



ANNO DECIMO QUARTO

GEORGII VI REGIS.

A.D. 1950.

No. 32 of 1950.

An Act to amend the Public Service Act, 1936-1949.

[Assented to 30th November, 1950.]

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, 1950". Short titles.

(2) The Public Service Act, 1936-1949, as amended by this Act, may be cited as the "Public Service Act, 1936-1950".

(3) The Public Service Act, 1936-1949, is hereinafter referred to as "the principal Act".

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

3. Section 28 of the principal Act is amended by inserting therein after subsection (1) thereof the following subsection :— Amendment of s. 28 of principal Act

(1a) The board may, if it considers it equitable to do so, recommend that any salary recommended by it for an officer of the first division shall be payable as from a day earlier than the day on which that salary is determined by the Governor ; and the Governor may determine that that salary shall be so payable. Salaries of officers.

4. Subsection (1) of section 30 of the principal Act is repealed. Repeal of subsection (1) of s. 30 of principal Act—

Obsolete provision.

Amendment of
s. 29a of
principal Act—
Officers
temporarily
performing
duties.

5. (1) Section 29a of the principal Act is amended by striking out in the first and second lines of subsection (2) the words “ all or any of the duties of an office other than that ” and inserting in their place the words “ any duties other than those ”.

(2) This section shall be deemed to have commenced on the first day of July, nineteen hundred and fifty.

Enactment of
s. 32a of
principal Act—

6. The following section is enacted and inserted in the principal Act after section 32 thereof :—

Allowances
and overtime.

32a. (1) The board may—

- (a) fix all or any of the following allowances, to be payable to persons employed under this Act, namely, travelling allowances, allowances in lieu of quarters, meal allowances, allowances for persons required to live away from home in the course of their duties, district or locality allowances and allowances for working on public holidays and week ends, and prescribe the circumstances or conditions in which any such allowances shall be payable :
- (b) fix the hours to be worked by persons employed under this Act who, pursuant to arrangements approved by the Minister or otherwise, are required to work at hours other than the hours during which officers are ordinarily required to attend at their offices ;
- (c) fix overtime allowances to be payable to persons employed under this Act and to whom the regulations prescribing overtime do not apply but so that no overtime allowance shall be payable to persons who by reason of the amount of their salaries are not entitled to receive overtime payments under the regulations ;
- (d) fix the day on and after which any decision of the board under the preceding paragraphs of this subsection shall operate, and any day so fixed may be before or after the day on which the decision is given.

(2) Where an officer occupies as lessee or otherwise for the purpose of residence any building or part of a building belonging to the Government the board may fix the rent or other payment to be made by him for such occupation and may direct that the amount so fixed be deducted from his salary or wages. Before fixing any rent as aforesaid the board shall during such time as the Landlord and

Tenant (Control of Rents) Act, 1942-1950, is in force, obtain a report from the South Australian Housing Trust as to the amount of the rent which should be fixed by the board.

In this subsection "officer" means—

- (a) a person who is an officer within the meaning of this Act ;
- (b) any other person employed by the Government of the State to whom the Minister directs that this section shall apply.

(3) This section shall be deemed to have commenced on the first day of January, one thousand nine hundred and fifty.

7. Section 40 of the principal Act is amended by striking out subsection (2) thereof and inserting in its place the following subsection :—

Amendment of s. 40 of principal Act—
Appointments in special circumstances.

(2) No such appointment shall be made until the board has certified that in its opinion the person proposed to be appointed has sufficient superiority of qualifications and aptitude for the position to be filled to justify his appointment in preference to any officer who is already employed in the public service and is available for the position.

8. Section 52 of the principal Act is amended by adding at the end thereof the following subsections :—

Amendment of s. 52 of principal Act—
Filling of vacancies by appointment of officers in the service.

(11) The relative seniority of persons in the employ of the Government within the meaning of subsection (1) of this section shall be determined in accordance with the following rules :—

- (a) As between two persons receiving different salaries, he whose salary is the greater shall be regarded as senior :
- (b) As between two persons receiving equal salaries, he who had the greater salary immediately before their salaries became equal shall be regarded as senior :
- (c) As between two persons receiving equal salaries and whose salaries have at all times while both have been in the employ of the Government been equal, the person with the greatest length of service shall be senior.

(12) Seniority in salary within the meaning of subsection (4) of this section shall be determined in accordance with the following rules :—

- (a) As between two officers receiving different salaries, he whose salary is the greater shall be regarded as senior :
- (b) As between two officers receiving equal salaries he who had the greater salary immediately before their salaries became equal shall be regarded as senior :
- (c) As between two officers receiving equal salaries and whose salaries have at all times while both have been in the employ of the Government been equal, neither shall be regarded as senior to the other.

(13) Where a person is receiving, whether under section 29a of this Act or under any enactment, regulation or arrangement to the like effect, any additional salary or payment for duties other than those normally appertaining to his office or employment, that additional salary or payment shall not be deemed to be salary for the purposes of this section.

(14) Where a person in the employment of the Government of the State has before the commencement of that employment been previously employed by the Government of the State under contracts or engagements which have terminated for any cause any such previous period of service shall not be taken into account in computing that person's service under this section.

Enactment of
s. 56a of
principal Act—

9. The following section is enacted and inserted in the principal Act after section 56 thereof :—

Filling of
vacancies on
resignation or
retirement.

56a. Where an officer is on long service leave and—

- (a) has reached the retiring age ; or
- (b) will reach the retiring age at or before the expiration of his long service leave ; or
- (c) has tendered his resignation, which has been accepted,

his position may be filled as if it were vacant.

Amendment of
s. 57 of
principal Act—
Retirement of
officers.

10. Section 57 of the principal Act is amended—

- (a) by inserting after the word " time " (second occurring) in the fourth line the words " on the recommendation of the board " ;

- (b) by striking out the proviso to subparagraph I. of subsection (1) and the whole of subparagraph II. of that subsection.

11. (1) Section 74 of the principal Act is amended—

Amendment of
s. 74 of
principal Act—
Leave of
absence for
recreation.

- (a) by striking out the words "four weeks" in the sixth line of subsection (1) and inserting in lieu thereof the words "thirty days";
- (b) by adding after the words "six weeks" in the eleventh line of subsection (1) the words "or in the case of an officer whose ordinary duties require him to work on more than six days in the week, not exceeding sixty days";
- (c) by inserting after the word "directs" in the fourteenth line of subsection (2) the words "and to the extent directed by the Governor";
- (d) by adding at the end thereof the following subsection:—

(3) Leave of absence in accordance with subsection (2) of this section for any period not exceeding twelve weeks in any one financial year may be granted by the Commissioner on behalf of the Minister.

(2) The amendments made by paragraphs (a) and (b) of subsection (1) of this section shall be deemed to have come into operation on the first day of January, nineteen hundred and fifty.

12. Section 75 of the principal Act is amended by striking out subsection (11) thereof.

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

13. Section 75a of the principal Act is amended by adding at the end thereof the following subsection:—

Amendment of
s. 75a of
principal Act—
Special leave.

(5) Leave of absence without pay for any period not exceeding twelve weeks in any one financial year may be granted in accordance with this section by the Commissioner on behalf of the Minister.

14. Section 76 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof:—

Repeal of
s. 76 of
principal Act,
and enactment
of other
provisions—

76. (1) Where a person becomes an employee of the Government of the State and his service as such employee is continuous with service as an employee of the Commonwealth or of any other State the continuous service of that person under the Commonwealth or that other State shall for the purposes of leave of absence under section

Rights of
transferred
officers.

74 and section 75 of this Act and to the extent directed by the Commissioner be regarded as service in the employment of the Government of the State.

(2) This section shall be deemed to have commenced on the first day of January, nineteen hundred and twenty-four.

Enactment of
s. 76a of
principal Act—

15. The following section is enacted and inserted in the principal Act after section 76 thereof :—

Payments for
leave not
taken.

76a. (1) Where an officer who has attained the retiring age retires from the service without having taken all the leave which had been or could have been granted to him under section 75 of this Act the Governor may direct that a cash payment be made to the officer in lieu of the leave not so taken.

The payment shall not exceed the amount of the officer's salary for a period equal to the period of the leave not so taken, calculated at the rate at which he was being paid at the time of retirement.

(2) For the purposes of subsection (1) the retiring age means the age of sixty-five years in the case of a male officer and sixty years in the case of a female officer.

(3) A direction under subsection (1) of this section may be given before or after the retirement of the officer, and a payment under that subsection may be made either before or after that retirement.

(4) Where an officer retires or resigns from the service at any age and has not taken or has not been granted all the leave which could have been granted to him immediately before his retirement or resignation under subsection (1) of section 74 of this Act, the Treasurer may on the recommendation of the Commissioner pay him either on or after his resignation or retirement a sum not exceeding the amount of his salary for a period equal to the period of the said leave at the rate at which he was being paid at the time of his retirement or resignation.

A recommendation or payment under this subsection may be made before or after the officer has retired or resigned.

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

C. W. M. NORRIE, Governor.