



ANNO DECIMO QUINTO

GEORGI VI REGIS.

A.D. 1951.

No. 47 of 1951.

An Act to amend the Public Service Act, 1936-1950.

[Assented to 13th December, 1951.]

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, 1951". Short titles.
- (2) The Public Service Act, 1936-1950, as amended by this Act, may be cited as the "Public Service Act, 1936-1951".
- (3) The Public Service Act, 1936-1950, 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. (1) Section 17 of the principal Act is amended by striking out subsection (1) and inserting in its place the following subsection :— Amendment of s. 17 of principal Act—
Salary of Commissioner.
 - (1) The salary of the Commissioner shall be at the rate of two thousand three hundred pounds a year.
 - (2) This section shall be deemed to have come into operation on the first day of July, nineteen hundred and fifty-one.

4. Section 24 of the principal Act is amended by striking out the words "other than those specified in paragraph (a) of subsection (1) of section 13". Amendment of s. 24 of principal Act—
Consequential amendment.

Amendment of
s. 32a of
principal Act—
Allowances
and overtime.

5. Section 32a of the principal Act is amended by inserting the following paragraphs after paragraph (c) of subsection (1):—

(c1) direct that any person employed under this Act who works overtime or on public holidays or weekends, shall be given time off in consideration of such work ;

(c2) fix the charges payable by, or deductible from the salaries of, persons employed under this Act, for all or any of the following things, namely board, lodging, fuel, light, or rations provided by the Government of the State.

Enactment of
s. 32b of
principal Act—

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

Power of
Governor and
Minister as to
certain salaries.

32b. Where the Governor or a Minister has power (express or implied) under this or any other Act to fix the salary of any person employed by the Government of the State, he shall also have power unless the Act expressly provides to the contrary—

(a) to vary any salary so fixed ;

(b) to declare that the rate of salary so fixed or varied shall come into operation on the day on which it is so fixed or varied or on any day before or after that day.

Amendment of
s. 49a of
principal Act—
Temporary
employment of
persons over
age of
retirement.

7. Section 49a of the principal Act is amended as follows :—

(1) Subsections (1a) and (1b) are struck out and the following subsection is inserted in their place :—

(1a) No person shall be employed or retained in employment under this section after the thirty-first day of December, nineteen hundred and fifty-three.

(2) Subsection (5) is amended by striking out the words “ may be ” and the words “ during the present war and during the period of twelve months after the termination of the present war, but no longer, and ”.

(3) Subsection (6) is struck out.

(4) Subsection (7) is struck out and the following subsection is inserted in its place :—

(7) Every person employed under this section shall be eligible for leave of absence other than leave of absence under section 75 of this Act, to the same extent and subject to the same conditions as persons

who are under the age of sixty-five years and are temporarily employed in the same department as that person.

(5) Subsection (9) is struck out.

8. Section 52 of the principal Act is amended by striking out subsection (5) and inserting the following subsection in its place :—

Amendment of
s. 52 of
principal Act—
Filling of
vacancies by
appointments
from within
the service.

(5) When an appeal has been made the board shall—

- (a) give the appellant, the Commissioner and the person recommended notice of the time when and the place where the appeal will be heard ;
- (b) hear and consider any relevant evidence, information, or arguments submitted by or on behalf of the appellant, the Commissioner, the head of the department in which the vacancy occurred, and the person recommended ;
- (c) after all parties and witnesses have withdrawn from the hearing, determine the appeal in such manner as it deems just, having regard to the relative efficiency, or in the event of equality of efficiency, the relative seniority (as defined in subsection (11) of this section) of the appellant and the person recommended.

On the hearing of an appeal any appellant or person recommended may be represented by the General Secretary of the Association ; and the Commissioner may be represented by any person authorized by him for the purpose.

This subsection shall not affect any right of the Association under section 24 of this Act.

9. Section 57 of the principal Act is amended by inserting after the word "thereunder" in the second line of subsection (2) the words "subsection (1) of" and by adding at the end thereof the following subsection :—

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

(3) Notwithstanding subsection (2) of this section the Clerks of the Legislative Council and the House of Assembly shall retire on the thirty-first day of March next after they respectively attain the age of sixty-five years.

A Clerk of the Legislative Council or House of Assembly who is over sixty-five years of age at the time of the passing of the Public Service Act Amendment Act, 1951, shall retire on the thirty-first day of March, 1953.

Amendment of
s. 76a of
principal Act—
Payments
for leave
not taken.

10. Section 76a of the principal Act is amended by striking out subsection (2) thereof and inserting in its place the following subsection :—

(2) In this section—

“ officer ” means any person in the employ of the Government of the State except a person to whom it is provided by any Act that section 75 of this Act does not apply ;

“ the retiring age ” means the age at which the particular officer is required by law to retire: Provided that where any Act provides that an officer shall have the option of retiring either on attaining a prescribed age, or at or before a prescribed time after attaining such age, “ the retiring age ” shall mean the age so prescribed.

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

C. W. M. NORRIE, Governor.