

# STATUTORY RULES.

No. 12 of 1939.

Made under *The Public Service Ordinance of 1907* (No. 2 of 1907).

## PART I.—PRELIMINARY.

### *Citation.*

1. These regulations may be cited as the *Public Service Regulations, 1939.*

### *Repeal.*

2. All regulations heretofore made under the Ordinance are repealed.\*

### *Interpretation.*

3. In these regulations unless the contrary intention appears:—

“The Ordinance” means *The Public Service Ordinance of 1907.*

“Public Service” means the Public Service of the Territory of Papua.

“Officer” means any person in the Public Service other than a temporary employee.

“Permanent Officer” means any officer whose appointment has been approved by the Governor-General.

“Temporary Officer” means any officer other than a permanent officer.

“Temporary Employee” means and includes any person employed in the Public Service—

- (a) whose whole time (he not being a medical officer) is not required to be engaged in the Public Service;
- (b) who is engaged under agreement for a specified period or for a specified temporary purpose;
- (c) whose service by the terms of his appointment is expressed to be terminable by notice either on the part of the Government or of such person.

### *Parts.*

4. These regulations are divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Departments.

Part III.—Classification.

Part IV.—Allowances.

Part V.—Leave of Absence.

Part VI.—Suspension of Officers.

Part VII.—General.

### *Non-application Regulations.*

5. These regulations shall not apply to—

(a) the Lieutenant-Governor;†

(b) a Judge of the Central Court (except so far as he is expressly referred to therein);

\*The Statutory Rules repealed are the following:—9 of 1926; 3 of 1927; 3 of 1929; 4 of 1929; 1 of 1931; 6 of 1932; 4 of 1933; 5 of 1933; 6 of 1933; 8 of 1934; 8 of 1935; 13 of 1935; 2 of 1936; 4 of 1936; 8 of 1936; 9 of 1936; 11 of 1936; 14 of 1936; 1 of 1937; 1 of 1938; 4 of 1938; 5 of 1938; 8 of 1938; 10 of 1938; 14 of 1938; 1 of 1939; 2 of 1939; 7 of 1939 and 8 of 1939. †But see *Ordinances*, 10 of 1933 and 14 of 1934.

- (c) any officer remunerated by fees, allowances or commission only ;
- (d) Temporary Employees (except so far as they are expressly referred to therein) ;
- (e) any Native Crown Seryant or other native ; or
- (f) any officer or class of officers to whom or to which the Lieutenant-Governor by notice in the *Gazette* declares that these regulations shall not apply.

## PART II.—DEPARTMENTS.

### *Departments.*

6. The Departments of the Public Service shall be as set out in the Schedule to this Part and to each are allotted the duties in connection with the several matters set out under its name.

### *Heads of Departments.*

7. The Heads of the respective Departments shall be the officer specified in the Schedule under the name of the Department.

### SCHEDULE.

#### DEPARTMENT OF THE GOVERNMENT SECRETARY.

HEAD OF DEPARTMENT—The Government Secretary.

- |   |  |
|---|--|
| 1. Magistracy.                              | 7. Records, etc., relating to Government Officers. |
| 2. Armed Constabulary ; Village Constables. | 8. Official Vessel.                                |
| 3. Statistics and Census.                   | 9. Purchase of Land and Government Land Buyers.    |
| 4. Gaols and Prisoners.                     | 10. Official Library.                              |
| 5. Education and Missions.                  | 11. Miscellaneous.                                 |
| 6. Native Taxation.                         |  |

#### DEPARTMENT OF THE COMMISSIONER FOR LANDS.

HEAD OF DEPARTMENT—The Commissioner for Lands.

- |                        |                            |
|------------------------|----------------------------|
| 1. Lands.              | 5. Agriculture.            |
| 2. Surveys.            | 6. Geology and Mineralogy. |
| 3. Mining.             | 7. Meteorology.            |
| 4. Pastoral and Stock. |                            |

#### DEPARTMENT OF THE TREASURER.

HEAD OF DEPARTMENT—The Treasurer.

- |                                 |                                |
|---------------------------------|--------------------------------|
| 1. H.M. Customs.                | 5. Post and Telegraphs.        |
| 2. General Revenue and Finance. | 6. Government Printing Office. |
| 3. Shipping and Navigation.     | 7. Immigration.                |
| 4. Government Stores.           | 8. Fisheries.                  |

#### DEPARTMENT OF PUBLIC WORKS.

HEAD OF DEPARTMENT—The Director of Public Works.

- |  |   |
|--|---|
| 1. Works and Buildings—Design, Construction and Maintenance. | 7. Town Cleaning, Port Moresby.                             |
| 2. Roads and Bridges—Location, Construction and Maintenance. | 8. Vessels, Boats and Launches—Construction and Overhaul.   |
| 3. Streets and Footpaths—Construction and Maintenance.       | 9. Sheet Metal and Smithy Work, Cabinet Making and Joinery. |
| 4. Sewerage and Drainage.                                    | 10. Wharves and Jetties—Construction and Maintenance.       |
| 5. Water Supply.   | 11. Buoys and Beacons—Erection and Maintenance.             |
| 6. Town Lighting (Port Moresby and Samarai).                 |   |

#### MEDICAL DEPARTMENT.

HEAD OF DEPARTMENT—The Chief Medical Officer.

- |                   |                          |
|-------------------|--------------------------|
| 1. Quarantine.    | 3. Government Hospitals. |
| 2. Public Health. |                          |

DEPARTMENT OF THE COMMISSIONER FOR NATIVE AFFAIRS.

HEAD OF DEPARTMENT—The Commissioner for Native Affairs.

1. Relations between Europeans and Natives.      2. Papuan Antiquities.

PART III.—CLASSIFICATION.

*Divisions of the Service.*

8. The Public Service of the Territory shall consist of three Divisions namely :—

- (a) the First Division ;  
(b) the Second Division ; and  
(c) the Third Division.

*First Division.*

9. The First Division shall include all permanent Heads of Departments and such other officers whose offices are classified in the First Division.

*Second Division.*

10. The Second Division shall include all officers in the Public Service not included in the First or Third Divisions whose duties are of a professional or clerical nature and whose offices are classified in the Second Division.

*Third Division.*

11. The Third Division shall include all officers not included in the First or Second Divisions whose offices are classified in the Third Division.

*Classification of existing offices.*

12. (1) The offices in the Public Service existing at the time of the making of these regulations shall be and be deemed to be classified within the respective Divisions and in accordance with such fixed amounts as shown with respect to such offices in the classification published in the *Gazette* of the eleventh day of May, 1926 with such amendments and additions as may from time to time have been made.

(2) For the purpose of superannuation but for no other purpose the salary of those officers whose classification shows a pensionable allowance shall be deemed to be the salary of the permanent appointment held by them plus the pensionable allowance.

*Classification of future offices.*

13. All offices hereafter created shall be classified by the Lieutenant-Governor on their creation in accordance with the scale within a Division as the case may require and in accordance with the importance and character of the work to be performed.

*Re-classification of offices.*

14. The Lieutenant-Governor may from time to time re-classify any office in the Public Service.

*Classification, etc. to be published.*

15. A notification of each classification of an office hereafter created or re-classification of any office shall be published in the *Gazette*.

*Classification of officers.*

16. An officer shall be deemed to be classified within the limits of salary set out in the Division under which the office held by him is for the time being classified.

*Advancement to higher office.*

17. The advancement of an officer from one office to a higher office shall be by promotion only.

*Conditions of advancement.*

18. No promotion shall be allowed unless the Lieutenant-Governor is satisfied that the officer is entitled by his efficiency, seniority and good conduct to receive it.

*Proof of age.*

19. Where the amount of salary is dependent upon age the officer concerned if so required shall before he is entitled to receive such salary furnish proof to the satisfaction of the Government Secretary of such age.

*Salaries and increments—First Division.*

20. (1) An officer of the First Division occupying an office specified in the following table shall be paid salary in accordance with the scale or amount specified in the table opposite the office occupied by him :—

Office.	Minimum. £	Maximum. £
Commissioner for Lands ... ..	708	804
Government Secretary ... ..	804	900
Crown Law Officer ... ..	...	828
Treasurer ... ..	732	828
Commissioner for Native Affairs ... ..	708	804
Director of Public Works ... ..	708	804
Official Secretary ... ..	708	804
Resident Magistrate, Grade 1 ... ..	636	732
Resident Magistrate, Grade 2 ... ..	564	660
<i>Medical Officers :</i>		
Chief Medical Officer ... ..	828	1,000
Medical Officer (travelling) ... ..	756	900
Medical Officer ... ..	684	800

(2) An officer occupying an office specified in the preceding table may be paid increments within the limits of salary fixed for his office as follows :—

- (a) In the case of an officer receiving less than Six hundred and thirty-six pounds per annum of an amount of Eighteen pounds.
- (b) In the case of an officer receiving not less than Six hundred and thirty-six pounds per annum, but less than Nine hundred pounds per annum, of an amount of Twenty-four pounds ; and
- (c) In the case of an officer receiving Nine hundred pounds per annum or over of an amount of Fifty pounds.

*Salaries and increments—Second Division.*

21. (1) Officers of the Second Division shall be paid salaries of such amounts as are specified in the following tables within the limits of salary within which the positions have been classified :—

<i>Male Officers :</i>				
£	£	£	£	£
300	325	350	375	400
420	438	456	474	492
510	528	546	564	582
600	618	636	660	684
708	732	756		
<i>Female Officers :</i>				
£	£	£	£	
285	295	305	315	

Provided that when the nature of the work performed by a female officer seems to the Lieutenant Governor to warrant it and she has completed not less than ten years service the Lieutenant-Governor may order that she be entitled from a date specified in the order to be paid one or more of the following further amounts £325, £335, £345, £355.

Upon any such order being published in the *Gazette* the limits of the salary fixed for her office shall be deemed to have been re-classified accordingly.

(2) Increments may be paid an officer within the limits of salary fixed for his or her office of such amounts as will raise his or her salary to the next higher amount shown in the table.

(3) Notwithstanding anything contained in the foregoing, persons under the age of twenty-one years appointed to a position of Cadet may be paid salary according to the following scale :—

	£
Under 17 years of age	100
At 17 years of age ...	135
At 18 " " "	170
At 19 " " "	210
At 20 " " "	250

Upon reaching the age of twenty-one years any person appointed a Cadet shall, pending promotion to a higher office, be paid a salary of Three hundred pounds per annum.

*Salaries and increments—Third Division.*

22. Officers of the Third Division shall be paid salaries in accordance with the following scale :—

Office.	Salary per Annum.		Advancement from Minimum to Maximum.
	Minimum.	Maximum.	
	£	£	
Engineer, Official Vessel ...	488	560	Four annual increments of £18
Mechanical and Electrical Engineer ...	504	558	" " " "
Supervisor, Telephones and Lines ...	413	485	" " " "
Engineer, <i>Elevala</i> ...	392	464	" " " "
Foreman, Printing Office ...	378	450	" " " "
Gaoler, Port Moresby ...	354	426	" " " "
Compositor ...			
Plumber and Ironworker ...	370	418	" " " " £12
Carpenter ...			
Boatbuilder ...			
European Constable ...	336	408	" " " " £18
Gaoler, Samarai ...			
Senior Storeman ...			
Machinist, Printing Office ...			
Manager, Laloki Gardens ...	328	400	" " " " "
Plantation Assistant ...			
Storeman ...	312	384	Two " " " " £12
Matron, European Hospital ...	216	240	
Nurse, European Hospital ...	170	194	

*Annual increments.*

23. (1) Subject to these regulations officers shall be entitled to the annual increments set down for the respective offices in which they are classified unless the Head of their Department reports previously in writing that the officer's conduct, diligence or efficiency is unsatisfactory and the Lieutenant-Governor decides in consequence that any increment shall be withheld. If any increment is so withheld the officer

shall be entitled on his request to have his case reconsidered by the Lieutenant-Governor.

(2) When officers are appointed to the offices in which they are classified increments shall commence to be payable twelve months after the date of their appointment to such offices.

(3) Where an officer is promoted to a higher office and his salary before promotion is less than the minimum salary of the office to which he is promoted his salary from the date of his promotion shall be the minimum salary of the office to which he is promoted. Subsequent increments in his new office shall become payable at yearly intervals from the date of his promotion to such office.

(4) Where an officer is promoted to a higher office and his salary before promotion is not less than the minimum salary as shown in the classification of the office to which he is promoted, he shall (subject to the next following sub-regulation) continue to draw his former rate of salary in his new office until one year from the date on which he received his last increment when he shall receive an increment of such amount as will bring his salary to an incremental step in his new office: Provided that such first increment in his new office shall not be less than any increment he would have become entitled to had he not been promoted but less than the amount of two increments of the new office.

Subsequent increments shall become payable at yearly intervals from the date he received such first increment in the new office.

(5) Where an officer who had reached the maximum salary of his office before promotion, and in consequence had received no increment during the year preceding his promotion is promoted to a higher office and his salary before promotion is not less than the minimum salary as shown in the classification of the office to which he is promoted, such officer shall receive an increment as from the date of his promotion of such amount as will bring his salary to the next incremental step in his new office. Subsequent increments shall become payable at yearly intervals from the date of his promotion to such office.

(6) Where an officer is transferred at his own request to an office of lower classification than his own he shall continue to draw his former rate of salary in his new office until one year from the date on which he received his last increment when he shall receive an increment of such amount as will bring his salary to an incremental step in his new office: Provided that in no case shall his salary exceed the maximum of the classification of his new office.

*Maximum salary—long service salary increment.*

24. (1) A salary increment at the rate of Eighteen pounds annually may be paid to an officer in respect of each completed period of five years service on the maximum salary of his office and such maximum salary increment may continue to be paid to such officer upon promotion.

For the purposes of this regulation the words 'his office' shall be deemed to include and always to have included any other office with similar maximum salary occupied by the officer.

(2) The salary increment provided in this regulation shall cease to be payable to the extent by which its addition to the salary of the officer exceeds Five hundred and ten pounds annually.

(3) For the purposes of superannuation the salary increment herein provided shall be deemed part of the salary of the permanent appointment held by the officer and contribution thereon shall be payable accordingly.

(4) This regulation shall be deemed to have come into force on the first day of January, One thousand nine hundred and thirty-six.

#### PART IV.—ALLOWANCES.

##### *Travelling allowances.*

25. (1) Officers travelling on duty shall receive travelling allowances according to the following scale:—

RANK OF OFFICER.	DAILY ALLOWANCE.			DAILY RATE.
	£	s.	d.	
Lieutenant-Governor ... ..	1	0	0	One twenty-fourth of daily rate for each hour when officer is absent for more than half a day.
Official Secretary ... ..	1	0	0	
Judges of the Central Court ... ..	1	0	0	
Commissioner for Lands... ..	1	0	0	
Government Secretary ... ..	1	0	0	
Treasurer ... ..	1	0	0	
Chief Medical Officer ... ..	1	0	0	
Commissioner for Native Affairs ... ..	1	0	0	
Director of Public Works ... ..	1	0	0	
Crown Law Officer ... ..	1	0	0	

(2) No officers, other than the foregoing, nor temporary employees, shall be entitled to travelling allowances unless approved and in circumstances approved by the Lieutenant-Governor. The rate of allowance to any approved officer or temporary employee shall be Fifteen shillings per day.

(3) Until the Lieutenant-Governor approves of the officers to whom travelling allowances shall be paid under Sub-regulation (2) hereof allowances at the rate therein mentioned shall be paid to officers heretofore entitled to travelling allowances.

##### *Allowance when maintenance provided.*

26. Travelling allowances at quarter of the above rates only shall be payable to any officer or employee when travelling on any vessel when the cost of transport paid by the Government includes maintenance.

##### *Allowance in special circumstances.*

27. Any officer or temporary employee may, under special circumstances, have an allowance granted to him by the Lieutenant-Governor.

##### *Allowance on transfer.*

28. Any travelling allowance payable to an officer who is transferred from one part of the Territory to another shall be calculated only according to the time properly and necessarily taken in travelling between those parts.

##### *Coastal fares going on leave.*

29. The coastal fare of an officer and his wife and family proceeding on or returning from overseas leave from or to his station will be paid by the Government to and from the Ports of Port Moresby, Samarai or Daru: Provided—

- (a) that on arrival at the port selected by the officer he reports himself for duty to the senior officer for the period during which his transport out of the Territory or to his station is awaited; and
- (b) that the officer may not leave or pass any of the above-named ports to reach another and obtain the benefit of this regulation except in the case of Daru when if more convenient he may proceed thence to Port Moresby and if more convenient to return to Port Moresby from leave he may proceed thence to Daru.

*Allowance for transport in certain cases.*

30. (1) Where an officer stationed in a locality where there is no Government Medical Officer or other medical practitioner meets with a serious accident, arising out of and in the course of his duty, which necessitates his removal for medical attention or the visit of a medical practitioner the Lieutenant-Governor may authorize the reimbursement to the officer of the cost of transport for such purpose.

(2) In any case of removal where the circumstances necessitate such officer being accompanied by an attendant cost of transport shall include the conveyance of the attendant.

(3) No claim for reimbursement shall be approved unless accompanied by a medical certificate that the removal or visit for medical attention was necessary. The certificate shall state the nature of the injury. The officer shall also report the full circumstances leading up to and causing the injury. If the Lieutenant-Governor is of opinion that the injury was due to circumstances within the officer's own control he may refuse to authorize payment.

(4) Cost of transport shall mean actual fares on steamer, motor or other fares including the return journey in obtaining nearest medical aid and shall not include any other expenses incurred on the way.

*Allowance to cover pecuniary loss.*

31. Should any officer be under any pecuniary loss while filling an acting appointment owing to the cost of living being higher, or from any other cause, he may be granted an amount to cover the extra expense.

*Vouchers.*

32. Vouchers for travelling expenses must clearly show the dates and hours of arrival and departure, the names of vessels (if any) by which the claimant travelled and the nature of the duty on which he was engaged.

*Actual expenses only in certain cases.*

33. For journeys occupying less than one-half of a day actual expenses only will be paid.

*Allowance additional to cost of conveyance.*

34. All travelling allowances shall be in addition to the cost of conveyance.

*Higher duties allowance.*

35. When an officer performs the duties of an office of a higher grade than his own continuously for any period not being less than thirty days he shall be granted an allowance for the period he performs such duties at a rate equal to the difference between the maximum salary of his grade (to which shall be added any long-service increment being paid to the officer) and the minimum salary of the higher grade.

*Allowances only as prescribed.*

36. Except as provided for in or granted under the provisions of these regulations, or as expressly provided for in the gazetted classification of his office, no officer and no temporary employee shall be entitled to any allowance whatsoever.

*Allowance, married officers.*

37. Officers of the Second and Third Divisions who are married if receiving salary less than Four hundred pounds per annum shall be paid an allowance equal to the difference between the salary and Four hundred pounds. No allowance shall be paid under this regulation except upon evidence to the satisfaction of the Lieutenant-Governor that the officer is married and is supporting his wife.



Provided that an officer joining the Public Service after the 31st day of December, 1937, shall not be entitled to an allowance under the provisions of this regulation until he has continued three years in such Service, unless such officer was married at the time of his appointment to the Public Service.

*Leave allowance.*

38. (1) Officers in receipt of salary and pensionable allowances below an amount of Nine hundred pounds per annum shall be paid if married an allowance at the rate of Twenty pounds per annum and if unmarried an allowance at the rate of Eight pounds per annum.

(2) Payment of the allowance shall be deferred until the officer is proceeding from the Territory on leave of absence when the accumulated amount, calculated to the date of expiration of the approved leave of absence, shall be paid to the officer.

Provided that such payment shall not be deferred when the payment is in respect of a period immediately preceding retirement.

(3) Where the officer is dismissed the Service any deferred allowance payable under this regulation shall be forfeited:

Provided that the Lieutenant-Governor may authorize the payment of such portion as he thinks fit for the cost of conveyance of the dismissed officer from the Territory.

(4) No allowance shall be paid to married officers under this regulation except upon evidence to the satisfaction of the Lieutenant-Governor that the officer is married and is supporting his wife and family.

(5) No payment of the accumulated amount will be made to an officer unless and until such officer gives an undertaking in writing to the Government Secretary that he will spend the whole of his leave beyond the Territory.

Provided that this sub-regulation shall have no application to a payment of deferred leave allowance in respect of a period immediately preceding retirement.

(6) Except in the case of leave taken prior to retirement officers who spend any portion of their leave within the Territory shall forfeit the accumulated amount calculated to the date of the expiration of the approved leave of absence: Provided that in the case of an officer having sick leave within the Territory the Lieutenant-Governor may direct that the allowance be paid to such officer:

Provided also that the allowance will not be forfeited merely by reason of the fact that the officer spends a short period of his leave in attending to private affairs prior to his departure from the Territory or returns to the Territory before the expiration of his leave in order to avoid overstaying such leave.

*Child endowment.*

39. There shall be paid to any officer who is—

(a) married or a widower; and

(b) the father, father by adoption or step-father of children under the age of fourteen years who are dependent upon and maintained by him; and

(c) in receipt of salary plus the allowances provided by the last two preceding regulations hereof and pensionable allowances amounting to a sum less than Six hundred pounds per annum,

a sum calculated at the rate of Twenty pounds per annum in respect of each of his children so dependent:

Provided that the total sum per annum paid to any officer under this regulation shall not exceed the amount by which the salary and the said allowances per annum of that officer falls short of Six hundred pounds.

*Proof of birth.*

40. Any officer making an application for an allowance referred to in the last preceding regulation shall forward with the application a birth certificate of each child in respect of whom he claims an allowance, or shall furnish some other documentary proof of the birth of the child in respect of which the allowance is claimed as is considered satisfactory by the Head of his Department.

PART V.—LEAVE OF ABSENCE.

*Applications for leave.*

41. Every application for leave of absence shall be made to the Lieutenant-Governor, through the Head of the Department in which the applicant is employed, and the Head of the Department shall report whether the leave can be granted without detriment to the work of the Department.

*Vacation leave.*

42. Subject to the necessities of the Service, vacation leave, or leave of absence on full pay, for the purpose of relaxation from business, may be granted to officers as follows :—

- (a) Six weeks in a period of one year ;
- (b) Three months in a period of two years ;
- (c) Four and a-half months in a period of three years ;
- (d) Six months in a period of four years or upwards :

Provided that in the absence of exceptional circumstances vacation leave will not be granted during the first year of service.

*Sick leave and leave on account of urgent private affairs.*

43. Leave of absence may be granted to officers in cases of serious indisposition or of urgent private affairs.

In case of serious indisposition the state of the officer's health must be certified by his medical attendant.

In cases of urgent private affairs the nature of the private affairs must be stated to the Lieutenant-Governor.

Such leave of absence may be for any period not exceeding twelve months and either on full pay, or on half pay, or without pay as the Lieutenant-Governor, with the advice of the Executive Council, shall approve.

*Long leave.*

44. (1) Leave of absence on half pay not exceeding twelve months, or (at the option of the officer) on full pay not exceeding six months, to be referred to as "long leave," may be granted after six years' service as an officer without any special grounds.

(2) If long leave and vacation leave are granted at the same time the total leave must never exceed twelve months.

(3) Long leave will not be granted to an officer unless for the purpose of spending such leave beyond the Territory.

(4) Sub-regulations (2) and (3) hereof shall not apply when an officer is not returning to duty at any time after the expiration of such leave.

*Furlough.*

45. When an officer has continued in the Public Service for at least fifteen years and has not been reduced or otherwise punished for misconduct the Lieutenant-

Governor may, with the advice of the Executive Council, grant him at the end of his service leave of absence for a period not exceeding twelve months on half pay or six months on full pay.

Such leave of absence shall not be granted to an officer appointed to the Public Service after the 30th June, 1926.

*Leave without pay.*

46. The Lieutenant-Governor with the advice of the Executive Council may grant leave of absence without pay to any officer for any period not exceeding twelve months, but the period of such leave shall not for any purpose be included as part of such officer's period of service.

*Extension of leave.*

47. Officers absent on leave who wish to obtain an extension of leave on the ground of ill-health must be examined by one of the Commonwealth Medical Officers and obtain from him a certificate as the state of the officer's health. The certificate is to be transmitted by the first opportunity to the Government Secretary.

A fee of half a guinea where the officer attends at the doctor's rooms, and one guinea if the doctor has to attend at the officer's residence, has to be paid.

*Leave on retirement.*

48. To officers of meritorious service prior to their retirement on account of age who are not entitled to furlough hereinbefore described the Lieutenant-Governor, with the advice of the Executive Council, may grant leave of absence with full pay as follows:—

Service of 12 years and under 15 years	...	...	...	5 months
Service of 8 " " " 12 "	...	...	...	4 "
Service of 4 " " " 8 "	...	...	...	3 "
Service of 2 " " " 4 "	...	...	...	2 "
Service of less than 2 years	...	...	...	1 month.

Such leave of absence shall not be granted to an officer appointed to the Public Service after the 30th June, 1926.

*Notification by officers on leave.*

49. (1) An officer to whom leave of absence has been granted shall on relinquishing duty furnish the Government Secretary, through the Head of his Department, with a written notification of the date of such relinquishment, and on his resuming duty the date of such resumption.

(2) When an officer on leave remains within the Territory or returns thereto before his leave expires he shall notify the Government Secretary of his address and of any change thereof.

(3) An officer on leave on arriving in Australia shall notify his arrival by letter to the Secretary, Prime Minister's Department (Territories Branch), Canberra, giving his address and he shall similarly notify any change of address.

(4) If an officer on leave departs from the Territory and does not visit Australia he shall before his departure from the Territory notify the Government Secretary in writing of his intended destination and address and shall likewise notify any change of address.

*Time for resumption of duty—exigencies of transport.*

50. When an officer on leave wishes to resume duty immediately upon his return to the Territory and finds that the exigencies of transport necessitate his return being at a date either prior or subsequent to the expiration of his leave the following sub-regulations shall apply:—

- (1) If the number of days the officer will be early in resuming duty by returning by the earlier means of transport exceeds the number of days he would be late by returning by the later means then the officer may elect to return by the later means and have the leave overstayed deducted from future leave.

In every case where an officer intends to elect to overstay his leave pursuant to this sub-regulation he should notify the Government Secretary of his intention at the earliest opportunity.

- (2) When an officer resumes duty prior to the expiration of his leave and his return to the Territory prior to such expiration has been due to the exigencies of transport the number of days between resumption of duty and the expiration of his leave shall be credited to him in future leave.
- (3) When an officer resumes duty prior to the expiration of his leave but not pursuant to the provisions of Sub-regulation (2) of this regulation the unexpired period of leave shall only be credited to future leave upon the order of the Lieutenant-Governor.
- (4) An officer intending to resume duty as set out in Sub-regulation (3) of this regulation shall as soon as practicable notify his intention in writing to the Government Secretary.

*Leave—arrears of work.*

51. No officer shall proceed on leave of absence, except in the case of serious illness, unless and until all arrears of his office work are brought up-to-date to the satisfaction of the Head of his Department.

*Leave subject to the exigencies of the Service.*

52. All applications for leave of any kind are subject to the exigencies of the Public Service.

*Payment of leave value on death.*

53. Upon the death of an officer the money value of any leave due to him at the time of his death shall be payable as hereinafter set out.

Any officer may from time to time notify the Government Secretary in writing of his dependents whom he desires to receive the benefit of the money value of any leave due at his death. Such notification may indicate in what proportions he desires them to receive it.

Upon the death of the officer the Government Secretary may pay such dependents the money value of the leave due to the deceased officer in the proportions indicated or otherwise in equal shares. In default of any such notification to the Government Secretary the money value shall be paid to his personal representatives.

Money value shall for the purposes of this regulation include any leave allowance due to such an officer calculated to the time of his death and child endowment but such endowment shall not be payable in advance and shall only be payable for the benefit of the child in respect of whom it is paid.

*Extension of this Part.*

54. The provisions of this Part of these regulations shall also apply to the Judges of the Central Court.

PART VI.—SUSPENSION OF OFFICERS.

55. (1) No officer shall be suspended unless he has first been relieved from duty and the question of his suspension has been brought before the Executive Council.

(2) The Lieutenant-Governor shall have power to relieve any officer in the Public Service from duty for any grave offence against the good order of the Service; and the Head of a Department shall have similar powers with regard to any officer of his Department. An officer relieved from duty is entitled to half salary.

(3) If an officer is relieved from duty by the Head of a Department, the Head of the Department shall at the earliest opportunity report the fact and the whole circumstances of the case to the Lieutenant-Governor, and the Lieutenant-Governor shall—

- (a) if he disapprove the action of the Head of the Department reinstate the officer who has been relieved from duty, in which case the officer shall be entitled to the half salary withheld from him under Sub-regulation (2) hereof;
- (b) if he do not disapprove, forward to the officer a written notice, calling upon him to state in writing before a certain date, any facts upon which he relies as matters of defence or excuse. The date fixed must allow a reasonable interval for the purpose.

The same procedure as is laid down in Clause (b) shall be followed in the case where an officer is relieved from duty by the Lieutenant-Governor.

(4) If the officer does not furnish such statement within the time fixed by the Lieutenant-Governor, or if he fails to exculpate himself to the satisfaction of the Lieutenant-Governor, the Lieutenant-Governor shall apprise the officer that on a day (to be specified) the question of his suspension will be brought before the Executive Council and that he will be allowed and, if the Council so determine, required to appear before the Council and defend himself orally.

(5) If any witnesses are examined by the Council the officer must be allowed the opportunity of being present and of putting questions on his own behalf. The officer must also be given a copy of any documentary evidence that is to be used against him and that has not been already furnished to him

(6) If, in the course of the inquiry, further grounds for suspension are disclosed, the Lieutenant-Governor, if he thinks fit to proceed upon such grounds, shall furnish the officer with a written statement thereof and shall take the same steps as are above prescribed in respect of the original grounds of suspension.

(7) If the officer is suspended the Lieutenant-Governor shall without loss of time report the matter to the Governor-General for approval and confirmation, transmitting the Minutes of Council, the written statements and all material documents relating to the case.

(8) If after full inquiry before the Executive Council the Lieutenant-Governor decides not to suspend the officer, or if the suspension of an officer is not approved and confirmed by the Governor-General, and no other punishment is awarded as provided in Sub-regulation (9) of this regulation, the officer will be entitled to the full amount of salary which he would have received if he had not been relieved from duty or suspended, even though the officer discharging the functions of the office in the meanwhile has been allowed to receive some portion of the salary of the office.

(9) When an officer has been suspended under this regulation but such suspension is not approved and confirmed by the Governor-General the Lieutenant-Governor acting with the advice of the Executive Council may without further inquiry or notice to the officer concerned determine which if any of the punishments prescribed by Sub-regulation (15) of this regulation should be awarded and what salary if any should be paid in respect of the period of suspension and thereupon the officer shall be subject to the punishment so awarded and entitled to the salary so determined.

(10) If the suspension is approved and confirmed by the Governor-General, all salary will cease from the day of suspension, and although the officer should be subsequently reinstated (as an act of indulgence) he will not be entitled to any portion of salary during the period of his suspension. Pending the decision of the Governor-General, the Lieutenant-Governor, with the advice of the Executive Council, may grant a small alimentary allowance to an officer who has been suspended and who appears urgently to need such assistance.

(11) If criminal proceedings are instituted against a Public Officer, proceedings for his suspension upon any grounds involved in the criminal charge shall not be taken pending the criminal proceedings, except that of relieving him from duty.

(12) If an officer is convicted on a criminal charge the Lieutenant-Governor may cause the record of the proceedings of the Criminal Court on such charge to be laid before the Executive Council, and if the Council are of opinion that the officer should be suspended on account of the offence of which he has been convicted, he may thereupon be suspended without taking any of the proceedings above prescribed, but his suspension must be reported to the Governor-General for approval and confirmation.

(13) An officer acquitted of a criminal charge is not thereby rendered exempt from suspension on account of his conduct in the matter, and the Lieutenant-Governor, if he thinks fit, may take the usual proceedings for the purpose.

(14) An officer who is under suspension may not leave the Territory without the leave of the Lieutenant-Governor. If he absents himself from the Territory without leave, he shall, unless he satisfies the Lieutenant-Governor that he had good cause for his action, be held to have vacated his office. If granted leave of absence the officer will not be entitled to any more salary than if he had remained in the Territory.

(15) If upon full inquiry the Executive Council are of opinion that the officer deserves punishment, but not the full penalty of suspension, the Lieutenant-Governor with the advice of the Executive Council may remove the officer to an office of lower rank in the Service, or may require him to serve in his original office at a reduced salary, either permanently or for a stated period, or may deduct a portion of salary due or about to become due to the officer, or may inflict any other punishment allowed by the regulations.

Provided that the amount of the salary actually due to an officer which may be deducted under this sub-regulation shall not exceed Twenty pounds.

(16) Official members of the Executive Council may be suspended by the Lieutenant-Governor, following, as far as the nature of the case will allow, the procedure laid down as to the suspension of officers.

## PART VII.—GENERAL.

### *Creation and abolition of offices.*

56. (1) The Lieutenant-Governor may—

(a) create a new office in any Department ;

(b) abolish any office in any Department ;

(c) allot duties to different officers.

(2) Unless and until the Lieutenant-Governor otherwise determines the duties to be performed by officers respectively shall be those which are now or hereafter may be allotted to them by the Head of their respective Departments.

### *Resignation of female officer upon marriage.*

57. A female officer shall upon marriage resign from the Public Service.

*Work outside the Public Service.*

58. (1) Except with the express permission of the Lieutenant-Governor no officer shall—

- (a) accept or continue to hold an office in or under the Government of any State, or in or under any public or municipal corporation ; or
- (b) accept or continue to hold or discharge the duties of or be employed in a paid office in connection with any banking, insurance, agricultural, mining, mercantile, or other commercial business, whether the same be carried on by any corporation, company, firm or individual ; or
- (c) engage in or undertake any such business whether as principal or agent ; or
- (d) engage or continue in the private practice of any profession ; or
- (e) accept or engage in any employment other than in connection with the duties of his office or offices under the Government of the Territory.

(2) Subject to the provisions of the *Public Service (Officers Investments) Ordinance, 1937*. Nothing herein contained shall be deemed to prevent an officer from becoming a member or shareholder only of any incorporated company, or of any company or society of persons registered under any Act in any State or elsewhere.

*Restrictions as to holding land in the Territory.*

59. (1) No officer either personally or by his agent may acquire land in the Territory without the consent of the Lieutenant-Governor except land upon which a building is to be or has been erected and which is to be occupied by him as a residence: Provided that nothing herein contained shall be taken to prohibit an officer from acquiring land upon which is or is to be erected a dwelling house for the occasional use by him for reasons of health.

(2) For the purposes of this regulation the wife of an officer shall be deemed to be the agent of her husband.

(3) Officers who have been permitted to take up land under any regulations repealed by these regulations may continue to hold such land: Provided that in the case of a Resident Magistrate or an Assistant Resident Magistrate who is offered promotion to a district in which he holds land or an interest in land he shall either relinquish the promotion or the land or interest in land.

*Newspaper correspondence, etc.*

60. A Government officer is forbidden—

- (a) to be the editor of a newspaper or to take any active part in the management of a newspaper ;
- (b) to make any communication to a newspaper, whether by way of interview or otherwise, in which measures of the Government are discussed, or the policy of the Government criticized, or the official proceedings of Government officers questioned.

Any Government officer who offends against this regulation is liable to suspension and subsequent dismissal.

*Unauthorized publication by officers.*

61. Except in the performance of his official duties no officer shall publish by any means whatsoever or directly or indirectly supply any information or knowledge gained in or photographs taken during the course of his official duties unless the permission of the Lieutenant-Governor has first been obtained. Such permission shall not be given except in special circumstances until the expiration of a period of

six months from the time such information or knowledge was obtained or photographs taken.

*Unauthorized expenditure.*

62. No officer unless duly authorized in that behalf shall incur any liability or enter into any contract on behalf of the Government or alter the terms or conditions of any approved contract.

*Age on retirement.*

63. (1) If any officer continues in the Public Service after he has attained the age of sixty years he may at any time before he attains the age of sixty-five years be called upon by the Lieutenant-Governor to retire from the Public Service, and every such officer so called upon to retire shall retire accordingly.

(2) Every officer shall retire from the Public Service on attaining the age of sixty-five years unless he is required to continue to perform his duty in the Public Service, as hereinafter provided, and is able and willing so to do.

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

(4) Notwithstanding the provisions of this regulation the Governor-General may direct that an officer who has attained the age of sixty-five years or has been directed under the last preceding sub-regulation to continue in the Public Service, shall continue in the Public Service for a further period not exceeding the period of any leave of absence or furlough or both for the grant of which he would if he continued in the Public Service be eligible in respect of his service prior to his attaining the age of sixty-five years or the expiration of the period or periods during which he was directed under the last preceding sub-regulation to continue in the Public Service, as the case may be.

*Quarters.*

64. An officer acting on behalf of another to whom leave of absence has been granted for a period exceeding one month shall, unless other sufficient and convenient quarters are already provided for him, be entitled to occupy any quarters allowed by the Government to the officer on whose behalf he is acting; and that officer shall forthwith vacate the quarters unless invited by him to remain.

*Rent for quarters.*

65. (1) When the whole or part of a building belonging to or in the disposal of the Government is provided and made available as a residence for an officer such officer shall be charged a rental not exceeding ten per centum on the minimum salary of the group in which the officer is classified irrespective of the value or condition of the building so occupied: Provided that no rent shall be charged any officer who is allowed free quarters in his classification: Provided further that in cases where the officer did not at the date of the aforesaid prior classification occupy the office in respect of which the residence is provided and made available the rental shall be calculated as though he had then so held that office.

(2) Officers who occupy Government buildings are prohibited from subletting any portion thereof without the consent in writing of the Lieutenant-Governor.

(3) When a building is provided and made available as a residence for an officer such officer shall not be exempt from the payment of rental by reason of the fact that he occupies some other building or refuses to occupy the building provided.



(4) When a building is provided as a residence for an officer and such building is not constructed substantially of European Materials no rental shall be charged any officer for the occupation thereof. Whether such building is or is not constructed substantially of European Materials shall be decided by the Lieutenant-Governor in the event of any dispute arising in relation thereto.

(5) Where a portion of the building provided for the residence of an officer is used as an office the Lieutenant-Governor may make such reduction in rental (if any) as he deems just.

*Quarters and board, matrons and nurses.*

66. Matrons and nurses of European Hospitals shall be provided with free quarters and board.

*Furniture.*

67. Where official residences are furnished by the Government without charge, the furniture provided shall be on the following scale:—

For each Residence:—

Dining-Room—1 dining table, 1 dinner wagon, 4 chairs.

Bedroom—2 single beds, 1 dressing table, 1 chest of drawers with mirror, 1 wardrobe, 1 wash-stand (without crockery), 2 chairs (similar to dining-room chairs).

Veranda—4 cane chairs.

Kitchen—1 table, 1 pine safe, 1 dresser.

Provided that where in the case of any residence the number of officer occupants warrant it additional furniture may be issued with the approval of the Lieutenant-Governor.

*Medical examination of officers.*

68. (1) Any officer or temporary employee shall when called upon so to do by the Lieutenant-Governor or by the Head of his Department submit himself for medical examination by a Government Medical Officer.

(2) The Government Medical Officer who may be required to do so shall make such examination and shall report thereon to the Lieutenant-Governor.

(3) No fee shall be payable by the officer.

*Holidays.*

69. The following days shall be observed as holidays in the Public Offices, namely:—

The first day of January (New Year's Day).

The twenty-fifth day of April (Anzac Day).

Good Friday.

The day after Good Friday.

Easter Monday.

The twenty-fourth day of May (Empire Day).

The Anniversary of the Birthday of the Sovereign.

The fourth day of September (the Anniversary of the Foundation of the Possession of British New Guinea).

Christmas Day.

The day after Christmas Day.

When any of the above days falls upon a Sunday the next following Monday shall be a holiday.

Whenever the twenty-sixth day of December falls on a Monday the day following shall be a holiday.

Whenever any of the following days that is to say: Empire Day, The Anniversary of the Birthday of the Sovereign, the Anniversary of the Birthday of the Prince of Wales or the fourth day of September falls on any day of the week other than Monday that day shall not be a holiday but the following Monday shall be a holiday instead thereof unless otherwise notified by the Lieutenant-Governor in the *Gazette*.

*Fine for breach of duty.*

70. Any officer who in the opinion of the Executive Council is guilty of a breach of duty shall be liable to a fine not exceeding Five pounds to be levied by deduction from his salary.

*Supplies to travelling officers.*

71. The following articles and none other without special leave of the Lieutenant-Governor will be supplied to travelling officers:—

1 Fly	1 Medicine Chest
1 Tent	2 Officer's Swag-bags
1 Stretcher	2 Tucker Boxes
1 Mosquito-net (Cheese-cloth)	Kerosene.
1 Lantern	

*Insobriety; alcohol in office hours.*

72. If an officer observes any officer under him incapacitated from excessive use of alcohol from satisfactorily performing his duties or indulging in alcohol in office hours the first-mentioned officer shall report the matter to the Head of his Department, or, if the first-mentioned officer is such Head, to the Lieutenant-Governor. Failure to report will be regarded as evidence of incompetence.

*Applications by officers, how made.*

73. The application of any officer upon any matter affecting his position in the Service shall be made by the applicant himself to the Lieutenant-Governor through the Head of his Department, and shall be forwarded by the Head of Department through the Government Secretary for transmission to the Lieutenant-Governor with any remarks considered necessary.

*Subordination.*

74. Every officer shall obey promptly all instructions given to him by the officer under whose immediate supervision or control he is placed. If any officer has ground of complaint arising out of such instructions or from any other cause whatsoever he may appeal in regard thereto through his immediate superior who shall forward such appeal to the Head of the Department for decision, or, if his were the instructions appealed against, for transmission to the Government Secretary to be laid before the Lieutenant-Governor, but the officer shall nevertheless carry out any instructions which may be given to him until the same are duly countermanded.

*Government property.*

75. All officers shall be held responsible for the careful use and preservation of all Government property in their possession, custody or care. Officers in charge of public buildings or boats shall in the event of repairs being required report in writing to the Head of the Department and shall not allow the buildings or boats to fall into decay or to become permanently injured for the want of timely requisition for such repairs.

*Transfer of officers.*

76. No officer shall refuse compliance with an order of the Lieutenant-Governor directing his transfer from one position to another of similar or higher classification in the same or any other part of the Territory.

*Cost of transfer to be borne by officer in certain cases*

77. Officers who are transferred from one locality to another solely at their request or by exchange mutually desired and approved must bear the whole cost of their removal. When transferred on account of misconduct the cost must also be borne by the officer in default unless otherwise decided by the Lieutenant-Governor prior to removal.

When officers are transferred under any other circumstances the actual cost of conveyance of such officers and that of their wives and children shall be paid by the Government.

*Removal of furniture.*

78. (1) Where houses are furnished or partly furnished no allowance will be given for such articles of furniture as are supplied by the Government. Where houses are furnished or partly furnished the cost of removal of furniture (except as aforesaid) and effects will be allowed to the maximum cost of two tons, for an unmarried officer and four tons for a married officer. Where houses are unfurnished the cost of removal of furniture will be allowed to the maximum cost of six tons.

Provided that the provisions of this sub-regulation shall not extend to removal by aircraft and upon such removal the maximum cost to be allowed shall be such as the Government Secretary may in each instance approve.

(2) In providing for the cost of removal only necessary household furniture and effects will be taken into consideration.

(3) Where exceptional circumstances can be shown to exist a reasonable amount in excess of the maximum cost above mentioned may be allowed by the Lieutenant-Governor.

(4) An officer shall not be entitled to any compensation from the Government for losses or damages arising from removal.

This regulation shall be deemed to have commenced from the second day of December, 1936.

*Duty after usual hours.*

79. Officers will be required to perform public duty after the usual hours whenever it is necessary to bring up arrears of work or to meet any temporary pressure of business. Where found essential the staff dealing with such work or, at the discretion of the Departmental Head or of the officer in charge, the whole staff, may be retained beyond the ordinary official hours. Every officer shall when required by the Departmental Head or the officer in charge remain after the usual hours to complete work considered necessary to be done the same day.

*Payment for overtime.*

80. (1) Overtime shall be recorded and paid for only subject to the provisions and conditions of this regulation.

(2) No overtime shall be recorded and paid for unless—

- (a) the Departmental Head shall first report in writing to the Lieutenant-Governor, through the Government Secretary, the circumstances giving rise to the need for the working of overtime, the officer or officers to be employed and the probable duration of the overtime; and
- (b) the Lieutenant-Governor, or in his absence the Government Secretary, shall sanction the same in writing.

(3) The sanction of the Lieutenant-Governor for the recording of and payment of overtime shall cover only the particular case reported to and sanctioned by him

unless it is expressly stated therein that such sanction shall apply to similar cases which may in future arise.

(4) In the case of officers who perform clerical duties only and have fixed hours of attendance, and who work ordinarily for seven hours a day or less, overtime shall for the purposes of this and the next following regulation mean time worked in excess of seven hours a day with the sanction aforesaid.

(5) In the case of officers other than those mentioned in Sub-regulation (4) of this regulation overtime shall for the same purposes mean time worked with the sanction aforesaid in excess of such a number of hours a day (not being less than eight hours a day) as is expressed in the writing sanctioning the payment.

(6) Officers—

- (a) in receipt of salary in excess of £500 per annum ; or
- (b) not working under direct supervision ; or
- (c) whose work is of an intermittent character ; or
- (d) whose hours of duty cannot be accurately determined

shall not be entitled to overtime.

(7) At the end of each calendar month the Departmental Heads shall furnish the Lieutenant-Governor with a return of overtime worked during the month, together with a statement of the amounts payable to each officer for overtime. Payments will be subject to the approval of the Lieutenant-Governor or, in his absence, of the Government Secretary.

(8) Nothing contained in Sub-regulation (6) hereof shall be deemed to disentitle the Engineer, Official Vessel from receiving payment for overtime.

*Rate of payment for overtime.*

(81) (1) Overtime in the case of officers performing clerical duties shall be at the rate of time and a-half after seven hours and double time after midnight.

(2) In the case of other officers overtime shall be at the rate of time and a-half after eight hours and double time after midnight or at such other rate and in respect of such other hours as shall be expressed in the writing sanctioning the payment.

(3) The minimum rate of payment in any case shall be One shilling per hour. A fraction of a penny in the hourly rate shall not be regarded in computing overtime payment unless it exceeds a half-penny when one penny shall be allowed in lieu of the fraction. Overtime shall be calculated to the nearest quarter of an hour in the total amount of time to be claimed.

Made in Executive Council this tenth day of July, One thousand nine hundred and thirty-nine.

Executive Council Minute,  
No. 9 of 26/1939.

L. H. HILDER,  
Clerk of Executive Council.

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