

PUBLIC SERVICE APPEAL BOARD.

26° GEO. V., No. XXIX.

No. 29 of 1935.

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

[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 Appeal Board Act Amendment Act, 1935*, and shall be read as one with the Public Service Appeal Board Act, 1920 (No. 14 of 1920), 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.*

Amendment
of s. 6.

2. Section six of the principal Act is amended as follows:—

(a) by inserting in subsection (1) after the word "jurisdiction" in line one the words "subject to subsection (1a) of this section";

(b) by inserting after subsection (1) a new subsection, to stand as subsection (1a), as follows:—

(1a) Notwithstanding anything to the contrary contained in subsection (1) of this section, but

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

subject as hereinafter provided, the Board shall not have jurisdiction to hear and determine any appeal or application by or on behalf of any public servant or group of public servants when—

- (a) such public servant or group of public servants is a Government officer or a group of Government officers within the meaning and for the purposes of Part IX A. of the Industrial Arbitration Act, 1912-1935, and such public servant or group of public servants is occupying a position or are occupying positions in respect whereof the maximum rate of salary is fixed at less than seven hundred pounds a year; and
- (b) such appeal or application relates to a matter which is within the jurisdiction of the Court of Arbitration under section one hundred and forty-seven as contained in Part IX A. of the Industrial Arbitration Act, 1912-1935, aforesaid; and
- (c) such appeal or application requires the Board to make a determination or gives a decision in relation to the matter aforesaid which has already been or can be the subject of a determination or decision by the Court of Arbitration in the exercise of its said jurisdiction, or which is or is competent to be the subject of an agreement made or to be made under and in accordance with the provisions of Part IX A. of the Industrial Arbitration Act, 1912-1935, aforesaid.

Provided that this subsection shall not operate so as to prevent the Board from referring to and examining any award of the Court of Arbitration or any agreement entered into under Part IX A. of the Industrial Arbitration Act, 1912-1935, for the time being in force and relevant to any appeal or application under subsection (1) of this section on the hearing of such appeal or application when it is made by or on behalf of a public servant or group of public servants, who, although a

Government officer or a group of Government officers within the meaning of Part IXA. of the Industrial Arbitration Act, 1912-1935, is occupying a position or are occupying positions in respect whereof the maximum rate of salary is fixed at seven hundred pounds or more a year, in order to enable the Board to determine and decide whether or not the Commissioner or Minister, as the case may be, has, in accordance with section one hundred and forty-eight as contained in Part IXA of the Industrial Arbitration Act, 1912-1935, made such variations and adjustments in the conditions of employment of the appellant or appellants as are necessary to maintain a reasonable consistency between those conditions of employment and the conditions of employment as defined and fixed in such award or agreement in relation to other public servants to whom, as Government officers aforesaid, the said award or agreement applies.

Amendment
of s. 7.

3. Section seven of the principal Act is amended by adding thereto a subsection, as follows:—

(3.) Nothing contained in subsection (1) of this section shall confer or be deemed to confer any right of appeal or application upon any public servant or class of public servants when—

(a) such public servant or class of public servants is a Government officer or a class of Government officers within the meaning and for the purposes of Part IXA. of the Industrial Arbitration Act, 1912-1935; and such public servant or class of public servants is occupying a position or are occupying positions in respect whereof the maximum rate of salary is fixed at less than seven hundred pounds a year; and

(b) such appeal or application would relate to a matter which is within the jurisdiction of the Court of Arbitration under section one hundred and forty-seven as contained in Part IXA. of the Industrial Arbitration Act, 1912-1935, aforesaid: and

(c) on the hearing of such appeal or application the Board would be required to make a determination or give a decision in relation to the matter aforesaid which has already been or can be the subject of a determination or decision by the Court of Arbitration in the exercise of its said jurisdiction, or which is or is competent to be the subject of an agreement made or to be made under and in accordance with the provisions of Part IXA. of the Industrial Arbitration Act, 1912-1935, aforesaid.

4. Section twelve of the principal Act is amended by inserting therein after the word "contrary" in line two the words "but subject to Part IXA. of the Industrial Arbitration Act, 1912-1935." Amendment
of s. 12.

5. The principal Act as amended by the Act No. 19 of 1932 and by this Act may be cited as the Public Service Appeal Board Act, 1920-1935. Citation of
principal Act
as amended.