

# PUBLIC SERVICE APPEAL BOARD.

1° AND 2° GEO. VI., No. XXVII.

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No. 27 of 1937.

**AN ACT to amend Sections six and seven of the Public Service Appeal Board Act, 1920-1935, and for other purposes incidental thereto.**

[Assented to 18th January, 1938.]

**B**E it enacted by the King's Most Excellency Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Public Service Appeal Board Act Amendment Act, 1937*, and shall be read as one with the Public Service Appeal Board Act, 1920-1935 (No. 14 of 1920), as reprinted in the Appendix to the Ses-

Short title.  
cf. No. 29 of  
1935, s. 5.

sional Volume of the Statutes for the year 1930 and amended by the Acts No. 19 of 1932 and No. 29 of 1935, hereinafter referred to as the principal Act.

Amendment  
of s. 6.

2. Section six of the principal Act is amended by deleting therefrom subsection (1a) (inserted by the Act No. 29 of 1935) and inserting in lieu thereof a subsection as follows:—

(1a.) Notwithstanding anything to the contrary contained in subsection (1) of this section, where any appeal or application is made by or on behalf of any public servant or group of public servants who is or are—

- (a) a Government officer or a group of Government officers within the meaning and for the purposes of Part IXA. of the Industrial Arbitration Act, 1912-1935; and
- (b) an officer or a group of officers appointed under the provisions of the Public Service Act, 1904-1935, or under the Forests Act, 1918-1931, or under the Agricultural Bank Act, 1934; and
- (c) occupying an office or offices in respect whereof the maximum rate of salary is fixed at less than seven hundred pounds a year,

and the appeal or application relates to a classification or reclassification made by the Public Service Commissioner (whether acting alone or in conjunction with Assistant Commissioners) or other authority authorised to make such classification or reclassification (as the case may be), the Board shall have jurisdiction to hear and determine such appeal or application in the following circumstances only, that is to say:—

- (i) if the appeal or application is made against the placing by the Public Service Commissioner or other authority aforesaid of the office or offices occupied by the public servant or group of public servants by or on whose behalf the appeal or application has been made in one class instead of another class in the classification or reclassification aforesaid; and

- (ii) if the classes specified in such classification or reclassification have been defined by an award or by any agreement deposited with the Registrar under and in accordance with the provisions of Part IXA. of the Industrial Arbitration Act, 1912-1935. which is still in force; and
- (iii) if the award or agreement mentioned in the next preceding paragraph contains a statement of the fundamental basis or principle upon which the said classes have been defined and upon which the placing in the classes defined as aforesaid of the offices to which the said classes relate shall be determined:

Provided that—

(a) the jurisdiction of the Board under this subsection in relation to the said appeal or application shall be limited to—

- (i) hearing and determining the question whether or not the office or offices held by the public servant or the group of public servants by whom or on whose behalf the appeal or application has been made, has or have, in accordance with the fundamental basis or principle aforesaid, been placed in its or their appropriate class of the classes defined as aforesaid; and
- (ii) declaring the class in which such office or offices shall be placed; and

(b) where the classes aforesaid have been defined by an award or an agreement made or deposited under and in accordance with the provisions of Part IXA. of the Industrial Arbitration Act, 1912-1935, prior to the commencement of this subsection, and such award or agreement applies to the public servant or group of public servants by whom or on whose behalf the appeal or application has been made and is still in force, but such award or agreement does not contain any statement of the fundamental basis or principle upon which the classes defined by such award or agreement are so defined, and upon which the placing in such classes of the offices held by the Government officers to which such

classes relate shall be determined, this subsection shall be read in conjunction with section seven of the Industrial Arbitration Act Amendment Act (No. 2), 1937, and the provisions thereof shall apply so as to enable the Board to exercise its jurisdiction under this subsection in respect of the said appeal or application.

Amendment  
of s. 7.

3. Section seven of the principal Act is amended by deleting therefrom subsection (3) (inserted by the Act No. 29 of 1935) and inserting in lieu thereof a subsection as follows:—

(3.) This section shall be read with and subject to subsection (1a) of section six of this Act.

Provision as  
to appeals  
already made.

4. Notwithstanding any enactment or decision of the Public Service Appeal Board in force or given prior to the commencement of this Act to the contrary, but subject to subsection (1a) of section six of the principal Act as amended by section two of this Act, the Public Service Appeal Board shall have jurisdiction to hear and determine appeals which prior to the commencement of this Act had been made to the said Board within the time and in the manner prescribed in relation to such appeals under section six of the principal Act by or on behalf of public servants or groups of public servants against the reclassifications made by the Public Service Commissioner under the provisions of the Public Service Act, 1904-1935, and published in the *Government Gazette* on the fourteenth day of June, the thirteenth day of August, the third day of September, and the third day of December, one thousand nine hundred and thirty-seven respectively, to the same extent as if this Act had been in force and operation prior to the date when such appeals were made as aforesaid: provided that such appeals had not been withdrawn or discontinued prior to the commencement of this Act.

Citation of  
principal Act  
as amended.

5. The principal Act as amended by this Act may be cited as the Public Service Appeal Board Act, 1920-1937.