GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD).

[1966.

No. 75 of 1966.

AN ACT to amend the Government Employees (Promotions Appeal Board) Act, 1945-1964.

[Assented to 12th December, 1966.]

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:—

Short title and citation. 1. (1) This Act may be cited as the Government Reprinted in Vol. 10 of the Reprinted Ment Act, 1966.

Reprinted Acts. Approved for reprint 11th June, 1956, and amended by Acts Nos. 76 of 1956, 58 of 1956, 58 of 1964.

(2) In this Act, the Government Employees (Promotions Appeal Board) Act, 1945-1964 is referred to as the principal Act.

Government Employees [No. 75. 1966.] (Promotions Appeal Board).

(3) The principal Act as amended by this Act may be cited as the Government Employees (Promotions Appeal Board) Act, 1945-1966.

2. This Act shall come into operation on a date Commenceto be fixed by proclamation.

3. Subsection (1) of section five of the principal $\frac{5.5}{\text{amended}}$. Act is amended by substituting for paragraph (b) of the proviso thereto a paragraph as follows-

- (b) where the terms and conditions of employment appertaining to the vacancy or new office are or will be regulated by the provisions of an award or industrial agreement in force under the Industrial Arbitration Act, 1912 or the Public Service Arbitration Act, 1966, an employee appli-cant has the right of appeal under this section-
 - (i) if he was, when he made application for appointment to or employment in the vacancy or new office, a member of an industrial union which is a party to that award or industrial agreement; or
 - (ii) where he was not a member of such an industrial union, if he is employed in the department in which the vacancy occurs or the new office is created and none of the applicants for appointment to or employment in the vacancy or new office is a member of such an industrial union,

and not otherwise, unless the Minister declares upon special grounds that this paragraph does not apply in respect of the vacancy or new office.

No. 75.] Government Employees (Promotions Appeal Board).

S. 14 amended.

- 4. Subsection (3) of section fourteen of the principal Act is amended—
 - (a) by adding after line eight a proviso as follows—

Provided that in assessing the efficiency of an employee the recommending authority and the Board shall have regard to any service in an acting capacity by that employee in the office to be filled if—

- (a) that service was had prior to the occurring of the vacancy then being filled; and
- (b) the terms and conditions of employment appertaining to the vacancy then being filled are regulated by the provisions of an award or industrial agreement in force under the Industrial Arbitration Act, 1912 or the Public Service Arbitration Act, 1966, to which the Civil Service Association of Western Australia, Incorporated is a party.;
- (b) by adding after the word, "classification" in line five of paragraph (a) of the interpretation, "Seniority" the passage, ", and where employees to whom this paragraph applies were appointed on the same day to that same grade or classification, the seniority as between them as it existed immediately prior to that day"; and
- (c) by adding after the word, "wages" in line six of paragraph (c) of the interpretation, "Seniority" the passage, ", and where employees to whom this paragraph applies were appointed on the same day to that same rate of salary or wages, the seniority as between them as it existed immediately prior to that day".