

**PUBLIC SERVICE APPEAL
BOARD.**

No. 63 of 1966.

**AN ACT to amend the Public Service Appeal Board
Act, 1920-1960.**

[*Assented to 12th December, 1966.*]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Public Service Appeal Board Act Amendment Act, 1966.*

Reprinted in
Vol. 3 of the
Reprinted
Acts.

(2) In this Act the Public Service Appeal Board Act, 1920-1960, is referred to as the principal Act.

Approved for
Reprint 16th
February,
1950, and
amended by
Acts Nos.
9 of 1950 and
63 of 1960.

(3) The principal Act as amended by this Act may be cited as the Public Service Appeal Board Act, 1920-1966.

2. This Act shall come into operation on a date to be fixed by proclamation. Commencement.

3. Section two of the principal Act is repealed and re-enacted with amendments as follows— S. 2 repealed and re-enacted.

2. In this Act unless the contrary intention appears— Interpretation.

“Association” means the Civil Service Association of Western Australia Incorporated;

“Board” means The Public Service Appeal Board established under this Act;

“public servant” means any person who is employed—

(a) in any capacity in the Public Service of the State as an officer or temporary employee within the meaning of the Public Service Act, 1904; or

(b) on the administration staff or as an officer of the field staff of the Forests Department under the Forests Act, 1918.

4. Section three of the principal Act is amended— S. 3 amended.

(a) by repealing subsection (2) and re-enacting it with amendments as follows—

(2) If the appeal—

(a) is against a decision of the Public Service Commissioner in relation to an interpretation of any provision of the Public Service Act, 1904, and the regulations made thereunder, concerning the conditions of service (other than salaries and allowances) of public servants;

- (b) is against a decision of the Conservator of Forests in relation to an interpretation of any provision of the Forests Act, 1918, and the regulations made thereunder, concerning the conditions of service (other than salaries and allowances) of public servants;
- (c) is by an officer included in the Special Division of the Public Service, or by the Association on his behalf, in relation to disciplinary action against him under section forty-four of the Public Service Act, 1904; or
- (d) is by an officer included in the Special Division of the Public Service, or by the Association on his behalf, in relation to any determination made by the Public Service Commissioner concerning the salary of his office, other than a determination made as the result of a variation in the basic wage,

the Board shall consist of a judge who shall be chairman, one member to be appointed by the Governor, and one member to represent the Division of the Public Service concerned, to be elected in the prescribed manner by the members of the Association. ; and

(b) by adding after subsection (2), the following subsection—

(3) If the appeal—

- (a) is by an officer included in any Division of the Public Service, other than the Special Division, or by the Association on his

behalf, in relation to disciplinary action against him under section forty-two of the Public Service Act, 1904; or

- (b) is by a temporary employee, or by the Association on his behalf, pursuant to subsection (2) of section six A of this Act,

the Board shall consist of the Public Service Arbitrator appointed under the Public Service Arbitration Act, 1966, who shall be chairman, one member to be appointed by the Governor, and one member to represent the Division of the Public Service concerned, to be elected in the prescribed manner by the members of the Association. .

5. Section four of the principal Act is amended— S. 4 amended.

- (a) by substituting for the passage, "Subject to the proviso to the last preceding section, every" in lines one and two, the word, "Every"; and

- (b) by substituting for the words, "one year" in line three, the words, "three years".

6. The principal Act is amended by adding after section five, the following section— S. 5A added.

5A. A person who is elected in accordance with the provisions of this Act to be a member or a deputy member of the Board may at any time resign from that office if he sends to the Minister written notice under his hand of his resignation and the Minister accepts such resignation. . Resignation of member.

S. 6
repealed and
re-enacted.

7. Section six of the principal Act is repealed and re-enacted with amendments as follows—

Jurisdiction
of Board.

6. The Board shall have jurisdiction—

- (a) to hear and determine any appeal by any public servant, or by the Association on his behalf, against any decision of the Public Service Commissioner, or as the case may require, the Conservator of Forests, in relation to an interpretation of any provision of the Public Service Act, 1904, and the regulations made thereunder, or as the case may be, of the Forests Act, 1918, and the regulations made thereunder, concerning the conditions of service (other than salaries and allowances) of public servants;
- (b) to hear and determine any appeal by any public servant, or by the Association on his behalf, in relation to disciplinary action against that public servant under section forty-two or section forty-four of the Public Service Act, 1904;
- (c) to hear and determine any appeal made by an officer included in the Special Division of the Public Service, or by the Association on his behalf, in relation to any determination made by the Public Service Commissioner concerning the salary of his office, other than a determination made as the result of a variation in the basic wage;
- (d) to hear and determine any appeal made by any temporary employee, or by the Association on his behalf, pursuant to subsection (2) of section six A of this Act,

and to adjust all such matters as are referred to in the foregoing paragraphs of this section.

8. The principal Act is amended by adding after section six, the following section—

S. 6A
added.

6A. (1) Any person who has been continuously employed as a temporary employee within the meaning of the Public Service Act, 1904, for a period exceeding five years, and whose duties are similar to those of an officer on the permanent staff or are proper for an officer on the permanent staff to perform, may apply to the Public Service Commissioner for appointment to the permanent staff.

Appeal by
temporary
employee.

(2) The Public Service Commissioner shall determine any application made pursuant to subsection (1) of this section and an appeal shall lie to the Board from any determination of the Public Service Commissioner so made.

9. Section seven of the principal Act is repealed and re-enacted with amendments as follows—

S. 7
repealed and
re-enacted.

7. Any public servant, or the Association on behalf of any public servant, may in the prescribed manner appeal to the Board upon any matter within its jurisdiction affecting that public servant.

Right of
appeal by
public
servants.

10. Section eight of the principal Act is amended by repealing subsection (4) and re-enacting it with amendments as follows—

S. 8
amended.

(4) The Public Service Commissioner, or as the case may be, the Conservator of Forests, may be represented before the Board on the hearing of an appeal.

11. Section nine and section twelve of the principal Act are each repealed.

Ss. 9 and 12
repealed.

S. 16
amended.

12. Section sixteen of the principal Act is amended—

- (a) by deleting the word, “Colonial” in line three; and
- (b) by substituting for the words, “five pounds” in line three, the words, “ten dollars”.

S. 17
amended.

13. Section seventeen of the principal Act is amended by substituting for the words, “ten pounds” in line three of paragraph (c), the words, “twenty dollars”.
