

## EDUCATION.

21° GEO. V., No. VII.

### No. 7 of 1930.

#### AN ACT to amend the Education Act, 1928.

[Assented to 19th November, 1930.]

**B**E 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:—

1. This Act may be cited as the *Education Act Amendment Act, 1930*, and shall be read as one with the Education Act, 1928, hereinafter referred to as the principal Act. Short title.

2. A new section is inserted in the principal Act after section twenty-eight, as follows:—

28a. (1.) Notwithstanding anything to the contrary contained in this Act, or in any regulation made under the provisions of this Act, on the report of the Director that, for the efficient working of the department, any office of the department other than an office under the control of the Public Service Commissioner is in excess of the requirements of the department, the Governor may, on the recommendation of the Minister, declare such office to be an excess office, and may call upon the officer who is the holder of such office to retire from the service of the department, and thereupon such officer shall retire forthwith. Power to reduce staff.

(2.) The officer so retired from the service of the department shall, for the purposes of this section, be hereinafter referred to as an excess officer.

(3.) On the report of the Director that an excess officer can be advantageously employed in any other office of the department, the Minister may transfer such excess officer to such other office, notwithstanding that it is of a lower grade and bears a lower salary than the position previously held by such excess officer, and upon such transfer, and whilst he continues to occupy such office, such officer shall receive the salary of the office to which he is so transferred.

(4.) If there is no office of the department vacant to which such excess officer can be transferred, the Minister, on the recommendation of the Director, may create a vacancy by removing any officer of the department from any office for the time being held by him to enable such excess officer to be transferred to such office, under the power conferred by subsection (3) of this section, and thereupon the officer so removed shall, on the recommendation of the Director, and on the order of the Minister, be transferred to and appointed to some other office, notwithstanding that it may be of lower grade or salary than the office previously held by him, and whilst such officer continues to occupy such office he shall receive the salary of the office to which he is so transferred.

(5.) If there is no office of the department vacant to which the officer so removed can be transferred and appointed, the Minister, on the recommendation of the Director, may create a vacancy by removing any officer of the department from any office for the time being held by him, and thereupon the officer so removed shall, on the recommendation of the Director, and by order of the Minister, be transferred to and appointed to some other office, notwithstanding that it may be of lower grade or salary than the office previously held by him, and whilst he continues to occupy such office such officer shall receive the salary of the office to which he is so transferred.

(6.) The Minister, on the recommendation of the Director, shall continue to create the necessary vacancies, and to transfer the officers removed to create such vacancies in the manner set out in subsection (5) until the last officer so removed can on transfer be absorbed in the staff of the department, or if no such transfer is possible, be retired from the service of the department.

(7.) Any officer retired or removed from any office, and subsequently transferred and re-appointed to another office of the department, shall be deemed to have been in the continuous service of the department.

(8.) The word officer, as used in this section, shall mean and include the staff and lecturers of the Teachers' College, the staff and lecturers of the Technical College and Technical Schools, and all members of the teaching staff.