

**ACTS AMENDMENT
(PUBLIC SERVICE).**

No. 87 of 1978.

AN ACT to amend the Government Employees (Promotions Appeal Board) Act, 1945-1977 and the Public Service Arbitration Act, 1966-1977.

[Assented to 8th November, 1978.]

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. This Act may be cited as the *Acts Amendment (Public Service) Act, 1978.* Short title.

2. This Act shall come into operation on the date of the coming into operation of the Public Service Act, 1978. Commence-
ment.

PART I.—GOVERNMENT EMPLOYEES (PROMOTIONS
APPEAL BOARD) ACT, 1945-1977.

Short title
and citation.
Reprinted as
approved
24th August,
1967 in Vol. 21
of the
Reprinted
Acts and
amended by
Acts Nos. 26
of 1975 and
19 of 1977.

3. (1) In this Part the Government Employees (Promotions Appeal Board) Act, 1945-1977 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Government Employees (Promotions Appeal Board) Act, 1945-1978.

Long title
amended.

4. The long title of the principal Act is amended by inserting before the word "persons" in line two, the word "certain".

Section 3
amended.

5. Section 3 of the principal Act is amended—

(a) as to the interpretation "Employee"—

(i) by inserting after the word "Act" in line twenty-two, the passage ", or officers within the meaning of that term in the Public Service Act, 1978"; and

(ii) by deleting the passage ", or when he is employed as a temporary employee in the Public Service under the provisions of section thirty-six of the Public Service Act, 1904-1935", in lines seven to eleven inclusive of paragraph (b); and

(b) as to the interpretation "Recommending Authority", by deleting the words "Public Service Commissioner or other" in lines two and three.

Section 8
amended.

6. Section 8 of the principal Act is amended by deleting the words "permanent Head or other" where occurring in—

(a) lines one and two of paragraph (i);

(b) lines one and two of the proviso to that paragraph;

- (c) line six of that proviso; and
- (d) line nine of that proviso.

7. Subsection (3) of section 14 of the principal Act is amended— Section 14
amended.

- (a) as to the second proviso to the interpretation “efficiency”, by deleting the words “Permanent Head of Department” in lines three and four and inserting in lieu thereof the words “officer having under the Ministerial Head the supreme administrative control of the department”; and
- (b) as to the interpretation “Seniority”—
 - (i) by deleting the passage “years;” in the last line of paragraph (da) and inserting in lieu thereof the passage “years.”; and
 - (ii) by deleting paragraph (db).

8. Subsection (4) of section 17 of the principal Act is amended by deleting the passage “Royal Commissioner’s Powers Act, 1902, and any reference to the chairman” in lines three and four, and inserting in lieu thereof the passage “Royal Commissions Act, 1968, and any reference to the Chairman”. Section 17
amended.

9. The First Schedule to the principal Act is amended by deleting the item “Public Service Act, 1904-1935” in column one, and the corresponding reference in column two. First
Schedule
amended.

10. The Second Schedule to the principal Act is amended— Second
Schedule
amended.

- (a) by deleting item 1; and
- (b) by deleting the figures “1904” in each of—
 - (i) the last line of item 2;

- (ii) line two of item 3; and
 - (iii) the last line of item 3,
- and in each case inserting in lieu thereof the figures "1978".

PART II.—PUBLIC SERVICE ARBITRATION
ACT, 1966-1977.

Short title
and citation.
Reprinted as
approved
11th March,
1972 and
amended by
Acts Nos.
82 of 1975,
and 16 and
24 of 1977.

11. (1) In this Part the Public Service Arbitration Act, 1966-1977 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Public Service Arbitration Act, 1966-1978.

Section 3
amended.

12. Section 3 of the principal Act is amended—

(a) by deleting the interpretation "public servant" and inserting in lieu thereof the following interpretation—

"public servant" means a person who is an officer within the meaning of the Public Service Act, 1978; ;

and

(b) as to the interpretation "the Public Service Board", by deleting the figures "1904" in line four and inserting in lieu thereof the figures "1978".

Section 4
amended.

13. Section 4 of the principal Act is amended—

(a) as to subsection (1), by deleting the figures "1904" in line two and inserting in lieu thereof the figures "1978"; and

(b) as to subsection (3), by deleting the passage "in accordance with the provisions of the Public Service Act, 1904" in paragraph (a) and inserting in lieu thereof the passage "under the Public Service Act, 1978".

14. Subsection (4) of section 6 of the principal Act is amended by deleting the figures "1904" in the last line and inserting in lieu thereof the figures "1978".

Section 6
amended.

15. Section 11 of the principal Act is amended—

Section 11
amended.

(a) by deleting the passage "vacant." at the end of subsection (1) and inserting in lieu thereof the following passage—

vacant;

(j) an appeal by any Government officer that he has jurisdiction to hear and determine under the Public Service Act, 1978. ; and

(b) as to subsection (1a), by deleting the passage commencing with the word "public" in line fourteen and continuing to the end of the subsection, and inserting in lieu thereof the passage "permanent officers or temporary officers, as is appropriate to the particular case, under and within the meaning of the Public Service Act, 1978."

16. Subsection (1) of section 16 of the principal Act is amended by inserting after the word "Act" in the last line, the passage ", or an appeal referred to in paragraph (j) of that subsection".

Section 16
amended.

17. Subsection (3) of section 23 of the principal Act is amended by inserting after the passage "paragraph (g)" in line two, the passage "or (j)".

Section 23
amended.

18. Subsection (2) of section 32 of the principal Act is amended—

Section 32
amended.

(a) as to paragraph (a), by deleting the figures "1904" in line six and inserting in lieu thereof the figures "1978";

- (b) by deleting paragraph (b) and inserting in lieu thereof the following paragraph—
- (b) any appeal by a public servant who is—
- (i) a Permanent Head within the meaning of the Public Service Act, 1978;
 - (ii) the holder of an office included in the Special Division of the Public Service under the Public Service Act, 1978; or
 - (iii) both such a Permanent Head and the holder of such an office,
- or by the Association on his behalf, under section fifty-one of the Public Service Act, 1978, from a decision or recommendation made by the Public Service Board in relation to that public servant; ;
- (c) as to paragraph (c), by deleting the passage “by any Government officer, not being a public servant,” in lines one and two and inserting in lieu thereof the passage “, other than an appeal under section fifty-one of the Public Service Act, 1978, by any Government officer”;
- (d) by deleting paragraph (d) and inserting in lieu thereof the following paragraph—
- (d) any appeal by a public servant other than a person referred to in paragraph (b) of this subsection, or by the Association on his behalf, under section fifty-one of the Public Service Act, 1978, from a decision or recommendation made by the Public Service Board in relation to that public servant; ;
- (e) as to paragraph (e), by deleting the passage “by a Government officer, not being a public servant,” in lines one and two and inserting in lieu thereof the passage “, other than

an appeal under section fifty-one of the Public Service Act, 1978, by any Government officer"; and

(f) by deleting paragraph (f) and inserting in lieu thereof the following paragraph—

(f) any appeal by a temporary officer within the meaning of the Public Service Act, 1978, or by the Association on his behalf, from a determination of the Public Service Board under subsection (2) of section thirty-two of that Act, .
