



ELIZABETHAE SECUNDAE REGINAE

No. 76 of 1973

An Act to amend the Public Service Act 1922–1968 in certain particulars and to ratify a variation in the accrual of recreation leave to officers under that Act

[ASSENTED TO 19TH DECEMBER, 1973]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title and citation. (1) This Act may be cited as the *Public Service Act Amendment Act 1973*.

(2) The *Public Service Act 1922–1968* as amended by this Act may be cited as the *Public Service Act 1922–1973*.

2. Repeal of and new s. 6A. Appointment of deputy of Commissioner. Section 6A of the *Public Service Act 1922–1968* is repealed and the following section is substituted:—

“6A. Appointment of deputy of Commissioner. (1) The Governor in Council may appoint persons for the purposes of this section.

(2) Each person appointed under subsection (1) shall act as the deputy of a Commissioner as hereinafter provided in this section.

(3) An appointment under subsection (1) may be made without limit of time or for a specified period.

(4) No more than three persons may at any one time hold office pursuant to an appointment under subsection (1).

(5) A person appointed under subsection (1) may hold that appointment in addition to any other office held by him in the Public Service whether his appointment thereto was made before or after his appointment under this section.

(6) One of the persons for the time being appointed under subsection (1) who shall be designated for the purpose at the time of his appointment shall, during any illness, suspension from office or other absence, or vacancy in the office, of any Commissioner, act as the deputy of the Commissioner and the deputy shall, subject to subsection (7), whilst so acting have all the powers, functions and duties of the Commissioner in whose place he acts as the deputy.

(7) Where the person designated for the purposes of subsection (6) acts as the deputy of the Commissioner who is for the time being Chairman of the Board, the person so acting shall not have or exercise the powers, functions or duties of the Chairman as such unless he is appointed under subsection (8) to act as Chairman.

(8) The Governor in Council may appoint a Commissioner, or a person acting as the deputy of a Commissioner pursuant to subsection (6), to act as Chairman of the Board during any illness, suspension from office or other absence, or vacancy in the office, of the Commissioner who is or was Chairman but unless an appointment is made under this subsection the Commissioner appointed as Deputy Chairman of the Board shall act as Chairman of the Board during any such illness, suspension from office or other absence or vacancy as the case may be.

(9) A person appointed to act pursuant to subsection (8), or acting under that subsection, as Chairman of the Board shall, whilst so acting, have all the powers, functions and duties of the Chairman as such.

(10) Where—

- (a) a Commissioner is absent by reason of illness, suspension from office or any other cause whatsoever and no person is acting as the deputy of that Commissioner pursuant to subsection (6);
- (b) a person acting as the deputy of a Commissioner pursuant to subsection (6) is absent by reason of illness, suspension from office or any other cause whatsoever;
- (c) the Chairman certifies in writing under his hand that a Commissioner or a person acting as the deputy of a Commissioner pursuant to subsection (6) is, by reason of the exercise or performance of any of his other powers,

duties and functions, unavailable to perform his functions as a member of the Board in the hearing and determination by the Board of an appeal against a promotion under section 23,

the Chairman may by a writing under his hand (which writing shall be read by the Chairman or a Commissioner deputed by him in the presence of the parties to the appeal to which the authority relates at the commencement of the hearing thereof) authorize a person appointed under subsection (1) to act as the deputy of the Commissioner—

- (d) who is absent as specified in paragraph (a); or
- (e) whose deputy is absent as specified in paragraph (b); or
- (f) to whom, or to whose deputy, the certificate of the Chairman pursuant to paragraph (c) relates,

for the purpose of the hearing and determination of the appeal in relation to which the Chairman has made the authorization in accordance with this subsection.

(11) A person authorized to act as the deputy of a Commissioner pursuant to subsection (10)—

- (a) shall act as the deputy of that Commissioner for the purposes of the hearing and determination by the Board of the appeal in respect whereof the authorization was made and the exercise or performance of the powers, duties and functions of the Board in relation to the appeal; and
- (b) for the purposes specified in paragraph (a) shall have and may exercise all the powers, duties and functions of the Commissioner in whose place he acts as such deputy.

(12) An authorization of a person to act as the deputy of a Commissioner may be revoked by the Chairman in writing under his hand at any time but unless the authorization is so revoked a person acting as the deputy of a Commissioner for the purposes of an appeal pursuant to subsections (10) and (11) shall, where the Board has entered upon the hearing of the appeal, continue to so act until the appeal has been finally determined notwithstanding that the Commissioner in whose place he is acting as the deputy, or the deputy of that Commissioner acting in pursuance of subsection (6), is no longer absent as specified in paragraph (a) or, as the case may be, (b) of subsection (10), or unavailable as specified in paragraph (c) of that subsection.

(13) For the purposes of subsection (5) of section 7, a quorum of the Board for the purposes of the hearing and determination of an appeal in respect whereof the Chairman has authorized a person to act as the deputy of a Commissioner pursuant to subsection (10) shall be duly constituted if constituted by the person so authorized and a Commissioner or the deputy of a Commissioner acting as such pursuant to subsection (6).

(14) The person appointed to act pursuant to subsection (8), or acting under that subsection, as Chairman of the Board shall, whilst so acting, be paid a salary at such rate as is determined by the Minister but such salary shall not exceed the rate of salary of the Commissioner who is appointed Chairman.

(15) A person acting as the deputy of a Commissioner shall, whilst so acting, receive such remuneration as the Minister determines, and where the deputy of a Commissioner is an officer, the remuneration may be in addition to his salary as an officer but the total rate of remuneration of a person acting as the deputy of a Commissioner shall not exceed the rate of salary of a Commissioner at the relevant time.

(16) The appointment of—

(a) a person to act as the deputy of a Commissioner;

(b) a person to act as Chairman of the Board,

may be terminated at any time by the Governor in Council.

(17) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorizing a person to act as the deputy of a Commissioner or as the Chairman of the Board or whether that occasion has ceased, or as to the necessity or propriety of any appointment of a person to act as Chairman of the Board or of any authorization of a person to act as the deputy of a Commissioner or whether the occasion for such appointment or authorization has ceased and all acts and things done or omitted by a person when so acting shall be as valid and effectual and shall have the same consequences as if the same had been done or omitted by the Commissioner or Chairman in whose place the person is acting or purporting to act.

(18) A person who acts as the deputy of a Commissioner under or in pursuance of this section may be referred to under the designation "Acting Commissioner".

3. Amendment of s. 51. Section 51 of the *Public Service Act 1922-1968* is amended by adding at the end of the section the following subsection:—

“(4) A regulation or any provision of a regulation may specify a date for its commencement or, by its terms, indicate that the regulation or, as the case may be, the provision is to take effect on or from a date specified therein, which date may in either case be after the publication of the regulation in the Gazette or, where the regulation or provision confers a benefit on officers, before or after the making of the regulation or after its publication in the Gazette.

A regulation shall take effect on and from the date of its publication in the Gazette save for a regulation or any provision thereof in respect of which a date is specified or indicated as authorized by this subsection.

Where a date is specified or indicated as authorized by this subsection in respect of a regulation or any provision of a regulation, the regulation or, as the case may be, that provision shall take effect and be deemed to have always had effect on or from that date accordingly as specified or indicated.”

4. Ratification of regulations. The regulations made in pursuance of the *Public Service Act 1922-1968* on 12th April, 1973, and published in the Gazette on 14th April, 1973, at pages 1737 to 1740, both inclusive, are ratified and affirmed and any provision thereof that is expressed to confer a benefit as from a date or during a period before the making of the regulations shall take effect and be deemed to have always had effect as from that date or, as the case may be, during that period.