

PUBLIC SERVICE ORDINANCE 1950.⁽¹⁾

No. 25 of 1950.

An Ordinance to amend the Public Service Ordinances 1949.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Papua and New Guinea Act 1949*, as follows:—

Short title and citation.

1.—(1.) This Ordinance may be cited as the *Public Service Ordinance 1950*.⁽¹⁾

(2.) The *Public Service Ordinances 1949*⁽²⁾ is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Public Service Ordinance 1949-1950*.

Definitions.

2. Section four of the Principal Ordinance is amended by omitting from the definition of “suspended officer” in sub-section (1.) the words “at the time of his appointment to the Public Service” and inserting in their stead the words “immediately before the first day of July, One thousand nine hundred and forty-nine”.

3. After section seventeen of the Principal Ordinance, the following sections are inserted:—

Allowances.

“17A. Officers may be paid such allowances in addition to salary as are prescribed.

Deductions from pay.

“17B. Deductions may be made from the pay of an officer—

(a) as prescribed, for child allowance; and

(b) as prescribed, or determined by the Administrator, for any service provided by the Administration to an officer.”

(1) Particulars of this Ordinance are as follows:—

Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cwlth. Gaz.</i>	Date on which took effect.
26.10.1950	2.11.1950	2.11.1950 (<i>Cwlth. Gaz.</i> of 2.11.1950)

(2) The *Public Service Ordinances 1949* comprises the *Public Service Ordinance 1949*, printed in *The Laws of the Territory of Papua-New Guinea 1945-1949 (Annotated)*, on pp. 311-338, as affected and amended by the *Public Service Ordinance Adaptation Ordinance 1949* printed in this Volume on p. 1043.

4. Section forty-seven of the Principal Ordinance is amended by omitting sub-sections (1.) and (2.) and inserting in their stead the following sub-sections:—

Leave without pay.

“(1.) The Commissioner may grant leave of absence without pay—

(a) where the leave of absence is for the purpose of enabling the officer to pursue a course of study, or undertake research work related to the duties of his office—for any period not exceeding three years; or

(b) where the leave of absence is for any other purpose—for any period not exceeding twelve months.

(2.) The period during which an officer is absent on leave granted in pursuance of this section shall not be deemed to affect the continuity of the officer's service but, unless otherwise determined by the Commissioner, that period shall not for any purpose be included as part of the officer's period of service.”

5. Section forty-eight of the Principal Ordinance is amended—

Leave for defence purposes.

(a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“(1.) The Commissioner may grant leave of absence to any officer—

(a) who has enlisted in, or been appointed to, any expeditionary force raised under the provisions of the *Defence Act* 1903-1949, or who is called up, in pursuance of that Act, for war service or full-time duty; or

(b) who is called up for full-time duty in any of His Majesty's Defence Forces,

and the duration of that leave shall not, unless the Commissioner otherwise directs, exceed the period of the officer's service with the expeditionary force or on war service or full-time duty, as the case may be.” and

(b) by inserting in sub-section (4.) after the word “forty-five” the words “, forty-nine D”.

6. After section forty-nine of the Principal Ordinance the following sections are inserted:—

“49A.—(1.) When an officer, other than a suspended officer, has served in the Public Service of the Territory for at least twenty years, the Commissioner may from time to time grant to him leave of absence as furlough calculated at the rate of one month and a half on full salary in respect of each completed five years of continuous service in respect of which he has not been granted furlough.

Furlough.

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(2.) Subject to sections forty-nine c and forty-nine d of this Ordinance, when an officer who is a suspended officer has continued in the Public Service of the Territory for at least eighteen years, the Commissioner may from time to time grant to him leave of absence as furlough calculated at the rate of one month on full salary or two months on half salary in respect of each completed three years of continuous service in respect of which he has not been granted furlough.

(3.) Where an officer who is eligible for furlough in accordance with this section retires or is retired from the Public Service, the Commissioner may authorize payment to the officer upon retirement of a sum equivalent to his salary for a period of furlough not exceeding that which he could have been granted under this section.

(4.) Upon the death of an officer who was eligible at the time of his death for furlough in accordance with this section, or, if the Commissioner after consideration of all the circumstances, directs that the death of an officer so eligible be presumed, the Commissioner may authorize payment to the dependants of the officer of a sum equivalent to the salary of the officer for a period not exceeding the period of furlough which he could have been granted under this section had he retired immediately before the date of his death, or, in a case where the Commissioner has directed that the death of the officer be presumed, a date determined by the Commissioner.

(5.) Notwithstanding anything contained in this section—

(a) furlough or pay on retirement or death shall not be granted under this section exceeding in the whole twelve months on full salary or its equivalent;

(b) except upon the retirement of an officer under section fifty-seven or section fifty-nine of this Ordinance, leave of absence for recreation shall not be granted under section forty-five of this Ordinance in respect of the year in which furlough granted under this section commences, and if leave of absence for recreation has been granted in the year in which furlough granted under this section commences, it shall be regarded as part of the period of furlough granted under this section:

Provided that the total period of leave of absence which may be withheld under this paragraph or regarded as part of the period of furlough granted under this section, during an officer's period of service shall not exceed the period of leave of absence for recreation which may be granted in respect of one year of service; and

(c) the official conduct record of an officer shall be taken into consideration in determining whether the whole or any portion of the furlough or pay provided in this section may be granted.

(6.) Temporary service in the Public Service, if continuous with permanent service in that Service, may be taken into account in calculating the period of service for the purpose of this section.

“49B.—(1.) The Commissioner may grant to officers, other than suspended officers, prior to their retirement at the age of fifty-five years or upwards, whose period of service is less than twenty years, leave of absence with full salary as follows:—

Leave to officers not eligible for furlough.

Service of 16 years and under 20 years	.. 5 months
Service of 12 years and under 16 years	.. 4 months
Service of 8 years and under 12 years	.. 3 months
Service of 4 years and under 8 years	.. 2 months.

(2.) Subject to section forty-nine D of this Ordinance the Commissioner may grant to officers who are suspended officers, prior to their retirement at the age of fifty-five years or upwards, whose period of service is less than eighteen years, leave of absence with full salary as follows:—

Service of 15 years and under 18 years	.. 5 months
Service of 12 years and under 15 years	.. 4 months
Service of 9 years and under 12 years	.. 3 months
Service of 6 years and under 9 years	.. 2 months
Service of 4 years and under 6 years	.. 1 month.

(3.) Where an officer who is eligible for leave in accordance with this section retires or is retired from the Public Service, the Commissioner may authorize payment to the officer upon retirement, of a sum equivalent to his salary for a period of leave not exceeding that which he could have been granted under this section.

(4.) Where an officer, being under the age of fifty-five years and having completed less than twenty years' service, or, in the case of an officer who is a suspended officer, less than eighteen years' service, retires or is retired from the Public Service, and satisfies the Commissioner that his retirement is caused by physical injury sustained in the execution of duty or ill health which is permanent but not due to misconduct or to causes within the control of the officer, the Commissioner may authorize payment to the officer of a sum equivalent to his salary for a period of leave not exceeding that for which, had he attained the age of fifty-five years, he would have been eligible under sub-section (1.) or sub-section (2.) of this section.

(5.) Where, before an officer has completed twenty years' service, or, in the case of an officer who is a suspended officer, eighteen years' service, and either before or after he has attained the age of fifty-five years—

- (a) the officer dies; or
- (b) the Commissioner, after consideration of all the circumstances, directs that the death of the officer be presumed,

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the Commissioner may authorize the payment to the dependants of the officer of a sum equivalent to the salary of the officer for the period of leave which he would have received had he, under sub-section (1.) or sub-section (2.) of this section, been eligible for and been granted leave of absence at the date of his death, or in any case where the Commissioner has directed that the death of the officer be presumed, at a date determined by the Commissioner.

(6.) The official conduct record of an officer shall be taken into consideration in determining whether the whole or any portion of the leave of absence or pay provided in this section may be granted.

(7.) Temporary service in the Public Service, if continuous with permanent service in that Service, may be taken into account in calculating the period of service for the purpose of this section.

“49c.—(1.) Subject to this section, where an officer is a suspended officer—

(a) the service of that officer—

(i) in the Public Service of the Territory of Papua, during the period which began on the first day of June, One thousand nine hundred and forty and ended on the eleventh day of February, One thousand nine hundred and forty-two; or

(ii) in the Public Service of the Territory of New Guinea, before his suspension, in respect of which he has not been granted furlough or other leave in the nature of furlough or payment in lieu thereof; and

(b) the period of his suspension, which shall be deemed to have ended on the thirtieth day of June, One thousand nine hundred and forty-nine,

shall be deemed for the purposes of sections forty-nine A and forty-nine B of this Ordinance to be service in the Public Service of the Territory of Papua and New Guinea.

(2.) The provisions of the last preceding sub-section shall apply only to a suspended officer who is an officer of the Public Service of the Territory at the date of commencement of the *Public Service Ordinance* 1950,⁽³⁾ or who becomes such an officer within three months after that date.

“49D.—(1.) Subject to this section, an officer who is a suspended officer of the Public Service of the Territory of Papua may, not later than three months after the commencement of the *Public Service Ordinance* 1950, by notice in writing to the Commissioner, elect to take, in lieu of furlough or leave prescribed by sections

Certain service of suspended officers to count towards service for purposes of furlough, etc.

Suspended officers of Territory of Papua may make election.

forty-nine A and forty-nine B of this Ordinance, and of long leave prescribed by section fifty of this Ordinance, long leave at the rate of one month on full salary or two months on half salary in respect of each completed year of his service—

- (a) as an officer of the Public Service of the Territory of Papua during the period which began on the first day of June, One thousand nine hundred and forty and ended on the eleventh day of February, One thousand nine hundred and forty-two;
- (b) as an officer of the Territory of Papua-New Guinea appointed under the *Papua-New Guinea Provisional Administration Act 1945-1946*⁽³⁾; and
- (c) as an officer of the Public Service of the Territory.

(2.) The provisions of section fifty of this Ordinance, other than sub-sections (1.) and (4.) thereof, shall apply to the grant of long leave under this section.

“49E. An officer who is a suspended officer of the Public Service of the Territory of Papua shall, in addition to any other rights to which he is or may become entitled under this Ordinance, be entitled to any furlough which accrued to him before his suspension and which, or payment in lieu of which, has not already been granted.

Rights of suspended officers of Territory of Papua to accrued furlough.

“49F. Where a suspended officer desires payment in lieu of furlough in respect of service to the eleventh day of February, One thousand nine hundred and forty-two in the Public Service of the Territory of Papua or the Territory of New Guinea, as the case may be, such payment shall be at the rate of salary the officer was entitled to on the said date.

“49G. Where a person who was, immediately before the first day of July, One thousand nine hundred and forty-nine, suspended from office in the Public Service of the Territory of Papua or the Territory of New Guinea by the operation of the National Security (External Territories) Regulations, does not become an officer of the Public Service of the Territory within three months after the date of commencement of the *Public Service Ordinance 1950*, he shall—

Furlough, etc., rights of suspended persons who do not become officers of the Public Service.

- (a) in the case of a person who was suspended from office in the Public Service of the Territory of Papua, be entitled to payment at the rate of salary payable to him at the date of his suspension in respect of any furlough which accrued to him before his suspension and which, or payment in lieu of which, has not already been granted; and

(3) Printed in *The Laws of the Territory of Papua-New Guinea 1945-1949 (Annotated)*, on pp. 26-32.

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- (b) in the case of a person who was suspended from office in the Public Service of the Territory of New Guinea, be entitled to payment at the rate of salary payable to him at the date of his suspension for furlough or leave in the nature of furlough in respect of—
- (i) his service before his suspension in respect of which he has not already been granted furlough or leave in the nature of furlough or payment in lieu thereof;
 - (ii) the period of his suspension, which shall be deemed to have ended on the thirtieth day of June, One thousand nine hundred and forty-nine.”.

Long leave.

7. Section fifty of the Principal Ordinance is amended—

- (a) by inserting in sub-section (1.) after the word “section” the words “and of section forty-nine D of this Ordinance”; and
- (b) by inserting in sub-section (3.) after the word “service,” the words “or full-time duty, or who is called up for full-time duty in any of His Majesty’s Defence Forces,”.

Service of
exempt
officers.

8. Section fifty-three of the Principal Ordinance is amended by inserting after the word “as” (second occurring) the words “furlough, service leave or”.