



ANNO QUINTO

GEORGI VI REGIS.

A.D. 1941.

No. 22 of 1941.

An Act to amend the Public Service Act, 1936-1940, so as to provide for temporary employment in the service of the Government during the present war.

[Assented to 6th November, 1941.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Public Service Act Amendment Act, 1941".

(2) The Public Service Act, 1936-1940, as amended by this Act, may be cited as the "Public Service Act, 1936-1941".

(3) The Public Service Act, 1936-1940, is hereinafter referred to as the "principal Act".

Amendment of principal Act—

2. The principal Act is amended by inserting therein after section 49 the following section :—

Temporary employment during the present war of persons over the age of retirement.

49a. (1) Notwithstanding this or any other Act or law any person who being a male has attained the age of sixty-five years or being a female has attained the age of sixty years, may be employed temporarily in the employ of the Government of the State. This section shall, without restricting the effect of the foregoing provisions of this section, apply to any person who has previously retired from the employ of the Government of the State, whether such person retired on attaining the age of retirement or otherwise.

(2) If so temporarily employed in other than the service of the South Australian Railways or other than as a teacher in the Education Department, any such person shall be selected by the Commissioner and employed by the Minister and shall be paid at the rates determined from time to time by the Commissioner as applicable to the work performed and the services of any such person may be dispensed with at any time by the Commissioner or by the permanent head.

(3) If so temporarily employed in the service of the South Australian Railways, any such person shall be employed by the South Australian Railways Commissioner and shall be paid at the rates determined from time to time by the South Australian Railways Commissioner as applicable to the work performed and the services of any such person may be dispensed with at any time by the South Australian Railways Commissioner.

(4) If so temporarily employed as a teacher in the Education Department, any such person shall be employed by the Minister of Education and shall be paid at the rates determined by the Minister of Education as applicable to the work performed and the services of any such person may be dispensed with at any time by the Minister of Education or the Director of Education.

(5) A person may be temporarily employed under this section during the present war and during the period of twelve months after the termination of the present war, but no longer, and shall not be so employed after attaining the age of seventy years, if a male, or sixty-five years, if a female.

(6) A person may be temporarily employed under this section notwithstanding that, at the time he is so employed, he is an officer on long leave of absence under section 75. In such a case the appointment of such person as such an officer shall be determined on his being temporarily employed under this section and the Minister shall pay to such person the balance of the salary which would be payable to him during the currency of the long leave of absence, but for the purposes of the Superannuation Act, 1926-1940, and the Public Service Superannuation Fund Acts, 1902 and 1919, such person shall not be deemed to have retired from the employ of the Government until the expiry of the period during which, but for this subsection, the long leave of absence would have continued.

(7) Every person temporarily employed under this section shall be entitled to leave of absence for recreation

1941. Public Service Act Amendment Act, No. 22.
1941.

or sickness as provided by section 74 or by any regulation under this or any other Act, but shall not by virtue of such temporary employment be entitled to any of the benefits or privileges of an officer under section 75.

(8) Every person temporarily employed under this section shall during such temporary employment continue to be entitled to receive payment of any pension on retirement to which he may be entitled under the Superannuation Act, 1926-1940, or the Public Service Superannuation Fund Acts, 1902 and 1919.

(9) In this section "the present war" means the war in which His Majesty is engaged and which commenced on the third day of September, nineteen hundred and thirty-nine; and for the purposes of this section the present war shall be deemed to continue until the day on which a proclamation is issued by the Governor-General declaring that that war has ceased.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. M. BARCLAY-HARVEY, Governor.