

PUBLIC SERVICE (AMENDMENT) ACT.

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 64, 1969.

An Act relating to the appointment of an acting member of the Public Service Board, the permanent appointment of married women to the Public Service of New South Wales, and the delegation of powers by the Public Service Board; for these purposes to amend the Public Service Act, 1902; and for purposes connected therewith. [Assented to, 6th November, 1969.]

BE

Public Service (Amendment).

No. 64, 1969

BE it enacted by the Queen'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 :—

Short title. **1.** This Act may be cited as the "Public Service (Amendment) Act, 1969".

Amendment of Act No. 31, 1902. **2.** The Public Service Act, 1902, is amended—

Sec. 7.
(Appointment of Public Service Board.)

Acting member.

(a) by inserting next after subsection six of section seven the following new subsection :—

(7) In case of the illness, suspension or absence of any member of the Board or in the event of a vacancy occurring in the office of a member of the Board the Governor may appoint a person to act temporarily as a member of the Board during the illness, suspension or absence of such member or until the vacant office has been filled, as the case may be. A person whilst acting temporarily as a member as aforesaid shall have and may exercise and discharge all the powers and authority of the member of the Board in whose place he acts.

New sec. 11A.

Delegation of powers, authorities, etc.

(b) by inserting next after section eleven the following new section :—

11A. (1) This section applies to the powers, authorities, duties and functions conferred or imposed on the Board by or under this or any other Act, other than the powers, authorities, duties and functions—

(a) that are conferred on the Board by this section or by section 14B or twenty of this Act;

(b)

Public Service (Amendment).

- (b) that are conferred or imposed on the Board ^{No. 64, 1969} by or under any other Act and authorise the Board to enter into agreements relating to the conditions of employment of persons ; or
- (c) that under any provision of this Act, other than this section, may be exercised or discharged by a member of the Board, an inspector, officer or person or persons pursuant to a direction, authority, appointment or delegation by the Board.

(2) The Board may, by instrument in writing, delegate to a member of the Board or to an officer the exercise or performance of such of the powers, authorities, duties and functions to which this section applies as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(3) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to a member of the Board or an officer may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by that member or officer or the person for the time being acting in the place of that member or officer.

(4) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the specified powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(5) Without limiting the generality of subsection four of this section, where, under this section, the Board delegates to any person any of its powers, authorities, duties or functions relating to

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Public Service (Amendment).

No. 64, 1969

the promotion of officers, the delegation shall be subject to the condition that the delegate shall not exercise or perform the power, authority, duty or function so as to promote an officer to a position if that officer is not, according to the rules governing the seniority of officers, the most senior officer eligible for promotion to that position.

(6) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Board and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(7) Notwithstanding any delegation made under this section the Board may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(8) Any act or thing done or suffered by the delegate when acting in the exercise of the delegation and within the terms of the delegation shall have the like force and effect as if the act or thing had been done or suffered by the Board.

Sec. 41.
(Regulations
for appoint-
ment of
women.)

(c) by omitting section forty-one;

Sec. 42.
(Married
women
when
eligible.)

(d) by omitting section forty-two.