuation allowance hereinafter provided subject however to his not having or being entitled to any pension in excess thereof under the fifty-second section of the Constitution Act. But if such other pension or allowance shall be less than the allowance to which he would otherwise have been entitled under this Act then he shall in addition thereto be entitled to the difference between such pension and such superannuation allowance. Officers may retire at sixty.

44. When any officer owing to infirmity of mind or body desires to retire from the service but has not attained the age of sixty years if he produce medical evidence satisfactory to the Board that he is by reason of such infirmity incapable of discharging the duties of his office and that such infirmity is likely to be permanent the Governor may permit such officer to retire upon the superannuation allowance hereinafter provided. Provided that the Board may require him to be examined by the Government Medical Adviser. Retirement through ill health before sixty.

45. When any officer is reported unfit to perform his duties by reason of any infirmity of mind or body the Governor may appoint three medical officers to examine and report upon his condition and may also direct the head of the Department to report on the manner in which his duties have been performed and if on such reports it shall appear to the Governor to be for the public interest he may order that such officer shall retire upon the superannuation allowance hereinafter provided. A Medical Board may examine officers.

46. When the services of any officer are dispensed with in consequence of the abolition of his office and no other office can be offered to him at the same salary as hereinbefore provided or at a salary of not less than five-sixths of the same he shall be entitled to retire upon the superannuation allowance hereinafter provided. Retirement through abolition of office.

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On restoration to health officers may be ordered to resume duties.

47. If the health of any officer superannuated by reason of infirmity of body or of mind become so restored as to enable him to perform his duties the Governor may require him to resume such duties or any other duties for which he is qualified at his former salary and if he decline to undertake the same such officer shall forfeit his right to his superannuation allowance and if he resume his duties such allowance shall be discontinued. But in the event of a recurrence of his infirmity he shall be entitled to his superannuation allowance together with any prescribed increase to which he would be entitled from additional length of service.

Scale of superannuation allowances.

48. The following shall be the scale of superannuation allowances payable under this Act viz.—

To any officer who shall have served fifteen years a superannuation allowance equal to one-fourth of his annual salary with an addition of one-sixtieth part of such salary for each additional year of service but in no case shall such superannuation allowance exceed two-thirds of his annual salary

And such superannuation allowance shall be computed upon the average annual amount of salary or emoluments other than forage equipment or travelling allowance received by such officer during the preceding three years.

Gratuities to such persons retiring from ill health.

49. In the case of any officer not entitled to a superannuation allowance whose services may be dispensed with through no fault of his own or who may be compelled through infirmity of body or of mind to leave the Service such infirmity being duly certified by medical authority to the satisfaction of the Minister as likely to be permanent the Governor may grant such gratuity as he may think fit not exceeding in any case the amount of one month's pay at his then rate of salary for each year of service.

Gratuities to disabled persons under fifteen years service.

50. If any officer shall receive in the discharge of his public duty and without his own fault such bodily injury as shall incapacitate him from the further discharge of his duties and be thus compelled to retire from the Service the Governor may grant to such officer a gratuity not exceeding two months' pay at his then rate of salary for each year of service. Provided that the amount shall in no case be less than six months of such salary. And if such officer shall die from such bodily injury before such gratuity shall have been paid the Governor may pay the same to the widow or children or failing such to the mother of the deceased.

Gratuity may be paid to widow or relative.

Widows or young children may receive gratuity.

51. If any officer die leaving a widow or any children under sixteen years of age in necessitous circumstances the Governor may on inquiry into the case grant out of the Superannuation Account to such widow or children a gratuity not exceeding six months' salary which such officer shall have been receiving at the time of his death.

Limitation of superannuation allowance.

52. No officer shall receive or be entitled to any superannuation allowance or gratuity in respect of so much of his salary or emoluments of office as is in excess of one thousand pounds per annum in the General or of twelve hundred pounds in the Professional Division and no officer shall be liable to contribute towards the Superannuation Account in respect of any salary in excess thereof.

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## PART VI.

## CIVIL SERVICE SUPERANNUATION ACCOUNT—MISCELLANEOUS.

53. For the purpose of carrying out the provisions of this Act there shall be transferred to the credit of an account to be called the Civil Service Superannuation Account from the Consolidated Revenue Fund every year for a period of five years a sum of twenty thousand pounds and a deduction shall be made from each payment of the salary of every officer in the Service except as hereinafter provided at the annual rate of four per cent. commencing with the year one thousand eight hundred and eighty-five and the amount of such deduction shall be carried to the credit of such Account And the annual sum of three thousand five hundred pounds payable under the fifty-second section of the Imperial Act eighteenth and nineteenth Victoria cap. fifty-four from the Consolidated Revenue Fund for Pensions to superannuated officers shall hereafter be payable to the credit of the Civil Service Superannuation Account subject however to the claims of such officers as are or may become entitled to be paid Pensions out of such sum.

Civil Service  
Superannuation  
Account.

54. On the thirtieth day of June and thirty-first day of December in each year the Superannuation Account shall be credited with interest at the rate of four per cent. per annum such interest shall be added to the principal amount on these dates respectively and at the expiry of three years an actuarial investigation shall be made as to the state and sufficiency of the Superannuation Account and if on the report of such investigation the Governor shall be satisfied that the said Account does not require an annual contribution of four per centum on the officers' salaries such contribution may be reduced for the ensuing period of three years to such rate as may be deemed expedient and thereafter at the expiry of each successive three years a similar investigation shall be made and the Governor may in like manner fix within the said limit of four per cent. such contribution for the ensuing three years Provided that if on any such triennial investigation the contributions at the rate of four per cent. together with the amount contributed from the Consolidated Revenue shall appear to be insufficient for the maintenance of the scale of superannuation allowances and gratuities hereinbefore provided then the Governor may by proclamation in the *Gazette* make a *pro rata* reduction in all such superannuation allowances and gratuities and such reduction shall apply to the future payments of such as shall have been already granted as well as those which may in future be granted

Interest on  
Superannuation  
Account.

55. Any officer in the Service who held any office at the commencement of this Act except as hereinafter provided shall notwithstanding his not having contributed during his past service to the superannuation account be entitled to the superannuation allowances and gratuities herein provided subject to such an annual abatement from such pension as on the certificate of the actuaries appointed under this Act shall be the equivalent of four per centum on the total salary received by such officer during his term of office prior to the passing of this Act Provided always that it shall be competent for any such officer to pay up in one sum or by instalments extending over three years a sum equivalent to four per centum on his past salaries and on such payment he shall be entitled to the full pension when otherwise entitled thereto.

Officers now in the  
Service.

56. Any officer who held any office in the Service prior to the passing of the Constitution Act may elect at any time within three months after the passing of this Act to be exempt from contribution to and participation in the privileges of the superannuation allowances and

Officers in the  
Service prior to the  
Constitution Act.

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and gratuities under this Act and to rest solely on his rights and privileges under the fifty-second section and Schedule B of the Constitution Act or to come under the contributions superannuation allowances and gratuities of this Act and in such latter case in the event of there being a vacancy for him on the Constitution Act Fund when he so desires to retire he may retire thereon but no deduction shall be made for his non-payment of the contribution of four per cent. prior to the commencement of this Act in respect of such superannuation but if there be no such vacancy or it be insufficient and he retire in whole or in part upon the superannuation under this Act the abatement hereinbefore provided or proportion thereof shall be made from such superannuation allowance under this Act.

Any person employed by Government on wages allowed to contribute to and participate.

57. Any person in the permanent employment of the Government who shall be remunerated for his services by daily weekly or monthly wages or otherwise shall on application in writing addressed to the Treasurer be admitted as a contributor to the Superannuation Account and shall thereupon be liable to the same rate of deduction from his pay as is provided in respect of the officers and shall be entitled to participate in like manner in all the benefits of the superannuation allowances and gratuities.

Regulations may be made for the Public Service.

58. The Governor may from time to time make and publish in the *Gazette* Regulations for the manner in which members of the Civil Service Board shall retire and for the transaction of business by such Board and also concerning the duties to be performed and the hours to be observed by officers of the Service and the discipline to be observed in the performance of such duties and also generally for the carrying out of the provisions of this Act and may affix to breaches of such Regulations according to the nature of the offence the penalties herein provided.

No claim for compensation if Act altered.

59. No officer shall be deemed to be entitled to any compensation by reason of any reduction of his salary or for any alteration of the limits of salary of his class as hereinbefore provided or by reason of any alteration in the scale of allowances or gratuities which may be made by any Act amending this Act or by the Regulations herein provided for.

Bounty of Parliament not restrained.

60. Nothing herein contained shall be taken to prevent the Governor from recommending to Parliament any addition to any retiring allowance or gratuity in consideration of any special services rendered by any officer.

Notices to be inserted in *Government Gazette*.

61. All notices of appointments retirements and removals of officers under this Act shall be inserted in the *Gazette* and every such notice shall be deemed and taken to be conclusive evidence of every such appointment retirement or removal respectively.

Board to submit an annual Report to be laid before Parliament.

62. The Board shall annually submit to the Governor a Report of its proceedings and of the nature and extent of the duties performed in each Department of the Public Service by the persons employed therein and shall state whether in the opinion of the Board more persons (and if so how many more) are employed in any Department than the exigencies of the Service reasonably require which shall be laid before Parliament and such report shall include a statement of the Superannuation Account And no reductions in any of the contributions under this Act shall be made until thirty days after the actuarial report recommending same shall be laid before Parliament.

Actuaries may be appointed.

63. The Governor may appoint one or more qualified persons as actuaries under this Act.

Colonial Secretary to administer Act.

64. The Colonial Secretary shall be entrusted with the administration of this Act except where duties are prescribed to any other Minister.