

Act No. 21, 1910.

An Act to amend the Public Service Act, 1902,
in certain particulars ; and for other purposes.
[11th October, 1910.]

PUBLIC SERVICE
(AMENDMENT).
—

BE it enacted by the King'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 :—

Preliminary.

1. This Act may be cited as the "Public Service (Amendment) Act, 1910," and shall be read with the Public Service Act, 1902, hereinafter called the Principal Act. Short title.

2. Section four of the Principal Act is amended by inserting the following after the definition of "Board" :— Definitions.

"Branch" means any branch or subdepartment declared by the Board to be a branch of a department of the Public Service.

"Head of a branch" means any person declared by the said Board to be head of a branch.

Temporary

*Public Service (Amendment).**Temporary employees.*

Governor may, subject to certain conditions, appoint temporary employees to permanent positions.

3. The Governor, on the recommendation of the Board, may, notwithstanding anything contained in the Principal Act, appoint, as a permanent officer, any person temporarily employed at the commencement of this Act in the Public Service of New South Wales, subject to the following conditions:—

- (a) The Board shall be satisfied that the work performed by the person temporarily employed is permanent in character.
- (b) The Board shall be satisfied as to the competency of such person, and the permanent head or the head of the branch in which he is employed shall certify that he is of good character and has satisfactorily performed his duties.
- (c) The age of any temporary employee proposed for appointment under this Act shall not be less than twenty-one nor more than fifty years at the date of his permanent appointment: Provided that the age may in special cases be extended to fifty-five years.
- (d) No person shall be eligible for appointment under this Act who has not been employed in the Public Service of New South Wales for at least two years continuously, or for two or more terms aggregating at least three years before the commencement of this Act.

Appointees to be subject to conditions of Public Service.

4. All conditions imposed on persons appointed under the Principal Act shall apply to and be binding on persons appointed under this Act, except those relating to age at the date of appointment, and to the mode of appointment, and in the case of persons over forty years of age to insurance, which in such cases shall not be compulsory.

Board to determine seniority.

5. The Board shall assign the position in seniority of persons appointed under this Act, having regard to the claims of officers already in such Service.

Grading and classification.

Repeal of s. 13 of Principal Act.

6. Section thirteen of the Principal Act is repealed and the following substituted for it:—

13. The officers of the Public Service shall from time to time be graded and their work shall be classified within the five principal divisions specified in section twenty, according to fitness and to the character and importance of the work performed by or assigned to them.

Amendment of s. 14 of Principal Act.

7. Section fourteen of the same Act is amended by omitting "The board shall from time to time determine" and inserting the words "There shall from time to time be determined in accordance with the provisions of this Act"

8.

Public Service (Amendment).

8. The following sections are inserted next after section fourteen of the Principal Act :— New sections.

14A. In each department of the Public Service there shall be constituted boards, hereinafter referred to as “departmental boards” who shall determine the grade, and the salaries, fees, and allowances of officers in such department, exclusive of the Under Secretary and of heads of branches. Departmental boards.

14B. Each such board shall consist of the Under Secretary of the Department, a member of the Public Service Board, and the head of the branch to which the officer whose grading or salary is in question, belongs. Constitution of such board.

14c. If the determination of a departmental board is not unanimous, the member of the Public Service Board may refer the matter to the other two members of the Public Service Board. Reference and appeal.

The officer whose grading or salary is in question may, in any case, appeal from the departmental board to the Public Service Board.

On any such reference or appeal the Public Service Board may vary, rescind, or confirm the determination of the departmental board.

If the decision of the Public Service Board, on such reference or appeal is not unanimous, the matter shall be reheard before the same two members and a District Court Judge. They may make such order as they think fit, and their decision shall be final.

14D. The grade and the salaries, fees, and allowances of the Under Secretaries and of the heads of branches who are officers shall be determined by the Public Service Board. Certain matters to be determined by Public Service Board.

9. Section fifteen of the same Act is amended as follows :— Amendment of s. 15 of Principal Act.

- (a) Omit “by the Board” where first occurring.
- (b) In paragraph two omit “the Board shall reduce the salary of such officer”, insert “the salary of such officer shall be reduced”; and omit the words “by the Board.”

10. Section sixteen of the same Act is amended as follows :— Amendment of s. 16 of Principal Act.

- (a) Omit “the permanent head of the department may draw the attention of the Board thereto, and the Board may thereupon if it thinks fit”, insert the words “proceedings may be taken to.”
- (b) Insert before “may assign” the words “the Board.”

11. Section eighteen of the said Act is repealed. Repeal.

12. In section nineteen of the said Act omit “officer” insert “Under Secretary of a department or head of a branch.” Amendment of s. 19 of Principal Act.