

PUBLIC SERVICE (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 37, 1972.

An Act to enable certain persons to be ranked or classed as permanent heads of departments of the Public Service; to enable the Public Service Board to delegate certain powers, authorities, duties and functions to those persons; to enable the Public Service Board to make certain regulations; to validate certain matters; to provide for the appointment of persons employed under the Teaching Service Act, 1970, to the Public Service; for these purposes to amend the Public Service Act, 1902; and for purposes connected therewith. [Assented to, 11th April, 1972.]

BE

Public Service (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by No. 37, 1972
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. This Act may be cited as the "Public Service (Amend- Short
title.
ment) Act, 1972".

2. The Public Service Act, 1902, is amended—

Amendment
of Act No.
31, 1902.

(a) (i) by omitting from section four the definition of Sec. 4.
(Interpre-
tation.)
"Permanent head" and by inserting in lieu thereof the following definition :—

"Permanent head" means—

(a) the Under Secretary of the department in which the officer or employee in connection with whom the term is used is employed;

(b) the Auditor-General; and

(c) a person who is—

(i) in charge or control of a group of officers or employees; and

(ii) ranked or classed as a permanent head by the Governor or by any Act passed before or after the commencement of the Public Service (Amendment) Act, 1972.

(ii) by inserting at the end of the same section the following new subsection :—

(2) A reference in this Act to a department is, in relation to a permanent head referred to in paragraph (b) or (c) of the definition of

"Permanent

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“Permanent head” in subsection one of this section, a reference to the group of officers or employees in the charge of or under the control of that permanent head.

Sec. 5.
(Act not to apply to certain public officers.)

(b) by inserting at the end of section five the following new subsection :—

(2) Nothing in subsection one of this section shall prevent a person referred to in that subsection from being ranked or classed as a permanent head in accordance with this Act or a person so ranked or classed from exercising or performing the powers, authorities, duties or functions conferred or imposed on permanent heads by or under this Act.

Sec. 11A.
(Delegation of powers, authorities, etc.)

(c) (i) by omitting from subsection two of section 11A the words “or to an officer” and by inserting in lieu thereof the words “, a permanent head of a department or an officer”;

(ii) by omitting from subsection three of the same section the words “or an officer” and by inserting in lieu thereof the words “, a permanent head of a department or an officer”;

(iii) by omitting from the same subsection the words “or officer or” and by inserting in lieu thereof the words “, permanent head or officer or by”;

(iv) by omitting from the same subsection the words “or officer” where secondly occurring and by inserting in lieu thereof the words “, permanent head or officer”;

New sec.
20A.

(d) by inserting next after section twenty the following new section :—

Seniority.

20A. (1) The Board may make regulations governing or prescribing the seniority of all officers or officers in any department and for that purpose the regulations may designate any group of officers specified in the regulations as a department.

(2)

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(2) For the purposes of determining the seniority of an officer, a reference to a department in any provision of this Act, other than subsection one of this section, is and shall be deemed always to have been, for the purposes of that provision, a reference to any group of officers designated as a department in the regulations made under that subsection, whether or not the regulations are expressed to be only for the purposes of any specified provision of this Act.

(3) Any regulation purporting to have been made under this Act before the commencement of the Public Service (Amendment) Act, 1972, that could have been validly made if the provisions of subsection one of this section had been in force at the time when that regulation purported to have been made shall be deemed to have been validly made but nothing in this subsection affects the rights of any person whose rights were determined by the Crown Employees Appeal Board before that commencement.

- (e) by inserting in subsection one of section thirty-four after the word "thirty-six" the words "or 36A";
- (f) by inserting next after section thirty-six the following new section :—

Sec. 34.
(Conditions
of new
appoint-
ments.)

New sec.
36A.

36A. If it is expedient or desirable in the interests of the Public Service to appoint to the Special, Professional, Educational, Administrative and Clerical or General Division a person who is then employed under the Teaching Service Act, 1970, the Governor, on the recommendation of the Board made with the concurrence of the Director-General

Appoint-
ment of
persons
employed
under
Teaching
Service Act,
1970, to
Public
Service.

of

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of Education and with the written consent of that person, may appoint, subject to such conditions as the Board may specify, that person accordingly without either examination or probation and that person shall thereupon cease to be employed under the Teaching Service Act, 1970.

Sec. 39.
(Age of appointees: Administrative and Clerical Division.)

- (g) (i) by inserting in subsection one of section thirty-nine after the words "No person" the words "
", other than a person appointed under section 36A of this Act,";
- (ii) by inserting in subsection two of the same section after the words "No person" the words "
", other than a person appointed under section 36A of this Act,";

Sec. 44.
(Temporary assistance.)

- (h) (i) by inserting next after subsection one of section forty-four the following new subsection :—

(1A) Without limiting the provisions of subsection one of this section, the Board, with the concurrence of the Director-General of Education and with the written consent of the person concerned, may temporarily employ, subject to such conditions as the Board may determine, a person employed under the Teaching Service Act, 1970, and thereupon that person shall cease to be employed under that Act.

- (ii) by omitting from subsection two of the same section the words "Such person or persons" and by inserting in lieu thereof the words "A person referred to in subsection one or (1A) of this section".

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3. (1) This section shall commence—

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- (a) where a proclamation referred to in paragraph (b) of this subsection has not been published in the Gazette before the first anniversary of the commencement of this Act—on that anniversary;
or
- (b) where before the first anniversary of the commencement of this Act a proclamation has been made by the Governor and has been published in the Gazette specifying that this section shall commence on a day not later than the second anniversary of that commencement—on that day.

(2) Section 20A of the Public Service Act, 1902, is hereby repealed.

(3) The repeal of section 20A of the Public Service Act, 1902, effected by this section does not affect the operation, in respect of any appeal against any promotion or appointment made before that repeal, of any regulations made under or validated by that section.

REGIONAL