



ANNO DUODECIMO

**GEORGI VI REGIS.**

A.D. 1948.

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**No. 39 of 1948.**

An Act to amend the Public Service Act, 1936-1947.

[Assented to 16th December, 1948.]

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

1. (1) This Act may be cited as the "Public Service Act Amendment Act, 1948". Short titles.

(2) The Public Service Act, 1936-1947, as amended by this Act may be cited as the "Public Service Act, 1936-1948".

(3) The Public Service Act, 1936-1947, is hereinafter called "the principal Act".

2. The several sections of this Act other than sections 1, 2, and 3, shall come into operation on such days as are respectively fixed by the Governor by proclamation. Commencement.

3. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

4. (1) Section 4 of the principal Act is amended by striking out the definition of "board" therein and inserting in lieu thereof the following definition :— Amendment of s. 4 of principal Act—  
Definitions.

"the board" means The Public Service Board appointed under this Act :

(2) Section 4 is further amended by striking out the definition of "member of the board" and inserting in lieu thereof the following definition :—

“member” where used to indicate a member of the board, includes the chairman of the board.

Repeal of sections 7 to 14 of principal Act and enactment of other provisions—

5. The heading appearing before section 7 of the principal Act and consisting of the words “The Classification and Efficiency Board” and sections 7 to 14 (inclusive) of the principal Act are repealed and the following heading and sections are enacted in lieu thereof:—

*The Public Service Board.*

Appointment of Public Service Board.

7. (1) There shall be constituted a board to be called “The Public Service Board”.

(2) Subject to section 8 of this Act, the board shall consist of—

(a) a chairman appointed by the Governor after consultation by the Minister with the President and General Secretary of the Association;

(b) a person appointed by the Governor;

(c) a member of the Association appointed by the Governor upon the nomination of the Council of the Association.

(3) A casual vacancy on the board shall be filled in the same way as an ordinary vacancy.

Appointment of member for hearing appeals.

8. (1) If the Public Service Commissioner is appointed as a member of the board (whether as the chairman or as an ordinary member) the Governor shall appoint a person as a fourth member of the board.

(2) The Public Service Commissioner shall not sit on the board on the hearing of any appeal under section 52 or section 69 of this Act against a decision given by himself but on the hearing of every such appeal the board shall be constituted of the two members other than the Public Service Commissioner, and the fourth member appointed under this section.

(3) If the Public Service Commissioner is chairman of the board, the fourth member shall sit as chairman on the hearing of the said appeals, and if the Public Service Commissioner is an ordinary member of the board the fourth member shall sit as an ordinary member on the hearing of those appeals.

(4) The fourth member of the board shall not act as a member except as provided in this section.

Term of office.

9. (1) Every member of the board shall hold office until the thirtieth day of June in the fourth year after the year in which he was appointed, and upon the expiration

of his term shall be eligible for re-appointment : Provided that a person appointed to a casual vacancy on the board shall hold office only for the balance of the term of his predecessor.

(2) The office of a member of the board shall become vacant—

- (a) upon his death or resignation ;
- (b) in the case of a member nominated by the Association, if he ceases to be a member of the Association ;
- (c) in any case, if he is dismissed by the Governor for dishonourable conduct, neglect of duties, or mental or physical incapacity to perform his duties.

10. (1) If for any reason any member of the board is unable to act as such a temporary member may be appointed in the same way as an ordinary member.

Temporary members of the board.

Every temporary member shall hold the qualifications required by this Act for an ordinary member.

(2) The Governor shall by the minute of appointment of a temporary member, indicate the period during which, or the matters on which, the temporary member is to act, and the temporary member may act accordingly in the place of the member who is unable to act.

11. Each member of the board shall receive such remuneration for his services as the Governor determines, which remuneration may, if the Governor so directs, be in addition to any salary received by the member as an officer of the public service.

Remuneration.

12. (1) Two members of the board shall form a quorum thereof.

Quorum and majority decisions.

(2) A decision concurred in by two members of the board shall be regarded as a decision of the whole board.

(3) If at any meeting of the board only two members are present and they differ in opinion upon any matter, the determination of that matter shall be postponed until all the members are present.

13. (1) The Governor may appoint a secretary to the board and such other officers as may be necessary to assist the board.

Secretary and officers of the board.

(2) The secretary and other officers of the board shall discharge such duties and exercise such functions as the board requires.

Power of  
board to  
delegate.

14. (1) The board may, by writing under the hand of each member of the board, delegate to any member of the board or to any officer, any of the powers of the board under this Act (except this power of delegation) so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified, or the place or locality defined, in the instrument of delegation.

(2) Every such delegation shall be revocable in writing at will, and no delegation shall prevent the exercise of any power by the board.

(3) If in pursuance of any delegation given to him any delegate of the board makes any recommendation, the permanent head of the department affected or the general secretary may request that the recommendation be referred to the board, and in that event the recommendation of the delegate shall not be deemed to be a recommendation of the board unless it is indorsed by the board.

Temporary  
powers of  
Classification  
and Efficiency  
Board.

14a. During the period between the passing of the Public Service Act Amendment Act, 1948, and the constitution of the board, the Classification and Efficiency Board in existence at the time of the passing of the Public Service Act Amendment Act, 1948, shall remain in office and continue to exercise the powers which it would have had if the said Act had not been passed.

Enactment of  
s. 20a of  
principal Act—

6. The following section is enacted and inserted in the principal Act after section 20 :—

Other functions  
of  
Commissioner.

20a. (1) In addition to the duties elsewhere in this Act imposed on him the Commissioner shall have the following duties :—

(a) To devise means for effecting economies and promoting efficiency in the management and working of departments by—

- (i.) improved organization and procedure ;
- (ii.) closer supervision ;
- (iii.) the simplification of the work of each department, and the abolition of unnecessary work ;
- (iv.) the co-ordination of the work of departments ;
- (v.) the limitation of the staff of each department to actual requirements, and the use of such staff to the best advantage ;

(vi.) the improvement of the training of officers ;

(vii.) the avoidance of unnecessary expenditure.

(b) To perform such other functions in relation to the public service as are prescribed.

(2) If the Commissioner is of opinion that any means ought to be adopted for achieving any of the objects mentioned in paragraph (a) of the last preceding subsection, he shall advise the permanent head of the department of his suggestions or proposals.

(3) If the permanent head does not concur in or adopt the suggestions or proposals he shall, within a reasonable time, inform the Commissioner of the reason therefor.

(4) Thereupon the Commissioner may, if he thinks fit, report the matter to the Minister administering the department, and if the Commissioner's suggestions or proposals are not approved or adopted by the Minister within a reasonable time, the Commissioner shall report the matter to both Houses of Parliament either in a special report or in his annual report.

7. (1) Section 30 of the principal Act is amended by adding at the end of subsection (3) thereof the following proviso :—

Amendment of  
s. 30 of the  
principal Act—  
Returns.

Provided that if the board is satisfied by such evidence as it requires, that by reason of special circumstances it is equitable that any salary fixed by any return, or any variation of or addition to a return, should be payable as from a day earlier than the day when the return or variation, or addition, comes into operation, it may make an order that that salary shall be so payable ; but the day fixed by any such order shall not be earlier than the day on which the application for the fixation of the salary in question was made to the board.

(2) Section 30 of the principal Act is further amended by inserting at the end thereof the following subsection :—

(5) Any return in force immediately before the appointment of the board shall, subject to any variations and additions made by the board or to the rescission thereof, have effect as if it had been made by the board.

8. Section 32 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof :—

Repeal and  
re-enactment  
of s. 32 of  
principal Act—

32. The board may appoint a properly qualified person to be an assessor to assist it in classifying any office.

Assessors.

Amendment of  
s. 55 of  
principal Act—  
Re-arrange-  
ment of officers  
and work.

9. Section 55 of the principal Act is amended by striking out the word "board" in the sixth line and inserting in lieu thereof the word "Commissioner".

Amendment of  
s. 69 of  
principal Act—  
Grievances.

10. Section 69 of the principal Act is amended by striking out the word "officer" in the first line and inserting in lieu thereof the words "person employed under this Act";

Amendment of  
s. 75 of  
principal Act—  
Long leave of  
absence.

11. (1) Section 75 of the principal Act is amended—

(a) by adding at the end of subsection (1a) thereof the following paragraph:—

(c) in respect of each complete year of service in excess of twenty years not more than nine days leave on full pay, or eighteen days leave on half pay; and

(b) by striking out subsection (1c) and inserting in lieu thereof the following:—

(1c) An officer shall not be entitled under this section to more than three hundred and sixty-five days' leave on full salary, or the equivalent of such leave.

For the purposes of this subsection two days' leave on half salary shall be deemed to be equal to one day's leave on full salary.

(2) The amendment made by this section shall apply only in respect of leave which commences after this section comes into operation.

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

C. W. M. NORRIE, Governor.