

PUBLIC SERVICE.

26° GEO. V., No. XXVIII.

No. 28 of 1935.

AN ACT to amend the Public Service Act, 1904.

[Assented to 23rd December, 1935.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and com-
mencement.

1. (1.) This Act may be cited as the *Public Service Act Amendment Act*, 1935, and shall be read as one with the Public Service Act, 1904, as reprinted in the Appendix to the Sessional Volume of the Statutes for the year 1930, hereinafter referred to as the principal Act.

(2.) This Act shall come into operation on a day to be fixed by proclamation.*

Insertion of
new section
in principal
Act.

2. A section is inserted in the principal Act after section two, as follows—

This Act to
be read with
and subject
to Part IXA.
of the Indus-
trial Arbitra-
tion Act,
1912-1935.

2A. (1.) This Act shall be read with and subject to the provisions of Part IXA. of the Industrial Arbitration Act, 1912-1935, and shall be so construed and administered that, where in any case any provision of this Act is inconsistent with or repugnant to any provision of Part IXA. of the Industrial Arbitration Act, 1912-1935, the last-mentioned provision shall prevail, and the provisions of this Act to the extent by which the effect thereof would but for this section limit, hinder, or obstruct the operation of any provision of Part

* Proclaimed to commence 1st February, 1936. (See *Gazette*, 31st January, 1936.)

IXA. of the Industrial Arbitration Act, 1912-1935, according to the tenor thereof contrary to the object and intention of the said Part IXA. shall have no effect.

(2.) Save and except as provided in subsection (1.) hereof, the provisions of this Act and the administration of such provisions according to the tenor thereof, shall continue as if the said Part IXA. of the Industrial Arbitration Act, 1912-1935, had not been enacted.

3. Section six of the principal Act is amended by adding to subsection (4.) a proviso as follows:—

Amendment
of s. 6.

Provided that this subsection shall not apply to any application or reference to or other proceeding before the Court of Arbitration under Part IXA. of the Industrial Arbitration Act, 1912-1935, in which the Commissioner is or may be concerned as a party.

4. Section fifteen of the principal Act is amended by inserting at the beginning of the second paragraph the words "Subject to any award or agreement made and in force under Part IXA. of the Industrial Arbitration Act, 1912-1935."

Amendment
of s. 15.

5. Section forty-sixA of the principal Act is amended by inserting after the words "another officer" in line one the words "or performing the work of an office, other than his own office, during a vacancy therein."

Amendment
of s. 46A.

6. The principal Act as amended by this Act may be cited as the Public Service Act, 1904-1935.

Citation of
principal Act
as amended.