

PUBLIC SERVICE (SALARIES
REDUCTION) ACT.

Act No. 21, 1930.

George V.
No. 21, 1930.

An Act to provide for the reduction of salaries of officers of the Public Service, of certain other employees of the Crown, and of officers and other employees of public authorities and corporate bodies; to amend the Public Service Act, 1902, and certain other Acts; and for purposes connected therewith. [Assented to, 16th June, 1930.]

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:—

Short title.

1. (1) This Act may be cited as the "Public Service (Salaries Reduction) Act, 1930."

(2) This Act shall commence on the first day of July, one thousand nine hundred and thirty.

(3) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State to the intent that where any enactment thereof would but for this subsection have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

Definitions.

2. In this Act, unless the context or subject-matter otherwise requires,—

"Crown corporation" means any body mentioned in the Schedule to this Act or included in the Schedule in pursuance of this Act.

"Salary"

“Salary” includes wages and the value of allowances such as rent, house allowed rent free, light, fuel, rations, and fees allowed regularly as emoluments of office, whether in one sum or several sums, but does not include bonuses, overtime pay, travelling or relieving expenses, forage, equipment, sustenance, or climatic allowance, or any other allowance or emolument which the Governor may determine, and does not include pension, superannuation, or retiring allowance or gratuity for the loss of office or on death, or any payment on retirement in respect of leave.

“Officer” means a person whose salary is provided for by or paid out of any annual or special or permanent appropriation of the Consolidated Revenue Fund, the Special Deposits Account, the General Loan Account, or any trust or special fund or account constituted or established by any Act as payment for personal services rendered by any officer employed in the service of the Government of New South Wales or by or in the service of any Crown corporation, whether the amount of such payment is or is not specified in such Act, and whether such officer is employed in or in connection with one Department or several Departments, and includes every person appointed by the Governor whose salary or remuneration is fixed by any Act or by the Governor in pursuance of some Act, and every person appointed by a Minister in pursuance of any Act and whose salary is fixed by any Act or by the Minister.

But the term does not include—

- His Excellency the Governor;
- the Chief Justice and the puisne judges of the Supreme Court;
- any member of any Commission having the status of a Supreme Court judge;
- the Judge of the Land and Valuation Court;

any

No. 21, 1930.

- any District Court judge or commissioner having the status of a District Court judge;
- any person whose allowance or salary was reduced by the Parliamentary Allowances and Salaries Act, 1930;
- the Private Secretary to His Excellency the Governor;
- any person exempted from the operation of this Act by the Governor;
- or any person who by the terms of his employment is not required to give his whole time to the duties of his employment and whose salary for such employment does not exceed two hundred pounds per annum.

Deduction
from salaries.

3. (1) Subject to this section, during the financial year ending on the thirtieth day of June, one thousand nine hundred and thirty-one, the salary of all officers shall be paid less a deduction at the rate of eight pounds six shillings and eight pence per centum.

(2) In no case of a married male officer in receipt of salary in excess of three hundred pounds per annum shall a greater deduction be made than will reduce the actual amount received by him as salary as defined in this Act to three hundred pounds per annum.

(3) Where a married officer in receipt of a salary of three hundred pounds per annum or under becomes entitled to an increase in salary only such sum shall be deducted under subsection one of this section as does not exceed the amount of such increase.

Save as aforesaid in this subsection provided, no deduction under this Act shall be made from the salary of such a married officer.

(4) No salary of an adult officer shall by operation of this section be reduced below the amount of the declared adult male or adult female living wage in force for the time being and applicable to the officer.

(5) No deduction from the salary of an officer shall be made in pursuance of this Act—

(a) where the ordinary working hours of such officer are increased to—

- (i) eight hours per day on six consecutive days; or
- (ii)

- (ii) forty-eight hours per week; or
 - (iii) ninety-six hours in fourteen consecutive days; or
 - (iv) one hundred and forty-four hours in twenty-one consecutive days; or
 - (v) one hundred and ninety-two hours in twenty-eight consecutive days,
- and no increase in the salary of such officer is made in respect of such increase in his working hours; or
- (b) where in lieu of such increase in his working hours his salary is by agreement reduced by at least one-twelfth.

4. (1) The Governor may upon the recommendation Exemptions of the authority employing any person or class of persons partially or totally exempt such person or class of persons from the operation of this Act where he is satisfied that rationing of employment, voluntary reduction in salary, or increase of working hours has been effected, or that any other sufficient reason exists for such exemption.

(2) The Minister shall lay before both Houses of Parliament within fourteen sitting days if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session, a statement of any exemption granted and the reasons for such exemption.

If either House of Parliament passes a resolution at any time within fifteen sitting days after such exemptions have been laid before such House disallowing any exemption or part thereof, such exemption or part shall thereupon cease to have effect.

5. (1) The Governor may by proclamation published Extension to certain public authorities. in the Gazette amend the Schedule to this Act by adding thereto the name of any trust or board incorporated by any Act, or any municipal or shire council or county council, or any public institution which receives aid from the public revenue.

(2) The name of any trust, board, council, or institution shall be added only upon the request of such trust, board, council, or institution.

No. 21, 1930.

(3) As and from the date of the publication in the Gazette of the proclamation or from a later date specified therein the trust, board, council, or institution specified in the proclamation shall be deemed for the purposes of this Act to be a Crown corporation and the officers or employees thereof shall be subject to the provisions of this Act in all respects as if they were officers within the meaning of this Act.

Status,
contributions
and pensions,
&c., not
affected.

6. (1) The deduction made in pursuance of this Act shall not alter or affect any officer's grade or classification or his relative position or seniority.

(2) Every officer may continue to contribute towards any superannuation fund or account at the rate applicable to him and, as if no deduction had been made from his salary in pursuance of this Act.

(3) The pension, superannuation, or retiring allowance, or any compensation or gratuity, or the payment on retirement on account of leave to which any officer or his representative is or becomes entitled shall not be lessened or diminished, nor shall the method of computation thereof be altered in consequence of any deduction made in pursuance of this Act.

Duration of
Act.

7. The provisions of this Act shall cease to have effect on the first day of July, one thousand nine hundred and thirty-one.

SCHEDULE.

The Railway Commissioners for New South Wales.
The Water Conservation and Irrigation Commission.
The Main Roads Board of New South Wales.
The Sydney Harbour Trust.
The Trustees of the Australian Museum.
The Forestry Commission of New South Wales.

INDUSTRIAL