

PUBLIC SERVICE (AMENDMENT)
ACT.

Act No. 36, 1922.

An Act to provide for the determination of the remuneration of certain public servants; to define the constitution, powers, and duties of certain salaries committees; to provide for the representation of public servants thereon; to amend the Public Service Act, 1902, and certain other Acts; and for purposes connected therewith. [Assented to, 28th November, 1922.]

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BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Public Service Short title. (Amendment) Act, 1922," and shall be read with the Public Service Act, 1902, as amended by subsequent Acts.

(2) The Public Service Act, 1902, as so amended, is in this Act referred to as the Principal Act.

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Amendments
of Principal
Act.

2. The Principal Act is amended—

- (a) by inserting in section eleven the following new subsections :—

(2) For the purpose of hearing any appeal under the authority of this Act the Board, with the approval of the Governor, may delegate any of its powers or functions to any fit person, and the decision of such person shall be final. The Board may on any such appeal be represented before the person so hearing the appeal ;

(3) The Governor may appoint a District Court judge to sit with two members of the Board for the purpose of hearing and determining appeals relating to grades, classification of work, salaries, fees, or allowances, or any reference by the board to such tribunal, and the decision of the tribunal so constituted shall in all respects be deemed a determination of the Board.

(4) An officer or an employee may in the prescribed manner elect to have his appeal as to his grade, classification of work, salary, fees, or allowances heard and determined by such tribunal in any case in which by this Act an appeal to the Board is given to an officer or in any case in which by this Act an appeal is given to an employee from any determination of a salaries committee ;

- (b) by inserting at the end of section fourteen the following words :—“ After such provision has been made the officer or person shall be entitled to sue for and recover the amount of his salary, fee, or allowance so determined ” ;

- (c) by inserting after section fourteen the following new subsection to that section :—

(2) The Board shall on or before the thirtieth day of June in each year, or such later date as may be fixed by proclamation, prepare and submit to the Colonial Treasurer in the form prescribed a statement showing the total amount of the salaries payable under the determination of the Board, and such statement shall be laid before both Houses of Parliament ; (d)

(d) by inserting in subsection two of section 14A after the word "shall" the words "prior to the thirtieth day of June in the year one thousand nine hundred and twenty-three, and thereafter before the same date in each second year";

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(e) by omitting subsection three of section 14A, and by inserting in lieu thereof the following new subsection:—

(3) This section shall not apply to the grades or salaries of officers whose salary, including allowances in the nature of salary, does not exceed five hundred and twenty-five pounds per annum.

3. The Principal Act is further amended by inserting the following new section next after section 14A:—

Provisions affecting officers, &c., whose salaries do not exceed £525 per annum.

14B. In the case of officers and persons employed under the provisions of this Act whose salaries, including allowances in the nature of salary, do not exceed the sum of five hundred and twenty-five pounds per annum the following provisions shall apply:—

(a) The grade and salaries of officers and the salaries of all other persons employed under the provisions of this Act shall be determined in the first instance by salaries committees.

(b) One or more salaries committees shall be appointed as prescribed for each department, to sit as and when prescribed, and shall consist of three persons, namely:—

- (i) a representative of the department, who shall be appointed as prescribed;
- (ii) a representative of the Board, who shall be appointed as prescribed; and
- (iii) an employees' representative.

(c) The employees' representative shall be selected as prescribed from panels of representatives elected by the employees:—

- (i) A separate panel of representatives shall be elected from among their numbers by

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the members of each of the four following divisions respectively, namely :—

The Professional Division,
The Clerical Division,
The Educational Division,
The General Division.

- (ii) Each panel shall consist of such number of representatives, not being less than six, as may be prescribed, and so far as practicable shall comprise representation of each of the classes of officers within a division, so that the employees' representative to sit shall, whenever possible, be a person having special knowledge of the work performed by the officers or persons whose grades and salaries are to be considered.
- (iii) Any member of a division shall be qualified to be elected to the panel of representatives for that division, notwithstanding the fact that his salary exceeds the sum of five hundred and twenty-five pounds per annum.
- (iv) In any election of a panel of representatives for a division, only those members of the division whose salary, including allowances in the nature of salary, does not exceed five hundred and twenty-five pounds per annum shall be qualified to vote.
- (v) The mode of carrying out the election of panels of employees' representatives, the length of their tenure of office, and the mode of filling vacancies, shall be as prescribed.
- (e) An employees' representative shall be paid such fees, in addition to his ordinary salary, as may be prescribed.
- (f) The procedure of salaries committees shall be as prescribed.

(g)

- (g) Before the thirtieth day of April in the year one thousand nine hundred and twenty-three or such other date as may be fixed by the Governor by proclamation, each salaries committee shall in the prescribed form and manner inform the Board of its determination as to grades and salaries, and thereafter shall so inform the Board in the month of April in each second year.
- (h) The Board shall review the determination, and if it concurs shall, in the prescribed manner, inform each employee of the determination as to his grade or salary and the Board's concurrence; or the Board may refer the determination as to any employee or class of employees, together with such observations thereon as it may deem proper, to the committee for further consideration.
- (i) The Board, on again receiving the determination from the salaries committee, shall either concur therewith and notify the employee concerned accordingly; or shall refer the case to the tribunal constituted under subsection three of section eleven.
- (j) Any employee the determination of whose grade or salary by the committee has been concurred in by the Board may appeal therefrom either to the Board or to the tribunal constituted under subsection three of section eleven in the manner prescribed. The decision upon any such appeal shall be final.
- (k) Applications for an increase or readjustment of salary shall be made to the Board in the manner prescribed, and by it referred to the salaries committee. No such application shall be dealt with by the salaries committee except at the biennial determination of grades and salaries, unless the Board is satisfied that the applicant has, as a result of promotions or reorganisations, been allotted duties substantially different from those on the basis of which his existing salary was assessed.
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(l) Notwithstanding the provisions of this section the Board may enter into an agreement with any association or organisation representing any class of public servants, and may by regulations prescribe the salaries so agreed upon. To the extent of such agreement, and while the same is in existence, the powers of the salaries committee with respect to such class shall be suspended.

(m) In this section the expression "employee" shall include an officer.

Amendment
of s. 20 of
Principal
Act.

4. The Principal Act is further amended by omitting from subsection one of section twenty after the word "powers" the word "hereinafter."