

**PUBLIC SERVICE (AMENDMENT)
ACT.**

Act No. 43, 1919.

George V, No. 43. **An Act to amend the Public Service Act, 1902, the Public Service (Amendment) Act, 1910, the Superannuation Act, 1916, the Superannuation (Amendment) Act, 1918, and the Civil Service Act, 1884; to make further provision for the appointment, term of office, salaries, powers, pensions, and retiring allowances of members of the Public Service Board; and for purposes consequent thereon or incidental thereto. [Assented to, 22nd December, 1919.]**

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. This Act may be cited as the "Public Service (Amendment) Act, 1919."

Pension to present chairman,

2. (1) The present chairman of the Public Service Board, James Surfleet Marks, Esquire, shall, on his retirement from his said office either on attaining the age of sixty-five years or becoming before that age unable to perform his duties by reason of invalidity or physical or mental incapacity, be entitled to be paid out of the Consolidated Revenue Fund a pension at the rate of six hundred pounds per annum (payable by monthly instalments) until his death. The amount of such pension is hereby specially appropriated.

(2) The question whether the said James Surfleet Marks is an invalid, or is physically or mentally incapable of performing his duties, shall be referred to the chief medical

medical officer of the Government, and shall be determined by the Governor after taking into consideration the report of such officer. George V.
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(3) The provisions of the Superannuation Act, 1916, and the Superannuation (Amendment) Act, 1918, shall not apply to the said James Surfleet Marks.

3. John Michael Taylor, Esquire, formerly a member of the said board, shall be entitled to continue to contribute to the Superannuation Account under the provisions of the said Superannuation Acts until the fourth April, one thousand nine hundred and twenty-one, and then shall be paid such pension as he would be entitled to under the said Acts, and shall further be paid such gratuity as he would be entitled to under the Public Service Acts if he had continued up to such date to be an officer of the public service. J. M. Taylor,
Esq., to be
contributor
under
Superannua-
tion Acts.

4. James Leslie Williams, Esquire, C.M.G., the present deputy member of the said board is hereby appointed member of the board as from the first January, one thousand nine hundred and twenty. Appointment
of new
member of
board.

5. (1) The members of the Public Service Board hereinafter named shall be deemed to have been entitled, as from the respective dates hereinafter mentioned, to be paid out of the Consolidated Revenue Fund salaries at the following yearly rates:— Salaries
of present
members of
board.

The said James Surfleet Marks, two thousand five hundred pounds, from the thirteenth March, one thousand nine hundred and nineteen.

The said James Leslie Williams, one thousand five hundred pounds, from the twentieth June, one thousand nine hundred and nineteen, as deputy member, and from the first January, one thousand nine hundred and twenty, as member of the said board; and

Walter David Loveridge, Esquire, one thousand five hundred pounds, from the thirteenth March, one thousand nine hundred and nineteen.

The said amounts are hereby specially appropriated.

(2) The term of the appointment of each such member shall be and shall be deemed to have been until he reaches the age of sixty-five years. Term of
appointment.

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Amendment of
Public Service
Act.
Sec. 7.

6. Section seven of the Public Service Act, 1902, is amended, as follows:—

(a) Omit subsection two and insert the following in its place:—

(2) Each member of the board shall be appointed to hold office until he reaches the age of sixty-five years.

(b) Add the following to subsection three:—

“The chairman shall preside at all meetings of the board at which he is present, and in the case of an equal division of votes, shall have a second or casting vote.”

(c) Insert in subsection five after the words “are present” the words “neither of whom is the chairman”; omit the words “until all the members are present” insert the words “to a meeting at which the chairman is present”

(d) Insert next after subsection five the following subsection:—

(5A) If the chairman disapproves of the decision of the other members of the board with respect to any matter before the board for their decision and determination (whether the chairman was or was not present when such decision was given), such matter shall be deferred for not less than twenty-four hours after the decision, or if the chairman was not present when the decision was given, for not less than twenty-four hours after it has been brought to his knowledge by communication in writing or by electric telegraph, when it shall again be brought forward before the board; and if the chairman again disapproves of the decision of the other members of the board, the matter shall be determined according to the deliberate judgment of the chairman, irrespective of the decision of the other members.

In such case the chairman shall enter or cause to be entered upon the minutes of the proceedings of the board his reasons at length for determining such matter in opposition to
the

Chairman to
have casting
vote.

Decision of
board.

the decision of the other members, and shall forward to the Minister a copy of such minute, certified under his hand. George V,
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The other members, or either of them, may also enter upon such minutes their or his reasons in support of the decision of such members and against the disapproval of the chairman, and may forward to the Minister a copy of such minute, certified under their hands.

- (e) Omit subsection nine and insert the following subsection in lieu thereof:—

(9) The members of the board shall respectively receive salaries at the following yearly rates:—The chairman, two thousand five hundred pounds; each of the other members of the board, one thousand five hundred pounds. Salaries.

Such salaries shall be paid out of the Consolidated Revenue Fund, and the amounts thereof are hereby specially appropriated.

7. Any officer of the public service who is by this Act, or may hereafter be, appointed a member of the board, and any present member of the board who was at the date of his appointment as such member an officer of the public service,— Rights of
members of
board.

- (1) shall have the same right to retire, as if he had continued to be an officer of the public service; and
- (2) if at the date of his appointment he is or was a contributor to the Superannuation Account under the provisions of the Civil Service Act of 1884, shall have the right to continue to contribute to such account as a professional officer in receipt of a salary of twelve hundred pounds; and
- (3) if at such date he is not or was not a contributor to the said Superannuation Account, shall have the same right to receive a gratuity and refund of contributions with interest thereon, as if he had continued to be an officer of the public service.

8.

George V, **8.** The following subsection is inserted next after
No. 43. subsection one of section nine of the Public Service
 New sub- section. Act, 1902 :—

Appointment
and duties of
inspectors.

(1A) The Governor may appoint persons to be Public Service inspectors who shall, when so directed by the board and subject to such conditions and limitations as the board may from time to time impose, have the powers and discharge the duties of the board under the last preceding subsection.

Amendment **9.** The following amendments are made in the said
 of Public Act :—
 Service Act,
 1902.

Sec. 9 (1).

(a) In subsection one of section nine, after the words "the character of the work performed by every officer therein" insert the words "and the manner in which such officer has performed his duties"

Sec. 11.

(b) In section eleven omit the words "outside of Sydney" and the words "a majority of"

Sec. 48.

(c) In section forty-eight omit the words "three hundred" wherever occurring, insert the words "three hundred and ninety-nine."

Sec. 49 (1).

(d) In subsection one of section forty-nine, after the words "class of work within" insert the words "the special division or"

Sec. 58.

(e) In section fifty-eight omit the words "is guilty of any conduct which in the opinion of the board renders him unfit to continue in the Public Service" insert the words "is alleged to have been guilty of any of the offences specified in section fifty-six"

Sec. 69 (2).

(f) In subsection two of section sixty-nine omit the word "fourteen" insert the word "thirty"

Sec. 73.

(g) At end of section seventy-three add the following subsection :—

(3) Any officer who, after the commencement of the Public Service (Amendment) Act, 1919, voluntarily resigns or is dismissed or required to resign from the public service shall, if he has elected under the provisions of the Public Service Act, 1895, or of the Public Service (Superannuation) Act, 1903, to cease contributing to the Superannuation Account under the first-mentioned Act,

or

or to the Consolidated Revenue Fund under the last-mentioned Act, be entitled to a refund out of the Consolidated Revenue Fund of his contributions to the said account or fund with interest at the rate of three per centum per annum but without a gratuity.

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10. (1) The following new section is inserted next after section fourteen of the Public Service Act, 1902, as amended by the Public Service (Amendment) Act, 1910:—

New section.

14A. (1) Section eight of the Public Service (Amendment) Act, 1910, is repealed.

Repeal.

(2) The grade, salaries, fees, and allowances of officers, and the salaries, fees, and allowances of all other persons employed under the provisions of this Act shall be determined by the board or by salaries committees each consisting of such persons (not being less than three in number) as the board may appoint for that purpose:

Determina-
tion of grade
and salary.

Provided that the board may vary any determination of any such salaries committee:

Provided also that any officer whose grade, salary, fees, or allowances have been so determined by the board or by any such committee may appeal to the board therefrom or from any decision of the board varying such determination.

(3) Nothing in the preceding subsection shall affect the powers of the Court of Industrial Arbitration under the Industrial Arbitration Act, 1912, or any Act amending the same.

11. (1) Section nineteen of the Public Service Act, 1902, as amended by the Public Service (Amendment) Act, 1910, is amended by omitting the words "Under Secretary of a department or head of a branch" and by inserting in place thereof the word "officer."

Amendment
of s. 19 of the
Public
Service Act.

(2) Section twelve of the Public Service (Amendment) Act, 1910, is repealed.

Repeal.

12. Section six of the Public Service (Amendment) Act, 1910, is amended by omitting the word "twenty" and inserting the word "twenty-one."

Amendment
of s. 6 of the
Public Service
(Amendment)
Act, 1910.

13. Every officer who has had fifteen years service shall be entitled to three months leave on full pay or six months on half pay, and on the completion of twenty years service shall be entitled to a further three months

Leave of
absence after
years of
service.

George V, months leave on full pay or six months on half pay.
No. 43. After completion of further service after twenty years and up to a total service of forty years in all, he shall be entitled to a further proportionate amount of leave on full pay or half pay calculated on the basis of six months or twelve months respectively for twenty years service: Provided that nothing in this section shall affect the provisions of section fifty-six of the Public Service Act, 1902.

Dependent relative to receive money value of leave not taken or completed.

14. Where an officer has acquired a right under this Act to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, his widow, or in the case of a widower leaving children, his children, or their guardian, or other dependent relative, or their legal representative, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary the officer received at the time of his death. Such payment shall be in addition to any payment due under the provision of the Superannuation Act.
