

WESTERN AUSTRALIA.

# GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD).

9° and 10° Geo. VI., No. XXXVIII.

No. 38 of 1945.

(Affected by Act No. 113 of 1965.)

[As amended by Acts—

No. 33 of 1946, assented to 24th January, 1947;  
No. 15 of 1949, assented to 24th September, 1949;  
No. 54 of 1951,<sup>1</sup> assented to 2nd January, 1952;  
No. 53 of 1952, assented to 23rd December, 1952;  
No. 65 of 1953, assented to 9th January, 1954;  
No. 87 of 1953, assented to 21st January, 1954;  
No. 28 of 1954, assented to 4th November, 1954;  
No. 76 of 1956, assented to 14th January, 1957;  
No. 58 of 1960,<sup>2</sup> assented to 2nd December, 1960;  
No. 86 of 1964,<sup>3</sup> assented to 14th December, 1964;  
No. 75 of 1966,<sup>3</sup> assented to 12th December, 1966;  
No. 26 of 1975,<sup>4</sup> assented to 16th May, 1975;  
No. 19 of 1977,<sup>5</sup> assented to 11th October, 1977;  
No. 87 of 1978,<sup>6</sup> assented to 8th November, 1978;  
No. 31 of 1979,<sup>7</sup> assented to 3rd October, 1979,

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

**AN ACT to provide for appeals in respect of promotions by certain persons permanently employed by or under the Crown; and for the establishment of a Promotions Appeal Board to hear and determine such appeals, and for other incidental purposes.**

Long Title.  
Amended by  
No. 87 of  
1978, s. 4.

[Assented to 21st January, 1946.]

**BE** it enacted—

1. This Act may be cited as the *Government Employees (Promotions Appeal Board) Act, 1945-1979*.

Short Title.  
Amended by  
No. 31 of  
1979, s. 1.

<sup>1</sup> Came into operation on 18th July, 1952. See *Gazette* 18/7/52, p. 1741.  
<sup>2</sup> Came into operation on 12th February, 1965. See *Gazette* 12/2/65, p. 508.  
<sup>3</sup> Came into operation on 20th January, 1967. See *Gazette* 20/1/67, p. 91.  
<sup>4</sup> Came into operation on 27th June, 1975. See *Gazette* 20/6/75, p. 1957-8.  
<sup>5</sup> Came into operation on 1st September, 1978. See *Gazette* 11/8/78, p. 2862.  
(See Section 2).  
<sup>6</sup> Came into operation on the date of the coming into operation of the Public Service Act, 1978, viz. 16th May, 1979. See *Gazette* 12/4/79, p. 967.  
<sup>7</sup> Came into operation on 1st January, 1980. See *Gazette* 21/12/79, p. 3909.

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This Act to be read in conjunction with certain other Acts, but provisions of this Act to prevail. Amended by No. 26 of 1975, s. 3.

2. (1) This Act shall be read in conjunction with the Acts mentioned in the First Schedule to this Act.

(2) Where the provisions of any Act mentioned in the First Schedule to this Act are in any respect inconsistent with or repugnant to any provisions of this Act, the provisions of this Act shall prevail and have effect according to the tenor thereof, and, to the extent of such inconsistency or repugnancy, the provisions of the Acts mentioned in the First Schedule to this Act aforesaid shall be null and void.

Application of Act to certain unions. Added by No. 33 of 1946, s. 2. Amended by No. 31 of 1979, s. 3.

2A. (1) Any union whose membership includes any employee may request the Minister to declare in respect of every employee being a member thereof that this Act shall cease to apply, or that having ceased to apply as a result of any such declaration this Act shall again apply.

(2) Upon any such request the Minister may from time to time make any such declaration which will thereupon take effect.

Interpretation. Amended by No. 15 of 1949, s. 2; No. 54 of 1951, s. 4; No. 65 of 1953, s. 2; No. 28 of 1954, s. 2; No. 58 of 1960, s. 3; No. 86 of 1964, s. 3; No. 87 of 1978, s. 5; No. 31 of 1979, s. 4. See W.A. No. 34 of 1938, s. 6.

3. In this Act, unless the context otherwise requires—

“Board” means the Promotions Appeal Board established by this Act.

“Department” means any department under the administration of a Minister of the Crown in the Government of the State, and includes the Metropolitan Water Supply, Sewerage, and Drainage Board, the Western Australian Fire Brigades Board, every State Trading Concern, the Western Australian Transport Commission, the State Energy Commission of Western Australia, the Fremantle Port Authority

Commissioners, every Port Authority, every Government hospital and every Crown instrumentality the employees whereof are remunerated with moneys (other than grants) appropriated by the Parliament of the State to the purposes of such Crown instrumentality, but on and after the twenty-second day of November, one thousand nine hundred and forty-eight, does not include the Rural and Industries Bank of Western Australia. The term also includes any department, concern, hospital, Crown instrumentality, board, body corporate or other body of whatever description, declared by the Governor by proclamation to be a department within the meaning of this Act. Where two or more departments are administered by the same Minister or where a department is divided into separate sub-departments every one of such two or more departments and every sub-department aforesaid shall for the purposes of this Act be deemed to be and be treated as a separate and distinct department.

If any question shall arise as to whether or not any section of a department is a sub-department or, for the purposes of this Act, should be treated as being a sub-department of the said department, such question shall be determined by the Governor.

“Employee” means a person employed under the State in a permanent capacity in any department, who is by the terms of his employment required to give his whole time to the duties of his employment and includes an officer or member of a permanent fire brigade or administrative employee employed under the Western Australian Fire Brigades Board in a permanent capacity, but does not include the Chief Justice or any Judge of the Supreme Court or the Chief Industrial Commissioner or any member of The Western Australian

*Cf. 55 Vict.,  
No. 27  
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Industrial Commission or the Commissioner of Police, or inspectors, sub-inspectors or other officers of Police, or non-commissioned officers or constables or other members of the Police Force, or such employees of the Education Department employed under the provisions of the Education Act, 1928, as have a right of appeal to the Government School Teachers' Tribunal constituted under that Act,<sup>1</sup> or officers within the meaning of that term in the Public Service Act, 1978. For the purposes of this definition—

- (a) A person shall be deemed to be employed in a permanent capacity when he is regularly employed in the ordinary work of the department in which he is employed in circumstances which justify an expectation that, subject to good conduct and efficiency, his employment will be continuous and permanent.
- (b) A person shall not be deemed to be employed in a permanent capacity when he is employed casually or intermittently or in connection with a particular work or undertaking the completion of which will put an end to his employment.

“Government hospital” means any hospital, maternity home, or convalescent home established by the Government of the State and maintained and managed wholly by such Government as a Government institution.

“Minister” means the Minister of the Crown from time to time charged with the administration of this Act.

“Office” or “Position” means a position that has been created as a permanent position in a department.

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<sup>1</sup> See now Act No. 65 of 1979, the Government School Teachers Arbitration and Appeal Act, 1979.

“Promoting authority” means, in relation to promotion of employees, the person or persons in whom is vested by law authority to promote an employee.

“Relevant union” means a union that is a party to an award or industrial agreement whereby the terms and conditions of employment appertaining to the vacancy or new office are or will be regulated.

“Returned soldier” means a person who enlisted or was appointed for war service abroad and who by reason thereof was on active service as a member of Her Majesty’s Forces during the World War, 1939-1945.

“Union” means an industrial union within the meaning of the Industrial Arbitration Act, 1912,<sup>1</sup> a trade union within the meaning of the Trade Unions Act, 1902 and an association of employees registered as an organisation pursuant to the provisions of the Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth or any Act in substitution for that Act, as amended from time to time.

4. Where a vacancy occurs or a new office is created in any department and an employee is eligible for promotion to such vacancy or new office and the promotion to such vacancy or new office of a person is subject to the right of appeal conferred upon employees by this Act, the following provisions shall apply—

Provisions relating to promotions. Substituted by No. 31 of 1979, s. 5.

(a) notice of the vacancy or of the creation of the new office shall be published in such manner and for such period as shall

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<sup>1</sup> Repealed by Industrial Arbitration Act, 1979.

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be prescribed by regulations, as will afford to employees who are eligible, a reasonable opportunity to make application for promotion to such vacancy or new office;

- (b) such notice shall specify a date on or before which applications for promotion to such vacancy or new office shall be receivable by the promoting authority concerned;
- (c) the promoting authority concerned shall not promote any person to such vacancy or new office until after the expiration of the period fixed for the receipt of applications;
- (d) when selecting an applicant for promotion, the promoting authority shall have regard to the relative efficiency of all applicants;
- (e) within seven days after making a promotion the promoting authority shall cause notice in writing in the prescribed form giving particulars of the promotion to be served upon each and every one of the applicants, and stating that, subject to the provisions of this Act the applicant who receives such notice may appeal against the promotion to the said vacancy or new office of the applicant promoted;
- (f) nothing in this section shall operate to prevent the immediate promotion to such vacancy or new office of the applicant so promoted, but any such promotion of such applicant shall be provisional and temporary pending the hearing and determination of any appeals against such promotion under this Act if any such appeals are made, or, if no such appeal is made, pending the expiration of the period fixed by or under this Act for the making of such appeals, as the case may be.

5. (1) Save as in this section hereafter provided, if a vacancy in or a new office created in a department is filled by the promotion (whether with or without transfer) of an employee of that or another department who has been promoted to such vacancy or new office by the promoting authority concerned any employee who applied for promotion to such vacancy or new office and has not been promoted therefor and who considers himself more entitled to the promotion than the employee who has been promoted may in such manner and within such time as is prescribed appeal against such promotion of such other employee to the Promotions Appeal Board established under this Act.

Appeal by  
employee  
against  
promotion  
of another.  
Amended by  
No. 53 of  
1952, s. 2;  
No. 87 of  
1953, s. 2;  
No. 76 of  
1956, s. 2;  
No. 58 of  
1960, s. 4;  
No. 86 of  
1964, s. 5;  
No. 75 of  
1966, s. 3;  
No. 113 of  
1965, s. 8;  
No. 26 of  
1975, s. 4;  
No. 31 of  
1979, s. 6.  
Qld. 13 Geo.  
V. No. 31,  
s. 23.  
Qld. 5 Geo.  
V. No. 24,  
s. 21.  
Qld. 1 Geo.  
VI. No. 24,  
s. 57.  
13 Geo. V.  
No. 31, s. 23.

Provided that—

(a) an appeal shall not lie—

- (i) in respect of any office unless the office is specified as an appealable office in the Second Schedule to this Act, or unless the Governor declares upon special grounds that the office or class of office shall be excluded from the operation of the foregoing provisions of this paragraph; or
- (ii) by an employee who having attained the age for compulsory retirement applicable to him has been continued in his service as an employee;
- (iii) [*Added by No. 76 of 1956, s. 2. Deleted by No. 58 of 1960, s. 4.*]
- (iv) [*Added by No. 76 of 1956, s. 2. Deleted by No. 58 of 1960, s. 4.*]

13 Geo. V.  
No. 31, s. 23  
proviso (a).

13 Geo. V.  
No. 31, s. 23  
proviso (b).

(b) where in respect of the vacancy or new office there is a relevant union, an employee applicant has the right of appeal under this section—

- (i) if he was, at the time he made his application for promotion to the vacancy or new office, a member of the relevant union;

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- (ii) if he was not, at that time, a member of the relevant union but is employed in the department in which the vacancy or new office occurs and all the other applicants for promotion to the vacancy or new office were not, at that time, members of the relevant union; or
- (iii) if, at that time, he was not a member of the relevant union but held a certificate of exemption issued under the provisions of section 61B of the Industrial Arbitration Act, 1912<sup>1</sup> or section 144A of the Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth or any Act in substitution for that Act, as amended from time to time,

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

(1a) [*Added by No. 53 of 1952, s. 2. Deleted by No. 26 of 1975, s. 4.*]

(2) For the purposes of this section where a vacancy or a new office is filled by an employee—

- (a) who is transferred within the same department on the same grade or classification, that transfer shall not be considered as promotion;
- (b) who is transferred within the same department and who voluntarily relinquishes a position on a higher grade or classification, that transfer shall not be considered as promotion.

Governor  
may  
proclaim  
further  
departments.  
Added by  
No. 28 of  
1954, s. 3.

5A. (1) The Governor may by proclamation declare that any department, concern, hospital, Crown instrumentality, board, body corporate or other body of whatever description is a department within the meaning of this Act.

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<sup>1</sup> Repealed by Industrial Arbitration Act, 1979.



(2) A proclamation made under the provisions of subsection (1) of this section may from time to time be revoked or varied.

6. (1) For the purposes of this Act a Board to be known as "The Promotions Appeal Board" is hereby established.

Establishment and constitution of Promotions Appeal Board.

(2) Subject to section seven of this Act the Board shall consist of three members, and subject as hereinafter provided, shall comprise the following persons:—

Amended by No. 58 of 1960, s. 5; No. 86 of 1964, s. 6; No. 26 of 1975, s. 5; No. 19 of 1977, s. 3; No. 31 of 1979, s. 7. Qld. 13 Geo. V. No. 31, s. 35. Qld. 5. Geo. V. No. 24, s. 30. Qld. 1 Geo. VI. No. 12, s. 57 (2).

- (a) The person for the time being holding the office of Public Service Arbitrator under the Public Service Arbitration Act, 1966, who shall be the Chairman;
- (b) A person nominated by the employer who or which made the promotion which is appealed against;
- (c) A person nominated by the relevant union unless—
  - (i) the appellant is not a member, or if there is more than one appellant all the appellants are not members, of that union;
  - (ii) there is no relevant union; or
  - (iii) there is a relevant union and it fails to nominate a person at the latest fourteen clear days before the date of hearing,

in which case the Board shall include,

- (iv) if there is only one appellant, a person nominated by the appellant; or
- (v) if there is more than one appellant, a person nominated unanimously by all appellants, or in default of an agreement thereon a person selected

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by the Chairman of the Board from persons nominated respectively by the appellants,

and each nomination under this subsection shall be in writing duly signed on behalf of the employer or the relevant union or by the appellant or appellants, as the case requires, and delivered to the Secretary of the Board; and

- (d) Where in the case provided for in paragraph (c) of this subsection there is more than one relevant union, a person shall be nominated unanimously by all relevant unions, or in default of an agreement thereon a person shall be selected by the Chairman of the Board from persons nominated respectively by the relevant unions.

(2a) Notwithstanding the provisions of subsection (2) of this section, the Governor may appoint stipendiary magistrates nominated by the Minister to be Assistant Chairman of the Board and thereupon the Board may at any time comprise any Assistant Chairman and two persons respectively appointed in accordance with the provisions of paragraphs (b) and (c) of that subsection.

(2b) The Board when comprised as provided in subsection (2a) of this section may sit either at the same or a different time as the Board sits when it is comprised as provided in subsection (2) of this section, and shall hear and determine such appeals under this Act as the Chairman of the Board may direct from time to time.

(3) [*Repealed by No. 19 of 1977, s. 3.*]

(4) The Board, whether comprised as provided in subsection (2) or as provided in subsection (2a) of this section, shall have jurisdiction to hear and determine all appeals which lie and are made under this Act.

6A. [*Added by No. 86 of 1964, s. 7. Repealed by No. 31 of 1979, s. 8.*]

7. (1) Whenever two or more employee appellants appeal against the same promotion of another employee all appeals shall be heard and determined together.

Two or more appeals.  
Substituted by No. 31 of 1979, s. 9.

(2) When two or more appeals against the same promotion are heard and determined together, and two or more of such appeals are allowed by the Board, the Board as constituted to hear the said appeals shall decide, as between the successful appellants, which one of them shall receive the promotion in relation to which the appeals have been successful.

8. In relation to employees who, when a vacancy occurs or a new office is created in a department are absent from their employment under the State by reason of being members (a) of any of the Naval, Military or Air Forces of Her Majesty or of any services auxiliary thereto engaged on active service in any war in which Her Majesty is then engaged, or, (b) of any of the Naval, Military or Air Forces of Her Majesty or of any services auxiliary thereto and have been temporarily retained after the end of any such war on occupational duties in a former enemy or enemy occupied territory or for any other similar purpose, the following provisions shall apply and have effect:—

Special provision for employees absent on war service.  
Amended by No. 87 of 1978, s. 6; No. 31 of 1979, s. 10.

(i) For the purposes of this Act the officer having under the Ministerial Head the supreme administrative control of the department in which the vacancy occurs or the new office is created shall be deemed to be the attorney of every employee employed in such department and absent from his employment as aforesaid with full power and authority in the name of the employee or in his own name for and on behalf of the employee—

(a) to make application for the promotion of the employee to such vacancy or new office; and

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- (b) in the event of the employee not being promoted to such vacancy or new office, to appeal under the provisions of this Act against any promotion which has been made in relation to the filling of such vacancy or new office.

Provided that where such officer aforesaid is the promoting authority in relation to the filling of the said vacancy or new office the officer in such department next after such officer aforesaid in administrative control of the department shall instead of such officer aforesaid be deemed to be the attorney of every employee aforesaid as provided for in this paragraph.

- (ii) The Governor may make special regulations for the purpose of making every reasonable provision which he deems necessary to ensure that employees to which this section relates shall not in any way suffer any loss of opportunity to apply for promotion to a vacancy or new office in their employment under the State as such employees or to exercise the right of appeal conferred upon such employees by this Act.

- (iii) Wherever the terms "employee" or "employee appellant" are used in any section (other than this section) of this Act such terms shall, unless the context otherwise requires, include the attorney of an absent employee under this section.

Meetings of  
Board.  
Qld. 13 Geo.  
V. No. 31,  
s. 35 (2).

9. The Board shall meet for the despatch of business as often as is required, and as soon as is reasonably possible after an appeal is lodged shall subject to the regulations fix the earliest convenient date for the hearing thereof. The Board shall keep a record of its proceedings and decisions thereon, which shall be available for future reference by any party associated with an appeal.

10. There shall be a Secretary of the Board—

Secretary  
of Board.  
Substituted  
by No. 31  
of 1979, s. 11.

- (a) who shall be appointed and hold office subject to and in accordance with the Public Service Act, 1978; and
- (b) who may hold office as such in conjunction with any other office in the Public Service of the State.

11. A member of the Board shall, subject to such conditions and restrictions as are prescribed, be entitled to such remuneration, travelling and other allowances as are directed by the Minister.

Remunera-  
tion of  
members.  
Substituted  
by No. 31  
of 1979, s. 12.

12. The jurisdiction of the Board shall be exercised by all the members thereof sitting together, and where all the members are not unanimous upon any question, the decision of the majority of the said members shall prevail and shall be deemed to be the decision of the Board.

Board to act  
by majority.  
Amended by  
No. 31 of  
1979, s. 13.  
Qld. 13 Geo.  
V. No. 31,  
s. 35 (5).

13. (1) Subject as hereinafter provided, appeals under this Act shall be heard by the Board in Perth or elsewhere as the Board may in any particular case determine.

Venue.  
Amended by  
No. 86 of  
1964, s. 8;  
No. 31 of  
1979, s. 14.  
Qld. 13 Geo.  
V. No. 31,  
s. 36 (3).  
Qld. 1 Geo.  
VI. No. 12,  
s. 57 (4).  
Qld. 5 Geo.  
V. No. 24,  
s. 39 (5).

Provided that where employees are employed in remote localities, and where arrangements cannot conveniently be made for their attendance in person whether as appellants or witnesses, or where they would be subjected to great expense in travelling to appear before the Board, the Board may appoint a competent person or persons to take evidence on oath in that locality concerning the matter of appeal. Such evidence shall be forwarded for consideration of the Board.

(2) (a) Where the Board considers that any employee appellant had reasonable grounds for lodging and proceeding with his appeal, the Board when it decides such appeal may in writing signed by

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the Chairman approve the payment to such employee appellant of reasonable expenses in respect of—

- (i) time necessarily lost from his employment in attending on the hearing of his appeal; and also;
- (ii) where he necessarily attends on the hearing of his appeal by the Board at a city or town elsewhere than the city or town in which he is employed, expenses incurred by him in travelling and for board and lodging.

(b) The amount of expenses approved by the Board under paragraph (a) of this subsection shall be paid as a part of the cost and expense of administering this Act.

(c) [*Deleted by No. 86 of 1964, s. 8. (c).*]

(d) The applicant promoted may if he defends his claim at the appeal be granted by the Board expenses similar in every respect to those laid down in this section for the appellant and such expenditure shall be a part of the cost and expense of administering this Act.

Lodging and hearing of appeal. Substituted by No. 31 of 1979, s. 15.

14. (1) Every appeal shall be in writing, shall be delivered to the Secretary of the Board within the prescribed time, and subject to this Act, shall be heard by the Board as early as practicable after the date when the appeal is received by the Secretary.

(2) After the closing date for appeals the Secretary of the Board shall advise the promoting authority concerned of the names and other relevant particulars of all appellants.

(3) An appeal may be made on the ground of superior efficiency to that of the employee promoted.

(4) For the purposes of subsection (3) of this section, "efficiency" means special qualifications and aptitude for the discharge of the duties of the office

to be filled, together with merit, diligence and good conduct, and in assessing the efficiency of an employee—

- (a) the promoting authority and the Board shall have regard to any service in an acting capacity by that employee in the office to be filled if that service was had prior to the occurring of the vacancy then being filled;
- (b) in the case of an employee who is a returned soldier, the term shall include such efficiency as in the opinion of the promoting authority concerned or the Board, as the case may be, the employee would have attained but for his absence on war service.

(5) The Board may at any stage of the hearing of an appeal decline to hear it further and may summarily dismiss the same on the ground that in the opinion of the Board it is frivolous, unreasonable or vexatious.

(6) The Board may, if it thinks fit, order an appellant to pay to the Treasurer of the State a sum not exceeding twenty-five dollars if, in the opinion of the Board, his appeal is frivolous, unreasonable or vexatious and any sum so ordered may be recovered in a court of competent jurisdiction at the suit of the Treasurer of the State as a civil debt owing to the Crown.

15. [*Repealed by No. 31 of 1979, s. 16.*]

16. (1) Upon the hearing by the Board of an appeal the employee appellant, the applicant promoted and the promoting authority who or which made the promotion against which the appeal is made shall be entitled to be represented by an agent who may examine witnesses and address the Board.

Representation of parties and procedure. Amended by No. 86 of 1964, s. 10; No. 31 of 1979, s. 17. Qld. 13 Geo. V. No. 31, s. 36 (5). Qld. 5 Geo. V. No. 24, s. 30 (9). Qld. 1 Geo. VI. No. 12, s. 57 (7).

(2) [*Deleted by No. 31 of 1979, s. 17.*]

(3) The Board when it decides any appeal may in writing signed by the chairman approve the payment to any witness subpoenaed and attending on the hearing of the appeal, such expenses of that witness as the Board considers reasonable in respect of—

- (a) time necessarily lost by the witness from his employment in attending on the hearing of the appeal; and
- (b) expenses incurred by the witness in travelling and for board and lodging where he necessarily attends on the hearing of the appeal at a city or town other than that where he is employed,

but if in the opinion of the Board the evidence of any witness was not necessary to the case, the Board may order that the expenses of that witness be paid by the person calling the witness.

Powers and duties of Board.  
Amended by No. 86 of 1964, s. 11; No. 87 of 1978, s. 8; No. 31 of 1979, s. 18.  
Qld. 13 Geo. V. No. 31, s. 36 (6).  
Qld. 5 Geo. V. No. 24, s. 30 (10).

17. (1) Subject to paragraph (a) of subsection (4) of section fourteen of this Act, the Board shall make full inquiry into the claims of the employee appellant and the merits of the applicant promoted and consider all such matters up to the closing date of applications for the vacancy.

(2) The Board shall hear all appeals in public except when by its own unanimous decision it directs that any appeal shall be heard in private.

(3) In the hearing and determination of every appeal the Board shall act according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms and shall not be bound by any laws or rules of evidence but may inform its mind on the matter in such a way as it thinks just.

(4) The Board shall have in relation to appeals under this Act all the powers of a Royal Commission under the Royal Commissions Act, 1968, and any reference to the Chairman of a Royal Commission



under that Act shall in relation to such appeals be deemed to be a reference to the Chairman of the Board.

(5) Where any law, award or industrial agreement in force is applicable to any position or office in a department and contains any provisions or conditions regulating or affecting the promotion of employees to such position or office, and any employee appeals under this Act against the promotion of another employee to such position or office, the Board when hearing and determining such appeal shall have due regard for the provisions and conditions aforesaid of such law, award or industrial agreement insofar as the same may be relevant and material to the promotion against which the appeal is made.

(6) The Chairman of the Board shall give all such directions and do all such things as he deems necessary or expedient to give effect to the intention of this Act.

18. (1) The Board may dismiss or allow any appeal, and as soon as reasonably may be shall report its decision in writing to the promoting authority, to the applicant promoted, and to the employee appellant concerned.

Decision of Board.  
Amended by No. 86 of 1964, s. 12; No. 31 of 1979, s. 19.  
Qld. 13 Geo. V. No. 31, s. 36 (7).  
Qld. 5 Geo. V. No. 24, s. 30 (11).  
Qld. 1 Geo. VI. No. 12, s. 57 (11).

(2) When the Board allows an appeal it shall, in the report of its decision, name the employee appellant who in its opinion should be promoted to the vacancy or the new office in priority to the employee whose promotion to such vacancy or new office has been successfully appealed against.

(3) The decision of the Board in every case shall be final; and, when the Board allows an appeal, its decision shall be binding upon the promoting authority concerned and due effect to such decision shall be given in accordance with the tenor of the report of the Board by the said promoting authority.

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Final  
decision.  
Amended by  
No. 31 of  
1979, s. 20.  
Qld. 13 Geo.  
V. No. 31,  
s. 36 (8).  
Qld. 1 Geo.  
VI. No. 12,  
s. 58.

19. Every promotion made by a promoting authority for the purpose of giving effect to a decision of the Board in an appeal under this Act shall be final and binding on all parties concerned, and shall not be subject to any further appeal either under this Act or any other Act.

Regulations.

20. The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Heading  
amended  
by No. 26 of  
1975, s. 7.  
Amended by  
No. 65 of  
1953, s. 4;  
No. 58 of  
1960, s. 7;  
No. 87 of  
1978, s. 9.

**THE FIRST SCHEDULE.**

Title of Act.	Number of Act.
Government Ferries Act, 1932	No. 14 of 1932.
Government Electric Works Act, 1914	No. 29 of 1915.
Government Railways Act, 1904-1939	No. 23 of 1904.
Government Tramways Act, 1912-1933	No. 58 of 1912.
Industrial Arbitration Act, 1912-1941	No. 57 of 1912.
Police Act, 1892-1940	55 Vict. No. 27.
Public Service Appeal Board Act, 1920-1943	No. 14 of 1920.
Railways Classification Board Act, 1920-1935	No. 38 of 1920.
Rural and Industries Bank Act, 1944	No. 51 of 1944.
State Trading Concerns Act, 1916	No. 12 of 1917.
Fire Brigades Act, 1942-1951	No. 35 of 1942.

Second  
Schedule.  
Added by  
No. 26 of  
1975, s. 7.  
Amended by  
No. 87 of  
1978, s. 10.

**THE SECOND SCHEDULE.**

The following are appealable offices—

1. [*Deleted by No. 87 of 1978, s. 10.*]
2. Offices under the Government Railways Act, 1904:—
  - (a) any office to which the Railways Salaried Officers Award for the time being in force applies if the maximum salary of the office does not exceed the maximum payable to an office classified as Division 3 by the award;

- (b) any office to which The Railways Professional Officers Award for the time being in force applies if the maximum salary of the office does not exceed the maximum payable to an office classified as Engineer Class 2 by the award;
- (c) any other office if the maximum salary or wage of the office does not exceed the maximum salary payable to the highest office within the Clerical Division established under the Public Service Act, 1978.

3. Any office within a department (not being an office under the Public Service Act, 1978, or the Government Railways Act, 1904) if the maximum salary or wage of the office does not exceed the maximum salary payable to the highest office within the Clerical Division established under the Public Service Act, 1978.