



ANNO PRIMO

## GEORGII VI REGIS.

A.D. 1937.

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## No. 2377.

## An Act to amend the Public Service Act, 1936.

[Assented to 15th December, 1937.]

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 (No. 2), 1937 ".

(2) The Public Service Act, 1936, as amended by this Act, may be cited as the " Public Service Act, 1936-1937 ".

2281, 1936.

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

Incorporation.

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

Amendment of principal Act, s. 40—

Appointments in special cases.

3. Section 40 of the principal Act is amended as follows :—

(a) The words " the public service or is only temporarily employed in the public service " in the third and fourth lines of subsection (1) are struck out, and the words " the employ of the Government of the State " are inserted :

(b) The words " or, if the person proposed to be appointed is temporarily employed in the public service, no person available and permanently employed in the public service ", in the third, fourth, fifth and sixth lines of subsection (2) are struck out.

Amendment of principal Act, s. 42—

Appointment to public service of Government employees.

4. Section 42 of the principal Act is amended by striking out the word " permanently " in the second line thereof.

5. Section 52 of the principal Act is amended as follows :—

- (a) The words “ officer in the public service ” in the third line of subsection (1) are struck out and the words “ any person in the employ of the Government of the State ” are inserted in lieu thereof :
- (b) The word “ officers ” in the fifth line of subsection (1) is struck out and the words “ applicants for the vacancy ” are inserted in lieu thereof :
- (c) The words “ the officers available for appointment ” in the sixth and seventh lines of subsection (1) are struck out and the words “ those applicants ” are inserted in lieu thereof :
- (d) The word “ officer ” occurring in the fifth and seventh lines of subsection (4) is struck out and the word “ person ” is inserted in each case in lieu thereof :
- (e) The words “ an officer of the public service ” in the third line of subsection (8) are struck out and the words “ a person in the employ of the Government ” are inserted in lieu thereof :
- (f) The words “ in the public service ” in the fourth line of subsection (9) are struck out and the words “ in the employ of the Government ” are inserted in lieu thereof.

Amendment of principal Act, s. 52—  
Filling of vacancies by appointing Government employees.

6. The following section is hereby enacted and inserted in the principal Act after section 57 thereof :—

57a. Where any Act provides that any office, to which appointments may be made by the Governor, is to be held for a fixed term of years, and the Governor desires to appoint to any such office a person who will attain the age of sixty-five years before the expiration of the fixed term, the Governor may, notwithstanding any enactment to the contrary, appoint that person to the office for any period shorter than the fixed term, but not extending beyond the time when the person so appointed attains the age of sixty-five years or any later time to which the Governor directs that his service shall be extended under proviso i. to subsection (1) of section 57 of this Act.

Enactment of section 57a of the principal Act—

Appointments for less than term fixed by Statutes.

7. Section 70 of the principal Act is amended by inserting after subsection (1) thereof the following subsection :—

(1a) Upon or after the resignation of an officer under subsection (1) of this section, the Governor may pay to him the whole or any part of the salary which would have been payable to him during the currency of any leave of absence which, had he not resigned, could have been

Amendment of s. 70 of the principal Act—

Payments where officer resigns to contest election.

granted to him under section 75 of this Act at the time of his resignation. This subsection shall apply in relation to any officer who has resigned or resigns after the first day of October, nineteen hundred and thirty-seven.

Amendment of  
s. 75 of  
principal Act—

8. Section 75 of the principal Act is amended by inserting after subsection (6) thereof the following subsection :—

Continuity of  
service when  
pensioner  
re-employed.

(6a) Where a person who has retired on a pension under section 40 or section 47 of the Superannuation Act, 1926, is subsequently re-employed in the Public Service, his continuous service before the period during which he was in receipt of pension and his continuous service after that period shall, in determining the length of his service for purposes of this section, be taken into account as if all such service were continuous ; but the period during which he was in receipt of pension shall not be taken into account.

This subsection applies in relation to all long service leave granted after the enactment thereof, notwithstanding that the retirement on pension, the re-employment, or the service in respect of which the leave is granted, or any of them, may have taken place before the enactment of this subsection.

Enactment of  
s. 75a of the  
principal Act—

9. The following section is hereby enacted and inserted in the principal Act after section 75 thereof :—

Special leave.

75a. (1) Subject to this section the Minister may, if he is of opinion that special circumstances justify him in so doing, and if the Commissioner so recommends, grant to any officer of the public service special leave of absence.

(2) The leave may be granted without pay or on reduced pay or on full pay and on any terms which the Minister thinks fit ; but where the leave is granted on pay it shall not exceed sixteen days in any year on full pay or a proportionately longer period on reduced pay.

(3) Where any special leave is granted without pay, the Minister may order that the period of such leave or any portion thereof shall be counted as service for the purpose of determining the date of any annual increment or increase in the officer's salary.

(4) Nothing in this section shall be held to restrict any power of the Governor to grant special leave of absence.

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

G. J. R. MURRAY, Lieutenant-Governor.