



ANNO DECIMO SEXTO

GEORGII V REGIS.

A.D. 1925.

No. 1716.

An Act to amend the Public Service Acts, 1916 to 1922,
and for other purposes.

[Assented to, January 6th, 1926.]

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 alone as the "Public Service Act Short titles.
Amendment Act (No. 2), 1925," and shall be deemed to be included
in the Acts known under the title of "The Public Service Acts,
1916 to 1925."

(2) The Public Service Act, 1916, is hereinafter referred to as No. 1259 of 1916.
"the principal Act."

2. This Act is incorporated with the Public Service Acts, 1916 Incorporation.
to 1925, and those Acts and this Act shall be read as one Act.

3. Section 3 of the principal Act is amended by striking out the Amendment of
principal Act, s. 3.
words "Reclassification of the Public Service" in the third line
thereof and inserting in lieu of those words the words: "The
Classification and Efficiency Board."

4. Section 4 of the principal Act is amended—

(a) by striking out the words "Public Service Reclassification"
in the first line of the definition of "Board" therein,
and inserting in lieu of those words the words "Classifi-
cation and Efficiency"; and

Amendment of
principal Act, s. 4—
Definitions.

(b) by

Public Service Act Amendment Act (No. 2).—1925.

(b) by inserting therein the following additional definitions, namely—

“ Association ” means the Public Service Association of South Australia.

“ Division ” means division of the Public Service.

“ General Secretary ” means the General Secretary of the Association or any other person appointed by the Council of the Association to act on his behalf.

“ Member of the Board ” includes the Chairman.

Amendment of principal Act, Part II.—
Classification and Efficiency Board.

5. Part II. of the principal Act is hereby repealed and the following provisions are hereby enacted and substituted in lieu thereof :—

PART II.

THE CLASSIFICATION AND EFFICIENCY BOARD.

Establishment of Classification and Efficiency Board.

7. For the purpose of this Act a Board is hereby established which shall be called the Public Service Classification and Efficiency Board.

Membership of Board.

8. The Board shall consist of—

(i.) the Commissioner for the time being, who shall be Chairman of the Board ; and

(ii.) two other members appointed by the Governor, who shall be selected from the officers of the Public Service, and one of whom shall be appointed after nomination by the Council of the Association.

Term of office of members.

9. (1) The members of the Board other than the Chairman shall hold office for four years : Provided that the first member appointed on the nomination of the Council of the Association shall retire at the end of two years from the date of his appointment.

(2) Any member of the Board shall upon the expiration of his term of office be eligible for re-appointment.

(3) The office of any member of the Board shall become vacant if such member ceases to be an officer in the Public Service, or resigns from the Board ; and in any such case the Governor may fill the vacancy by appointing thereto some person qualified to fill such vacancy under the next preceding section.

10. The

Public Service Act Amendment Act (No. 2).—1925.

10. The members of the Board, other than the Chairman, shall receive such remuneration for their services as such members as the Governor determines, which remuneration may, if the Governor so directs, be in addition to their salaries as officers in the Public Service.

Remuneration of members.

11. Any two members of the Board shall form a quorum thereof: Provided that if at any meeting only two members are present, and these members differ in opinion upon any matter, the determination of the matter shall be postponed until all the members are present.

Quorum of Board.

11a. (1) The Governor may appoint a secretary to the Board, and such (if any) other officers as may be necessary to assist the Board.

Officers of Board

(2) The Secretary and other officers shall be under the direction and control of the Board, and shall discharge and exercise such duties and functions as the Board requires.

11b. (1) As soon as practicable after its establishment the Board shall prepare a return—

Duty of Board to classify offices in Public Service.

- (a) setting out the number of officers required for the efficient discharge of the duties of each department;
- (b) classifying each permanent office in the Public Service (other than an office of the First Division) and fixing the maximum and minimum salary of such office, the amount of the annual increase of such salary, and the salary payable to the holder of such office at the time of the classification;
- (c) stating as far as practicable in a general way the duties to be assigned to each office; and
- (d) grouping all the classified offices according to the nature of the duties into three sections as follows:—
 - (i.) the Professional Section:
 - (ii.) the Clerical Section:
 - (iii.) the General Section.

(2) The classification of offices made by the Board under this section shall be effected by assigning each office to the Division (being one of the Divisions mentioned in Part IV. of this Act) to which the office in the Board's opinion properly belongs.

(3) The Board shall from time to time make such variations of, and additions to, the return prepared under this section as any alteration in the conditions and requirements of the Public Service renders necessary.

(4) The return prepared by the Board, and any variation of or addition to the return shall be published forthwith in the *Gazette*, and shall come into operation upon the expiration of fourteen days from the date of such publication.

11c. (1) Any

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Appeals against the Board's classification.

11c. (1) Any officer dissatisfied with the classification of his office or the salary thereof, as set forth in any return or variation thereof or addition thereto may within thirty days after the publication in the *Gazette* of the return or (as the case may be) the variation thereof or addition thereto appeal against the said classification by sending to the Board a notice of appeal in writing setting forth the grounds of his dissatisfaction.

(2) An appeal under this section shall be considered by the Board in conference with the Permanent Head of the Department in which the appellant works, and with the appellant, or if the appellant so desires, with the general secretary of the Association.

(3) Where the appellant does not attend the conference, or is not represented, the appeal shall be considered by the Board in conference with the Permanent Head or his representative.

(4) After conferring as aforesaid the Board shall determine the appeal, and its decision shall be final: Provided that if upon appeal, the Board varies the decision appealed against, the variation shall take effect as from the date upon which the first decision would have come into operation.

Assessors.

11d. The Board may, when classifying any office the holder of which is required to have professional or technical knowledge or skill, appoint a properly qualified person to be an assessor to assist it in classifying such office.

Saving of rights when office reduced in class.

11e. Where by the return under this section any office is assigned a salary less than the salary which the officer holding such office is receiving at the time when the return comes into operation, the salary assigned to such office, shall, notwithstanding anything in this Act, not apply to such officer, but such officer shall be paid in accordance with the scale or regulation under which he was paid immediately before such time until he is promoted or transferred to another office providing a salary not less than that received by him at the time of the transfer or promotion.

Other functions of the Board.

11f. (1) In addition to such duties as are elsewhere in this Act imposed on it, the Board 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 organisation and procedure ;
- (ii.) closer supervision ;
- (iii.) the simplification of the work of each Department, and the abolition of unnecessary work ;
- (iv.) the

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- (iv.) the co-ordination of the work of the various Departments ;
- (v.) the limitation of the staff of each Department to actual requirements, and the utilisation of such staff to the best advantage ;
- (vi.) the improvement of the training of officers ;
- (vii.) the avoidance of unnecessary expenditure ;
- (b) to consider appeals pursuant to sections 28, 48, and 64 of this Act ; and
- (c) to perform such other functions in relation to the Public Service as are prescribed.

(2) If the Board is of opinion that any means ought to be adopted for effecting any of the objects mentioned in paragraph (a) of the last preceding subsection, the Board shall advise the Permanent Head of the Department of its 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 Board of the reason therefor.

(4) Thereupon the Board may, if it thinks fit, report the matter to the Minister administering the Department, and if the Board'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.

11g. (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. Power of Board to delegate.

(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 full 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 full Board.

(4) Where any appeal is lodged against any report, action, recommendation, or decision of any person appointed as the delegate of the Board under this section, that person shall not hear or take part in the hearing of the appeal.

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Amendments of
principal Act, s. 12—
Qualifications of
Commissioner.

6. Section 12 of the principal Act is amended by striking out therein the sentence "No person shall be eligible to be so appointed unless he has been continuously an officer in the Public Service for at least ten years."

Repeal of s. 19 of
principal Act.

7. Section 19 of the principal Act is repealed.

Repeal of s. 20 of
principal Act.

8. Section 20 of the principal Act is repealed.

Amendment of
principal Act, s. 21—

9. Section 21 of the principal Act is amended so as to read as follows:—

Transfer or
retirement of
surplus officers.

If at any time the Board finds that a greater number of officers is employed in any Department or Branch of a Department than is necessary for the efficient working of that Department or Branch, any officer whom the Board finds is in excess may be transferred by the Commissioner to such other position of equal classification and salary in the Service as the officer is competent to fill, and if no such position is available the officer may be so transferred to a position of lower classification and salary. If no position is available for the officer, the Governor may, upon the recommendation of the Commissioner, call upon such officer to retire from the Public Service; and if he does not so retire he may be dismissed from the Public Service.

Amendment of
principal Act, s. 22—
Records of officers.

10. Section 22 of the principal Act is amended by striking out the words "class and grade" in paragraph (c) of subsection (1) and inserting in lieu thereof the words "and section".

Amendment of
principal Act, s. 24.

11. Section 24 of the principal Act is amended by inserting after the word "Commissioner" in the fifth line thereof the words "or the Board."

Amendment of
principal Act,
Part IV.—

12. Part IV. of the principal Act is repealed and the following provisions are hereby enacted and substituted therefor:—

Divisions of the
Public Service.

25. The Public Service shall consist of four divisions, that is is to say—

- (1) The First Division.
- (2) The Second Division.
- (3) The Third Division.
- (4) The Fourth Division.

Offices included in
each division.

26. (1) The First Division shall include such officers as the Governor determines.

(2) The Second Division shall include officers who are required to exercise executive or professional functions in the more important offices of the Service, and whose offices the Board directs to be included in that Division.

(3) The

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(3) The Third Division shall include all officers the Board directs to be included in that Division.

(4) The Fourth Division shall include all officers not included in the First, Second, or Third Divisions.

27. (1) Every officer of the First Division shall be paid such salary as is determined by the Governor on the recommendation of the Board: Provided that the Board shall notify every such officer of its recommendation as to his salary by notice published in the *Gazette*, and the Governor shall not determine the salary of any such officer until after the expiration of fourteen days from the time such officer receives notice of the Board's recommendation.

Salaries.

Any such officer may request the Board to reconsider its recommendation as to his salary, and the Board shall reconsider its recommendation accordingly.

(2) Every other officer shall be paid a salary not lower than the minimum which is fixed by the Board in respect of the office held by such officer.

28. (1) Every officer other than an officer of the First Division shall, subject as hereafter mentioned in this section, be entitled to receive an annual increase of salary of the amount fixed by the Board until such officer is receiving the maximum salary fixed by the Board in respect of the office held by such officer; but no such officer shall be entitled to any increase to his salary for the time being unless he has been in receipt of such salary for a period of 12 months.

Annual increase of salaries.

(2) No officer shall be entitled to receive an increase of salary unless, in the opinion of the Commissioner, his conduct, diligence, and efficiency during the year previous to the granting of the increase have been satisfactory.

(3) If, in the opinion of the Commissioner, an officer is not entitled to receive an increase of salary, he may issue an order in writing depriving the officer of the increase for such time as the Commissioner considers justified, and in that event the increase shall, subject to the succeeding provisions of this section, not be paid.

(4) Any officer affected by any such order may appeal to the Board against the order.

(5) The Permanent Head shall forward the appeal with a report to the Board, and the Board shall, after full inquiry, determine the appeal, and its decision shall be final.

29. Until the classification of offices effected under Part II. of this Act (as amended by the Public Service Act Amendment Act (No. 2), 1925) comes into force the salaries paid to the officers at the commencement of the Public Service Act Amendment Act (No. 2), 1925, shall continue to be paid, with such increases as would have been payable if the said Act had not been passed.

Salaries pending classification.

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Amendment of
principal Act,
s. 33 (1)—
Examinations.

13. Subsection 1 of section 33 of the principal Act is amended so as to read as follows :—

(1) The Commissioner shall hold or cause to be held such examinations as are necessary in order to test the efficiency and aptitude of candidates for employment in any particular branch of the Public Service.

Amendment of
principal Act, s. 37—
Age of new
appointees.

14. Section 37 of the principal Act is amended so as to read as follows :—

No person under fourteen years of age shall be appointed to the Public Service.

Repeal of s. 38 of
principal Act—
Consequential
amendment.

15. Section 38 of the principal Act is amended by striking out the words "section 37 or" in the first line thereof.

Amendment of
principal Act, s. 47—
Creation and
abolition of offices.

16. Section 47 of the principal Act is amended so as to read as follows :—

47. The Governor may, on the recommendation of the Board—

(a) create a new office in any department :

(b) abolish any office in any department.

Amendment of
principal Act,
Part V.—

17. Part V. of the principal Act is amended by inserting therein a new section as follows :—

Rights of officers
transferred from
Commonwealth
Public Service.

47a. (1) Where a person becomes an officer of the Public Service of the State and his service in such Public Service is continuous with permanent service in the Public Service of the Commonwealth, the continuous service of that person in the Public Service of the Commonwealth shall be for the purposes of leave of absence under sections 67 and 68 of this Act reckoned for the purposes of this Act as service in the Public Service of the State.

(2) This section shall be deemed to have commenced on January 1st, 1924.

Amendment of
principal Act, s. 48—
Vacancies filled by
officers in the
Service.

18. Section 48 of the principal Act is repealed and the following provision is hereby enacted and substituted therefor :—

48. (1) Whenever a vacancy occurs in any office, if it is expedient to fill such vacancy, the Commissioner may recommend an officer in the Public Service for appointment to such vacancy, regard being had to the relative efficiency or, in the event of equality of efficiency of two or more officers, to the relative seniority of the officers available for appointment.

(2) "Efficiency" in this section means special qualifications and aptitude for the discharge of the duties of the office to be filled, together with merit and good and diligent conduct.

(3) Any

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(3) Any recommendation made in pursuance of subsection (1) of this section shall be notified in the prescribed manner, and shall be subject to the right of appeal to the Board.

(4) An appeal under this section shall be made in such manner and within such time as are prescribed, and may be made by any officer who at the time immediately prior to the making of the recommendation was senior in salary or length of service to the officer recommended and who considers that he is more entitled to promotion to the vacant office than the officer recommended on the ground of superior qualifications under subsection (1) hereof.

(5) An appeal under this section shall be considered, as prescribed, by the Board in conference with the Permanent Head or a representative of the Permanent Head of the Department in which the vacancy occurred, and with the appellant or, if he so desires, with the General Secretary of the Association, and after the conference the Board shall determine the appeal.

(6) Where an appeal is upheld by the Board it shall so inform the Commissioner, who shall thereupon recommend the appellant officer for appointment to the vacant position and cancel the provisional appointment.

(7) Where an appeal is disallowed in pursuance of this section, or no appeal is lodged within the prescribed time the original recommendation shall be confirmed.

(8) The recommendation of the Commissioner shall be forwarded to the Governor who may, upon receipt thereof, appoint an officer of the Public Service to fill the vacancy.

(9) The provisions of this section shall apply in every case where a new office is created by the Governor, and it is proposed to fill such office by the appointment thereto of some person in the Public Service, in the same way as they apply to the filling of a vacancy in an existing office.

(10) Nothing in this section shall be construed as derogating from the power conferred by section 36.

19. Section 49 of the principal Act is repealed.

Repeal of s. 49 of principal Act.

20. Section 52 of the principal Act is amended by striking out the word "Commissioner" in the sixth line thereof and inserting in lieu thereof the word "Board".

Amendment of principal Act, s. 52—
Re-arrangement of officers and work.

21. Section 64 is amended so as to read as follows:—

Amendment of principal Act, s. 64—
Grievances.

64. (1) Any officer having any grievance relating to his employment, or affected by any report or recommendation made by the Commissioner under this Act may, in such manner and

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and within such time as are prescribed, appeal to the Commissioner to consider or reconsider the matter. The Commissioner shall thereupon consider the appeal and advise the appellant of his decision. If the appellant is not satisfied with the decision of the Commissioner, he may, within fourteen days of the receipt of notification of that decision, appeal to the Board.

(2) An appeal under this section shall be considered as prescribed by the Board in conference with the Permanent Head or a representative of the Permanent Head of the Department to which the appellant belongs, and with the appellant, or, if he so desires, with the general secretary of the Association, and after the conference the Board shall transmit the evidence taken together with the recommendation thereon to the Commissioner, who shall thereupon confirm the same, and so determine the appeal.

Amendment of
principal Act, s. 65—

22. (1) Subsections (1) and (2) of section 65 of the principal Act are amended so as to read as follows:—

Power of Board and
Commissioner to
enter Departments
and summon
witnesses.

65. (1) The Board or the Commissioner, or any person to whom any power or function of the Board or the Commissioner is delegated under this Act, may at any time, in the performance of their duties, enter any Department, or by writing signed by them or him, summon any person whose evidence appears to be material for the purpose of any application, inquiry, or investigation before them or him under this Act, to appear at the time and place specified in the summons and produce any official or public or other books, documents, or writings in his custody or under his control which may be material to such application, inquiry, or investigation.

(2) The Board or any member thereof, or any person to whom any power or function of the Board or Commissioner is delegated as aforesaid, may examine any witness upon oath or otherwise touching the matter of any such application, inquiry, or investigation.

(2) Subsection 3 of section 65 of the principal Act is amended by inserting before the word "Commissioner" in the eighth line thereof the words "Board or the".

Amendment of
principal Act, s. 66—
Consequential
amendment

23. Section 66 of the principal Act is amended by inserting the word "Commissioner" in the last line thereof the words "Board or the".

Amendment of
principal Act, s. 67—
Leave of absence
for recreation and
sickness.

24. Section 67 of the principal Act is amended so as to read as follows:—

67. (1) The Commissioner may at such times as he deems convenient grant to any officer who has been not less than one year continuously in the Public Service, leave of absence for recreation not exceeding two weeks or, in the case of an officer whose

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whose ordinary duties require him to work on more than six days in the week, three weeks, during any one financial year : Provided that the Commissioner may, if he thinks fit, permit such leave to accumulate to an extent not exceeding four weeks.

(2) In the case of illness, or other pressing necessity, the Minister may grant to any officer leave of absence not exceeding sixteen days on full pay during any one year : Provided that, subject to such conditions as are prescribed, the Minister may permit such leave to accumulate to an extent not exceeding sixteen weeks in the case of officers whose continuous service does not exceed ten years, and not exceeding thirty-two weeks in the case of officers whose continuous service exceeds ten years.

25. Section 68 of the principal Act (as amended by the Public Service Act Amendment Act, 1919) is hereby further amended by adding at the end thereof the following new subsection :—

Amendment of
principal Act, s. 68—
Salary during long
service leave.

(9) Where leave is granted to any officer under this section, the Minister may, at the commencement of such leave, pay to such officer the total salary which would be payable to him during the currency of the leave.

26. Section 75 of the principal Act is amended—

Amendment of
principal Act, s. 75—
Regulations.

- (a) by adding after the word “ may ” in the fifth line thereof the words “ on the recommendation of the Board ” ;
- (b) by striking out the words “ and grading ” in the last line of paragraph III. thereof ;
- (c) by striking out paragraphs iv. and v. of subsection (1) thereof, and inserting in lieu of those paragraphs the following :—

iv. For prescribing the conditions under which officers of a division may be transferred to any specified office or offices in another division ; and

- (d) by striking out the words “ otherwise than in the Clerical Division ” in the second line of paragraph VII. of the said subsection, and inserting in lieu thereof the words “ in the Public Service ” ; and
- (e) by striking out paragraph VIII. of the said subsection and inserting in lieu thereof the following new paragraph :—

VIII. For regulating and determining the scales or amounts to be paid to officers for transfer or travelling allowances or expenses, or allowances in lieu of quarters, or for living at isolated stations, or in places where, owing to their situation, the cost of living is exceptionally high, and providing for the relief and transfer of officers employed for the prescribed period
in

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in any such locality, or for the partial reimbursement of the cost of conveyance of those officers, their wives, and families when these officers are travelling on recreation leave; and

(f) by adding a new subdivision as follows:—

XXIII. For regulating all matters in connection with appeals to the Board.

Saving of power of Arbitration Court.

27. (1) Any decision of the Board under this Act relating to the salaries payable to any officers or class of officers shall be subject to any award, order, or determination of the Industrial Court and to any industrial agreement filed in the said Court.

(2) Nothing in this Act shall be so construed as to abridge any power of the Industrial Court under the Industrial Code, 1920, and the Acts amending the same.

Procedure of Board.

28. The Board—

- (a) before determining any thing or matter over which it has jurisdiction, other than those specified in paragraph (a) of subsection (1) of section 11 (f) of the principal Act (as enacted by this Act), shall notify the Association of the nature and purpose of the proceedings, and, if requested by the Association, fix a time and place for the hearing of any evidence, argument, or other relevant representations which the Association may submit;
- (b) in the exercise of any such jurisdiction, shall not be bound by any rules or practice as to evidence, but may inform its mind on any matter in such manner as it thinks fit; and
- (c) may conduct any or all of its proceedings in public or in private as it thinks fit.

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

TOM BRIDGES, Governor.