

PUBLIC SERVICE ORDINANCE ADAPTATION ORDINANCE 1949. ⁽¹⁾

No. 3 of 1949.

An Ordinance for the Regulation of the Public Service of the Territory, and for other purposes.

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:—

1.—(1.) This Ordinance may be cited as the *Public Service Ordinance Adaptation Ordinance 1949.* ⁽¹⁾ Short title.

(2.) The *Public Service Ordinance 1949* ⁽²⁾ of the Territory of Papua-New Guinea, as amended by this Ordinance, may be cited as the *Public Service Ordinances 1949.*

2. This Ordinance shall come into operation on the date ⁽¹⁾ fixed by proclamation under section two of the Act. Commencement.

3. In this Ordinance, unless the contrary intention appears—
“the Act” means the *Papua and New Guinea Act 1949* ⁽³⁾;
“the Public Service” means the Public Service of the Territory. Definitions.

4. The *Public Service Ordinance 1949* ⁽²⁾ of the Territory of Papua-New Guinea, as continued in force by section thirty-two of the Act and as amended by this Ordinance and by any other Ordinance, shall be read and construed as if it were an Ordinance of the Territory, and the *Ordinances Interpretation Ordinance 1949* ⁽⁴⁾ shall apply accordingly. Interpretation of Public Service Ordinance, as amended.

5. A person appointed to the Public Service who was, immediately before that appointment, an officer or employee in the Public Service of the Territory of Papua-New Guinea shall preserve all his existing and accruing rights, and his service as such an officer or employee shall, for the purposes of the *Public Service Ordinances 1949*, be deemed to be service in the Public Service. Preservation of certain rights.

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

Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cuth. Gaz.</i>	Date on which took effect.
29.6.1949	21.7.1949	1.7.1949 (Sec. 2, <i>Public Service Ordinance Adaptation Ordinance 1949</i>)

(2) Printed in *The Laws of the Territory of Papua-New Guinea 1945-1949 (Annotated)*, on pp. 311-338.

(3) Now the *Papua and New Guinea Act 1949-1950* printed in this Volume on p. 52.

(4) Now the *Ordinances Interpretation Ordinance 1949-1951*. The *Ordinances Interpretation Ordinance 1949* and amending Ordinances are printed in this Volume on pp. 660-688.

PART A : PUBLIC SERVICE—

Savings.

6.—(1.) In the application of the *Public Service Ordinances* 1949⁽²⁾ to and in relation to the Public Service, all acts done before the commencement of this Ordinance in pursuance or for the purposes of the *Public Service Ordinance* 1949⁽²⁾ of the Territory of Papua-New Guinea in relation to the Public Service of the Territory of Papua-New Guinea (including the signing or publication of instruments and notices, the granting of delegations, the creation and abolition of offices, the classification of officers and offices, the making of determinations, the grant of leave of absence, and the constitution and appointment of committees and boards) shall be deemed to have been done in pursuance of or for the purposes of the *Public Service Ordinances* 1949 in relation to the Public Service, and any proceedings or course of action commenced by any such act may be continued and completed accordingly.

(2.) A person who—

(a) immediately before the commencement of this Ordinance, occupied an office in the Public Service of the Territory of Papua-New Guinea; and

(b) is, upon the commencement of this Ordinance, appointed to the Public Service,

shall, upon that appointment, be deemed to occupy the corresponding office deemed, by virtue of the last preceding sub-section, to have been created in the Public Service.

Amendments
of Public
Service
Ordinance.

7. The *Public Service Ordinance* 1949⁽²⁾ of the Territory of Papua-New Guinea is amended as set out in the Schedule to this Ordinance.

THE SCHEDULE.

AMENDMENTS OF THE PUBLIC SERVICE ORDINANCE 1949 OF THE TERRITORY OF PAPUA-NEW GUINEA.

Provision amended.	Extent of amendment.
Section 2	Omit
Section 3	Omit "Establishment of the", insert "The"
Section 4 (1.) ..	Before the definition of "the Commissioner" insert the following definition:— "the Act" means the <i>Papua and New Guinea Act</i> 1949;
Section 4 (1.) ..	Omit the definition of "the Minister"
Section 4 (2.) ..	Omit "under this Ordinance" Omit "before the date of the commencement of this Ordinance,"
Section 14 (1.) ..	Omit
Section 15.. ..	Omit
Section 18.. ..	Omit "an officer shall not be appointed to an office", insert "a person shall not be appointed as an officer"

(2) See footnote (2) printed in this Volume on p. 1043.

THE SCHEDULE—continued.

Provision amended.	Extent of amendment.
Section 19. . . .	Omit sub-paragraph (iv) of paragraph (a) of sub-section (4.) Add the following sub-section :— “(7.) In the case of an officer who was, immediately before his appointment to the Public Service, an officer of the Public Service of the Territory of Papua-New Guinea— (a) if his tenure of office in that service was not on probation, his appointment to the Public Service shall not be on probation; and (b) if his tenure of office in that service was on probation, his period of probation in the Public Service shall be reduced by the period of probation served by him in that service.”
Section 20 (2.) . .	Insert in paragraph (a), after “Commonwealth” (second occurring), the words “(including the Public Service of the Territory of Papua-New Guinea)”
Section 21 (1.) . .	After “1945-1946” insert “or section thirty of the Act,”
Section 50 (4.) . .	Omit “of Papua-New Guinea”
Section 55. . . .	Omit “of Papua-New Guinea”
Second Schedule . .	Omit “Public Service Ordinance 1949 of the Territory of Papua-New Guinea” (wherever occurring), insert “Public Service Ordinances 1949 of the Territory of Papua and New Guinea”