

1964.]

*Government Employees
(Promotions Appeal Board).*

[No. 86.

GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD).

13° Elizabeth II., No. LXXXVI.

No. 86 of 1964.

AN ACT to amend the Government Employees (Promotions Appeal Board) Act, 1945-1960, and to repeal section three of the Government Employees (Promotions Appeal Board) Act Amendment Act, 1960.

[Assented to 14th December, 1964.]

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:—

1. (1) This Act may be cited as the *Government Employees (Promotions Appeal Board) Act Amendment Act, 1964.*

Short title
and citation

- appointment the recommending authority, or as the case may be, the appointing authority”;
- (b) by inserting after the word, “recommendation” in line five of paragraph (d), the words, “or appointment”;
 - (c) by adding after the word, “employment”, being the last word in paragraph (d), the words, “or appointed thereto or employed therein”; and
 - (d) by inserting after the word, “recommended” in line five of paragraph (e), the passage, “, or as the case may be, appointed or employed”.

5. Section five of the principal Act is amended by substituting for the passage commencing with the word, “but” immediately following the passage, “section,” in line twelve of paragraph (b) of the proviso to subsection (1) down to and including the word, “created” being the last word in that paragraph, the words, “unless the Minister declares upon special grounds that this paragraph does not apply in respect of the vacancy or new office”.

S. 5
amended.

6. Section six of the principal Act is amended—

S. 6
amended.

- (a) by deleting the words, “in each case” in line one of paragraph (b) of subsection (2);
- (b) by inserting after the passage “Incorporated,” in line six of subparagraph (ii) of paragraph (c) of subsection (2), the passage, “The Australasian Transport Officers Federation, the Association of Railways Professional Officers of Australia”;
- (c) by adding after subsection (2), the following subsections—

(2a) Notwithstanding the provisions of subsection (2) of this section, the Governor may appoint a stipendiary

magistrate nominated by the Minister to be the Assistant Chairman of the Board and thereupon the Board may at any time comprise that Assistant Chairman and two persons respectively appointed in accordance with the provisions of paragraphs (b) and (c) of that subsection.

(2b) The Board when comprised as provided in subsection (2a) of this section may sit either at the same or a different time as the Board sits when it is comprised as provided in subsection (2) of this section, and shall hear and determine such appeals under this Act as the Chairman of the Board may direct from time to time. ;

- (d) by deleting the passage, "subsection (2) of" in line two of subsection (3);
- (e) by inserting after the passage "subsection (2)" in line eight of paragraph (a) of subsection (3), the passage, ", or under subsection (2a),";
- (f) by adding after the word, "nominate", being the last word in paragraph (a) of subsection (3), the passage, ", or if there be no such elected member, then a person nominated by that Executive Committee shall so act until members are elected as referred to in this paragraph"; and
- (g) by inserting after the word, "Board" in line one of subsection (4), the passage, ", whether comprised as provided in subsection (2) or as provided in subsection (2a) of this section,".

S. 6A
added.

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

Deputy
member
may be
appointed.

6A. (1) A person nominated and appointed in accordance with the provisions of paragraph (b) of subsection (2) of section six of this Act

may be appointed by the Governor as deputy to act in the office of the member of the Board appointed under that paragraph.

(2) Any person appointed a deputy under this section is entitled in the event of the absence from a sitting of the Board of the member for whom he is the deputy or in case the member is personally interested in an appeal or application to be heard at a sitting of the Board, to attend that sitting, and when so attending shall be deemed to be a member of the Board and is authorised to carry out any function which the member for whom he is the deputy, if present, could exercise or would be required to carry out under this Act. .

8. Section thirteen of the principal Act is amended— S. 13
amended.

- (a) by substituting for the word, "recommend" in line five of paragraph (a) of subsection (2), the word, "approve";
- (b) by substituting for paragraph (b) of subsection (2), the following paragraph—
 - (b) The amount of expenses approved by the Board under paragraph (a) of this subsection shall be paid as a part of the cost and expense of administering this Act. ;
- (c) by deleting paragraph (c) of subsection (2); and
- (d) by substituting for the word, "to" in line five of paragraph (d) of subsection (2), the word, "shall".

9. Section fourteen of the principal Act is amended— S. 14.
amended.

- (a) by substituting for the passage, "wages." in the last line of paragraph (d) of the interpretation, "Seniority", the passage, "wages; but";

(b) by adding after paragraph (da) of the interpretation, "Seniority", the following paragraph—

(db) As between officers employed under the provisions of the Public Service Act, 1904—Seniority has the same meaning as it has in the regulations made under that Act and in force from time to time; ; and

(c) by adding after subsection (3), the following subsection—

(3a) (a) In the interpretation of the term "Seniority" in subsection (3) of this section, the expression "rate of Salary", in relation to an employee, means the gross annual remuneration of that employee, less—

(i) the amount of any allowances, other than those for skill or responsibility, granted to the employee and included in that remuneration; and

(ii) the amount of the applicable basic wage, or rate used for the purpose of determining the cost of living adjustment.

(b) For determining the seniority of employees for the purposes of subsection (2) of this section, the applicable date shall be that advertised as the closing date for receipt of applications for the vacancy or new office the subject of the appeal. .

S. 16
amended.

10. Section sixteen of the principal Act is amended by adding after subsection (2), the following subsection—

(3) The Board when it decides any appeal may in writing signed by the chairman approve the payment to any witness subpoenaed by or

on behalf of the employee appellant and attending on the hearing of the appeal, such expenses of that witness as the Board considers reasonable in respect of—

- (a) time necessarily lost by the witness from his employment in attending on the hearing of the appeal; and
- (b) expenses incurred by the witness in travelling and for board and lodging where he necessarily attends on the hearing of the appeal at a city or town other than that where he is employed,

but if in the opinion of the Board the evidence of any witness was not necessary to the case of the employee appellant, the Board may order that the expenses of that witness be paid by the employee appellant. .

11. Section seventeen of the principal Act is amended by deleting the passage, “under the Industrial Arbitration Act, 1912-1941,” in lines two and three of subsection (5). S. 17
amended.

12. Section eighteen of the principal Act is amended by deleting the passage commencing with the words, “The Board”, in line seven of subsection (1) down to the end of the subsection. S. 18
amended.

13. Section three of the Government Employees (Promotions Appeal Board) Act Amendment Act, 1960 (Act No. 58 of 1960), is repealed. Repeal of
s. 3 of
Act No. 58
of 1960.
