

THE PUBLIC SERVICE ORDINANCE OF 1907.⁽¹⁾

No. 2 of 1907.

BE it enacted by the Administrator of Papua by and with the advice and consent of the Legislative Council thereof as follows:—

1. It shall be lawful for the Lieutenant-Governor⁽²⁾ with the advice of the Executive Council to make alter or repeal rules and regulations⁽³⁾ for the good order and conduct of the Public Service of the Territory of Papua and in particular for all or any of the following purposes⁽⁴⁾ namely:—

Regulations
for the
Public Service.

- (1) The creation and abolition of Departments and offices;
- (2) the allotment of duties to different Departments and officers;
- (3) the classification and grading of the service and the determination of salaries;
- (4) the transfer and promotion of officers;
- (5) the punishment of officers by suspension fine (not to exceed Twenty pounds) or reprimand;
- (6) the regulation of leave of absence and furlough;
- (7) the appointment of holidays;
- (8) the retirement of officers;
- (9) the constitution of Boards of Inquiry for the purpose of investigating charges against officers;

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

Date of assent by Administrator.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
6.5.1907	2.10.1907	6.5.1907 (<i>Statute Law of Papua, 1888 to 1916, Vol. III. p. 898</i>)

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(3) See the *Public Service Regulations, 1941*, printed on page 3825.

(4) Per Latham C. J.: *The Public Service Ordinance of 1907* and the *Public Service Regulations, 1926*, are not invalid for the reason that they contain provisions for the discipline of the public service additional to the provisions with respect to suspension contained in Section 18 of the *Papua Act 1905-1934*. Section 1 of *The Public Service Ordinance of 1907* does not impliedly exclude power to make regulations for the punishment of officers by any form of punishment other than those specifically mentioned therein, and Regulation 53 (14) of the *Public Service Regulations, 1926*, is not invalid because it is beyond the power of making regulations conferred by that Ordinance: *Faithorn v The Territory of Papua* (1938) 60 C.L.R. 772 at 783-4. (*The Public Service Regulations, 1926*, have been repealed, but Regulation 53 (14) of those regulations was in terms substantially the same as those of Regulation 57 (15) of the present *Public Service Regulations, 1941*).

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- (10) the regulation of the scale or amount to be paid to officers for transfer or travelling allowances or expenses or for living in localities where the cost of living is exceptionally high;
- (11) providing for the relief and transfer of officers employed in localities where the climatic conditions are exceptionally severe;
- (12) the regulation of the hours of attendance of officers and the keeping and signing of records of attendances or otherwise recording attendances;
- (13) the regulation of the performance by officers of extra services and the payment therefor;
- (14) fixing the amount and nature of the security to be given for the fidelity of officers occupying positions the nature of which in the opinion of the Lieutenant-Governor⁽²⁾ renders it necessary for such officers to find security for their fidelity;
- (15) the regulation of the performance by officers of work outside the Public Service and the conditions under which it will be permitted.

Regulations to
be published
in the *Gazette*.

2. The rules and regulations⁽³⁾ shall be published in the *Gazette* and shall thereupon have the force of law.

Short title.

3. This Ordinance may be cited as *The Public Service Ordinance of 1907*.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940*.

(3) See the *Public Service Regulations, 1941*, printed on p. 3825.