



PUBLIC SERVICE AMENDMENT NO. 2 ACT 1988

Act No. 22 of 1988

An Act to amend the *Public Service Act 1979*

[Assented to 28 October 1988]

BE IT ENACTED by the Legislative Assembly of Norfolk Island as follows —

Short title

1. This Act may be cited as the *Public Service Amendment No. 2 Act 1988*.

Commencement

2. This Act shall come into operation on a date fixed by the Administrator by notice published in the Gazette.

Principal Act

3. The *Public Service Act 1979* is in this Act referred to as the Principal Act.

Sick leave

4. Section 30 of the Principal Act is amended —

(a) by omitting subsection (1) and substituting —

“ **(1)** If an officer is unfit to work because of illness or injury, leave of absence may be granted to the officer in accordance with this section.

(1A) If, in any period of 12 months, an officer has been granted under this section leave totalling 20 days, the Board may grant further leave to the officer in accordance with this section for such period as the Board determines.

(1B) Where subsection (1A) does not apply, the Chief Administrative Officer may grant leave to an officer in accordance with this section for periods not exceeding, in

respect of the officer, a total of 20 days in any period of 12 months.

(1C) The Board or Chief Administrative Officer may, in relation to the grant or continuation of an officer's leave under this section —

- (a) require the provision in relation to the officer of a certificate by a medical practitioner as to the extent or degree of the officer's unfitness to work; or
- (b) require the officer to make himself or herself available for medical examination by a specified medical practitioner, and to provide to the Board or Chief Administrative Officer, as the case may be, a report by the medical practitioner on the results of the examination and as to the extent or degree of the officer's unfitness to work.”; and

(b) by adding at the end —

“ **(5)** The Board, during a period of leave granted under subsection (1A), shall from time to time review the fitness to work of the officer to whom the leave was granted, and may —

- (a) for that purpose, require the provision of a certificate or further certificate under paragraph (1C)(a) or a report or further report under paragraph (1C)(b); and
- (b) if it is satisfied that the leave is no longer necessary, terminate the leave before the end of the period for which it was granted.

(6) If an officer is unfit because of illness or injury to perform the officer's normal duties, but the Board is satisfied, after having had regard to the extent or degree of the officer's unfitness, that the officer is capable of performing alternative, light or part-time duties, the Board may, instead of granting leave under this section, require the officer to perform alternative, light or part-time duties allocated to the officer by the Chief Administrative Officer.

(7) If the Board requires an officer under subsection (6) to perform —

- (a) alternative or light duties - the salary payable to the officer in respect of the officer's normal duties continues to be payable in respect of the alternative or light duties, even though the salary payable for those duties would otherwise be less than that payable for the officer's normal duties; or
- (b) part-time duties - the Board may grant leave under this section in respect of days on which the officer is not required to perform those part-time duties.

(8) Leave granted under this section is not, and shall not be included in, leave of absence for recreation purposes.

(9) Leave shall not be granted under this section in respect of a period after the retirement of an officer under section 38 or 39.”.

Public holidays

5. Section 40 of the Principal Act is amended by omitting subsection (3).

Hours of duty

6. Section 42 of the Principal Act is amended by omitting from paragraph (1)(a) “36 hours 45 minutes” and substituting “38 hours”.

Notified Gazette No. 52, 3 November 1988.

Commenced 10 November 1988 (Gazette No. 52, 3 November 1988)

This enactment amends Act No. 7 of 1979 as previously amended by Act No. 4 of 1979, Act No. 8 of 1980, Act No. 1 of 1986, Act No. 8 of 1986, Act No. 14 of 1986, Act No. 21 of 1986 (as amended by Act No. 22 of 1986), Act No. 27 of 1986, Act No. 13 of 1987 and Act No. 6 of 1988.

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