

1945.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

SEVENTH REPORT

OF THE

PARLIAMENTARY STANDING COMMITTEE
ON BROADCASTING

RELATING TO

THE PROPOSED AUSTRALIAN BROADCASTING
COMMISSION (STAFF) REGULATIONS.

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MEMBERS OF THE PARLIAMENTARY STANDING COMMITTEE ON BROADCASTING.

(SEVENTEENTH PARLIAMENT.)

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VICE-CHAIRMAN	THE HONORABLE JOSIAH FRANCIS, M.P.(b)

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DAVID OLIVER WATKINS, M.P.(b)

(a) Appointed 30th September, 1943.

(b) Appointed 14th October, 1943.

(c) Appointed 14th September, 1944.

(NOTE.—The late Senator Richard Darcey ceased to be a member of the Committee when his term of office as a Senator expired on 30th June, 1944. Senator the Honorable Allan Nicoll MacDonald resigned from the Committee on 20th July, 1944. They were succeeded by Senators Hays and Nash.)

SEVENTH REPORT OF THE PARLIAMENTARY STANDING COMMITTEE ON BROADCASTING.

AUSTRALIAN BROADCASTING COMMISSION (STAFF) REGULATIONS.

In accordance with section 85 of the Australian Broadcasting Act, we present this report to Parliament on the attached draft Statutory Rules relating to the proposed Australian Broadcasting Commission (Staff) Regulations—a matter which was remitted to us by the Postmaster-General (Senator the Honorable W. P. Ashley) on 15th October, 1943, for consideration and report under the following terms of reference:—"Staff Regulations which the Australian Broadcasting Commission proposes to adopt should be promulgated in accordance with the provisions of section 17 of the Australian Broadcasting Act".

Abbreviations.

- "A.B.C." means Australian Broadcasting Commission;
"A.J.A." means Australian Journalists Association;
"Board" means Commonwealth Public Service Board;
"The Gibson Committee" means the Joint Parliamentary Committee on Broadcasting under the Chairmanship of Senator the Honorable W. G. Gibson, whose report was presented to Parliament in March, 1942.

HISTORICAL.

1. At the outset we briefly narrate the circumstances which led to the submission of these regulations, which have yet to be sanctioned by Parliament.

2. Thirteen years ago, in the *Australian Broadcasting Commission Act 1932*, which brought the A.B.C. into being, it was expressly provided that its staff should not come under the Public Service Act. The Commission was given power to make its own staff regulations without the approval of other authority, except that the salaries of the General Manager and the next six most highly paid executive officers were to be subject to the approval of the Governor-General.

3. Several years later, successive Ministers and Governments gave consideration to proposals for the introduction of legislation to amend the 1932 Act in various ways, and each of their proposals contained provisions affecting the Commission's staff.

4. A draft bill prepared in 1939 by the then Postmaster-General (the Honorable A. G. Cameron) included provision for the full-time staff to be subject to the Public Service Act, except those engaged for specific artistic or creative work. The Minister's term of office expired before that bill reached the stage of presentation to Parliament.

5. In the same year (1939), the Honorable E. J. Harrison, who succeeded Mr. Cameron as Postmaster-General, submitted a bill to Parliament which contemplated that the staff should not come under the Public Service Act. As in the 1932 Act, the Commission was to have power to make its own regulations without the sanction of other authority, except that the approval of the Governor-General was to be obtained in respect of salaries exceeding £1,000. That bill reached the second-reading stage, but was not proceeded with.

6. In a bill presented to Parliament in 1941 by the then Postmaster-General (Senator the Honorable G. McLeay) it was proposed that the staff should not be subject to the Public Service Act, but that the Commission's power to make its own regulations without the approval of other authority should be withdrawn and that its regulations should be "as prescribed".

7. As the result of debates on Senator McLeay's bill, the proposed legislation was withdrawn and the Gibson Committee was appointed, with terms of reference to report on broadcasting generally.

8. That Committee, in its report to Parliament in March, 1942, recommended that the Commission's staff should not be brought within the Public Service Act proper, but that the conditions applicable to permanent staff should be the subject of statutory rule; in other words, the Committee agreed with the principle which had been proposed in Senator McLeay's bill.

9. The Gibson Committee also recommended that, while the appointment of specialized personnel should be by selection, the choice of juniors and other permanent staff for routine and administrative functions should be by open competitive examination widely advertised.

10. These recommendations were adopted by Parliament and became law in the terms of section 17 of the *Australian Broadcasting Act 1942* as follows:—

"17.—(1.) The Commission shall appoint a general manager, who shall be the chief executive officer of the Commission, and such other officers and such servants as it thinks necessary.

(2.) A person shall not be admitted to the service of the Commission unless—

- (a) he is a natural-born or naturalized British subject;
- (b) the Commission is satisfied, upon such medical examination as is prescribed, as to his health and physical fitness;
- (c) he has in open competition successfully passed the prescribed entrance examination; and
- (d) he makes and subscribes an oath or affirmation in accordance with the prescribed form:

Provided that the Commission may appoint, to such positions or positions of such classes as are prescribed, persons who have not passed the prescribed entrance examination.

(3.) Appointments to positions which are open only to persons who have passed the prescribed entrance examination shall be made in order of merit of their passing the prescribed examination.

(4.) Adequate notice and particulars of the prescribed entrance examination shall be given by the Commission, to the public, by advertisements in the *Gazette* and the daily newspapers and by announcements from the national broadcasting stations.

(5.) The rates of salaries payable to the general manager and the next six most highly paid executive officers of the Commission shall be subject to the approval of the Governor-General.

(6.) Officers and servants appointed by the Commission shall not be subject to the provisions of the *Commonwealth Public Service Act 1922-1941* but shall be subject to such conditions (including tenure of office) as are prescribed.

(7.) Where an officer appointed in pursuance of this section was, immediately prior to his appointment, an officer of the Public Service of the Commonwealth, his service as an officer of the Commission shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth, and the *Officers' Rights Declaration Act 1928-1940* shall apply as if this Act and this section had been specified in the Schedule to that Act.

(8.) The general manager of the Australian Broadcasting Commission constituted under the *Australian Broadcasting Commission Act 1932-1940* and all other officers and servants of that Commission holding office, or employed, in the service of that Commission immediately prior to the commencement of this Act, shall be deemed to have been appointed by the Commission under this section as general manager, officers and servants, respectively."

The 1942 Act cancelled the 1932 Act and came into operation on the 1st July, 1942.

11. At the same time, the necessary approval was given to a regulation (Statutory Rule 298, dated the 1st July, 1942), briefly providing (subject to the 1942 Act) for the Commission's staff to be subject to the same conditions as those to which they were subject prior to the commencement of the 1942 Act, the intention

being that that brief regulation would be superseded by comprehensive regulations expressly defining the conditions when the A.B.C. had them ready in the necessary form for submission to the proper authority, so that ultimately Parliament would have an opportunity of signifying whether or not it approved of them.

GENERAL PRINCIPLES.

12. In a general survey of principles which should influence consideration of the proposed regulations, the Commission says—

"The Commission's view is that the special nature of its operations, and in particular the fact that it is a business undertaking in competition with powerful commercial organizations such as commercial stations, newspapers and entrepreneurs, demand that it shall have the widest possible freedom in fixing the working conditions of its staff. Had Parliament intended the staff to be subject to Public Service conditions, it would have been a simple matter for the Act to be so amended. The fact that it has provided that the conditions shall be as prescribed indicates that the Regulations shall be substantially those recommended by the Commission subject to the approval of the Executive Council.

"If the Commission is to be a living and growing force, with important community influence in a broadcasting world of fierce competition, it must be free to meet the bids of competitors where, in its judgment, this is warranted; and to do this, not merely by increases in salary, but by alterations in working conditions in ways that sometimes appeal more than salary rates. This necessity for freedom in securing and operating its personnel does not apply merely to broadcasting artists. To a degree unknown in other governmental undertakings, which are covered by Public Service Regulations, the so-called "General" salaried staff is becoming part of the programme building organization. It is now a commonplace to say that the people behind the broadcasting artists are often more important than the artists; indeed one of the greatest needs of broadcasting is new ideas on which to feed the artists. These ideas are not the work of casuals picked up for a day or two, or a programme or two, but largely of permanent staff. Moreover, it is found that members of the staff, often doing work which at first appears to be purely administrative, may move, because of growing experience and interest, deeper into the programme field. These moves may be gradual or sudden, but the point is that the Commission must be ready to adapt its working conditions to cover such changes.

"The proposed Staff Regulations are not identical with the Commonwealth Public Service Regulations, but such differences as exist are consistent with the fact that the Commission's Regulations are intended to meet conditions peculiar to its own service."

PROCEEDINGS.

13. In fairness to all concerned, it is proper to record that the proceedings instituted at the instance of the Standing Committee of the previous Parliament, in addition to our own, in accordance with our terms of reference, will have been instrumental in conferring substantial benefit on the A.B.C. and its employees (if Parliament adopts the proposals recommended), in that the Commission, in the light of evidence elicited and discussions at conferences, has been induced to change its policy voluntarily on important principles, in at least one of which it has hitherto been in disagreement with its staff.

14. As the Chairman of the Commission has said, "the whole idea in industrial relations is peace with justice", and we are pleased to be able to report that the Commission has agreed to amend its proposals in certain directions to that end. Nevertheless, we believe that additional changes are desirable, not the least of them being for the purpose of ensuring equality of opportunity for entry to the Commission's service in certain positions. These additional changes are indicated later in this report under the heading "The Proposed Regulations".

PARLIAMENTARY CONTROL.

15. The authority of Parliament to deal with the proposed regulations has its source in section 17 (6.) of the *Australian Broadcasting Act 1942*, which, as

quoted above, provides that officers and servants appointed by the A.B.C. shall be subject to such conditions (including tenure of office) as are "prescribed".

16. Section 17 of the *Acts Interpretation Act 1901-1941* defines the word "prescribed" as meaning "prescribed by the Act, or by Regulations under the Act".

17. This means that the "conditions" referred to in section 17 (6.) of the *Broadcasting Act* must be set out either in the Act or in regulations made under the Act.

18. Section 107 of the *Broadcasting Act* empowers the Governor-General to make regulations prescribing all matters required or permitted to be prescribed.

19. The procedure for making regulations is set out in section 48 of the *Acts Interpretation Act*. This section provides that regulations must be laid before each House of the Parliament within fifteen sitting days of that House after the making of the regulations, otherwise they shall be void and of no effect.

20. Sub-sections (4.) and (5.) of section 48 read as follows:—

"(4.) If either House of the Parliament passes a resolution (of which notice has been given at any time within fifteen sitting days after any regulations have been laid before that House) disallowing any of those regulations, the regulation so disallowed shall thereupon cease to have effect.

"(5.) If, at the expiration of fifteen sitting days after notice of a resolution to disallow any regulation has been given in either House of the Parliament in accordance with the last preceding sub-section, the resolution has not been withdrawn or otherwise disposed of, the regulation specified in the resolution shall thereupon be deemed to have been disallowed."

21. It is noteworthy that this sub-section (5.) makes it obligatory for the Government, within the fifteen-day time limit, to deal with a notice of a resolution to disallow any regulation, otherwise the regulation is deemed to have been disallowed.

22. Although Parliament is well aware of the foregoing, it is necessary to record this explanation of the position, for two reasons:—First, in order to remove a misunderstanding in certain quarters as to the authority reserved by law to Parliament to pass final judgment on the proposed regulations; second, to preface a submission in regard to the reference of the proposals to the Standing Committee for report.

23. The misunderstanding in regard to Parliament's authority is evidenced in advice tendered on behalf of the A.B.C. that the word "prescribed" in section 17 (6.) of the *Broadcasting Act* "in effect means that they [the conditions applicable to the Commission's staff] should be subject to the approval of the Minister, actually, of course, the Governor-General in Council, but in the final analysis, the Minister". As explained above, this is not so. The conditions are subject to the approval of Parliament in the final analysis.

24. Again, the Commission has said: "The fact that it (Parliament) has provided that the conditions shall be as prescribed indicates that the regulations shall be substantially those recommended by the Commission subject to the approval of the Executive Council". Such an interpretation of the word "prescribed" also fails to recognize the fact that final sanction of the regulations is expressly reserved by law to Parliament.

25. On the question whether any useful purpose has been served in referring the proposed regulations to the Standing Committee for consideration and report, there appears to be abundant evidence to justify an affirmative answer. If the regulations had been "tabled" in the terms originally proposed by the Commission, Parliament would have had to pass judgment on them within the fifteen-day limit—a period within which it would probably have been impossible to analyse adequately and resolve satisfactorily some of the

problems which arose in the course of the Committee's investigations, and one of which involves an amendment of the Broadcasting Act.

26. A highly placed witness, in evidence on another subject, described the Standing Committee as "the watch-dog of Parliament" (in relation to broadcasting). In that role, so to speak, on behalf of Parliament, and with the assistance of expert authorities, we have examined the Commission's proposals with the minuteness which we believe our colleagues in both Houses would expect of us in order to assist them in their judgment.

THE GIBSON COMMITTEE'S ADVICE.

27. In our deliberations we have been mindful of the objectives voiced by those who were initially instrumental in the enactment of section 17 of the Broadcasting Act, as shown in the following extracts from the Gibson Committee's report:—

"We agree with the evidence that the appointment of specialized personnel should be by selection, but we do not think it is proper to permit continuance of the present system under which the choice of juniors and other permanent staff for routine and administrative functions is discretionary. In a Government instrumentality such as the A.B.C. it is most important that the method of making appointments should be free from the risk of deference to influences inimical to social justice. In discretionary selection, the possession of personal attributes may be regarded as a *sine qua non*; but "personality" is capable of varying interpretations, not necessarily concomitant with efficiency, and it is possible that other considerations, as instanced in the personal experience of a prominent witness, may be allowed to outweigh the claims of a more deserving applicant. Even with the safeguard of selection boards, it is conceivable that unfair discrimination, due to subconscious prejudice or nepotism, may influence the choice of applicant. Therefore, in order to ensure that all classes of the community may be afforded prejudice-proof opportunities of entering the service of the Commission in these positions, we are of opinion, and recommend, that open competitive examination should be stipulated, with the precaution that, notwithstanding examination results, appointment should be for a probationary period of six months. By this means, the academically qualified candidate is given a chance to "prove in" on the duties assigned to him and the interests of the Commission are safeguarded by the six months' trial to determine the appointee's suitability for the work.

"When the Commission commenced its operations in 1932, it was rightly given a free hand with certain reservations in connexion with the appointment of its staff, but with its organization now consolidated from ten years of experience, we consider that the time has arrived when the rights of the permanent staffs (that is, managerial, accountancy, secretarial, clerical and others whose employment is permanent, as distinct from casual performing staffs) should be protected by statutory authority. We do not suggest that they should be brought within the Public Service proper, but, as broadcasting is a Government activity, the conditions applicable to permanent staff should be the subject of statutory rule. Similar protection is given to the staff of other departments whose work is comparable to that of the A.B.C. in the sense that it is permanent, as, for example, the Repatriation Commission, War Service Homes Commission, &c. We recommend accordingly.

"In the revision of the staff rules preparatory to making them statutory, we recommend that consideration be given to the inclusion of provision for staff representation on the Appointments Advisory Committee, with the object of eliminating any real or supposed dissatisfaction in cases where it might otherwise be felt that an appointment had been made without full investigation of the rights, qualifications and aptitude of an officer who had been passed over."

EXPLANATION OF DELAY.

28. In the anticipation that some explanation may be expected in regard to the delay of nearly three years in the submission of these regulations to Parliament, we give a chronological statement of the principal happenings.

29. In September, 1942, terms of reference to report on the proposed regulations (when ready) were issued to the Standing Committee of the previous Parliament.

30. In November, 1942, the A.B.C. informed the Committee that the final draft was expected to be available within a few weeks.

31. Meanwhile, the A.B.C. Staff Association had been pressing the Commission to make provision in the regulations for the inclusion of a representative of the Association in the Appointments Advisory Committee. The Commission refused the request, and the Association appealed to the Standing Committee to examine its case.

32. In December, 1942, the Commission advised the Committee that the draft regulations had been sent to the A.B.C. Staff Association and the A.B.C. Senior Officers Association for their comments, that these comments had been received and that they were being considered by the Commission.

33. In January, 1943, the Standing Committee consulted the Professor of Public Administration, University of Sydney, on the dispute between the Commission and the Staff Association. In a lengthy exposition, supplied in February, 1943, the Professor concluded that the A.B.C. would be well advised to make provision in the regulations which would permit of the Staff Association being consulted in salary fixation and in selections for promotion, but not in the making of appointments.

34. In March, 1943, the Standing Committee arranged for representatives of the Commission and the Staff Association (to both of which it had supplied a copy of the Professor's advice) to meet the Committee jointly in conference. The trend of the discussions showed that probably the Commission would voluntarily change its policy and agree to the Staff Association's request for representation on the Appointments Advisory Committee.

35. In July, 1943, on the dissolution of the Sixteenth Parliament, the members of the Standing Committee of that Parliament automatically ceased to hold office without having had the opportunity to report on the proposed regulations, which, being still in the stage of revision, had not up to that time been submitted to them for examination.

36. By October, 1943, the appointment of members of the Standing Committee of the present Parliament was completed.

37. In November, 1943, the Commission informed us that it had accepted the principle of staff representation on the Appointments Advisory Committee, that agreement had been reached with the Staff Association on this and other matters and that the previous draft of the regulations was being amended to incorporate proposals to implement these arrangements.

38. In June, 1944, the Chairman of the A.B.C., in advising us of further progress, deprecated the action which had been taken, at the instance of the Committee of the previous Parliament, to refer the draft regulations to the Postmaster-General's Department and the Public Service Board for comment. He considered that the Minister, in making his recommendations to the Governor-General in Council in regard to these regulations, should be guided entirely by the Commission's advice.

39. The explanation of the reference is that the Standing Committee wished to have the benefit of the advice of those authorities, as they had had over 40 years' experience of staffing problems. Moreover, seeing that Parliament had sanctioned the Public Service Regulations and would also have to sanction the Commission's regulations, and, furthermore, bearing in mind that the operations of the Commission were being financed from public funds, we considered it essential that we should satisfy ourselves, as advisers to Parliament, that there were convincing reasons for differences advocated by the Commission, especially in matters of high policy, such as, for instance, the question whether Parliament should approve of continuance of its practice of making payments of salary

differences, wholly or in part, to members of its staff in the Defence Force—a proposal which conflicts with the policy adopted by Parliament in relation to Public Service personnel who are members of that Force.

40. That the advice of the authorities we consulted was also of value to the Commission is evident from the fact that, as the result of preliminary discussions which were arranged between representatives of the three organizations, the Commission voluntarily adopted over 30 suggestions for the amendment of its draft regulations. Some of the amendments had reference to matters of major importance, and in certain respects the regulations which the Commission had previously proposed for its staff were inferior to those applicable to the Public Service staff.

41. In July, 1944, the A.B.C. Staff Association requested us to afford its representatives an opportunity of stating its views to us on the proposed regulations.

42. In August, 1944, in compliance with our request, the Association sent us a list of the amendments which it desired us to consider. There were 36 items in the list.

43. In August, 1944, the A.J.A. requested us to hear its case in regard to permanent status for certain journalists, so that they might participate in the superannuation scheme, &c.

44. In September, 1944, the Staff association advised us that it proposed to confer with the Commission before presenting its views to us.

45. In October, 1944, we received copies of the proposed regulations.

46. In November, 1944, in connexion with questions raised by the A.B.C. and ourselves as to the application of the proposed regulations to staff whose conditions of employment are governed by arbitration awards, the Crown Law officers gave certain advice (referred to in detail later), which involved further amendment of the draft regulations, and also involves an amendment of the Broadcasting Act.

47. In January, 1945, we received the amended draft regulations attached to this report, and were advised that the A.B.C. Staff Association agreed with them.

48. In February, 1945, we held a conference with representatives of the A.B.C., the Public Service Board, the A.B.C. Senior Officers' Association, the A.B.C. Staff Association, and the Australian Journalists Association. The discussions included argument for and against the A.J.A.'s case in respect of permanent status for certain journalists, and the Chairman of the A.B.C. voluntarily undertook to arrange for the Commission to reconsider its attitude in further consultation with the A.J.A.

49. In March, 1945, we were advised by the Chairman of the A.B.C. that he had conferred with the A.J.A. (and also with the A.B.C. Staff Association) on the permanent status issue and had conveyed to them certain proposals from the Commission for submission to their respective organizations.

50. In April, 1945, we were advised that agreement had been reached between the A.B.C. and the A.J.A. that certain journalists would belong to the permanent staff.

THE PROPOSED REGULATIONS.

51. The regulation numbers referred to herein are those in the draft Statutory Rules attached to this report.

52. *Regulations 1 to 6.*—We agree.

53. *Regulation 7.*—In lengthy evidence tendered on behalf of the A.J.A. a strong protest was made against this regulation, which (the Crown Law officers advised) would deprive journalists on the Commission's staff of permanent status and of the right to participate in the superannuation scheme.

54. The A.J.A. said that prior to 1941 certain journalists had been informed by the Commission that they would be regarded as permanent officers. In 1941 the A.J.A. negotiated an agreement with the A.B.C. which included provision for the termination of the services of journalists on notice. That agreement was made the subject of a determination by the Public Service Arbitrator and came into operation on 1st July, 1941. The A.J.A. had consented to the agreement under the impression that its provisions would not disturb the previous arrangement under which certain journalists would be regarded as permanent officers. The A.J.A. did not question the Commission's right to engage temporary or casual journalists. It did not ask that such casual journalists should be made permanent, but it requested that at least those employees who previously had been told that they were permanent should retain that status. It was said that in the discussions which had led to the agreement it had never been put to the A.J.A. that in becoming a party to the agreement it was striking out the permanency of these journalists.

55. Prior to our February, 1945, conference with the parties concerned, the Commission had explained to us that its attitude to the journalists' claim for permanency was based on the following considerations:—

- (1) Members of the A.J.A. could not be treated under two conflicting sets of conditions—those of arbitration determinations and those of staff regulations.
- (2) To concede that they should be permanently employed to the age of 65 would be detrimental to the interests of listeners.
- (3) To accept the suggestion that they should be dismissed only for misconduct in law would be to grant to the journalists conditions superior to those of members of the permanent staff of the Commission who may be dismissed for offences which may be less serious than misconduct in law.
- (4) Journalists are engaged without the necessity for satisfying a medical examination.
- (5) Women journalists may be married or, marrying, are not required to resign.
- (6) Journalists are not appointed on probation and there is no nationality qualification.
- (7) After 49 weeks, each journalist receives three weeks' holiday on full pay, whereas a staff member must work for 52 weeks before being entitled to first annual leave.
- (8) Journalists, unlike staff members, are not required to retire on reaching the age of 65 years.
- (9) Journalists enjoy rates of salary which may be increased by special overtime rates not available to staff members, and are engaged and work under conditions of employment which are not the same as the conditions under which staff members work.
- (10) Journalists, like members of the auxiliary staff (such as artists, who only hold office during the pleasure of the Commission), are engaged on the basis of their present journalistic talents and ability to present news in a fresh and acceptable manner. This ability may not necessarily improve with time, nor would the ability necessarily be sustained in peace-time when a journalist, with material less in volume and in sensational interest upon which to draw, may not be able to satisfy the requirements of radio news presentation.

- (11) Journalists are in the same category as auxiliary staff, and they should not be conceded permanency in contradiction to the terms of their arbitration determination.
- (12) To grant permanent status would almost certainly result in an eventual decline in the standard of the news services, which require creative ability and a fresh imaginative approach.
- (13) As the A.J.A. had sought and agreed to an arbitration determination which sets out the conditions of employment of journalists, the Commission could not concede their claim to select certain conditions of the staff regulations for application to A.J.A. members; there could not be any mixture of arbitration determinations and regulations.

56. In a preliminary statement advocating the case for permanency, the A.J.A. elaborated the following points:—

- (1) Although the agreement between the A.B.C. and the A.J.A., which was approved by the Public Service Arbitrator in 1941, provides for termination of service on notice, representatives of the A.B.C. agreed that the subject of security of tenure was one concerning which a further conference of the parties should be held.
- (2) In substance, regulation 7 would cut across the industrial arbitration system of the Commonwealth. It means that a threat is held over the heads of sections of the Commission's employees that if they attempt to avail themselves of their rights under the Arbitration (Public Service) Act, A.B.C. staff conditions will be taken away from them.
- (3) In addition to depriving about fourteen A.J.A. members of the security of tenure which they enjoyed before the agreement of 1941, regulation 7 would prevent journalists of the future from becoming permanent employees of the Commission.
- (4) Permanent employees, when given notice of dismissal, have the right of appeal to a special tribunal, and in addition they are given first preference in relation to any vacant positions that arise from time to time within the Commission's organization.
- (5) No discrimination should be made against journalists in the matter of permanency solely because they had secured an industrial agreement prescribing rates and conditions which the Arbitration Court had laid down as being fair and just for journalists.
- (6) Journalism is a profession, and no other section of the A.B.C. staff is more entitled to enjoy permanent status than journalists.
- (7) The radio news service is one of the most important of the A.B.C.'s activities. It is not a temporary activity. It is psychologically bad for this Australian national service to be rendered by journalists who cannot regard their employment as being permanent.
- (8) The attitude of the A.B.C. is quite foreign to that adopted by any other government or quasi-government authority. For instance, although the New South Wales Government has an industrial agreement with the A.J.A., under an award in respect of the court reporters, the latter still retain their permanent status under the Public Service Act. The A.J.A. also has an agreement covering the *Hansard* reporters of the New South

Wales Government, all of whom enjoy similar privileges to other New South Wales public servants. These court and *Hansard* reporters participate in the government superannuation scheme.

- (9) In the Commonwealth sphere members of the A.J.A. are covered by the Commonwealth Reporting Branch Determination. These men enjoy conditions similar to those proposed in the A.B.C. (Staff) Regulations. They participate in the superannuation scheme of the Commonwealth Public Service, and their employment is not terminated until they reach the retiring age or become incapable of efficient service or are guilty of misconduct. All of the A.J.A. members have the right of appeal to the Board.
- (10) Members of the A.J.A. employed by the A.B.C. should have the same right of appeal and enjoy the A.B.C. staff rules to the same extent as do many other employees of the Commission, a number of whom could not be regarded as professional men.
- (11) Some of the permanent employees concerned have been fighting on the battlefields. They were permanent employees when they temporarily left the service of the Commission and they anticipated that their status would be preserved while they were abroad with the Defence Force.
- (12) No other government-owned public utility, except the A.B.C., has regarded an industrial agreement as an instrument for taking away from A.J.A. members their previously conceded right to permanency.
- (13) The agreement of 1941 merely prescribes the minimum rights of A.J.A. members. There are no legal difficulties in the way of the A.B.C. granting permission for A.J.A. members covered by the agreement to retain their permanent status.
- (14) Members of the news and *A.B.C. Weekly* staffs entered into contracts to buy houses and took out insurance policies on the basis of permanency of employment in the A.B.C.
- (15) It has been recognized to be in the interests of public policy that governmental bodies should assure their employees of security of tenure. The system of permanency of employment hitherto adopted by the Commission has ensured smooth working in the past; it guarantees a measure of economic security which places the journalists in a position of being able to speak the truth (in news) fearlessly, independent of outside institutions and influences.
- (16) Proprietors of daily newspapers, whose journalists work under the same award as the Commission's journalists, have given evidence of their belief in the wisdom of granting their staffs security of tenure by inaugurating superannuation and pension schemes which they have heavily subsidized.
- (17) The benefits of security of tenure which the A.J.A. claims for its members in the A.B.C. service would be advantageous to the Commission as well as to the staff concerned.

57. At our February, 1945, conference with the parties concerned, representatives of the A.J.A. amplified the foregoing by the quotation of correspondence with the Commission in support of their contention that the 1941 arbitration determination had not settled the issue of permanent status.

58. The Chairman of the Commission, however, rejected the suggestion that when the 1941 determination was made there was an understanding that there would be a conference to decide another matter. Various points had been under discussion at the time; some of them had been conceded and others objected to; but there was no question that any matter remained open for further discussion. The Chairman went on to explain that the Commission never has had any intention to deal harshly with any soldiers who have been in its employ. Some already had been restored to their positions and others would be treated similarly. Whether they would come back to permanent positions was a technical question because, in the meantime, there had been an arbitration determination.

59. In reference to the application of Public Service regulations to classes of employees in the Public Service who had secured arbitration awards, the Board's representative explained that it is not the practice of the Public Service Arbitrator to make an award covering all of the conditions to be applied to every phase of a working activity. There were Public Service regulations and sections of the Public Service Act which were not repeated in awards, but which were applicable to members of the Associations concerned as public servants. This resulted in the operation of two codes—a comprehensive arbitration award code plus the code of the Public Service Act and Regulations.

60. After further discussion of the journalists' status issue, the Chairman of the A.B.C. undertook to arrange for the question to be reviewed by the Commission in consultation with the A.J.A.

61. As the result of that review, both parties agree that permanency should be restored to fifteen journalists of the news staff and that the necessary steps should be taken to that end, also that future appointments will be on a permanent basis in cases where the Commission deems it desirable that permanent additions to its staff of journalists should be made.

62. Irrespective of the effect of Regulation 7 in regard to journalists, that regulation would also affect members of the A.B.C. Senior Officers' Association and the A.B.C. Staff Association, both of which, we understand, intend to approach the Public Service Arbitrator for determinations. We consider that the regulation should be re-drafted to ensure that employees who would otherwise have permanent status and work under the provisions of the proposed staff regulations shall not be disadvantaged in those respects by reason of their having secured an arbitration award. In other words, the procedure which applies in the Public Service in connexion with awards and regulations should also apply in the Commission's service.

63. It is appropriate here to refer to future recruitment of the news staff. On another occasion the Chairman of the Commission said: "Our news men must be specially trained, because the ordinary journalist does not write the sort of stuff that can be put straight over the air". Such being the case, we suggest that, in conformity with section 17 of the Broadcasting Act, the Commission should arrange for future vacancies in the news staff, or at least a number of them, to be filled by the appointment of juniors (for training) in order of merit of passing a suitable competitive examination, widely advertised.

64. *Regulation 8.*—We agree.

65. *Regulation 9.*—We agree with this regulation, the inclusion of which arose from a doubt expressed by the legal advisers of the A.B.C. Staff Association as to whether the Association would have the right, once these regulations were gazetted, to approach the Public Service Arbitrator for an award.

66. The Crown Law officers have advised that determinations of the Public Service Arbitrator are binding on the Commission and that any such determinations made *after* the commencement of the proposed regulations may, in accordance with section 22 of the *Arbitration (Public Service) Act 1920-1934*, have full force and effect notwithstanding the provisions of any law or regulation of the Commonwealth. There is nothing in the Regulations which affects, or could be validly made to affect, the operation of the *Arbitration (Public Service) Act*, and the fears of the Association are considered by the Crown Law officers to be groundless.

67. This situation, however, the Crown Law officers advise, would not apply to determinations made by the Public Service Arbitrator *before* the commencement of the proposed regulations. So far, members of the A.B.C. Staff Association and members of the A.B.C. Senior Officers Association have not approached the Arbitrator for determinations relating to any aspect of their service with the Commission. As the Commission has explained, it is open to them to make such an application, and should such an application be made and should any determination come into effect before the gazettal of the proposed regulations, the effect of the determination will be preserved by regulation 9.

68. *Regulations 10 to 17.*—We agree.

69. *Regulation 18.*—The Chairman of the Commission explained that this regulation would be advantageous in cases where a bankrupt official occupies a position in which he has access to money, as the notification of his bankruptcy will enable the A.B.C. to consider necessary precautions.

70. The proposed regulation differs from the corresponding provisions of section 63 of the Public Service Act, in that it does not require the officer concerned to apply for a discharge from his bankruptcy and does not make provision for a case where the circumstances surrounding the bankruptcy may warrant punitive action, even to the extent of dismissal from the Public Service. However, as we understand that no action has ever been taken under the penal provisions of section 63 of the Public Service Act against any bankrupt officer, we recommend that the regulation remain as drafted until experience may point to the necessity for considering its amplification on the lines of that section.

71. *Regulations 19 to 22.*—We agree.

72. *Regulations 23 and 24.*—These differ from those of the Public Service, the Repatriation Commission, and the War Service Homes Commission, in that they do not prescribe the ranges of salary and increments applicable to each class of position; in other words, the regulations contemplate that the Commission is to determine the ranges of salary and increments without the approval of other authority (except as regards the General Manager and the next six most highly paid executive officers, whose salaries are subject to the approval of the Governor-General, in accordance with section 17 (5.) of the *Broadcasting Act*).

73. The reason given in favour of this procedure is that the Commission, unlike other government undertakings, has to meet competition from the commercial stations for staff, and would prefer not to disclose the salary ranges, &c. Nevertheless the Commission does not hold any strong view in the matter and is satisfied to leave it to our recommendation.

74. We believe that if the management of a commercial station planned to induce an A.B.C. officer to leave the Commission's service it would have little difficulty in ascertaining the salary that officer was receiving. Moreover, when a position in the Commission's staff is advertised, the salary attached to it is stated. In our opinion Parliament should be given

the opportunity of sanctioning the salary ranges and scales of increments which the Commission proposes for its staff, as well as any alterations which the Commission may propose from time to time. This opportunity can best be afforded by prescribing them in these regulations. This does not mean that the regulations would show the salary paid to each officer or to, say, a prominent artist. Only the general ranges of salary and increments to the various classes of permanent officer would be shown, in accordance with the principle approved by Parliament in regard to officers of the Repatriation Commission and the War Service Homes Commission. We recommend that the draft regulations be amended accordingly.

75. With regard to regulation 23 (2), which provides that where the salary or range of salary applicable to any position is raised or lowered, the position shall be deemed to be vacant—a provision which was included to safeguard more particularly the interests of members of the A.B.C. Staff Association—the discussions elicited that although the Commission is in favour of changes in the salaries of some of its senior officers, it does not wish their positions to be declared vacant on that account, unless special reasons make that desirable. The Commission would not like to be compelled to throw their positions open to competition and would prefer to be able to exercise its discretion on that aspect.

76. The advice of the Board's representative showed that in the public service it is not the practice for a particular position to be declared vacant when it is raised in classification by the Arbitrator, as the occupant of the office receives the higher classification so awarded. Hence by means of "consent" awards as between the A.B.C. and the Senior Officers' Association, the Commission could achieve its aim to avoid having to declare a senior officer's position vacant, as the award given by the Public Service Arbitrator would override the regulations.

77. *Regulations 25 and 26.*—We agree.

78. *Regulations 27 to 29.*—Of all the draft regulations submitted, none calls for closer scrutiny than these, as they affect one of the most important principles in the operations of a government-owned instrumentality, namely, equality of opportunity to enter its service. Regulation 27 should be appropriately amplified to make it clear that the power which it is proposed to confer on the General Manager to make appointments is subject to the condition that in all cases where entrance to the Commission's service is to be gained by competitive examination, such appointments shall be made in order of merit of passing the examination.

79. Under regulations 28 and 29 the Commission proposes that only in the case of clerks shall the A.B.C. be obliged to hold the open competitive entrance examination prescribed in section 17 (2) (c) of the Broadcasting Act. In the case of typists, book-keeping machine operators and comptometer operators it proposes to continue its former practice of appointment by selection, notwithstanding the Gibson Committee's findings quoted in paragraph 27 of this Report.

80. The contemplated limitation of the entrance examination to clerks is founded on the proviso to section 17 (2) of the Broadcasting Act, which says: "Provided that the Commission may appoint to such positions or positions of such classes as are prescribed persons who have not passed the prescribed entrance examination". The words "as are prescribed" in effect make it obligatory for the Commission to obtain Parliament's approval before it can implement its restricted entrance examination proposition. It is therefore a matter for Parliament to decide whether the Commission has given convincing reasons for the

proposed departure from a basic principle, which applies in the Public Service, and adherence to which in the Commission's service was emphasized in the Gibson Committee's report.

81. In support of its proposal, the A.B.C. says:—

"The Commission does not propose to insist on examinations for any but the clerical positions. The reason for excluding such persons as book-keeping machine operators or comptometer operators from the necessity of passing examinations is that the examination system would be unwieldy for the purposes of appointing the very few persons necessary—actually there are only four book-keeping machine operators—to carry out this work in the Commission's service throughout its various branches. The Commission customarily advertises for such positions and appoints the most expert and suitable operators.

"The question of typists in the Commission's service is one for particular consideration, as a predisposition to some cultural activity is almost invariably required of a typist in the Commission's service in addition to aptitude in the usual functions of an office. For this reason the Commission customarily appoints typists who hold a leaving certificate as distinct from typists appointed in the public service who, to satisfy entrance examination standards, are required to have only a comparatively low standard of education and are required to pass examinations in basic English and arithmetic only in addition to the commercial subjects of shorthand and typing. Very often in the Commission's service, suitable girls with excellent passes in the leaving certificate are appointed direct from school as typists-in-training, learning typing and shorthand after office hours. It is found that the period in training results in a high standard of efficiency as well as acquaintance with the ways of the service. The Commission feels that while its aims as regards its listeners are cultural and progressive, it should acquire staff for even minor positions who are capable of appreciating its policy and intentions, and who, by reason of their own interests and development, are capable of co-operating with senior officers in the furtherance of the Commission's aims.

"Examination in subjects such as typing, shorthand, English and arithmetic would, it is considered, not necessarily result in the selection of suitable appointees, and for this reason it is not proposed to set up the examination barrier for this section of the junior staff. Clerks being required generally for routine duties, the examination system is acceptable as a method of selection for clerical positions. The present conditions would appear to justify the Commission's method of appointing typists to its staff. Many of the temporary vacancies created by the war have been adequately filled by young women who joined the Commission's service in junior capacities and who have become excellent announcers, effects officers, continuity writers, play-readers, transcription officers, correspondence officers, journalists and publicity officers.

"The applications of persons for appointment to the service will, under the proposed staff regulations, be the subject of recommendations from the Appointments Advisory Committee which examines applications for appointment to the permanent staff of the Commission of all but senior officers."

82. In the Public Service it is the invariable practice to hold examinations for appointment as typist, even in departments where specialized or technical matters are dealt with, e.g., medical sections of the Department of Health, Serum Laboratories, Engineering and Research Branches, Attorney-General's and Crown Solicitor's offices, &c.; and experience has shown that a competent typist soon acquires any specialized knowledge necessary for the performance of her duties. The principle underlying the examination system in the public service is so soundly based that even if there are only one or two vacancies at a specific centre the Board will still arrange an examination.

83. We appreciate the Commission's aim to secure typists who have a predisposition to some cultural activity. It would be incorrect, however, to infer that typists appointed to the Public Service under its examination standards lack that quality, which is not necessarily the exclusive possession of those who hold a leaving certificate.

84. In our opinion the objective can be attained without sacrificing the democratic principle of open competitive examination, in conformity with the letter and spirit of section 17 (2) (c) and section 17 (3) of the Broadcasting Act. To satisfy the Commission's wish in regard to the leaving certificate qualification, including, where desired, music (which is a leaving

certificate subject), all that is necessary is to specify that standard as a condition in prescribing the type of examination in which its prospective typists will be required to qualify.

85. The Commission has also mentioned experience in elocution as a desirable quality in the occupants of some positions of typist. We suggest, however, that as it is the Commission's aim to appoint girls to positions designated "typist" before they have learned to type, the Commission could also accept them before they have learned elocution. In other words, initial lack of experience in elocution is not a convincing reason, in our opinion, for sacrificing the competitive examination principle. Seeing that the Commission contemplates that the appointees would learn typing after appointment, it seems to us that the Commission might correspondingly contemplate that, if necessary, they could also learn elocution after appointment.

86. Although the Commission has sought to justify its attitude on the ground that many of the temporary vacancies created by the war have been filled by the advancement of young women who joined its service in junior capacities and have been promoted as announcers, publicity officers, &c., it would appear that in future the male staff should be given preference in the provision of avenues of promotion to such positions, especially in view of the national obligation to ex-servicemen. Moreover, it is reasonable to assume that about 75 per cent. of girls can be expected to retire from the Commission's service because of marriage within a period of from five to ten years of their appointment; whereas the male staff would regard the Commission's service as their life's career. Hence, even if the selection principle were an acceptable policy, the Commission's plea for appointment of typists by selection rather than competitive examination does not, in our opinion, carry anything like the weight that a plea for appointment of male staff by selection would carry.

87. With regard to book-keeping machine and comptometer operators, the practice in the Public Service is that in the various States (excepting at Canberra) examinations for appointment to the corresponding position of accounting machinist are confined to officers of the Service, that is, officers who gained entry by competitive examination in other positions, e.g., telephonists. The examination covers a test in the various machines and in educational subjects.

88. In Canberra, the examination is open to persons outside the Service. The subjects of this examination do not include use of calculating machines, as in the case of the "insiders" examination. The examination is of an educational character, but includes typewriting and elementary book-keeping.

89. The question of opening the examination in the States to persons outside the Service has been considered by the Board from time to time, but so far has not been favoured. Its advantage is that younger girls are obtained who generally are more adapted to the machine operations.

90. Under the Board's present system in the States, the girls who qualify are more advanced in years and they secure their machine qualifications by attending departmental classes. The advantage of this practice is that it affords avenues of advancement for telephonists, assistants (female), &c., and ensures that appointees as machinist are competent when transferred to such positions.

91. The system operating in Canberra is that on appointment the girls are trained in manipulation of the accounting machines and are required to pass a test on these machines before their probationary appointments are confirmed.

92. As the A.B.C. and the Public Service are both government-owned instrumentalities, and as the Commission only needs such a small number of these

machine operators, and, furthermore, as the Commission has not proposed that these operators should necessarily hold a leaving certificate, we suggest that, in the interests of the Commonwealth as a whole, it would probably be advantageous if the Commission made an arrangement with the Board whereby its requirements would be met from the results of the Board's competitive examinations for machine operators within the Public Service from time to time. Under such an arrangement the principle of competitive examination would be preserved, and the officer concerned could be transferred to the Commission's service under the provisions of section 17 (7) of the Broadcasting Act.

93. We recommend that regulations 27, 28 and 29 be suitably amended as suggested in paragraphs 78, 84 and 92; also that the regulations should provide that all positions of a permanent character which can be filled by competitive examination shall be so filled, even where (as in the case in the Public Service) there may be only one or two vacancies.

94. In view of the Board's experience as to the necessity for making provision in its regulations in regard to candidates' age limitations; evidence (before being allowed to sit for examination) of candidates' good moral character; entrance fees; appointment of examiners, and their fees; publication of examination results in the *Gazette*, &c.; we recommend that correspondingly appropriate provisions should be included in the Commission's regulations.

95. In order to avoid the cost of special examinations, where possible, we recommend that provision be made in the Commission's regulations for its examinations to be held in conjunction with public examinations conducted by a university or other public examining body in any State, it being understood that the examination shall be competitive and shall determine the order of merit of candidates for appointment. A similar practice is followed in respect of examinations for entrance to the Public Service.

96. In reference to the Commission's statement as to appointments being the subject of recommendations from its Appointments Advisory Committee, we dissent from that proposal so far as it concerns any appointment which is to be the outcome of competitive examination. We think it should be mandatory for such appointments to be made (on probation) in the order of merit of passing the relative examination, as laid down in section 17 (3) of the Broadcasting Act. This qualification of the functions of the Appointments Advisory Committee is referred to later in our comments on the regulation dealing with that Committee's functions, namely, regulation 52.

97. *Regulation 30.*—This regulation will permit appointments without examination on a certificate of the General Manager.

98. Under the Public Service Act, when the Board reports to the Governor-General that it is not desirable that the examination system should be applied in relation to an appointment to a specified position or to a specified class of positions in the Fourth Division, the Board may make appointments to that position or class of positions. In practice, the Board does not appoint persons to classes of positions without examination. The relative section of the Act is used largely when making appointments of artisans to trade positions or returned soldiers who have had two years' temporary employment to such positions as mail officer or postman. Section 39 of the Act is used in that way to a limited degree.

99. Under section 47 of the Public Service Act persons from outside the service may be appointed without probation and without examination, but no such appointment can be made unless the Board certifies that, in its opinion, there is no person available

in the service who is as capable of filling the position as the person proposed to be appointed. Every such appointment must be notified to Parliament and laid on the table of the House within fourteen days. That section is used mainly when making appointments to professional positions, such as biochemists at the Commonwealth Serum Laboratory. Such positions are not in the Fourth Division of the Public Service.

100. For a short period telegraph messengers were appointed without examination, but that practice was soon discontinued. At no other time has the Board appointed to a position or class of positions any person who has not passed the prescribed competitive examination.

101. We agree with regulation 30, subject to suitable amplification to make it clear that the types of appointments contemplated under it are other than those to which the competitive examination system applies.

102. At this stage we do not suggest that the Commission should be required to notify Parliament of such appointments, as is the case with regard to the Public Service. That aspect could receive further consideration later in the light of experience.

103. *Regulation 31.*—We agree.

104. *Regulation 32.*—This regulation will enable a female officer to retain her permanent position after marriage. In the Public Service every female officer is deemed to have retired upon marriage; she may be continued in employment, but only in a temporary capacity. The Commission believes it might lose some valuable women if its regulation were made the same as that applying in the Public Service.

105. For reasons which it is not necessary to enlarge upon, we consider that the Public Service practice is much to be preferred, in the national interests. However, as the Commission has strongly pressed for retention of the regulation in its present form, we agree for the time being on the understanding that the policy shall be reviewed annually, both on general principles and in relation to the objective of providing employment for ex-servicemen. In our opinion the question is of sufficient importance to justify special reference to the outcome of the suggested yearly review in the Commission's annual report to Parliament.

106. In its last annual report to Parliament, the Commission pointed out that it has power to disregard any suggestions from the Standing Committee unless they are made law. Hence, under the existing law, the Commission would not be bound to keep Parliament informed of the outcome of the suggested annual review. Believing that the principle at issue is of considerable importance in the sphere of national policy, we recommend that our suggestion be made law by an addition to this regulation, requiring the Commission to include in its future annual reports a statement indicating the result of the yearly review we have suggested, so that Parliament, if it deems fit, may give further consideration to the amendment of the regulation to bring it into line with the principle adopted in the Public Service, especially if it transpires that continuance of the practice of employing married women permanently after the war is depriving eligible and efficient male staff, particularly ex-servicemen, of opportunities for employment or advancement in the Commission's service.

107. *Regulations 33 to 36.*—We agree.

108. *Regulation 37.*—Under this regulation power would be delegated to the General Manager to confirm or annul appointments on probation in positions to which salaries up to £350 per annum apply, the object being to relieve the Commission of work.

109. In the Public Service this power is reserved to the Board; the heads of departments are not empowered either to confirm or to annul appointments.

110. We agree with the proposed delegation as regards confirmation of appointments. Annulment, however, involves a serious decision which might have far-reaching consequences on the future of the unfortunate officer concerned. In our opinion such decisions should rarely be required and they are of sufficient importance to justify reservation of power to give them in the Commission itself. We recommend that the regulation be amended accordingly.

111. *Regulation 38.*—We agree.

112. *Regulation 39.*—Under this regulation it would appear possible for an officer to be appointed to a permanent position of, say, lift attendant without competitive examination and then—provided he had passed, for example, the leaving certificate examination—to be transferred to a position of clerk without having to compete for it under the order of merit principle prescribed in section 17 (3.) of the Broadcasting Act. We recommend that the regulation be amended to safeguard the competitive aspect.

113. *Regulation 40.*—We recommend that the definition of "efficiency" in this regulation be amended to conform with the principle applied in the Public Service in respect of ex-servicemen whose efficiency is regarded as such efficiency as would have been attained but for their absence on active service.

114. We also recommend that the regulation be amended to provide that seniority shall be determined, not by salary, but by length of service. This amendment would not, of course, affect the principle that efficiency is the first consideration, as the seniority aspect only arises when there is equality of efficiency.

115. The Board found it necessary to arrange this change in the Public Service over twenty years ago, in order to avoid the potential injustices and other disadvantages explained in its first annual report, dated 9th October, 1924, as follows:—

"In the ordinary acceptance of the term, seniority would simply mean length of service, but under the regulations which have operated in the Commonwealth service for very many years the guiding principle in determining relative seniority has been the rate of salary combined with the period of receipt of such salary.

"Under such an arrangement the seniority of officers has been prejudicially affected by the stoppage of an increment to one officer and not to another, or by the reduction in salary of an officer for an offence. Numerous cases have occurred in which officers, through absences on prolonged periods of sick leave which, though justifying the pecuniary disadvantage involved, created an undeniable hardship when associated with loss of seniority. It has not been the practice to consider salaries granted by arbitration awards for purposes of seniority, otherwise the existing confusion would have become worse confounded.

"Upon considering the matter, the Board came to the conclusion that the accepted definition of seniority was unsatisfactory and possessed features undesirable in their effect upon officers and upon the management of the service. Transfers and removals, carried out often at considerable expense to departments, were frequently sought by officers, not because of monetary advantages, which in many cases were not appreciable, but because of the serious effect resulting from the loss of seniority entailed by refusal of the transfer. It was found, moreover, that seniority was often gained in fortuitous circumstances, and that the loss of seniority to an officer who may be passed over because of the mere accident of lack of special knowledge for some particular position, although not a lack of general efficiency, may have a pronounced effect on his future career in the Public Service.

"It was considered by the Board that the importance of the matter from the standpoint of the future organization of the service justified reconsideration of the whole basis of seniority as hitherto existing, and the need for this was rendered imperative in view of the fact that sections of the classification were being issued from time to time which would materially affect the relative positions of officers if seniority were to continue to be determined solely on the basis of salary paid to officers."

116. *Regulations 41 to 44.*—We agree.

117. *Regulations 45 and 46.*—We agree. At some future date it may become necessary to amplify these regulations to specify the efficiency and seniority conditions which should govern selections for temporary

transfer to higher positions. For the time being the situation is being met by means of a directive from the Commission.

118. *Regulations 47 to 50.*—We agree.

119. *Regulation 51.*—This regulation provides for the A.B.C. Staff Association to be represented on the Appointments Advisory Committee, whose functions include the making of recommendations for transfers and promotions to positions other than senior positions. This is an innovation, which takes the place of the appeal system operating in the Public Service.

120. Evidence tendered to the Standing Committee of the previous Parliament shows that the Association's request for representation on the committee was based on the provision made in New South Wales State legislation for staff committees or appeal boards in government-owned activities.

121. The Commission, however, declined the Association's request for the following reasons:—

The Commission is invested by Parliament with responsibility for the efficiency of the service. As that efficiency depends, apart from principles laid down by the Commission, on the staff personally to a great degree, the selection of the personnel should be the prerogative of the body which accepts responsibility for the service.

The Commission considers that its senior officers are the persons who should best be fitted to advise it in the selection of the staff which is subordinate to those officers. Just as the Commission is collectively responsible to Parliament, so each of its senior officers is in turn responsible to it for that branch of the service which is entrusted to him. Inefficiency in the staff under his control will reflect upon him and will prejudice his position. Not only his responsibility, but his self-interest, lies in securing efficient staff. The activities of his staff are passing under review by him daily. He should in the normal course of events be well aware of the qualifications called for in each post, and of the manner in which that post is being filled. In making recommendations for the filling of vacancies he will be called upon from time to time to make decisions which may cause disappointment and heart-burning among his staff; but his senior position should enable him to face what is thus sometimes an uncongenial task.

As the selection of personnel for vacancies is one of the fundamental responsibilities of administration, involving not only a full knowledge of the circumstances but also a high degree of judgment, such as is expected in senior officers, it is difficult to justify the claim that junior officers, who by the very nature of their position have not yet acquired such a degree of knowledge and judgment, could, or should be permitted to participate in the performance of such an important function of management.

Apart from the question of experience and judgment, it is felt that subordinate officers would be more subject to prejudice, or moral suasion than a senior officer. On the one hand, as already shown, the senior officer has to accept responsibility for the decision and may be affected personally by it, and need not be greatly concerned in a personal way about the disappointment of unsuccessful candidates. On the other hand, a subordinate officer would not be called upon to accept responsibility or in any way be personally prejudiced by an unwise selection, and he would be subject to the natural influences which operate when a man is called upon to make decisions affecting his fellow officers, more or less of his own standing, members of his own association, and perhaps his own personal friends.

122. The Standing Committee communicated the views of the Association and the A.B.C. to Professor Bland, Professor of Public Administration, Sydney University, and sought his advice. After traversing the evolution of organized staff participation in the development of industrial relations, the professor concluded that the A.B.C. would be well advised to make provision in its regulations which would permit of the Association being consulted in salary fixation and in selections for promotions but not in the making of appointments.

123. The Committee transmitted Professor Bland's advice to both parties and then arranged a joint conference with them. As the result of that conference, the Chairman of the A.B.C. indicated that he was disposed to arrange for the Commission to review its

attitude. The eventual outcome was agreement between the A.B.C. and the Staff Association for representation of the latter on the Appointments Advisory Committee on condition (a) that the Association's representative should hold office during the pleasure of the Commission and should be chosen by the Commission from a panel submitted by the Association, and (b) that the Commission should have the right to reject any such panel and require a fresh one to be submitted. These conditions are incorporated in the proposed regulation.

124. In the Public Service promotions are made by the heads of departments provisionally, are notified in the *Gazette*, and are subject to the right of appeal to the Board.

125. At our February, 1945, conference, the Board's representative referred to the deliberations of a committee (comprising Professor Bailey, the Public Service Commissioner, two heads of departments and representatives of the four main public service staff organizations) which had been appointed to overhaul the promotions system in the Public Service. That committee, the Board's representative explained, had discussed the committee method of promotions but did not consider it suitable for the Public Service, whose staff organizations preferred the system which provides for appeal to an independent tribunal.

126. In earlier evidence the Chairman of the A.B.C. had explained the grounds on which the Commission agreed to change its policy and accede to the request of the A.B.C. Staff Association, as follows:—

"Originally, when we set up under our own regulations an appointments advisory committee, the employees were not represented on it. If it were an appointment beyond a certain salary, the senior staff considered applications and made a recommendation through the General Manager to the Commission. We had the power to accept, reject or modify that recommendation, but the officers making it were senior officers. The employees asked to be represented on that committee. The employees' representatives said that the reason they wanted representation was that they felt that they could make recommendations, which their experience would enable them to make. We rejected that. The Commission said, 'No, we will not accept that as a reason for their being on the appointments advisory committee, because if our senior officers have not had enough experience, and if their qualifications are not such as enable them to determine the merits of an applicant, they should not be in their jobs. If a clerk on £200 or £300 a year did go to the Commission's appointments advisory committee to help it to select the best men, either the clerk was worth more than £200 or £300 a year, or the senior officers were worth less. We were, however, impressed by the argument that the staff would feel more satisfied if their representative was present so that if discussion took place as to the merits of applicants, particularly where they were members of the staff, they would feel sure that nothing had been brought up against a man by any of the senior officers behind the backs of the staff. An applicant might not be aware of something blocking him from getting a position and they would feel happier if they had no reason to suspect that things were being said against them of which they knew nothing. Desiring to work always harmoniously with the staff, our object being to run the show as efficiently as possible, we said we would agree to that, and amended our regulations to provide for staff representation on the selection committee. We feel that there is no reason why we should not be adventurous in regard to democratic control of staff. This is an adventure, and if we are prepared to let the staff come in and take part in our councils, and if it will make for better feeling in the staff about appointments, knowing that there will be no undue influence exercised amongst the officers, it is a good thing."

127. The Association's representative, in signifying the organization's agreement with the Commission's proposals, indicated that he had no doubt that they would give entire satisfaction. He added, however, that in the event of the procedure proving unsatisfactory the Association would make representations for the constitution of an independent appeals board and would ask that the matter be referred to the Government or the Standing Committee for further consideration.

128. If the appointments advisory committee proposal is accepted it will be necessary to provide for A.J.A. representation in appropriate cases, now that agreement has been reached between the A.B.C. and the A.J.A. as to the permanent status of certain journalists. With regard to promotions, however, we consider that it would be preferable to adopt the provisional system and constitute an independent tribunal to deal with appeals. Under this system the representative of the organization affected would only need to deliberate in the comparatively few cases in which appeals would normally be made, whereas under the system proposed by the Commission the representative would have to take part in the deliberations on all promotions affecting members of his organization. We therefore recommend that provision be made for the appointment of a promotions appeal committee, consisting of an independent chairman, an officer nominated by the Commission, and an officer elected by the organization concerned.

129. *Regulation 52.*—This regulation sets out the functions of the appointments advisory committee. When the A.B.C. Staff Association was pressing the A.B.C. to change its policy in regard to granting the Association representation on the committee, the Association indicated that its real concern was with the appointees other than those who would obtain entry to the Commission's service by competitive examination, as shown in the following extracts from the evidence tendered by the Association's representative at the conference with the Standing Committee of the previous Parliament in March, 1943:—

"I agree that we are not particularly interested in initial appointments to the staff; that matter takes care of itself. All we are concerned about is the importation into senior positions of men who are outside the service. You should build up a qualified expert staff. Regard them as cadets and train them throughout . . . We are not concerned about entry to the service as cadets by means of a competitive examination; that matter will look after itself".

130. In the event of the appointments advisory committee being retained in addition to the suggested promotions appeal committee, we recommend that the regulation be amended to make it clear that the committee's functions shall not include the making of any selective recommendations affecting appointments under the competitive examination system. Such appointments should be determined according to the order of merit of passing the examination, as laid down in section 17 (3.) of the Broadcasting Act. The proposed functions of the appointments advisory committee should also be amended to conform with our recommendation in regard to the constitution of a promotions appeal committee.

131. *Regulations 53 to 73.*—We agree.

132. *Regulation 74.*—Under this regulation power will be conferred upon the Commission to determine what shall be the standard working week for its employees, the idea being to avoid the procedure which would be necessary to secure an alteration of hours if they were fixed by regulation. They are at present fixed by a directive from the Commission, which is regarded by the staff as satisfactory. The Commission has undertaken to consult the Staff Association if any new situation arises necessitating alteration of working hours. If the Commission altered the standard working week without agreement with the organization, the latter could approach the Public Service Arbitrator for a determination. In the circumstances we agree with the regulation.

133. *Regulations 75 to 78.*—We agree.

134. *Regulation 79.*—This regulation will authorize the Commission to decide travelling allowance rates, subject to a proposed delegation to the General Manager to increase them in special circumstances.

135. In the public service the rates are specified in regulations or in arbitration awards. Not every award has a travelling allowance clause. Where such a provision exists and its review is sought, it is the practice for all associations affected to lodge simultaneous claims for the same variation. In the case of a recent application, that was done, and new rates were determined by the arbitrator. The Board has power under regulations to extend the provisions of the award to any officer or class of officers not expressly covered by the determination. The Board made a determination and applied the award rates to the whole of the Public Service, subject to government policy as to the limitation of award benefits to returned soldiers and members of organizations. Where no such limitation is imposed by the Government, the Board would make the public service regulations coincide with the new award provisions.

136. All the members of the Commission's regular staff belong to the A.B.C. Senior Officers' Association, or the A.B.C. Staff Association, or the A.J.A.; and notwithstanding that these organizations are unanimously in favour of regulation 79, we are not satisfied that the Commission's reluctance to have its rates prescribed in the regulations is convincingly based. The Chairman of the Commission argues that inclusion of the details in the regulation would be against the employees' interests. He says: "It would be extremely difficult to have the rates altered if they were fixed by regulation. Our staff sometimes works under most extraordinary and unusual conditions. At such times ordinary rules have to be cast aside. The Commission is a business concern, not an ordinary government department. Our employees cannot be tied down unless they are to be humiliated. They must be handy to the people whom we want them to interview. We cannot foresee all these conditions and provide for them. It is better to meet changing conditions as they arrive by means of a directive. Should the rates be fixed they will be fixed against the employees in some instances."

137. The Commission's rates are on a more generous scale than those of the public service. We do not suggest that they should be reduced, but we fail to see how the employees' interests would be prejudiced by having the rates incorporated in the regulation. The contingency in regard to the staff sometimes working under unusual conditions is already provided for in the proposed clause (7.) of the regulation, which reads—

"Where the General Manager is satisfied that, by reason of special circumstances, the travelling allowance which would otherwise be payable is insufficient to meet the expenses reasonably and necessarily incurred by an officer, the General Manager may increase the allowance."

138. In our opinion, with the above safeguard, the employees' interests would be better served by including the rates in the regulation, because in the event of the Commission wanting to reduce them at some future date it would be prevented from doing so arbitrarily, as its proposal would have to be submitted for Parliamentary approval through the medium of amending regulations.

139. Our recommendation is that the regulation should be amended to include the rates, retaining the safeguard in clause (7) to enable the rate in a particular case to be increased at the discretion of the General Manager in special circumstances.

140. *Regulation 80.*—This regulation will enable the Commission to decide the rates to be paid to officers who use their own vehicles for official purposes. In the Public Service the standard rates are specified in the regulations. The only reason which has been given for their omission from the Commission's regulation is a desire to minimize detail. We do not consider that this is a sufficient reason and recommend that the regulation

be amended to show the standard rates proposed by the Commission, with a proviso authorizing the Commission to vary them in exceptional cases.

141. *Regulation 81.*—This regulation does not indicate the meal allowances proposed. In the Public Service the allowances are specified in the regulations and vary from 2s. to 4s. according to the officer's salary, but there is now an award rate which prescribes a minimum of 2s. 6d., which is not restricted to members of the organizations concerned, but is applied to all sections of the Service, as payment of meal allowance is regarded as reimbursement only. In the Commission's service the rates at present paid also vary from 2s. 6d. to 4s., but are slightly more generous in the intervening grades. We recommend that these rates should be shown in the regulation.

142. *Regulation 82.*—We agree with this regulation (which relates to higher duty allowances) subject to review of its provisions later in the light of any new policy which may be decided upon as the result of determination of a claim which, we have been informed, is before the Arbitration Court but has not yet been settled.

143. *Regulation 83.*—This regulation proposes to leave to the Commission's discretion the question whether any allowance should be paid to a male officer under the age of 21 who is married. In the Public Service the prescribed minimum adult rate of £216 per annum is paid. Almost every award provides for that minimum. The same minimum also applies in the A.B.C. service. The Commission has no objection to the allowance being specifically stated, and we recommend that the regulation be amended accordingly.

144. *Regulations 84 and 85.*—We agree.

145. *Regulation 86.*—This will leave it to the Commission to determine rates of payment for overtime and for work on Sundays and holidays. As in the case of earlier regulations dealing with allowances, we recommend that the Commission's rates for overtime, &c., should be indicated in this regulation.

146. *Regulations 87 to 92.*—We agree.

147. *Regulation 93.*—Clause (4) of this regulation will empower the Commission, at its discretion, to pay to members of its staff in the Defence Force, the difference, wholly or in part, between their salaries in the service of the Commission and their pay as members of the Defence Force.

148. The Commission has been adopting this practice since 1940, and the fund or pool from which the payments are made has been established from certain savings, the use of which has been explained by the Commission as follows:—

"It is understood, of course, that employees whose defence pay exceeds their Commission salary do not participate in payments from the pool, and that payments from the pool will not be made in excess of the amount necessary to bring the officer's defence pay up to his normal salary as an officer of the Commission. Furthermore, although the Commission meets the superannuation contributions of all employees on defence leave, such contributions are offset against distributions from the pool. This regulation confirms an arrangement which has been in force for some years. The decision to utilize a pool of savings resulting from enlistment, to make good the difference, if any, between an officer's salary and his defence service pay, was made by the Commission in June, 1940. The reasons for this decision are set out in the following minute:—

"The Commission, while subscribing in general principle to the regulation adopted for the Commonwealth Public Service—namely, that staff on active service should not be paid except for a period of sixteen days any allowances to compensate them for such differences as might exist between their active service pay and their salaries in the service of the Commonwealth—considered that it was not entitled to make any profit out of the enlistment of its staff, and therefore it was justified in adopting the following principle: That any savings made owing to the fact that officers replacing those who enlisted might not receive the same salary as the enlisting officer, or because of

re-organization which obviated the necessity for replacing officers who might relieve those on active service, should be paid to the credit of a fund which should then be distributed among the officers on active service, in proportion to their salaries, to make up, as far as possible, the difference between their salary in the service of the Commission and their Army pay."

"The following cases will illustrate the class of savings referred to, which are the source of the contributions to the pool:—

- (a) The Women's Employment Board, in fixing salaries for women in the Commission's service, has in some cases settled on a lower rate than that previously paid to men employed for the same work.
- (b) Some officers on defence leave have been replaced by less experienced temporary officers on a lower salary.
- (c) Whereas officers of the Commission are generally employed at a salary which is subject to annual increments, temporary employees are engaged at a fixed salary.
- (d) Many officers of the Commission are carrying more than their normal quota of duties, in cases where the duties of a man on defence leave have been distributed among officers remaining in his department. Where an officer is carrying out a substantial part of the duties of an officer on defence leave we have met the situation by the payment of higher duty allowance, bringing the salary of the acting officer to the minimum of the range of the officer on defence leave, who, of course, may by reason of many years' service in his position be close to the top of his range.

"We may point out that the Commonwealth Bank makes up the difference where the salaries of employees exceed their military pay."

149. Whilst it is desirable that in Commonwealth Government-owned instrumentalities there should be a uniform policy in a nationally important matter of this nature, it is necessary to bear in mind that the Commission's practice has been in operation for nearly five years, and consequently there has been an implied contract between the A.B.C. and its employees who joined the Defence Force during those years and who probably entered into commitments (perhaps in the purchase of homes for their family) in the belief that their implied contract with the Commission would not be varied. In these circumstances we agree with the regulation, particularly in view of the comparatively short additional period which seems likely to be involved on account of the favorable progress of the war.

150. *Regulations 94 to 106.*—We agree.

151. *Regulations 107 to 115.*—These regulations provide for the constitution and functions of an appeals advisory committee in connexion with major offences by officers other than senior officers.

152. The fundamental distinction between the proposed appeals procedure for these officers and the corresponding procedure in the Public Service is that in the Commission's service the final appeal will be to the Chairman of the Commission, whereas in the Public Service the appeal is to a board presided over by an independent chairman.

153. The Commission's proposal is the outcome of discussions at a conference between the Standing Committee of the previous Parliament and representatives of the A.B.C. and the A.B.C. Staff Association. As in the case of promotions, however, we recommend that provision be made for the constitution of an independent tribunal to deal with appeals in respect of major offences, consisting of (a) an independent chairman who is, or has been, a police, stipendiary or special magistrate; (b) an officer appointed by the A.B.C.; and (c) an officer elected by the organization concerned.

154. With regard to the officer referred to in (c) above, it will be necessary to provide for an A.J.A. representative in appropriate cases, now that agreement has been reached between the A.B.C. and the A.J.A. as to the permanent status of certain journalists.

155. A further amendment is also necessary in the wording of regulations 109 (8.) (c) and 115 (2.) (b), which provide that punishment for an offence may take the form of reduction of an officer's position to a lower class. Such a punishment could be unfair to the staff in general. For instance, if a clerk occupying a position carrying a salary of £600 were punished by reduction of his position to £500, it would mean that whoever succeeded him in that position would receive only £500. The Commission agrees with our suggestion that these regulations should be redrafted to ensure that the classified value of a position shall not be reduced by reason of any punishment inflicted on the officer who happens to occupy it.

156. *Regulations 116 to 118.*—These regulations deal with offences by senior officers, of whom there are about seven in the Commission's service. They comprise State managers and the chiefs of departments at the head office.

157. Unlike the corresponding regulations dealing with offences by other officers of the A.B.C., these regulations do not make provision for a senior officer to have the right of appeal to a higher authority than the authority which inflicts the punishment, namely, the Commission.

158. The A.J.A. objected to this arrangement on the ground that it amounted to an appeal from "Caesar to Caesar".

159. According to some of the evidence, the Commission, in framing these regulations, was largely influenced by the attitude of the Senior Officers' Association, which was said to be in favour of them. Other evidence, however, is to the effect that the establishment of an appeals board had been one of the earliest claims of the Association and that its executive had accepted the Commission's proposals when it found that they were as much as the Commission was prepared to concede. Evidence was also tendered that the legislation introduced in New South Wales in 1944 to provide for the constitution of an independent appeal board for officers of government and semi-government organizations had been passed with the approval of the leading political parties.

160. Senior officers in the Commonwealth Public Service comparable with those in the A.B.C. service have the right of appeal against major punishments to an independent tribunal, whose chairman has the status of a stipendiary magistrate. They also have the right of appeal to the Board in cases where, for instance, a position is re-assessed and the head of the department provisionally appoints some officer other than the existing occupant to fill it.

161. We believe that it is a sound principle to provide for the right of appeal to an authority other than the authority which gives the decision against which the appeal is made, and we accordingly recommend that provision be made for two tribunals for the Commission's senior officers—one for appeals in connexion with promotions and the other for appeals against punishments for major offences. Each should consist of an independent chairman, an officer appointed by the Commission, and an officer elected by members of the Senior Officers' Association. In the case of the tribunal in respect of major offences, the chairman should be, or have been, a police, stipendiary or special magistrate.

162. *Regulations 116 (7.) (c) and 118 (2.) (b)*, which deal with reducing positions to a lower grade, should also be amended in a manner similar to the amendments recommended in respect of regulation 109 (8.) (c) and 115 (2.) (b), and for the same reason.

163. *Regulations 119 and 120.*—We agree.

164. *Regulation 121.*—This regulation deals with the details which applicants for temporary employment are to supply. Although the Commission has advised us that it is the practice to enter the applications in a register and engage suitable applicants in order of registration, we recommend that provision should be made in the regulation making it obligatory to deal with the applications in that order, subject to suitability, in order to remove any cause for complaint that there is scope for favoritism under the regulation as drafted.

165. *Regulation 122.*—We agree.

166. *Regulation 123.*—This regulation provides that temporary employees shall hold office during the pleasure of the General Manager. We recommend that provision should be made for the length of employment to be reviewed periodically in order to ensure that more or less continuous employment in a "temporary" capacity in any department of the Commission's service is not preventing appointment of a permanent officer through the channel of competitive examination.

167. In addition, to enable the Commission to keep a check on the situation, provision should be made for the General Manager to supply the Commission with an annual return of temporary employees who have been retained for twelve months or more.

168. *Regulations 124 to 128.*—We agree.

169. *Regulation 129.*—This regulation deals with the appointment of persons to what is called the "Auxiliary Programme Staff", which, in reply to our inquiry, the Commission has defined as follows:—

"The Auxiliary Programme Staff consists of officers who occupy an intermediate stage, in functions and in status, between permanent administrative officers and contract artists. Their talent is artistic, either executive (as with an accompanist), or creative (as with a script writer). Many persons exercising such artistic talents are engaged only on a contract basis—for a single occasion or for a series of performances. To a limited extent, however, depending on the Commission's requirements from time to time and on the suitability of the artist, it is possible to offer employment on a more regular basis than is implied in the ordinary contract with artists. The artist concerned is then attached to the Auxiliary Programme Staff, with temporary status. Artistic talent is subject to a high degree of depreciation from various causes—such as falling off in executive talent, as with a singer or instrumentalist, or drying up of creative talent, as with a script writer or 'ideas' man. The swiftly changing pattern of the entertainment world, the vagaries of taste, the spur of competition, and the periodic rise of new artists, all demand a continuous re-assessment of the artists employed under this category. For this reason it is impracticable for the Commission to bind itself to engage such talents on a permanent basis, and hence their temporary status."

170. As in the case of regulation 121, we recommend that the regulation should be amplified to provide for the keeping of a register of applicants for employment in this staff and for their engagement in order of priority of registration, subject to suitability, in order to remove any cause for complaint that there is scope for favoritism in the selection of artists, &c., under the regulation in its present form.

171. *Regulations 130 and 131.*—We agree.

172. *The Schedules.*—We agree.

AMENDING LEGISLATION.

173. As noted above, in paragraphs 66 and 67, the object of regulation 9 is to preserve the effect of any determination made by the Public Service Arbitration Court in respect of the Commission's employees before the commencement of these regulations.

174. Many of the Commission's employees, however, work under conditions set out in awards of the Commonwealth Court of Conciliation and Arbitration. These include commissionaires, members of wireless choruses, actors, cleaners, &c., all of whom are employed in terms of their awards which prescribe the conditions appertaining to the varying types of employment in the detail necessary to cover all aspects of that employment. For instance, the musicians' award covers all matters

of performance, rehearsal, rates for principals, leaders, casual employees, travelling, sick leave, mixed appearances, performances for outside organizations, &c.

175. The awards of this Court, that is, the Commonwealth Court of Conciliation and Arbitration, as distinct from the Public Service Arbitration Court, are at present binding on the Commission; but (the Crown Law Officers advise) they will cease to be so binding when the proposed Australian Broadcasting Commission (Staff) Regulations are made, because section 17 of the Broadcasting Act provides that officers and servants appointed by the Commission shall be subject to such conditions as are prescribed, that is, prescribed by the Act or by regulations under the Act. If any provision were included in such regulations purporting to give the Commonwealth Court of Conciliation and Arbitration jurisdiction with respect to employees of the Commission, it would be inconsistent with the Broadcasting Act in its present form and would therefore be invalid.

176. This situation, the Crown Law Officers advise, cannot be altered without an amendment of the Broadcasting Act. We are therefore in agreement with a proposal made by the Commission that the Act should be amended to ensure for its employees who sought to have their conditions established by the Commonwealth Court of Conciliation and Arbitration that those conditions shall continue to operate.

S. K. AMOUR, Chairman.
JOS. FRANCIS, Vice-Chairman.
HERBERT HAYS.
R. H. NASH.
GEO. BOWDEN.
W. G. BRYSON.
C. CHAMBERS.
J. ALLAN GUY.
DAVID WATKINS.

28th April, 1945.

DRAFT STATUTORY RULES.

1945. No. .

REGULATIONS UNDER THE AUSTRALIAN BROADCASTING ACT 1942.

I THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Australian Broadcasting Act 1942*.

Dated this _____ day of _____, 1945.

By His Excellency's Command,

Governor-General.

Postmaster-General.

AUSTRALIAN BROADCASTING COMMISSION (STAFF) REGULATIONS.

PART I.—PRELIMINARY.

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|---------------|---|
| Citation. | 1. These Regulations may be cited as the Australian Broadcasting Commission (Staff) Regulations. |
| Commencement. | 2. These Regulations shall come into operation on the _____ day of _____, 1945. |
| Repeal. | 3. The Australian Broadcasting Commission (Staff) Regulations (being Statutory Rules 1942, No. 298) are repealed. |
| Parts. | 4. These Regulations are divided into Parts, as follows :— |
- Part I.—Preliminary.
 - Part II.—General Provisions.
 - Part III.—The Service of the Commission.
 - Division 1.—Classification and Salaries.
 - Division 2.—Examinations and Appointments.
 - Division 3.—Promotions and Transfers.
 - Division 4.—Appointments Advisory Committee.
 - Part IV.—Duties of Officers and Hours of Attendance.
 - Division 1.—Duties of Officers.
 - Division 2.—Hours of Attendance.
 - Part V.—Allowances and Overtime.
 - Part VI.—Leave and Holidays.
 - Part VII.—Disciplinary Provisions.
 - Division 1.—General.
 - Division 2.—Offences by Officers other than Senior Officers.
 - Division 3.—Offences by Senior Officers.
 - Division 4.—Offences by the General Manager.
 - Part VIII.—Temporary Employees.
 - Part IX.—Auxiliary Programme Staff.

5. In these Regulations, unless the contrary intention appears—

Definitions.

“Branch Manager” means a manager of a branch of the Commission ;

“Controller of a Division” means the officer in charge of the Public Relations Division, the Programmes Division or the Administrative Division of the Commission, or the officer in charge of any other Division of the Commission ;

“Director of a Department” means the officer in charge of any of the following Departments of the Commission :—

Drama and Features ;

Light Entertainment ;

Music ;

News ;

Publications ;

Talks ;

Youth Education,

and, if the Commission so determines, the officer in charge of any other Department of the Commission ;

“officer” means an officer or servant appointed, or deemed to have been appointed, by the Commission under section 17 of the Act, but does not include a temporary employee or an officer of the Auxiliary Programme Staff ;

“officer of the Auxiliary Programme Staff” means an officer or servant of the Commission employed as a member of the Auxiliary Programme Staff referred to in Part IX. of these Regulations ;

“senior officer” means—

(a) the Assistant General Manager ;

(b) the Federal Superintendent ;

(c) the Controller of a Division ;

(d) a Branch Manager ;

(e) the Director of a Department ; and

(f) any other officer determined by the Commission to be a senior officer for the purposes of these Regulations ;

“temporary employee” means an officer or servant of the Commission employed in a temporary capacity, but does not include an officer of the Auxiliary Programme Staff ;

“the Act” means the *Australian Broadcasting Act 1942* ;

“the Chairman” means the Chairman of the Commission ;

“the Controller of Administration” means the officer in charge of the Administrative Division of the Commission ;

“the General Manager” means the general manager appointed, or deemed to have been appointed, under section 17 of the Act ;

“the previous Commission” means the Australian Broadcasting Commission constituted under the *Australian Broadcasting Commission Act 1932-1940*.

6. Where an officer (including the General Manager) or servant of the previous Commission is deemed, by virtue of sub-section (8.) of section 17 of the Act, to have been appointed by the Commission under that section—

Preservation of certain rights and privileges of officers.

(a) he may be granted sick leave and recreation leave as if his service with the previous Commission were service with the Commission ; and

(b) his service with the previous Commission shall, for the purposes of these Regulations, be deemed to be service with the Commission.

7. These Regulations shall not apply to any officer, temporary employee or officer of the Auxiliary Programme Staff the general conditions of whose employment (including tenure of office) are governed by a determination under the *Arbitration (Public Service) Act 1920-1934*.

Regulations not to apply to certain officers.

8. These Regulations shall have effect subject to sub-sections (5.) and (7.) of section 17 of the Act.

Regulations subject to certain provisions of Act.

9. All determinations under the *Arbitration (Public Service) Act 1920-1934* which were in force at the commencement of these Regulations and are applicable to any officer, temporary employee or officer of the Auxiliary Programme Staff shall continue to have effect, according to their tenor, as if these Regulations had not been made.

Certain determinations of Public Service Arbitrator to have effect. Responsibility of Branch Managers, &c.

PART II.—GENERAL PROVISIONS.

10.—(1.) Any power or function vested in a Branch Manager by these Regulations may be exercised by the General Manager.

(2.) In these Regulations, any reference to a Branch Manager shall, in relation to an officer employed in the Head Office of the Commission, be read as a reference to the General Manager.

(3.) In the absence of the General Manager, his duties may be performed, and his powers and functions may be exercised, by the Assistant General Manager or, in his absence, by an officer appointed by the Commission for the purpose.

(4.) A Branch Manager shall be responsible to the General Manager for the proper and efficient working of his Branch.

(5.) A Controller of a Division of the Commission shall be responsible to the General Manager for the proper supervision of his Division.

(6.) A Director of a Department of the Commission shall be responsible to the appropriate Controller of a Division for the proper supervision of his Department.

11.—(1.) The General Manager may delegate to any officer all or any of his powers and functions under these Regulations.

Delegation.

(2.) Any such delegation shall be revocable at will and no such delegation shall prevent the exercise of any power or function by the General Manager.

Breaches of Act, &c., not to be condoned.

12. A Branch Manager shall not—

- (a) condone any breach of the Act, of these Regulations, or of any rulings, orders or instructions issued by the Commission or the General Manager ; or
- (b) except in cases of urgency or compelling emergency, vary any such ruling, order or instruction, in which event he shall report the matter to the General Manager.

Reports by Branch Managers.

13.—(1.) A Branch Manager shall, at least once in each year and whenever so required by the General Manager, furnish to the General Manager a return showing the names of all officers in his Branch, arranged in such manner as the General Manager directs according to the positions they hold, and their salaries, together with a description of the duties performed by each officer and a recommendation as to what alteration (if any) is, in the opinion of the Branch Manager, necessary in the salary and class of each officer.

(2.) A Branch Manager shall, whenever necessity arises, report to the General Manager as to the alterations which, in his opinion, are necessary or expedient for the more economic or convenient working of the Branch or any section thereof, and shall also bring under the attention of the General Manager any matter, whether in relation to any officer or to the work of any section of the Branch, with which he thinks it desirable that the General Manager or the Commission should be acquainted.

Creation of positions, &c.

14. A Branch Manager shall report to the General Manager whenever he deems it advisable—

- (a) to create any new position in his Branch ;
- (b) to abolish any position in his Branch ; or
- (c) to raise or lower the classification of any office in the Branch the duties of which have been sufficiently changed to justify that action.

Excess officers.

15.—(1.) Whenever a Branch Manager finds that the number of officers at the Branch is greater than the business demands or can be reduced through re-arrangement of duties or improved methods of working, he shall forthwith report the circumstances to the General Manager.

(2.) If at any time the Commission finds that a greater number of officers of a particular class is employed than is necessary for efficient working, any officer whom the Commission finds is in excess may be transferred to such other position of equal class and salary as the officer is competent to fill, and if no such position is available, the officer may be transferred to a position of lower class and salary.

(3.) If no position is available for the officer, the Commission may retire the officer from the service of the Commission.

Resignation of officers.

16.—(1.) The resignation of any officer may be accepted by the General Manager.

(2.) Where the resignation of an officer is received by a Branch Manager, he shall forward it immediately to the General Manager, with such comment as he deems necessary, and with an intimation as to whether the officer's conduct is subject to disciplinary action under these Regulations.

(3.) An officer who has tendered his resignation shall not, until the resignation is accepted, cease to be an officer.

Personal history cards.

17.—(1.) The Commission shall keep a personal history card in respect of each officer.

(2.) The card shall contain a complete record of the officer's official career, including his address, his age, the date of his appointment, and particulars of transfers, promotions, variations of salary, commendations, punishments, sick leave, recreation leave and other leave granted to him.

(3.) Where an entry of any punishment is made on a personal history card, the Commission shall furnish the officer with a copy of the entry.

(4.) Where an officer has been punished by caution, reprimand or a fine not exceeding One pound, the record thereof on the officer's personal history card shall not be kept for a period longer than two years and, in any matter affecting an officer, no record, report or other matter relating to such a punishment of over two years' standing shall be taken into consideration.

(5.) An officer who changes his address shall forthwith notify the Commission of his new address.

Bankruptcy of officers.

18.—(1.) If an officer becomes bankrupt or enters into a scheme of arrangement or composition with his creditors or executes a deed of assignment for the benefit of his creditors or a deed of arrangement with his creditors, the officer shall forthwith notify the Branch Manager of the Branch in which he is employed accordingly.

(2.) Upon being granted an order of discharge from his bankruptcy the officer shall submit the order to the Branch Manager.

Attachment of salaries of officers.

19.—(1.) Where judgment has been given by any court against an officer or person who subsequently becomes an officer (which officer or person is in this regulation referred to as " the judgment debtor ") for the payment of any sum of money, the person in whose favour the judgment was given (in this regulation referred to as " the judgment creditor ") may serve on the Branch Manager of the Branch in which the officer is employed a copy of the judgment, certified under the hand of the Registrar or other proper officer of the court by which the judgment was given, together with a statutory declaration stating—

- (a) that the judgment has not been satisfied by the judgment debtor ; and
- (b) the amount due by the judgment debtor under the judgment.

(2.) Upon the service upon him of a copy of a judgment and a statutory declaration in pursuance of this regulation, the Branch Manager shall, as soon as practicable, notify the judgment debtor in writing of the service of the copy of the judgment and statutory declaration, and require him to state in writing, within a time to be specified by the Branch Manager, whether the judgment has been satisfied, and, if so, to furnish evidence in support thereof, and, if the judgment has not been satisfied, to state the amount then due under the judgment.

(3.) If the judgment debtor fails to prove to the satisfaction of the Branch Manager, within the time specified by the Branch Manager, that the judgment has been satisfied, the Branch Manager may from time to time deduct from the salary due to the judgment debtor such sums as, in his opinion, should, in the circumstances, be deducted and applied in reduction of the judgment debt or may direct the deduction therefrom of such sums and shall pay, or direct the payment of, those sums to the judgment creditor.

(4.) A deduction shall not be made which will reduce the amount to be received by the judgment debtor to less than Two pounds per week, or to less than one third of the amount which, but for this regulation, would be payable to the judgment debtor.

(5.) A payment made to a judgment creditor in pursuance of this regulation shall, as between the Commission and the judgment debtor, be deemed to be a payment by the Commission to the judgment debtor.

(6.) Where copies of two or more judgments and the relative statutory declarations are served upon a Branch Manager in respect of one judgment debtor, the judgments shall be satisfied in the order in which the copies are served on the Branch Manager.

(7.) A person who has served a copy of a judgment on a Branch Manager in pursuance of this regulation shall notify the Branch Manager immediately the judgment is satisfied.

(8.) If any payment made to a judgment creditor in pursuance of this regulation exceeds the amount due under the judgment, so much of the excess as was paid to the judgment creditor shall be repaid by him to the judgment debtor, and, in default of payment, may be recovered by the judgment debtor from the judgment creditor in any court of competent jurisdiction.

(9.) The provisions of this regulation shall not apply in relation to an officer who is a bankrupt or who has entered into a scheme of arrangement or composition with his creditors or who has executed a deed of assignment for the benefit of his creditors or a deed of arrangement with his creditors.

(10.) In this regulation, "judgment" includes any decree, rule or order of a court.

PART III.—THE SERVICE OF THE COMMISSION.

Division 1.—Classification and Salaries.

20. The service of the Commission shall consist of four Sections, as follows :—

Sections.

- The Administrative Section ;
- The Programme and Public Relations Section ;
- The Clerical Section ; and
- The General Section.

21. The Administrative Section, the Programme and Public Relations Section and the Clerical Section shall consist of such positions in the service of the Commission as the Commission directs shall be included therein respectively, and the General Section shall consist of all other positions.

Composition of Sections.

22.—(1.) The Commission may create any position in the service of the Commission and may abolish any such position.

Creation and abolition of positions.

(2.) The General Manager may create or abolish any such position where the position has been classified by the Commission in pursuance of the next succeeding regulation and the maximum salary of the position does not exceed Three hundred and fifty pounds per annum.

23.—(1.) The Commission shall from time to time classify the positions in the various Sections in accordance with the importance and character of the work of the positions and shall determine the salary, or the range of salary, applicable to each class.

Classification.

(2.) Where the salary, or range of salary, applicable to any position is raised or lowered, the position shall be deemed to be vacant.

24.—(1.) Where a range of salary is applicable to any class, the Commission shall determine the amount of the annual increments of salary within that range.

Increments.

(2.) The Commission may, if it is satisfied with the conduct, diligence, efficiency and attendance for duty of an officer, grant such annual increments of salary (if any) as are applicable to the class in which the position of the officer is included, but so that the salary of the officer shall not exceed the maximum salary of the class.

(3.) Where the salary of an officer is dependent on the age of the officer, the officer shall be paid the salary appropriate to his age notwithstanding that the conduct, diligence, efficiency or attendance for duty of the officer have been unsatisfactory.

25.—(1.) In this regulation, "index-number" means the weighted average retail price index number of the six State capital cities of the Commonwealth as shown in the "Court" series of retail price index numbers published from time to time by, or at the direction of, the Commonwealth Court of Conciliation and Arbitration.

Variations of salary on account of variations in cost of living.

(2.) Where the index number for the six months ending on the thirty-first day of March or the thirtieth day of September in any year is less than 72.5, salaries payable in pursuance of these Regulations shall, as from the commencement of the first fortnightly pay period beginning in the month of May, or the month of November (as the case may be) next following be reduced by the appropriate amount shown in the following table (or any extension thereof) opposite the index number group within which the index number falls :—

Index number groups.	Amount of reduction in salary.		
	Adult males and married males under 21 years of age.	Adult females.	Unmarried officers under 21 years of age.
	£ Per annum.	£ Per annum.	£ Per annum.
70.2-72.4	6	4	3
67.9-70.1	12	8	6
65.6-67.8	18	12	9
63.3-65.5	24	16	12
61.0-63.2	30	20	15
58.7-60.9	36	24	18

(3.) Where the index number for the six months ending on the thirty-first day of March or the thirtieth day of September in any year exceeds 74.7, salaries payable in pursuance of these Regulations shall, as from the commencement of the first fortnightly pay period beginning in the month of May or the month of November (as the case may be) next following, be increased by the appropriate amount shown in the following table (or any extension thereof) opposite the index number group within which the index number falls :—

Index number groups.	Amount of increase in salary.		
	Adult males and married males under 21 years of age.	Adult females.	Unmarried officers under 21 years of age.
	£ Per annum.	£ Per annum.	£ Per annum.
74.8–77.0	6	4	3
77.1–79.3	12	8	6
79.4–81.6	18	12	9
81.7–83.9	24	16	12
84.0–86.2	30	20	15
86.3–88.5	36	24	18

(4.) Any extension of the table specified in either of the last two preceding sub-regulations shall be of the same construction as that table.

(5.) For the purposes of these Regulations (other than the last preceding regulation), the salary of an officer shall be deemed to be his salary as varied in pursuance of this regulation.

Division 2.—Examinations and Appointments.

Oath of
allegiance.

26. The oath or affirmation of allegiance referred to in paragraph (d) of sub-section (2.) of section 17 of the Act shall be in accordance with the form in the First Schedule to these Regulations and may be administered by any person authorized to take a statutory declaration under the *Statutory Declarations Act 1911–1944*.

Certain
appointments
may be made
by General
Manager.

27. The appointment of a person as an officer or servant of the Commission may be made by the General Manager, on behalf of the Commission, where the salary of that person on appointment does not exceed Three hundred and fifty pounds per annum or, in the case of a temporary employee or officer of the Auxiliary Programme Staff, Five hundred and twenty pounds per annum.

Entrance
examination.

28. The prescribed entrance examination referred to in paragraph (c) of sub-section (2.) of section 17 of the Act shall be an examination conducted by the Commission in accordance with the provisions of regulation 153 of the Commonwealth Public Service Regulations.

Appointments
without
examination.

29. The Commission may appoint a person who has not passed the prescribed entrance examination—
(a) to any position which is not a position in the Clerical Section of the Service of the Commission ; or

(b) to the position of typist, book-keeping machine operator or comptometer operator.

Appointment
of persons
from outside
Commission's
service.

30. A person who is not an officer shall not be appointed to any position in the service of the Commission unless the General Manager certifies that there is no officer available who is as capable of performing the duties of the position as the proposed appointee.

Medical
examination.

31. The medical examination referred to in paragraph (b) of sub-section (2.) of section 17 of the Act shall be an examination by a legally qualified medical practitioner, approved by the General Manager, as to the person's sound bodily health and freedom from or predisposition to any disease and freedom from or predisposition to any disability likely to be aggravated by the nature of his duties.

Employment
of married
women.

32.—(1.) A married woman shall not be appointed as an officer except in special cases and, in the case of an appointment by the General Manager, with the Commission's approval.

(2.) Every female officer shall cease to be an officer on her marriage unless the Commission is satisfied that there are special circumstances which make it desirable that she should continue as an officer.

Salaries of
officers on
appointment.

33. The salary to be paid to an officer on appointment to the service of the Commission shall be—

(a) the salary applicable to the position to which the officer is appointed ; or

(b) where a range of salary is applicable to that position—such salary as is determined—

(i) by the Commission ; or

(ii) where the appointment is made under regulation 27 of these Regulations—by the General Manager,

not exceeding the maximum salary of the range.

Payments to
female officers
on marriage.

34. There shall be payable to any female officer who—

(a) has completed five years' continuous service with the Commission ;

(b) ceases to be an officer of the Commission upon her marriage ; and

(c) is not eligible for, or has not been granted, leave or pay in lieu of leave under section 7 or 8 of the *Commonwealth Employees' Furlough Act 1943–1944*, or section 7 of the *Commonwealth Employees' Furlough Act 1944*,

a sum determined in accordance with the following table :—

Length of Service.	Sum Payable.
Not less than five years but less than eight years ..	One-twelfth of annual salary
Not less than eight years but less than twelve years ..	One-sixth of annual salary
Not less than twelve years but less than twenty years ..	One-quarter of annual salary

35.—(1.) Every officer who has attained the age of sixty years shall be entitled to retire from the service of the Commission if he desires to do so, but any such officer may, subject to these Regulations, continue in the service of the Commission until he attains the age of sixty-five years. Tenure of office.

(2.) If any officer continues in the service of the Commission after he has attained the age of sixty years, he may at any time before he attains the age of sixty-five years be retired by the Commission from the service of the Commission.

(3.) Subject to the next succeeding sub-regulation, every officer shall, on attaining the age of sixty-five years, be retired by the Commission from the service of the Commission.

(4.) When an officer has attained the age of sixty-five years and, in the opinion of the Commission, it is desirable that the officer should continue in the performance of the duties of his office, and the officer is able to do so, the Commission may permit the officer to continue in his office for a period not exceeding twelve months.

36.—(1.) If an officer appears to the Commission to be inefficient or incompetent, or unfit to discharge or incapable of discharging the duties of his office, the Commission may retire him from the service of the Commission or may transfer him to some other position in the service of the Commission with salary appropriate to that other position. Retirement of inefficient, &c., officers.

(2.) An officer shall not be retired from the service of the Commission under this regulation unless he has been given the period of notice, or is paid salary in lieu of the period of notice, applicable to the duration of his service with the Commission in accordance with the following table :—

Length of Service.	Period of Notice.
Under one year	One week
One year and under two years	Two weeks
Two years and under three years	Three weeks
Three years and under five years	One month
Five years and under ten years	Two months
Ten years or over	Three months

37.—(1.) Unless the Commission, in any particular case, otherwise directs, the appointment of every officer shall be on probation for a period of six months, and the appointment may be terminated by the Commission at any time during that period. Appointments to be on probation.

(2.) After the period of six months on probation has expired, the Commission may confirm or annul the appointment or extend the period of probation for a further period, but the whole term of probation shall not in any case exceed twelve months.

(3.) The Commission may at any time during an extended time of probation confirm or annul the appointment.

(4.) Upon the expiration of the extended period of probation of any person whose appointment has not been confirmed or annulled under the provisions of the last preceding sub-regulation, the Commission shall confirm or annul the appointment.

(5.) Unless the Commission otherwise directs, annulment of an appointment shall take effect from the date upon which the person ceases to perform the duties of his office.

(6.) Unless the Commission otherwise directs, a person whose appointment has been annulled shall not be eligible for appointment to the service of the Commission at any time within twelve months from the date of annulment.

(7.) The powers conferred by this regulation on the Commission shall, in the case of an officer whose salary on appointment does not exceed Three hundred and fifty pounds per annum, be exercisable by the General Manager.

Division 3.—Promotions and Transfers.

38. Where a new position is created in the service of the Commission an officer may be promoted or transferred thereto— Appointments to newly created positions.

- (a) where the salary payable to the officer on transfer or promotion to the new position does not exceed Three hundred and fifty pounds per annum—by the General Manager; and
- (b) in any other case—by the Commission.

39.—(1.) An officer may be promoted or transferred to a vacant position (not being a newly created position) in the service of the Commission— Promotions and transfers to vacancies.

- (a) where the salary payable to the officer on transfer or promotion to the vacant position does not exceed Five hundred and twenty pounds per annum—by the General Manager; and
- (b) in any other case—by the Commission.

(2.) An officer shall not be transferred or promoted to a position to which a person may not be appointed without having passed the prescribed entrance examination unless that officer has passed that examination or an examination which, in the opinion of the Commission, is equivalent thereto.

Selection of
officers for
promotions.

40.—(1.) In the selection of an officer for promotion, consideration shall be given first to the relative efficiency of the officers available for promotion and, in the event of equality of efficiency of two or more officers, then to the relative seniority of those officers.

(2.) For the purposes of this regulation—

- (a) "efficiency" means special qualifications and aptitude for the discharge of the duties of the position to be filled, together with merit, diligence and good conduct; and
- (b) the seniority of officers shall be determined—
 - (i) according to the classes in which the positions occupied by the officers are classified;
 - (ii) in the case of officers occupying positions of the same class—according to their salaries; and
 - (iii) in the case of officers occupying positions of the same class receiving the same salary—according to the dates from which they receive that salary.

Salaries of
officers on
transfer or
promotion.

41. The salary to be paid to an officer transferred or promoted to another position shall be such amount as is determined by the Commission, not exceeding the maximum salary of the position to which the officer is transferred or promoted and not less than the minimum salary of that position or the salary of the officer immediately prior to his transfer or promotion, whichever is the higher.

Officers not
to refuse
transfer.

42.—(1.) Subject to the next succeeding sub-regulation, an officer shall not refuse a transfer or a change of station from one position to another of equal status.

(2.) If any officer objects to a proposed transfer or change of station on the ground that it will involve him in pecuniary loss, or that the transfer or change is not to a position of equal status, or for some other cogent reason, he may apply for permission to decline the transfer or change of station.

(3.) If the Commission is satisfied that the objection is well founded, permission may be granted, without prejudice to the officer's right to future promotion or transfer.

Travelling
allowance
not payable
in certain
circumstances.

43. Notwithstanding anything contained in these Regulations, an officer who is instructed to proceed to a station in anticipation of his permanent transfer thereto, and who has been notified in writing by the General Manager that his transfer is to be made permanent, shall not be entitled to receive travelling allowance during his employment at that station but he shall be eligible for the allowance provided by regulation 50 of these Regulations.

Exchanges.

44.—(1.) Where officers occupying positions of the same class desire to exchange stations, the General Manager may approve of the exchange.

(2.) All such exchanges shall be effected in the officers' own time and at their own expense.

General
Manager may
temporarily
transfer
officers.

45.—(1.) The General Manager may temporarily transfer an officer from one position to another position.

(2.) Where, in any such case, the General Manager notifies the officer that the transfer will be for an indefinite period, the transfer shall, for the purpose of determining the officer's rights with respect to travelling allowance and the cost of removing the officer's family and furniture, be deemed to be a permanent transfer.

Branch
Managers may
temporarily
transfer officers.
Salary not to be
reduced by
transfer.

46. A Branch Manager may temporarily transfer an officer of his Branch from one position to another within the Branch.

47. Nothing in the last three preceding regulations shall operate so as to reduce the salary of the officer concerned.

Conveyance
of transferred
officers.

48.—(1.) An officer who is transferred from one locality to another solely at his own request shall bear the whole cost of his removal.

(2.) If an officer is transferred from one locality to another on account of misconduct, the officer shall, unless otherwise determined by the Commission prior to his removal, bear the whole cost of his removal.

(3.) Where an officer is transferred—

- (a) in the interests of the Commission;
- (b) in the ordinary course of promotion; or
- (c) on account of illness due to causes over which the officer has no control, subject, if the

General Manager thinks it necessary, to the production of satisfactory medical evidence, the cost of removing the furniture and household effects (not exceeding an amount determined by the Commission) and the actual cost of the conveyance of the officer and of his wife and children (if any) shall be paid by the Commission.

Cost of
removal of
furniture.

49.—(1.) In determining the cost of removal, only necessary household furniture and effects shall be taken into consideration.

(2.) Before removal is undertaken, the branch manager shall, wherever practicable, obtain quotations from at least two carriers and may authorize the acceptance of the more suitable.

(3.) Where an officer elects to dispose of his furniture and effects instead of removing them to his new station, the General Manager may authorize payment to the officer of an amount equal to the loss shown, to the satisfaction of the General Manager, to have been sustained by reason of the disposal, but not exceeding the cost of removal which would have been allowable under these Regulations.

(4.) Furniture shall, where practicable, be removed by railway if the cost is not greater than other means of conveyance.

Allowances
where officers
unable to obtain
private
residence.

50.—(1.) Where a married officer is required, by reason of promotion, transfer or change of station, to perform his duties in another locality, and—

- (a) the officer cannot enter into occupation of a private residence in that locality by reason of unavoidable delay in the removal of his furniture and household effects; or
- (b) a suitable private residence is not available for the officer,

and the officer is thereby obliged to reside for the time being with his family (if any) at an hotel or other house of accommodation, the General Manager may grant the officer an allowance equal to the difference between the officer's ordinary household expenditure and the cost of board and lodging of himself and family (if any), but not exceeding one-half the cost of board and lodging, for such period as the General Manager determines.

(2.) For the purpose of the last preceding sub-regulation, an unmarried officer or a widower who is maintaining a home or supporting dependent relatives in circumstances which, in the opinion of the General Manager, justify his being deemed to be a married officer, shall be deemed to be a married officer.

Division 4.—Appointments Advisory Committee.

51.—(1.) For the purposes of these Regulations there shall be an Appointments Advisory Committee (in this Division referred to as "the Committee") consisting of three members, of whom two shall be senior officers and one shall be an officer who is a member of the Australian Broadcasting Commission Staff Association. Appointments
Advisory
Committee.

(2.) The Commission may appoint, in respect of each member of the Committee, one or two substitute members.

(3.) The substitute member or members appointed in respect of a member of the Committee who is a senior officer shall be a senior officer and the substitute member or members appointed in respect of the member who is a member of the Australian Broadcasting Commission Staff Association shall be an officer who is a member of that Association.

(4.) The members and substitute members of the Committee shall be appointed by the Commission and shall hold office during its pleasure.

(5.) The member and substitute members of the Committee who are members of the Australian Broadcasting Commission Staff Association shall be chosen from a panel of such members submitted by that Association but the Commission shall have the right to reject any such panel and require a fresh panel to be submitted.

(6.) Where—

(a) any member of the Committee is unable to attend a meeting of the Committee ; or

(b) any matter before the Committee affects an officer subject to the control of a member of the Committee,

a substitute member appointed in respect of that member shall act as a member of the Committee at that meeting.

(7.) The Commission shall appoint a member of the Committee to be the Chairman thereof.

(8.) In the absence of the chairman from any meeting of the Committee, the Committee shall elect a member to preside at that meeting.

52.—(1.) Before—

(a) any person is appointed to a position in the service of the Commission, not being a position which the Commission considers to be a senior position ;

(b) any officer (not being a senior officer) is transferred (except under Part VII.) or promoted ;

(c) any position in the service of the Commission is classified, not being a position which the Commission considers to be a senior position ;

(d) the salary, or the range of salary, applicable to any class (not being a class in which is included a position which the Commission considers to be a senior position) is raised or lowered ; or

(e) any increment is granted to or withheld from an officer (not being a senior officer),

the matter shall be referred to the Committee for consideration.

(2.) The Committee shall make a recommendation to the General Manager with respect to any matter so referred to it, or with respect to any other matter relating to the service of the Commission which the Commission or the General Manager refers to the Committee for consideration, and may, of its own motion, make a recommendation with respect to any matter relating to the service of the Commission.

53. Any matter upon which the Committee has made a recommendation may be referred to the Committee for reconsideration and the Committee may, of its own motion, reconsider any matter on which it has previously made a recommendation. Reconsideration
of matters by
Committee.

54. There shall be a Secretary of the Committee, who shall be an officer and shall be appointed by, and hold office during the pleasure of, the Commission. Secretary of
Committee.

55. Where any matter affecting an individual officer is under consideration by the Committee, that officer, or another officer nominated by him for the purpose, shall be entitled to appear before the Committee and address the Committee in relation to that matter. Officers
affected may
appear before
Committee.

PART IV.—DUTIES OF OFFICERS AND HOURS OF ATTENDANCE.

Division 1.—Duties of Officers.

56.—(1.) Every officer shall acquaint himself with such of the provisions of the Act and of these Regulations, and with such rulings, orders and instructions issued in connexion therewith, as are applicable to him in the performance of his duties. Knowledge of
Act,
Regulations,
&c.

(2.) A Branch Manager shall ensure that—

(a) if necessary, an officer under his control is supplied with written instructions as to his duties ;

(b) a copy of all instructions of the Commission or the General Manager is supplied to each officer concerned ; and

(c) an officer resuming duty after absence on leave or on official business shall acquaint himself with any amendments of the Act or of these Regulations made during his absence, or of any rulings, orders or instructions so issued which are applicable to him in the performance of his duties.

Attention and devotion to duty.	57. Every officer shall, during his hours of duty, devote himself exclusively and zealously to the discharge of his duties, and shall behave at all times with courtesy to the public and shall give prompt attention to all reasonable requirements.
Performance of duties.	58. Every officer shall promptly and correctly carry out all duties appertaining to his office, and shall in due course and at proper times comply with and give effect to such of the provisions of the Act and of these Regulations, and to such rulings, orders and instructions, as are applicable to him in the performance of his duties.
Subordination of officers.	59. —(1.) Every officer shall promptly and correctly obey all instructions given him by any officer under whose control or supervision he is placed. (2.) If any officer considers that he has grounds of complaint arising out of any such instruction, he may forward the complaint through his Branch Manager to the General Manager. (3.) The officer shall, nevertheless, as far as possible, carry out any instructions which are given to him until they are countermanded or varied by a competent authority.
Diary.	60. Every officer not immediately under supervision shall, if so required by his Branch Manager, keep a diary showing the daily duties performed by him, and the time occupied in those duties, and shall, whenever required, produce the diary and furnish a copy thereof to the officer under whose authority he is placed or to any other officer authorized by the Branch Manager to inspect the diary.
Officers not to publicly comment on administration.	61. An officer shall not— (a) publicly comment on the administration of the Commission ; or (b) use, otherwise than in the discharge of his official duties, any information gained by or conveyed to him through his connexion with the Commission.
Declaration of secrecy.	62. Every officer shall sign a declaration of secrecy in accordance with the Second Schedule to these Regulations.
Information to be secret.	63. An officer shall not, except in the course of his official duty, or with the written approval of the general manager, give information, directly or indirectly, concerning the business of the Commission or any other matter of which he has knowledge officially.
Outside influence.	64. An officer shall not seek the influence or interest of any person in order to obtain promotion, transfer or other advantage.
Communication to Commission.	65. An officer shall forward any official communication intended for the Commission through his Branch Manager to the General Manager, who shall forward it to the Commission with such comments as he deems necessary.
Giving of testimonials.	66. —(1.) An officer, other than the Branch Manager concerned, shall not give a reference or testimonial to an officer or ex-officer of the Commission as to the manner in which he performed his duties. (2.) The Branch Manager concerned may, where the services of an officer have been entirely satisfactory, give a reference or testimonial in accordance with a form approved by the General Manager.
Solicitation or acceptance of gifts.	67. —(1.) An officer shall not, directly or indirectly, solicit or accept gifts or presents from any member of the public concerned, directly or indirectly, with any matter connected with the duties of the officer or in which the Commission is interested. (2.) Nothing in the last preceding sub-regulation shall prevent the acceptance by an officer, with the permission in writing of the Branch Manager concerned, of a public testimonial presented on retirement from the service of the Commission, or upon removal from the locality in which he has been employed, or a presentation from fellow officers.
Acceptance of fees prohibited.	68. Except with the approval of the General Manager, an officer shall not receive for his own use any fee, reward, gratuity or remuneration of any kind whatsoever, other than his official salary and allowances, for services performed by him, either in or out of his hours of duty, in connexion with the Commission.
Performance of work outside the Commission.	69. —(1.) Except with the express permission of the Commission, which permission may at any time be withdrawn, an officer shall not— (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 ; (b) accept or continue to hold or discharge the duties of, or be employed in, a paid office in connexion with any commercial business ; (c) engage in or undertake any such business, whether as principal or agent ; (d) engage or continue in the private practice of any profession, occupation or trade, or enter into any employment, whether remunerative or not, with any person so engaged ; or (e) accept or engage in any remunerative employment otherwise than in connexion with his duties as an officer. (2.) Nothing in this regulation shall prevent an officer from becoming a member or shareholder only of any incorporated company or society, but an officer shall not take any part in the conduct of the business of the company or society otherwise than by the exercise of his right to vote as a member or shareholder.
Borrowing between officers prohibited.	70. An officer shall not— (a) be a party to any monetary transaction with another officer whether as principal or agent, whereby any interest or return in money or kind is charged or paid ; or (b) borrow money from another officer.
Care of property.	71. Every officer shall take proper care of all property of the Commonwealth or the Commission in his possession, custody or care, and shall ensure the economical use and the preservation of all such property.

72.—(1.) An officer subpoenaed or called as a witness shall promptly notify the Branch Manager. Officers called as witnesses.
(2.) An officer required as a witness on behalf of the Commission shall not be entitled to receive any witness fee, but shall be granted leave with pay for the period of necessary absence and, where the officer is required to travel, he shall be paid travelling allowance.

(3.) Unless the General Manager otherwise determines, an officer subpoenaed or called as a witness in any other circumstances shall be granted leave without pay, and any fees received by the officer as a witness may be retained by him.

73.—(1.) An officer summoned as a juror shall promptly notify the Branch Manager.

(2.) An officer so summoned shall be granted leave of absence for the period necessary for his attendance at the court, and the leave shall be granted with full pay, less any amount received by the officer as compensation for his attendance. Officers summoned as jurors.

Division 2.—Hours of Attendance.

74. The hours of attendance of officers shall be as determined by the Commission, but an officer may, to meet pressure of business, be required to work before or after the usual hours of attendance. Hours of attendance.

75.—(1.) Each Branch Manager shall provide such means of recording the attendance of officers as the General Manager determines and shall appoint an officer to be responsible for their use in accordance with these Regulations. Record of attendance.

(2.) Every officer (except senior officers and such other officers as are exempted by the General Manager) shall record daily in an attendance book or other means of record provided, the actual time of his arrival on duty and his departure therefrom.

(3.) The exemption of an officer from the obligation to record his attendance shall not authorize that officer to absent himself from duty without permission or to leave his office or station within his hours of duty except on official business.

76. The attendance book or other means of record shall be available at the ordinary time of arrival of officers and shall be made available at the appointed time of ceasing duty and not before. Availability of attendance records.

77. An officer who arrives on duty more than five minutes after the appointed time for commencing duty shall not record his attendance but shall report to the officer responsible for the use of the means of recording the attendance of officers, in whose presence the officer shall record his attendance, together with his explanation for late attendance. Late attendance.

78. Where—

- (a) an officer arrives on duty more than five minutes after the appointed time for commencing duty ;
 - (b) an officer is frequently late in arriving on duty, whether or not his arrival on duty is more than five minutes late ;
 - (c) an officer leaves duty without authority before the appointed time for ceasing duty ;
 - (d) an officer absents himself from duty without permission ;
 - (e) an officer leaves his office or station except on official business within his hours of duty ; or
 - (f) an officer records incorrectly the time of his arrival or departure,
- Reports of late attendance.

the officer responsible for the use of the means of recording the attendance of officers shall report the conduct of the officer to the Branch Manager.

PART V.—ALLOWANCES AND OVERTIME.

79.—(1.) Officers who are required to travel on the business of the Commission shall be paid travelling allowance at such rates as the Commission from time to time determines. Travelling allowance.

(2.) Where travelling allowance has been paid for eight weeks' residence in one locality, the General Manager shall review the matter and if, at that time or at any subsequent time, the General Manager considers the amount excessive, it shall be discontinued or reduced to such an amount as the General Manager thinks fit.

(3.) No allowance, other than for expenses necessarily incurred, shall be paid in any case where an officer is not required to be absent from his head-quarters overnight.

(4.) When an officer travels and the fare paid includes subsistence, he shall be paid one-quarter of the allowance which would otherwise be payable.

(5.) All travelling allowances shall be in addition to cost of conveyance.

(6.) The period for which travelling allowance may be claimed shall be computed from time of departure by, to time of arrival on return of, the train, steamer or other conveyance by which the officer travels :

Provided that, in the case of an officer travelling on permanent transfer, the period shall be computed to the time of arrival at the place to which he has been transferred.

(7.) Where the General Manager is satisfied that, by reason of special circumstances, the travelling allowance which would otherwise be payable is insufficient to meet the expenses reasonably and necessarily incurred by an officer, the General Manager may increase the allowance.

(8.) Officers shall travel by such means of conveyance as the General Manager approves.

(9.) Where an officer stationed temporarily at any place and receiving travelling allowance, is required to visit any other place on official business, and thereby necessarily incurs extra personal expenses, he may be paid such additional allowance for the visit as the General Manager approves.

(10.) Where an officer who is absent from his head-quarters on duty is forced by illness not due to his own fault to take sick leave and he is unable to return to his own home, or, in the opinion of the Branch Manager, it is inexpedient for him to do so, he shall be paid an allowance equal to the cost to him of the illness, but not exceeding the amount to which he would have been entitled as travelling allowance if he had been on duty for the period of sick leave involved.

(11.) Where an officer who has been sent for duty at a temporary station returns to his home while on sick leave, payment of travelling allowance shall cease from the time of departure from the temporary station, but the cost of fares (not exceeding the cost which would have been involved in the officer's travelling between the temporary station and his head-quarters) to the officer's home and return to the temporary station, if he is required to resume duty at the temporary station, shall be borne by the Commission.

(12.) Subject to the next succeeding sub-regulation—

- (a) if an officer while on duty at a temporary station is entitled to travelling allowance and obtains leave of absence either with or without pay (other than sick leave under sub-regulation (10.) of this regulation) he shall not be paid travelling allowance in respect of his period of leave ; and
- (b) travelling allowance shall not be paid for the period from the time of an officer's departure from a temporary station to the time of his return in any case where he—
 - (i) leaves the temporary station prior to the time of commencement of leave of absence ; or
 - (ii) returns to the temporary station subsequent to the time of expiration of leave of absence.

(13.) Where an officer, while on duty at a temporary station, returns to his home or head-quarters for his own convenience for week-ends or public holidays without expense to the Commission for conveyance, travelling allowance may be continued to the officer for a period not exceeding four calendar days' absence in the aggregate from his temporary station.

(14.) For the purpose of payment of travelling allowance, an unmarried officer or a widower who is maintaining a home or supporting dependent relatives in circumstances which, in the opinion of the General Manager, justify his being deemed to be a married officer, shall be deemed to be a married officer.

(15.) In cases where the General Manager considers it justifiable, the Commission may provide means of conveyance for an officer to or from his place of duty, or may pay to an officer taxi hire not exceeding the sum of Five shillings, to or from his place of duty.

Car or cycle allowance.

80.—(1.) An officer who uses his own motor truck, motor car or cycle for official purposes, or an officer whose motor truck, motor car or cycle is used for official purposes, shall be paid therefor at a rate determined by the Commission.

(2.) An officer shall not be entitled to any payment under this regulation unless it is shown that the use of his motor truck, motor car or cycle results in a saving or greater efficiency than would be the case if other means of conveyance were employed.

(3.) Any payment or allowance made by the Commission to an officer in pursuance of these Regulations, or under the authority of the Commission, in respect of the use of a motor vehicle, shall not be deemed to be hire, reward or other consideration within the meaning of any State law relating to motor vehicles, transport or traffic, and the officer shall not be required to obtain any licence or permission or to pay any fee or tax under any State law by reason of the fact that he receives or is entitled to receive such a payment or allowance.

Meal allowance.

81. Officers shall be paid meal allowance at such rates, and under such conditions, as the Commission determines.

Higher duties allowance.

82.—(1.) Subject to this regulation, where an officer temporarily performs the whole of the duties of a position higher than his own position, he shall be paid an allowance to raise his salary to the minimum salary of the higher position for all time temporarily served in the higher position.

(2.) Where the performance of duty in a higher position is necessitated directly or indirectly by the absence of an officer on recreation leave, sick leave or leave for defence purposes, the period in respect of which the allowance shall be payable shall be such period as is in excess of twenty-six working days in each period of twelve months, but it shall not be necessary for a second period of twenty-six working days to be served without payment of allowance where the temporary service is continuous.

(3.) An officer paid an allowance under this regulation may, after the completion of twelve months' continuous service in the higher position, be paid increments as though he had been permanently promoted to that position.

(4.) If an officer who is acting temporarily in a higher position is permanently promoted thereto, he shall not suffer any reduction of salary, and shall be entitled to receive increments in the same manner as if his acting appointment had been permanent.

(5.) Where the range of salary of a higher position in which an officer is acting and the range of salary of his own position overlap, the officer shall, subject to sub-regulation (1.) of this regulation, be paid salary at such rate as the General Manager determines.

(6.) Where an officer temporarily performs a portion of the duties of a position higher than his own position, he shall be paid such allowance as the General Manager determines.

(7.) Notwithstanding the preceding provisions of this regulation, where an officer temporarily performs the whole or any portion of the duties of a senior officer, he shall be paid such allowance (if any) as the Commission determines.

(8.) Where an officer acts in a position the conditions of service in which are different from those of the position normally held by him he shall be subject to all the conditions of service in the position in which he is acting.

(9.) Allowances paid under this regulation shall be regarded as salary for the purposes of these Regulations.

Allowance for married minors.

83. The Commission may pay to a male officer under the age of twenty-one years who is married such allowance (if any) as the Commission determines.

Living away from home allowance.

84. Where an officer is appointed or transferred to a position the duties of which necessitate his living away from home, the Commission may pay to the officer an allowance at a rate equal to the sum by which the annual salary of the officer is less than One hundred and thirty-two pounds per annum.

85. The Commission may pay to a person appointed to the service of the Commission so much of the cost of the conveyance of himself and his family (if any) to the place at which he is required to perform his duties as exceeds Three pounds, or, in special circumstances, such additional amount as the Commission thinks fit. Fares of new appointees.

86.—(1.) Overtime may be paid to officers who are required to work before or after the usual hours of attendance in such cases, at such rates, and subject to such conditions, as the Commission determines. Overtime payments and Sunday and holiday duty.

(2.) An officer, whose duties do not ordinarily require him to work on Sundays or holidays, may be required by the Branch Manager to attend for duty on a Sunday or holiday, and he shall so attend unless, in the case of an officer required to attend on a Sunday, Christmas Day or Good Friday, he has religious objections against attending for duty on a Sunday, Christmas Day or Good Friday and has been granted permission to furnish a substitute.

(3.) An officer who attends for duty on a Sunday or holiday when so required may be paid, in respect of that attendance, at such rate, and subject to such conditions, as the Commission determines.

PART VI.—LEAVE AND HOLIDAYS.

87.—(1.) An officer shall not leave his office or other place of employment during business hours, except on official business or by express permission of the Branch Manager or the officer in charge of the section of the Branch. Any absence so permitted which is not on official business shall be recorded by the officer in charge of the attendance records. Absence from duty during business hours.

(2.) At the discretion of the Branch Manager, leave in respect of absence which is not on official business may be granted with or without pay, or may be deducted from recreation leave, but where the leave is not so deducted and payment is made for overtime worked during the six days succeeding the leave, the period of leave, or where the period of leave exceeds the period of overtime, so much of the period of leave as is equivalent to the period of overtime, shall be without pay.

88.—(1.) An officer shall not be absent from duty without authority unless he shows reasonable cause for his absence. Absence from duty in case of illness or emergency.

(2.) If an officer is prevented by illness or other emergency from attending duty, he shall forthwith report the fact to the officer under whose control he is placed and the first-mentioned officer shall furnish, in the case of illness, such evidence as is prescribed and, in the case of emergency, such evidence as the Branch Manager considers necessary.

89.—(1.) Every officer may be granted leave of absence for recreation. Recreation leave.

(2.) The period of leave which may be so granted shall, subject to these Regulations, be three weeks (exclusive of public holidays) in each year.

(3.) Where the Commission is satisfied that the duties of an officer cannot be performed within the usual hours of attendance for duty and no compensation in time or money is provided for the officer, the period of recreation leave which may be granted may exceed three weeks but shall not exceed four weeks.

(4.) An officer shall not be granted recreation leave until he has completed twelve months' service.

(5.) Each Branch Manager shall, wherever practicable, make arrangements whereby each officer in his Branch is granted recreation leave annually.

(6.) If leave is not taken in the year in which it accrues it shall, unless the Branch Manager otherwise directs, lapse, but, subject to these Regulations, recreation leave shall not, unless the Commission for some special reason otherwise determines, be accumulated for more than two years.

(7.) Recreation leave for any year shall not be taken in the year preceding the year in which it falls due.

(8.) Where an officer, since his last recreation leave, or, if the officer has not previously had recreation leave, since the date of his appointment, has been absent from duty for any cause (otherwise than on leave under regulation 72, 73, sub-regulation (1.) of regulation 92, or regulation 93 or 96, of these Regulations) for more than twenty-six working days in one or more periods, the period of recreation leave which may be granted to him shall be subject to a deduction of one and a half days for each twenty-six working days' absence after the first twenty-six working days.

(9.) A deduction shall not be made under the last preceding sub-regulation in respect of absence for which leave has been granted—

(a) where the Branch Manager is satisfied that the officer's absence is the direct result of illness due to war service or an injury sustained while on duty; or

(b) in circumstances in which the action of the officer is regarded by the Commission as being so meritorious in the public interest as to warrant special consideration.

(10.) For the purpose of calculating recreation leave due to an officer who, prior to his appointment to the service of the Commission, was a temporary employee or an officer of the Auxiliary Programme Staff, his service as such an employee or officer shall, if continuous with his service in the service of the Commission, be taken into account.

90.—(1.) The Commission may grant to an officer leave of absence on full pay for the purpose of enabling the officer to pursue a course of study or to undertake research work related to the duties of his office or the powers and functions of the Commission. Leave for purposes of study, &c.

(2.) Leave of absence under this regulation shall be granted for such period and upon such terms and conditions as the Commission determines.

91.—(1.) Where an officer's resignation has been accepted or an officer is about to be retired on reaching the age for retirement or owing to reduction of staff or on account of illness, he may be granted recreation leave due to him in respect of the calendar year in which his services terminate, provided he has reached the anniversary in that year of his appointment to the service of the Commission, or the anniversary of the date of commencement of his employment where the officer was, prior to his appointment to the service of the Commission, a temporary employee or an officer of the Auxiliary Programme Staff and his service as such an employee or officer was continuous with his service after appointment to the service of the Commission. Leave on resignation or retirement.

(2.) An officer whose resignation is accepted while he is on recreation leave for the current year may be permitted to complete the leave before his services terminate.

(3.) Recreation leave which has been deferred from a previous year to suit the Commission's convenience may also be granted under this regulation.

Short leave
of absence.

92.—(1.) A Branch Manager may, upon sufficient cause being shown, grant to any officer leave of absence not exceeding three days in any period of twelve months without deduction from recreation leave, but where payment is made for overtime worked during the six days' succeeding leave so granted, the period of leave, or, where the period of leave exceeds the period of overtime, so much of the period of leave as is equivalent to the period of overtime, shall be without pay.

(2.) In addition to leave granted under the last preceding sub-regulation, a Branch Manager may grant any officer leave of absence not exceeding three days in any period of twelve months subject to deduction of the period of leave from the officer's next recreation leave.

Leave for
war service.

93.—(1.) An officer who is serving in the Defence Force may be granted leave of absence in respect of the period of his service.

(2.) Leave of absence so granted shall, subject to these Regulations, be without pay.

(3.) An officer who is granted leave under this regulation shall, if the pay in respect of the first sixteen days of his service as a member of the Defence Force is less than his pay as an officer for that period, be paid an amount equal to the difference.

(4.) Where the Commission is satisfied that a saving has resulted to the Commission by reason of the employment of temporary employees to replace officers granted leave under this regulation at a lower salary, or by reason of re-organization, the Commission may, in its discretion, pay to any officer so granted leave or to any other person whom the Commission considers entitled to receive it, the whole or any part of the amount saved.

(5.) The period during which an officer is absent on leave granted under this regulation shall be included for all purposes as part of the officer's period of service.

Absence
without leave.

94. Where an officer absents himself from duty without leave, his pay for every day of the absence shall be deducted from his salary.

Leave of
absence
without pay.

95.—(1.) A Branch Manager may grant to any officer of his Branch leave of absence, not exceeding two weeks at any one time, without pay.

(2.) The Commission may grant to any officer 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 relating 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.

(3.) The period during which any officer is absent on leave granted under this regulation shall not, unless the Commission otherwise determines, be included for any purpose as part of the officer's period of service.

Arbitration
leave.

96.—(1.) The General Manager may grant leave of absence with full pay to any officer who attends as a witness in proceedings under the *Arbitration (Public Service) Act 1920-1934* or under the *Commonwealth Conciliation and Arbitration Act 1904-1934*, but only for such period as is necessary to enable evidence to be given.

(2.) The last preceding sub-regulations shall apply only to an officer stationed in the metropolitan area of a capital city in which the hearing takes place, or, subject to the production of a certificate of the Public Service Arbitrator or the Industrial Registrar that attendance was essential to the proper presentation of the case by an organization, or upon subpoena requiring the attendance of an officer, to an officer stationed beyond a radius of fifteen miles of the capital city.

(3.) The General Manager may grant leave of absence without pay to an officer who is a representative of an organization for the purpose of preparing evidence for submission in any proceedings under the *Arbitration (Public Service) Act 1920-1934* or under the *Commonwealth Conciliation and Arbitration Act 1904-1934*.

(4.) Leave shall not be granted under the last preceding sub-regulation to more than two representatives of an organization at any one time and the period of leave so granted shall not exceed three months in any twelve months.

(5.) Any period during which an officer is absent on leave granted under this sub-regulation shall be included for all purposes as part of the officer's period of service.

Sick leave.

97.—(1.) A Branch Manager may grant leave of absence on account of illness to an officer of his Branch in accordance with the provisions of this regulation.

(2.) Unless the officer produces a certificate by a legally qualified medical practitioner or other evidence approved by the Branch Manager as to the officer's unfitness for duty, leave so granted shall, except as provided in the next succeeding sub-regulation, be without pay.

(3.) It shall not be necessary for a medical certificate or other evidence of unfitness for duty to be produced in respect of an absence or absences not exceeding four days in the aggregate in any period of twelve months.

(4.) An officer absent from duty on recreation leave who becomes ill for a period of not less than ten days may, on production of a certificate by a legally qualified medical practitioner, be granted sick leave in accordance with the provisions of this regulation and recreation leave equivalent to the period of sick leave shall be cancelled.

(5.) The basis for determining the leave which may be granted shall be ascertained by crediting officers with periods of leave, which shall be cumulative, in accordance with the following table :—

	Leave on Full Pay.	Leave on Half Pay.	Leave on Third Pay.
	Working days.	Working days.	Working days.
On date of appointment	6	4	3
On completion of six months' service	6	4	3
On completion of twelve months' service	12	8	6
On completion of each additional twelve months' service	12	8	6

(6.) Where officers are required to attend for duty on the five days from Monday to Friday (inclusive)—

- (a) sick leave granted in respect of any portion of a week shall be calculated on an hourly basis ; and
- (b) sick leave granted for one or more complete weeks shall be calculated on the basis of six days in respect of each week.

(7.) To determine the leave for which an officer is eligible under this regulation, the leave which has been granted during his service at rates of full pay, half pay, and third pay respectively shall be deducted from the periods ascertained under the provisions of sub-regulation (5.) of this regulation, and the period remaining at each rate of pay shall be the amount of leave for which the officer is eligible.

(8.) In the event of the retirement of an officer under these Regulations on the ground of illness, the retirement shall not, except with the consent of the officer, be effected until the officer's credit of leave on full pay is exhausted :—

Provided that—

- (a) the continuous period for which an officer may be granted leave on full pay immediately prior to retirement shall not exceed fifty-two weeks ;
- (b) a further credit of leave shall not accrue to an officer subsequent to the date of the decision to retire him ; and
- (c) in no case shall an officer be entitled to sick leave extending beyond the day immediately preceding the sixty-fifth anniversary of his birth.

(9.) The maximum period of leave allowable with pay in respect of any continuous period of absence through illness shall be fifty-two weeks.

(10.) An officer who has exhausted all leave allowable with pay may be granted leave without pay but the maximum period of leave allowable with pay and without pay, in respect of any continuous period of absence, shall not exceed seventy-eight weeks. If the officer is not then fit to resume duty, he shall be retired from the service of the Commission.

(11.) Where an officer has been absent through illness for thirteen weeks continuously, the grant of further leave shall be subject to the officer being examined by a Commonwealth Medical Officer and if the Commonwealth Medical Officer cannot certify that it is likely that the officer will be able to resume duty within six months from the date of commencement of the current period of leave, the case shall be submitted to the Commission for decision as to the further leave, if any, which may be granted.

(12.) An officer who has been absent from duty on account of illness for a continuous period of not less than thirteen weeks shall not be permitted to return to duty unless a Commonwealth Medical Officer has certified that he is fit to resume duty.

(13.) Where an officer resumes duty after a period of continuous absence, due to illness, of less than thirteen weeks, the Branch Manager may, if he is of the opinion that the officer is not fit to resume duty, direct him to submit himself for examination by a Commonwealth Medical Officer, and if the examination discloses that the officer is unfit to resume duty, the Branch Manager shall grant such further leave of absence on account of illness as the medical report indicates is necessary.

(14.) Notwithstanding anything contained in this regulation, where—

- (a) an officer sustains physical injury while on duty, or in circumstances in which the action of the officer is regarded by the Commission as being so meritorious in the public interest as to warrant special consideration ;
 - (b) an officer suffers a breakdown in health and a Commonwealth Medical Officer certifies that the breakdown is due to overwork ; or
 - (c) an officer has given loyal and valuable service to the Commission for not less than ten years,
- the Commission may determine from time to time the period of leave of absence on account of illness which may be granted to that officer and the conditions under which the leave may be granted.

98. Where a person was retired from the service of the Commission on the ground of illness and is re-appointed to the service of the Commission, he shall be credited, upon re-appointment, with the sick leave (if any) at his credit immediately prior to his retirement.

Credit of sick leave on re-employment of retired officer.

99.—(1.) If a Branch Manager has reason to believe that an officer is in such a state of health as to render him a danger to his fellow officers or to the public, he may require the officer to submit himself for examination by a Commonwealth Medical Officer.

Health of officer rendering him a danger to others.

(2.) Upon receipt of the medical report the Branch Manager may direct the officer to absent himself from his duties for a specified period, or, if already on leave of absence, direct him to continue on leave for a specified period, and the officer's absence shall be regarded as absence on leave owing to illness.

100.—(1.) If, consequent upon a report by a legally qualified medical practitioner, that, by reason of contact with a person suffering from an infectious disease and through an operation of restrictions imposed by law, an officer is unable to attend for duty, the Branch Manager may grant the officer leave of absence.

Leave in cases of infectious disease contacts.

(2.) Leave of absence so granted shall be regarded as leave of absence on account of illness, but the officer may elect that the whole or any portion thereof shall be deducted from any recreation leave which is due to him instead of being regarded as leave of absence on account of illness.

(3.) Leave of absence under this regulation shall not be granted for any period beyond the earliest date at which it would be practicable for the officer to resume duty, having regard to the restrictions imposed by law.

Illness caused through misconduct.

101.—(1.) Leave shall not be granted with pay on account of illness caused by the misconduct of the officer, or in any case of absence from duty without sufficient cause.

(2.) Where a Branch Manager, or any officer approved for the purpose by the Branch Manager, has occasion for doubt as to the cause of the illness or the reason for absence of an officer, he may request a Commonwealth Medical Officer to visit and examine the officer, or may direct the officer to attend on the Commonwealth Medical Officer for examination.

Medical examination of officers.

102. An officer shall, when required by his Branch Manager to do so, submit himself for medical examination by a Commonwealth Medical Officer or other legally qualified medical practitioner selected or approved by the Branch Manager.

Public holidays.

103. The same days shall be observed as public holidays in the service of the Commission in any State or Territory as are observed as public holidays in the Commonwealth Public Service in that State or Territory.

PART VII.—DISCIPLINARY PROVISIONS.

Division 1.—General.

Offences.

104. An officer who—

- (a) wilfully disobeys or disregards any lawful order, instruction or direction made or given by the Commission or by any officer having authority to make or give the order, instruction or direction ;
- (b) is negligent or careless in the performance of his duties ;
- (c) is inefficient or incompetent through causes which appear to be within his own control ;
- (d) uses intoxicating liquor or drugs to excess ;
- (e) is guilty of any disgraceful or improper conduct, either in his official capacity or otherwise ;
- (f) contravenes or fails to comply with any of the provisions of these Regulations ;
- (g) having made and subscribed an oath or affirmation in accordance with the First Schedule to these Regulations, does or says anything in violation of that oath or affirmation ; or
- (h) has wilfully supplied to any officer or other person acting on behalf of the Commission any incorrect or misleading information in connexion with his appointment to the service of the Commission,

shall be guilty of an offence prejudicial to the good order and discipline of the Commission.

Payment of salary to suspended officers.
Officers taking part in strikes against Government.

105. Where an officer has been suspended under this Part he shall be paid his salary during the period of suspension unless the Commission otherwise determines.

106. Any officer in the service of the Commission who directly foments, or takes any part in, any strike which interferes with or prevents the carrying on of any part of the public services or utilities of the Commonwealth shall be deemed to have committed an illegal action prejudicial to the peace and good order of the Commonwealth and any such officer adjudged by the Commission, after investigation and hearing, to be guilty of any such action shall be summarily dismissed from the service of the Commission without regard to the provisions of these Regulations for dealing with offences prejudicial to the good order and discipline of the Commission.

Division 2.—Offences by Officers other than Senior Officers.

Minor offences.

107.—(1.) If a Branch Manager has reason to believe that any officer (not being a senior officer) employed in his Branch has committed an offence under regulation 104 of these Regulations and that the offence is a minor offence, he may call upon the officer for an explanation, and, if the officer does not furnish an explanation, or if the Branch Manager, after consideration of any explanation which is furnished, is of opinion that the offence has been committed, the Branch Manager shall report all the circumstances to the Controller of Administration.

(2.) If the Controller of Administration considers that the offence has been committed and is a minor offence, he may—

- (a) caution or reprimand the officer ; or
- (b) fine the officer an amount not exceeding One pound.

(3.) Any decision of the Controller of Administration under the last preceding sub-regulation shall be reviewed by the General Manager, who may confirm, annul or vary the decision of the Controller.

(4.) If the Controller of Administration considers that the offence has been committed but is a major offence, the matter shall be dealt with under the provisions of this Division relating to major offences.

Appeals Advisory Committee.

108.—(1.) For the purpose of this Division there shall be an Appeals Advisory Committee (in this Division referred to as “the committee”) consisting of three members.

(2.) The chairman and one other member of the committee shall be appointed by the Commission and shall hold office during the pleasure of the Commission and the third member of the committee shall be an officer who is a member of the Australian Broadcasting Commission Staff Association appointed by that Association for the purpose of the particular matter to be dealt with by the committee.

(3.) The chairman and the other members of the committee appointed by the Commission shall be senior officers.

109.—(1.) If a Branch Manager has reason to believe that an officer (not being a senior officer) Major offences. employed in his Branch has committed an offence under regulation 104 of these Regulations and, in the opinion of the Branch Manager, the offence is a major offence, the Branch Manager shall immediately charge the officer with an offence and shall forthwith furnish the officer with a copy of the charge.

(2.) If the Branch Manager considers that the offence is of such a nature that the officer should not continue in the performance of his duty he may, prior to, at the time of or subsequent to, the laying of a charge, suspend the officer.

(3.) Upon receipt of the copy of the charge, the officer shall forthwith state in writing to the Branch Manager whether he admits or denies the charge and may give an explanation with respect thereto.

(4.) If the officer does not admit the charge within seven days after the copy thereof is furnished to him, he shall be deemed to deny the charge.

(5.) The Branch Manager shall then forward to the Controller of Administration a report on the matter, together with a recommendation as to the action which, in the opinion of the Branch Manager, ought to be taken, and the reply and explanation (if any) received from the officer.

(6.) The Controller of Administration shall consider the reports and recommendations relating to the charge and the reply and explanation (if any) received from the officer together with any further reports which the Controller of Administration sees fit to obtain, and, if the officer has not admitted the charge, the Controller of Administration shall determine whether or not the charge has been sustained.

(7.) If the officer has been suspended, the Controller of Administration may remove the suspension pending the determination of the charge, and, if the Controller of Administration determines that the charge has not been sustained, he shall, if the officer is still suspended, immediately remove the suspension.

(8.) If the officer has admitted the charge or the Controller of Administration finds the charge to be sustained, the Controller of Administration may—

- (a) fine the officer a sum not exceeding Five pounds ;
- (b) reduce his salary ;
- (c) reduce the position occupied by him to a lower class ;
- (d) transfer him to some other position or locality, which transfer may be in addition to a fine or the reduction of his salary or position ;
- (e) dismiss the officer from the service of the Commission ; or
- (f) take such other action as he considers necessary.

(9.) Any decision of the Controller of Administration under the last preceding regulation shall be reviewed by the General Manager or, in the case of an officer whose salary exceeds Five hundred and twenty pounds per annum, by the Commission, and the General Manager or Commission, as the case may be, may confirm, annul or vary the decision of the Controller.

(10.) The Controller of Administration shall forthwith inform the officer of the punishment imposed but the punishment shall be provisional until the time for appealing has elapsed or, if the officer appeals, until the appeal is decided.

110.—(1.) The officer may, within seven days of being advised of the punishment imposed upon Appeals by him, appeal to the committee and the committee shall forthwith hear the appeal and forward a officers. recommendation to the General Manager that the decision appealed against be confirmed, annulled or varied.

(2.) An appeal to the committee may be made on the grounds of innocence of the charge or the severity of the punishment.

111.—(1.) Upon the hearing of an appeal by the committee the appellant shall be entitled to appear Proceedings before Appeals in person or by an officer nominated by him for the purpose. Advisory Committee.

(2.) The appellant or the officer nominated by him may examine witnesses and address the committee.

(3.) The Controller of Administration may be represented by an officer who may examine witnesses and address the committee.

(4.) The committee shall make a thorough investigation without regard to legal forms and solemnities and shall direct itself by the best evidence which it can procure or which is laid before it whether or not the evidence is such as would be admissible in any proceedings before a court.

(5.) The chairman of the committee may, by writing under his hand, summon any person to attend the committee at a time and place mentioned in the summons and then and there to give evidence and to produce any books, documents and writings in his custody or under his control which he is required by the summons to produce.

(6.) The chairman of the committee may administer an oath or affirmation to any person appearing as a witness before the committee, whether the witness has been summoned or appears without being summoned, and may examine the witness upon oath or affirmation.

(7.) A witness before the committee shall not knowingly give false testimony in any evidence given by him to the committee.

112.—(1.) The committee shall forward its recommendation to the General Manager, who shall Determination of appeal. consider the recommendation of the committee and determine the appeal.

(2.) In determining the appeal, the General Manager may confirm or vary the decision appealed against but the General Manager shall not increase any penalty imposed on the appellant.

(3.) Any decision of the General Manager as to the penalty to be imposed on an officer in receipt of salary exceeding Five hundred and twenty pounds per annum shall be reviewed by the Commission, who may confirm, annul or vary the decision of the General Manager, but the Commission shall not increase any penalty imposed on the appellant.

(4.) The General Manager shall notify the appellant of the decision.

Appeal from
decision.

113.—(1.) The appellant may, within seven days after the notification to him of the decision of the appeal, apply to the Chairman of the Commission for permission to appeal to the Chairman and the Chairman shall decide whether or not to permit the appeal to be made.

(2.) If the Chairman permits the appeal to be made, the Chairman shall, subject to this regulation, hear the appeal and shall confirm, vary or annul the decision against which the appeal is made, but the Chairman shall not increase any penalty imposed on the appellant.

(3.) The Chairman may authorize the General Manager to hear any appeal under this regulation and to exercise the powers of the Chairman in connexion therewith but the appeal shall be determined by the Chairman.

(4.) An appeal may be made on the grounds of innocence of the charge or severity of the punishment.

Proceedings
on appeal to
Chairman.

114.—(1.) Upon the hearing of an appeal by the Chairman the appellant shall, at the discretion of the Chairman, be entitled to appear in person or by an officer nominated by him for the purpose.

(2.) The Chairman shall make a thorough investigation without regard to legal forms and solemnities and shall direct himself by the best evidence which he can procure or which is laid before him, whether or not the evidence is such as would be admissible in any proceedings before a court.

(3.) The Chairman may, by writing under his hand, summon any person to attend the hearing at a time and place mentioned in the summons and then and there to give evidence and to produce any books, documents and writings in his custody or under his control which he is required by the summons to produce.

(4.) The Chairman may administer an oath or affirmation to any person appearing as a witness before him, whether the witness has been summoned or appears without being summoned, and may examine the witness upon oath or affirmation.

(5.) A witness before the Chairman shall not knowingly give false testimony in any evidence given by him to the Chairman.

Officers
charged with
criminal
offences.

115.—(1.) Where an officer (not being a senior officer) is charged with a criminal offence against any law of the Commonwealth or of a State or Territory of the Commonwealth punishable either on indictment or on summary conviction, the Branch Manager may suspend the officer and shall immediately report the circumstances to the Controller of Administration.

(2.) If, upon the hearing of the charge by any court, the officer is found guilty of the offence, the Controller of Administration may, whether the officer has been suspended or not—

- (a) reduce his salary ;
- (b) reduce the position occupied by him to a lower class ;
- (c) transfer him to some other position or locality, which transfer may be in addition to the reduction of his salary or position ;
- (d) dismiss the officer from the service of the Commission ; or
- (e) take such other action as he considers necessary.

(3.) Any decision of the Controller of Administration under the last preceding sub-regulation shall be reviewed by the General Manager or, in the case of an officer whose salary exceeds Five hundred and twenty pounds per annum, by the Commission, and the General Manager or Commission, as the case may be, may confirm, annul or vary the decision.

(4.) The Controller of Administration shall forthwith inform the officer of the punishment imposed but the punishment shall be provisional until the time for appealing has elapsed, or if the officer appeals, until the appeal is decided.

(5.) Where an officer is punished under this regulation, the provisions of regulations 110 to 114 (inclusive) of these Regulations shall be applicable as if the officer had been punished under regulation 109 of these Regulations but an appeal may be made only on the ground of severity of the punishment.

(6.) The Controller of Administration may at any time remove the suspension of an officer suspended under this regulation whether before or after conviction.

(7.) This regulation shall not prevent an officer from being dealt with under some other provision of these Regulations but an officer shall not be punished under these Regulations twice in respect of the same offence or matter.

Division 3.—Offences by Senior Officers.

Offences
by senior
officers.

116.—(1.) If the General Manager has reason to believe that a senior officer has committed an offence under regulation 104 of these Regulations, the General Manager may charge the officer with the offence and may, prior to, at the time of, or subsequent to, the laying of the charge suspend the officer.

(2.) The Commission shall forthwith furnish the officer with a copy of the charge and the officer shall forthwith state in writing to the Commission whether he admits or denies the charge and may give an explanation with respect thereto.

(3.) If the officer does not admit the charge within seven days after the copy thereof is furnished to him, he shall be deemed to deny the charge.

(4.) The General Manager shall then forward a report to the Commission as to the matter, together with a recommendation as to the action which, in his opinion, ought to be taken.

(5.) The Commission shall consider the report and recommendation relating to the charge and the reply and explanation (if any) of the officer charged together with any further reports which the Commission sees fit to obtain and, if the officer has not admitted the charge, shall determine whether or not the charge has been sustained.

(6.) If the officer has been suspended, the Commission may remove the suspension pending the determination of the charge, and if the Commission determines that the charge has not been sustained, the Commission shall, if the officer is still suspended, immediately remove the suspension.

(7.) If the officer has admitted the charge or the Commission finds the charge to be sustained, the Commission may—

- (a) fine the officer a sum not exceeding Ten pounds ;
- (b) reduce his salary ;
- (c) reduce the position occupied by him to a lower class ;
- (d) transfer him to some other position or locality, which transfer may be in addition to a fine or reduction of his salary or position ;
- (e) dismiss the officer from the service of the Commission ; or
- (f) take such other action as the Commission considers necessary.

(8.) The Commission shall forthwith inform the officer of the punishment imposed but the punishment shall be provisional until the time for requesting the matter to be reconsidered has elapsed, or if the officer requests that the matter be reconsidered, until the matter has been reconsidered.

117.—(1.) The officer may, within seven days after being advised of the punishment imposed, request the Commission to reconsider the matter and the Commission shall reconsider the matter as soon as practicable and may affirm, annul or vary its previous decision. Reconsideration by Commission.

(2.) The Commission shall notify the officer of its decision.

(3.) The officer may request the Commission to reconsider the matter on the grounds of innocence of the charge or severity of the punishment.

(4.) When the matter is being reconsidered by the Commission, the officer concerned and two senior officers (whether members of the Australian Broadcasting Commission Senior Officers' Association or not) selected by him shall be entitled to appear before the Commission and address the Commission.

(5.) The officer concerned and, if the officer is a member of the Australian Broadcasting Commission Senior Officers' Association, that association, shall be furnished with a transcript of the proceedings.

118.—(1.) Where a senior officer is charged with a criminal offence against any law of the Commonwealth or of a State or Territory of the Commonwealth punishable either on indictment or on summary conviction, the General Manager may suspend the officer. Senior officers charged with criminal offences.

(2.) If, upon the hearing of the charge by any court, the officer is found guilty of the offence, the Commission may, whether the officer has been suspended or not—

- (a) reduce his salary ;
- (b) reduce the position occupied by him to a lower grade ;
- (c) transfer him to some other position or locality, which transfer may be in addition to the reduction of his salary or position ;
- (d) dismiss the officer from the service of the Commission ; or
- (e) take such other action as it considers necessary.

(3.) The Commission shall forthwith inform the officer of the punishment imposed but the punishment shall be provisional until the time for requesting the matter to be reconsidered has elapsed or, if the officer requests that the matter be reconsidered, until the matter has been reconsidered.

(4.) Where an officer is punished under this regulation, the provisions of the last preceding regulation shall be applicable as if he had been punished under regulation 116 of these Regulations but the officer may request that the matter be reconsidered only on the ground of severity of the punishment.

(5.) The Commission may at any time remove the suspension of an officer suspended under this regulation whether before or after conviction.

(6.) This regulation shall not prevent an officer from being dealt with under some other provision of these Regulations, but an officer shall not be punished under these Regulations twice in respect of the same offence or matter.

Division 4.—Offences by the General Manager.

119.—(1.) If the Commission or the Chairman has reason to believe that the General Manager has committed an offence under regulation 104 of these Regulations, the Commission or the Chairman may charge the General Manager with the offence and may, prior to, at the time of, or subsequent to, the laying of the charge suspend the General Manager. Offences by the General Manager.

(2.) If the Commission determines that the charge has not been sustained, the Commission shall immediately remove the suspension.

(3.) The General Manager shall be furnished immediately with a copy of the charge and shall forthwith state in writing whether he admits or denies the charge and may give an explanation in writing thereof.

(4.) If the General Manager does not admit the charge within seven days after the copy thereof is furnished to him, he shall be deemed to deny the charge.

(5.) The Commission shall consider the reply and explanation (if any) of the General Manager, together with any reports which the Commission sees fit to obtain and, if the General Manager has not admitted the charge, shall determine whether or not the charge has been sustained.

(6.) If the General Manager has admitted the charge or the Commission finds the charge to be sustained, the Commission shall have power to take such action as it considers desirable in the circumstances, including power to dismiss the General Manager from the service of the Commission.

120.—(1.) Where the General Manager is charged with a criminal offence against any law of the Commonwealth or a State or Territory of the Commonwealth punishable either on indictment or summary conviction, the Commission or Chairman may suspend the General Manager. General Manager charged with criminal offence.

(2.) If, upon the hearing of the charge by any court, the General Manager is found guilty of the offence, the Commission shall have power to take such action as it considers desirable in the circumstances, including power to dismiss the General Manager from the service of the Commission.

(3.) The Commission may at any time remove the suspension of the General Manager whether before or after conviction.

(4.) This regulation shall not prevent the General Manager from being dealt with under some other provision of these Regulations but the General Manager shall not be punished under these Regulations twice in respect of the same matter.

PART VIII.—TEMPORARY EMPLOYEES.

Applications
for temporary
employment.

121. Every applicant for appointment as a temporary employee shall submit his application, in such form as the General Manager determines, and shall supply such evidence as is required by the General Manager as to his age, character, health and qualifications for the employment he desires, and any other information considered necessary by the General Manager.

Salaries of
temporary
employees.
Duration of
temporary
employment.
Recreation
leave for
temporary
employees.

122. The salary of a temporary employee shall be at such rate as the General Manager determines.

123. Temporary employees shall hold office during the pleasure of the General Manager.

124.—(1.) A temporary employee who is employed continuously for more than twelve months shall be entitled to three weeks (exclusive of public holidays) leave of absence for recreation for each completed twelve months' continuous service.

(2.) The provisions of sub-regulations (8.) and (9.) of regulation 89 of these Regulations shall be applicable in relation to recreation leave granted under this regulation.

(3.) Where leave under this regulation has been deferred and it is not possible to grant the leave before the termination of employment or, if on the completion of twelve months' service, the services of the employee are no longer required, the employee shall be paid an amount equivalent to the pay for the period of leave deferred.

Sick leave—
temporary
employees who
are returned
soldiers.

125.—(1.) A temporary employee who is a returned soldier may be granted leave of absence on account of illness in accordance with the provisions of this regulation.

(2.) Where the employee has not completed twenty-six days' actual duty, the Branch Manager may, if he is satisfied that the absence is due to illness, grant the employee leave of absence without pay.

(3.) Where the employee has completed twenty-six days' actual duty, the Branch Manager may, if he is satisfied that the absence arose from illness due to causes beyond the employee's own control, grant leave of absence—

(a) with pay, at the rate of one day for each twenty-six days of service in respect of which sick leave with pay has not been previously granted ; and

(b) without pay, at the rate of two days for each twenty-six days of service, except during the first twelve months of service, when leave not exceeding twenty-four days may be granted.

(4.) The grant of leave of absence with pay shall be subject to the production of a medical certificate where the absence exceeds one day or the employee has been previously absent for one day with pay on two or more occasions during the previous twelve months :

Provided that, in the case of an employee who has completed at least twelve months' continuous service, it shall not be necessary for a medical certificate to be produced in respect of an absence or absences not exceeding four days in the aggregate in any period of twelve months.

(5.) Where an employee has completed a period of twelve months' continuous employment he shall, as from the completion of that period, and so long as he is continuously employed, be eligible for sick leave as though he had been permanently appointed at the commencement of that period of twelve months, subject to a deduction from the sick leave for which he thereby becomes eligible of any sick leave that has been granted during that period.

(6.) Leave allowable under this regulation which is not availed of by an employee during the period in which it accrues shall be allowed to accumulate.

(7.) Where an employee has exhausted all sick leave with pay to which he is entitled under this regulation and where satisfactory medical evidence is produced that the illness is due to war service, the Branch Manager may grant further sick leave with half pay for a period not exceeding six days in any twelve months, or, in the case of an officer required to attend for duty on the five days from Monday to Friday (inclusive), five days in any twelve months.

Sick leave—
temporary
employees
who are not
returned
soldiers.

126.—(1.) A temporary employee who is not a returned soldier may be granted leave of absence on account of illness if the Branch Manager is satisfied that the absence arose from illness due to causes beyond the employee's own control, in accordance with the provisions of this regulation.

(2.) Where the employee has not completed fifty-two days' actual duty, the Branch Manager may grant leave without pay.

(3.) Where the employee has completed fifty-two days' actual duty the Branch Manager may grant leave at the rate of one day with pay and two days without pay for every twenty-six days' service, but not more than six days with pay and twenty-four days without pay shall be granted in respect of any twelve months' service.

(4.) The grant of leave of absence with pay shall be subject to the production of a medical certificate where the absence exceeds one day or the employee has been previously absent for one day with pay on two or more occasions during the previous twelve months :

Provided that, in the case of an employee who has completed at least twelve months' continuous service, it shall not be necessary for a medical certificate to be produced in respect of an absence or absences not exceeding four days in the aggregate in any period of twelve months.

(5.) Where an employee has completed a period of twelve months' continuous employment he shall, as from the completion of that period, and so long as he is continuously employed, be eligible for sick leave as though he had been permanently appointed at the commencement of that period of twelve months, subject to a deduction from the sick leave for which he thereby becomes eligible of any sick leave that has been granted during that period.

(6.) Leave allowable under this regulation which is not availed of by an employee during the period in which it accrues shall be allowed to accumulate.

127. Notwithstanding anything contained in the last two preceding regulations, where a temporary employee sustains physical injury while on duty, or in circumstances in which the action of the employee is regarded by the Commission as being so meritorious in the public interest as to warrant special consideration, the Commission may determine from time to time the period of leave of absence on account of the injury which may be granted to that officer and the conditions under which the leave may be granted.

Sick leave for temporary employees injured while on duty, &c.

128. Subject to this Part, the provisions of regulations 17, 18, 19, 25, 27, 44, 45, 46, 48, 49, 50, Part IV., and regulations 79, 80, 81, 83, 84, 85, 86, 87, 88, 92, 93 (except sub-regulation (4.)), 94, 95 (except sub-regulation (2.)), 96, 99, 100, 101, 102 and 103 of these Regulations shall, *mutatis mutandis*, apply to temporary employees.

Application of Regulations to temporary employees.

PART IX.—AUXILIARY PROGRAMME STAFF.

129.—(1.) The Commission may appoint persons to be officers of the Auxiliary Programme Staff of the Commission.

Appointments to Auxiliary Programme Staff.

(2.) Officers so appointed shall hold office during the pleasure of the Commission.

130. The salary of an officer of the Auxiliary Programme Staff shall be at such rate as the Commission determines.

Salaries of officers of the Auxiliary Programme Staff.

131. The provisions of regulations 17, 18, 19, 25, 27, 44, 45, 46, 48, 49, 50, Part IV., regulations 79, 80, 81 and Part VI. of these Regulations shall, *mutatis mutandis*, apply to officers of the Auxiliary Programme Staff.

Application of Regulations to officers of the Auxiliary Programme Staff.

THE SCHEDULES.

Reg. 26.

FIRST SCHEDULE.

OATH.

I, A.B., do swear that I will be faithful and bear true allegiance to the King, and will loyally as in duty bound uphold the Constitution of the Commonwealth of Australia established under the Crown of the United Kingdom.

So help me God!

AFFIRMATION.

I, A.B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to the King, and will loyally as in duty bound uphold the Constitution of the Commonwealth of Australia established under the Crown of the United Kingdom.

Reg. 62.

SECOND SCHEDULE.

AUSTRALIAN BROADCASTING COMMISSION.

Declaration of Secrecy.

I [*full name*], of [*address*], do solemnly and sincerely declare that I will be true and faithful in the execution of my duties, and that I will hold strictly secret all information obtained by me in the performance of my duties. And I further declare that, except in the course of official duty, I will not communicate any official information without the written approval of the General Manager.

(Signature of Officer.)

Declared before me at _____ of _____ 19 _____ this _____ day

A Justice of the Peace.

A Commissioner for Declarations.