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Crown Law Department,

Perth, 2nd February, 1966.

THE undermentioned regulations made under the provisions of the Public Service Appeal Board Act, 1920, and amended from time to time prior to the 19th July, 1965, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice.

R. C. GREEN,
Under Secretary for Law.

PUBLIC SERVICE APPEAL BOARD ACT, 1920-1960.

REGULATIONS

Published in the *Government Gazette* on the 15th September, 1939, and incorporating the amendments thereto published in the *Government Gazette* on the 27th October, 1939, 6th July, 1951, and 6th February, 1953, and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister, dated 2nd February, 1966.

THE PUBLIC SERVICE APPEAL BOARD ACT, 1920-1937.¹

1. These regulations may be cited as the Public Service Appeal Board Act Regulations, 1939.

2. In these regulations, unless the contrary intention appears—
“Association” means the Civil Service Association of Western Australia.

“Board” means the Public Service Appeal Board as constituted under section 3 of the Public Service Appeal Board Act, 1920-1937.¹

“Union” means the State School Teachers' Union of Western Australia or any of the unions or organisations mentioned in paragraph (bb) of subsection (2) of section 3 of the Act.

Elections.

Amended by G.G. 27/10/39, p. 1928. 3. (1) An election of members and deputy members of the Board shall be held as and whenever necessary, provided that—

(a) when in any year more than one member or deputy member will by reason of expiration of term of office be required to be elected in that year, one election may be held in that year for the election of all such members or deputy members; and

(b) the persons elected at such one election shall be eligible to take their seats on the Board after the seats on the Board for which they have been elected become vacant by reason of the expiration of the term of office of the members still holding office at the time when such election is held.

(2) Prior to or upon the expiration of the period for which members and deputy members are elected to hold office, the chairman of the Board shall direct the Returning Officer to issue a notice in the Form 1 in the Appendix to these regulations, to be published in the *Gazette*, appointing a date and time for lodging nominations and a date and time for the closing of the poll to be taken at such election.

(3) The nomination day appointed by such notice shall not be less than 30 days after the date upon which the notice is published in the *Gazette*, and the day appointed for the holding of the election and the closing of the poll at such election shall not be less than fourteen nor more than thirty days after the said nomination day.

(4) An extraordinary election to fill any vacancy in the office of member or deputy member of the Board arising from death or retirement of a member or deputy member before the expiration of the period for which he was elected shall be held at such time or times as the chairman of the Board shall direct by notice in the *Gazette*, and the provisions of paragraph (3) of this regulation shall apply thereto.

Returning Officer.

4. (1) The Chief Electoral Officer, or, when prevented from acting, his substitute appointed under the Electoral Act, 1907-1936,² shall be Returning Officer at any election held in accordance with these regulations.

(2) In the event of the Chief Electoral Officer standing as a candidate at any such election, he shall be deemed to be prevented from acting as aforesaid.

¹ Now Public Service Appeal Board Act, 1920-1960.

² Now Electoral Act, 1907-1964.

Nominations.

5. (1) Nominations of candidates shall be lodged with the Returning Officer in the Form 2 in the Appendix to these regulations, not later than the day and the time appointed for the receipt of nominations by the notice published as aforesaid.

Amended by
G.G. 27/10/39,
p. 1928.

(2) A nomination shall—

- (a) name the candidate for election, the vacancy for which he is nominated, and the department in which he is employed;
- (b) be signed by not less than two persons qualified to vote for the nominee.

(3) If no nominations are received for all or any of the vacancies, the Returning Officer may extend the time for the receipt of nominations and for the holding of an election in respect of such vacancy or vacancies. Provided that the period of time between the date for the receipt of nominations and the date of the election prescribed in paragraph 3 of regulation 3 of these regulations shall apply.

[Reg. 6. Deleted by G.G. 27/10/39, p. 1928.]

Election of Representatives by Members of the Association and the Unions.

7. (1) The secretary of the association and the secretary of each of the unions shall prepare and transmit to the Returning Officer, so as to reach him not later than noon on the day appointed for receipt of nominations, separate lists or cards, certified as being true and correct, containing the names in alphabetical order and the official address of every person who fourteen days prior to such date was a financial member of his Association or union respectively.

Amended by
G.G. 27/10/39,
p. 1928.

(2) Upon completion of an election, the Returning Officer shall return such cards as may be submitted to him under the provisions of the preceding paragraph to the secretary of the association or union concerned.

Person Entitled to Vote.

8. (1) Every person who fourteen days prior to the date fixed for receipt of nominations is a financial member of the association or of one of the unions shall be entitled to vote for a representative of the association or union to which he belongs, at an election of such representative.

Substituted
by G.G.
27/10/39,
p. 1928.

(2) For the purposes of this and the preceding regulation a member shall be deemed financial if he has paid the subscriptions for which he is liable up to the end of the calendar year immediately preceding the year in which the election takes place, or, in the case of an extraordinary election, if he is not more than three months in arrear with his subscription.

Proceedings after Nomination.

9. (1) In the event of one candidate only being nominated he shall be declared elected, but if more than one candidate is nominated, the Returning Officer shall proceed to take a poll.

Amended by
G.G. 27/10/39,
p. 1928.

(2) Where more than one candidate is nominated, the Returning Officer shall within seven days after the date fixed for receipt of nominations, send to each person whose name appears on the lists furnished to the Returning Officer in accordance with regulation 7 of these regulations—

- (a) one ballot paper, in the Form 3 in the Appendix to these regulations, initialed or signed by the Returning Officer;
- (b) one counterfoil in the Form 4 in the Appendix to these regulations;
- (c) one ballot paper envelope in the form approved by the Returning Officer;
- (d) one envelope addressed to the Returning Officer.

(3) Each ballot paper, counterfoil, ballot paper envelope, and addressed envelope shall be enclosed by the Returning Officer in a covering envelope, which shall be fastened and addressed and forwarded by post or otherwise to the person for whom it is intended.

Amended by
G.G. 27/10/39,
p. 1929.

10. The person to whom the ballot paper and counterfoil is addressed, if desirous of voting, shall record his vote on the ballot paper in the manner therein set forth, and shall sign the counterfoil. He shall then enclose the ballot paper alone in the ballot paper envelope and seal the envelope, and shall then return the ballot paper envelope with the ballot paper contained therein and the counterfoil to the Returning Officer in the envelope addressed to the Returning Officer, so as to be received by him not later than the day and time appointed by the notice of election for the closing of the poll at such election.

Amended by
G.G. 27/10/39,
p. 1929.

11. The vote of a person entitled to vote shall be deemed informal and shall be rejected by the Returning Officer—

- (a) if the ballot paper does not bear the initials or signature of the Returning Officer;
- (b) if the voter has not marked the ballot paper in accordance with the directions set out therein or has failed to sign the counterfoil;
- (c) if, when the ballot paper is returned, it does not reach the office of the Returning Officer until after the time appointed for the closing of the poll.

12. The Returning Officer shall, in respect of each vacancy to be filled at an election, preserve in his custody a locked and sealed ballot box, in which he shall forthwith place all envelopes addressed to him containing ballot papers and counterfoils relating to the election of a member or deputy member to fill such vacancy received by him up to the close of the poll.

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p. 1929.

13. The Returning Officer shall, as soon as practicable after the hour fixed for the closing of the poll, proceed with the scrutiny and count of votes received.

14. The counting of the votes and the scrutiny shall be conducted and the candidates to be elected shall be ascertained in the manner prescribed by the Electoral Act, 1907-1936,¹ for the counting and scrutiny of votes and the election of candidates at an election of a representative of the Legislative Assembly and the provisions of the said Act shall, *mutatis mutandis*, apply.

15. Each candidate may appoint one scrutineer to represent him at the scrutiny and all proceedings at the scrutiny shall be open to the inspection of the scrutineers.

16. (1) Within seven days after the conclusion of the scrutiny the Returning Officer shall by writing inform the chairman of the Board of the names of the candidates duly elected and shall notify the result of the poll in the *Government Gazette*.

(2) The publication of such notice in the *Government Gazette* shall be conclusive evidence that the persons named therein were duly elected as members and deputy members of the Board.

Inserted by
by G.G.
27/10/39,
p. 1929.

16A. The Returning Officer and the officers employed by him, while engaged on the scrutiny and count of votes, shall be paid for such services the fees prescribed for similar duties in the regulations under the Electoral Act, 1907-1936,¹ for returning officers and presiding officers respectively.

Remuneration of Members.

Amended by
by G.G.
6/7/51, p. 1937

17. (1) Subject as hereinafter provided, the remuneration payable to a member of the Board other than the chairman for his services shall be at the rate of three pounds per day for each day of sitting, and where a sitting occupies only portion of a day, the fee payable shall be the proportion of the daily fee of three pounds, not being less than one guinea, in respect of the portion of the day his services are required.

Provided that no member of the Board shall be paid more than £450 in any financial year in return for his services as a member.

¹Now Electoral Act, 1907-1964.

(2) Any member of the Board being a Government employee and who is elected either by members of the Association or any one of the unions shall be paid, in addition to his salary, a fee of £1 10s. 0d. for each day of sitting as a member of the Board provided that no such member shall be paid more than £75 in any financial year for sitting as a member of the Board.

(3) A member of the Board appointed by the Governor who receives from any State instrumentality any remuneration in return for personal services rendered as an officer or employee thereof shall be paid an allowance on the same basis as a member of the Board elected by members of the association or by members of any one of the unions.

(4) A deputy member (whether an appointed or elected member), when sitting in the place of the member for whom he is deputy, shall be entitled to the fee or allowance to which he would be entitled under this regulation if he were an appointed or elected member of the Board.

Conduct of Appeals.

18. Every appeal or application to the Board shall be made in writing, addressed to the Public Service Appeal Board, signed by the appellant or applicant, and served on the Clerk to the Board; short particulars of the appellant's or applicant's claim or complaint must be stated therein.

19. Every appellant or applicant shall lodge with his notice of appeal or application as many copies, as the Clerk to the Board may require, for service on the other parties thereto and for the use of the Board.

20. Seven days' notice at least shall be given by the Clerk to the Board to the parties concerned of the date fixed for the hearing of every appeal or application to the Board.

21. Every appellant or applicant shall within four days of the receipt of notice of the date fixed for the hearing, supply the other parties to the proceedings with lists of the witnesses he intends to call, and any party to an appeal or application who intends to oppose the same shall, if required so to do, forthwith supply to the appellant or applicant a list of the witnesses he intends to call.

22. Any person who, having been served with a summons, in Form 5 in the Appendix to these regulations, duly signed by the Clerk to the Board

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6/2/53, p. 275.

and who, if resident more than two miles from the place of sitting, having been tendered reasonable conduct money, fails, without reasonable excuse, to attend before the Board in compliance with the summons, shall be liable to a penalty not exceeding ten pounds.

23. The times within which notice of appeal shall be lodged shall be as follows:—

- (a) In the case of an appeal in respect of any classification or reclassification, one month after the publication of such classification or reclassification in the *Government Gazette*.
- (b) In the case of an appeal in respect of any other matter, other than classification or reclassification, under subsection (1) and (a) of section six of the Act in relation to which appeals may be made, one month after the occurrence of the matter aforesaid.
- (c) In the case of an appeal in respect of any matter provided for in subsections (2) and (3) of section six of the Act, at any time; and
- (d) In the case of an appeal under subsection (4) of section six of the Act, three months from the time when the appellant is notified that the question which is the subject-matter of such appeal has arisen.

Provided that the Board may, in any particular case extend any time prescribed by this regulation.

24. The Board may at any time allow an appellant or applicant to amend the statement of the grounds of his appeal or application, on such terms (if any) as to the Board shall appear just.

25. The Board may in its discretion adjourn the hearing of any appeal or application for any good or sufficient reason.

26. No appeal or application shall be heard by the Board, unless the appellant or applicant supplies the Board at least four days prior to the hearing with three copies of a statement in writing of the facts upon which the appellant or applicant relies, and also serves a copy of such statement upon the representative of the Minister of Education or the Public Service Commissioner, as circumstances may require, three days prior to the hearing.

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27. After the decision of the Board, or of the majority of the members of the Board, has been reported in writing by the Board to the Governor, every party to an appeal or application shall be furnished by the Clerk to the Board with a copy of the decision of the Board.

APPENDIX.

Form 1.

Western Australia.

THE PUBLIC SERVICE APPEAL BOARD ACT, 1920-1937.¹

Notice of Election.

Regulation 3.

Notice is hereby given that an election of members and deputy members of the Public Service Appeal Board, as constituted under section 3 of the Public Service Appeal Board Act, 1920-1937,¹ will take place at the Office of the Chief Electoral Officer, Perth, on the day of 19....., closing at o'clock in the noon on such date.

The vacancies in the membership of the Board to be filled at such election are those specified hereunder:—

One representative and one deputy representative of—

- (a) The Administrative Division of the Public Service.
- (b) The Professional Division of the Public Service.
- (c) The Clerical Division of the Public Service.
- (d) The General Division of the Public Service.
- (e) The State School Teachers' Union.
- (f) (i) The West Australian Railway Officers' Union.
- (ii) The West Australian Amalgamated Society of Railway Employees' Union of Workers.
- (iii) The West Australian Loco. Engine-drivers, Firemen, and Cleaners' Industrial Union of Workers.
- (iv) The Amalgamated Engineering Union.
- (v) The Australasian Society of Engineers.
- (vi) The Federated Moulders' (Metal) Union.
- (vii) The Federated Society of Boilermakers and Structural Iron and Steel Workers.

Nominations of candidates shall be made in accordance with the Public Service Appeal Board Act Regulations and must be received by the Chief Electoral Officer at his Office not later than o'clock in the noon on the day of 19.....

Dated this day of 19.....

.....
Returning Officer.

¹ Now Public Service Appeal Board Act, 1920-1960.

Form 2.
 Western Australia.
 THE PUBLIC SERVICE APPEAL BOARD ACT, 1920-1937.¹
 Nominations.
 (Regulation 5.)

To the Chief Electoral Officer,
 Perth.

We, the undersigned officers of the (a).....Division of the Public Service, entitled to vote at the election of a representative of the said Division (or We, the undersigned members of the (b).....entitled to vote at the election of a representative of the said Union), do hereby nominate (c)..... (d)..... (e)..... for election as representative (or deputy representative) for the abovementioned Division (or Union).

Dated this.....day of.....19.....

Signature of nominator.	Office held by nominator.	Department in which nominator is employed.

I, (c).....(d).....(e)..... hereby consent to the above nomination and to act, if elected, in the capacity abovementioned.

Dated this.....day of.....19.....

Signature.....

Received the above nomination this.....day of..... 19...., at.....o'clock in the.....noon.

Chief Electoral Officer, Returning Officer.

(a) Insert "Administrative," "Professional," "Clerical," or "General."
 (b) Insert name of Union. (c) Name in full of nominee. (d) Office held by him. (e) Department in which employed.

Form 3.
 Western Australia.
 THE PUBLIC SERVICE APPEAL BOARD ACT, 1920-1937.¹
 Ballot Paper.
 (Regulation 9.)

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Election of Representative (or Deputy Representative) of..... on the Public Service Appeal Board.

R.O.'s initials.

Directions to Voter.

2. The voter must mark his vote on this ballot paper by placing the numeral 1 in the square opposite the name of the candidate for whom he votes as his first preference and must give contingent votes for all the remaining candidates by placing the numbers 2, 3, 4 (and so on as the case requires) in the squares opposite their names, so as to indicate the order of his preference for them.

¹ Now Public Service Appeal Board Act, 1920-1960.

The voter must then fold the ballot paper and enclose it in the envelope marked "Ballot Paper."

The voter must complete the counterfoil, obtain the signature of a witness to his own signature and enclose the counterfoil with the envelope marked "Ballot Paper" in the addressed envelope provided for the purpose and forward it to the Chief Electoral Officer, Perth, so as to reach him not later than o'clock in the noon on the day of , 19 .

Candidates.	Votes.
.....
.....
.....

Inserted by
by G.G.
27/10/39,
p. 1929.

Form 4.
Western Australia.
THE PUBLIC SERVICE APPEAL BOARD ACT, 1920-1937.¹
Counterfoil.
(Regulation 9.)

Election of Representative (or Deputy Representative) of.....
on the Public Service Appeal Board.

- Name in full of voter:
- Office and department:
- Usual signature:
- Witness to signature:
- Address of witness:

Inserted
by G.G.
6/2/53, p. 276.

Form 5.
Western Australia.
Public Service Appeal Board Act, 1920-1950.¹
SUMMONS TO WITNESS.
Regulation 22.

Between , Appellant*/Applicant*
and , Respondent.
To.....
of.....

YOU are hereby required to attend as a witness before the Public Service Appeal Board at.....
on.....the.....day of.....19.....
at the hour of....., in the.....noon, and so from day to day until the above appeal*/application* is determined, to give evidence in the said appeal*/application* on behalf of the..... (and then and there to have and produce

and all other papers and documents relating to the said appeal*/application* which may be in your custody, possession or power). In default of your attendance you will be liable to a penalty not exceeding ten pounds under Regulation 22 of the Public Service Appeal Board Act Regulations, 1939.

Dated this.....day of.....19.....

Clerk to the Board.

¹ Now Public Service Appeal Board Act, 1920-1960.
* Strike out whichever is not applicable.