

PUBLIC SERVICE SALARIES
ACT (No. 2).

Act No. 29, 1931.

An Act to make further provision for the reduction of salaries of officers of the Public Service, of certain other officers and employees of the Crown, and of officers and other employees of public authorities and corporate bodies; to reduce by deduction certain salaries, including allowances and salaries payable under the Parliamentary Allowances and Salaries Act, 1930; to repeal the Public Service (Salaries Reduction) Act, 1930, and the Public Service (Salaries Reduction) Amendment Act, 1931; to amend the Constitution Act, 1902, and certain other Acts; and for purposes connected therewith. [Assented to, 8th August, 1931.]

George V,
No. 29, 1931.

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:—

1. (1) This Act may be cited as the "Public Service Salaries Act (No. 2), 1931." Short title.

(2) This Act shall be deemed to commence on the seventh day of August, one thousand nine hundred and thirty-one.

(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

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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.

Repeal of
Act No. 21,
1930; Act
No. 24, 1931.

2. The Public Service (Salaries Reduction) Act, 1930, and the Public Service (Salaries Reduction) Amendment Act, 1931, are hereby repealed.

Definitions.

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

“Crown corporation” means any body mentioned in the Schedule to this Act.

“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

person appointed by a Minister in pursuance of any Act and whose salary is fixed by any Act or by the Minister. No. 29, 1931.

But the term does not include—

His Excellency the Governor;
the Private Secretary to His Excellency 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 the amount of the declared adult male or adult female living wage in force for the time being and applicable to the person or a rate of wages paid at hourly, daily, or weekly rates or by piecework equivalent to that amount.

4. (1) Subject to this section, during the period in which this Act is in force, the following provisions shall, notwithstanding any Act, have effect— Deduction from salaries.

(a) In the case of—

- (i) a male officer the rate of whose salary does not exceed the amount of the declared adult male living wage in force for the time being;
- (ii) a female officer the rate of whose salary does not exceed the amount of the declared adult female living wage in force for the time being,

the salary of such officer shall be reduced by a deduction of eight pounds six shillings and eightpence per centum.

(b) In the case of—

- (i) a male officer the rate of whose salary exceeds the amount of the declared adult male living wage in force for the time being;
- (ii) a female officer the rate of whose salary exceeds the amount of the declared adult female living wage in force for the time being,

the

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the salary of such officer shall be reduced by deduction as follows:—

by fifteen per centum on that part of the salary which does not exceed two hundred pounds per annum;

by seventeen and one-half per centum on that part of the salary which exceeds two hundred pounds per annum but does not exceed four hundred pounds per annum;

by twenty per centum on that part of the salary which exceeds four hundred pounds per annum but does not exceed six hundred pounds per annum;

by twenty-two and one-half per centum on that part of the salary which exceeds six hundred pounds per annum but does not exceed eight hundred pounds per annum;

by twenty-five per centum on that part of the salary which exceeds eight hundred pounds per annum and does not exceed one thousand pounds per annum;

by twenty-seven and one-half per centum on that part of the salary which exceeds one thousand pounds per annum and does not exceed one thousand five hundred pounds per annum;

by thirty-two and one-half per centum on that part of the salary which exceeds one thousand five hundred pounds per annum;

Provided that—

(i) in the case of a male officer the rate of whose salary exceeds the amount of the declared adult male living wage, in force for the time being, such salary shall not be reduced by operation of this section below one hundred and ninety-seven pounds per annum.

(ii)

- (ii) in the case of a female officer the rate of whose salary exceeds the amount of the declared adult female living wage, in force for the time being, such salary shall not be reduced by operation of this section below one hundred and seven pounds per annum.

(2) In the application of the provisions of this section to the case of a married male officer, or an officer who is a widower with dependent child or children or an officer who is a widow with dependent child or children, the following further provisions shall have effect:—

- (a) where the salary of such officer does not exceed the rate of three hundred pounds per annum, the officer shall be entitled to a rebate of fifteen pounds per annum from the deduction prescribed by this section ;
- (b) where the salary of such officer exceeds the rate of three hundred pounds per annum, such salary shall not be reduced below two hundred and sixty-eight pounds per annum.

(3) Where by rationing of employment reduction is made in the salary of any officer, the officer shall be given credit for the amount of such reduction as against the reduction to be made under this section.

(4) This section shall extend to the allowances and salaries reduced by the Parliamentary Allowances and Salaries Act, 1930, and the persons receiving such allowances or salaries shall be deemed to be officers within the meaning of this Act.

The deduction prescribed by this section shall be made from the rate of such allowances and salaries as payable immediately prior to the commencement of that Act, and such deduction shall in respect of the period in which this Act is in force take the place of the reduction of such allowances and salaries effected by that Act.

(5) This section shall apply in respect of a person notwithstanding that he is wholly or partially paid at hourly, daily, or weekly rates, or by piecework, which payments shall be included in the salary of such person for the purposes of this Act.

(6)

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(6) 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.

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

5. (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.

6. The provisions of this Act shall cease to have effect on the fifth day of August, one thousand nine hundred and thirty-two.

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.
The Metropolitan Transport Trust.
The Newcastle and District Transport Trust.

EJECTMENTS