ANNO DECIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1964

****

No. 42 of 1964

An Act to amend the Public Service Arbitration Act, 1961.

[*Assented to 22nd October,* 1964.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Public Service Arbitration Act Amendment Act, 1964". **Short titles.**

(2) The Public Service Arbitration Act, 1961, as amended by this Act, may be cited as the "Public Service Arbitration Act, 1961-1964".

(3) The Public Service Arbitration Act, 1961, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. **Incorporation.**

3. Section 2 of the principal Act is amended— **Amendment principal Act, s. 2— (Interpretation).**

(*a*) by inserting at the end of the definition of "public service" therein the passage "and includes any persons, officers or classes of officers to whom this Act applies by reason of a proclamation under subsection (2) of this section";

(*b*) by inserting at the end thereof the following subsection (the preceding portion of the section as amended by paragraph (*a*) of this section being designated as subsection (1) thereof):—

(2) Notwithstanding any provision of any other Act for the time being in force, the Governor may declare by proclamation that this Act shall from the time specified in that behalf in such proclamation—

I. apply to any persons, officers or classes of officers in the employ of the Government of the State or of any State authority or instrumentality (except a person or officer whose salary or remuneration is at a fixed rate prescribed by Act of Parliament); or

II. cease to apply to any persons, officers or classes of officers to whom by reason of a proclamation made under this subsection the same applies;

and every such proclamation shall have effect according to the tenor thereof and, for the purposes and within the meaning of this Act, all persons to whom this Act applies by reason of a proclamation under this section shall be deemed to be officers in the public service and the positions respectively occupied by such persons shall be deemed to be offices.

Amendment of principal Act, s. 4.

4. Subsection (1) of section 4 of the principal Act is amended by striking out the proviso therein and inserting in lieu thereof the following proviso:—

Provided that a person appointed as arbitrator may, while holding that appointment, hold any other appointment in the employ of the Government of the State, in which event he shall be paid the salary in respect of his appointment as arbitrator or the salary in respect of such other appointment whichever is the greater: Provided further that nothing in this subsection shall preclude the arbitrator from receiving such additional remuneration as the Governor may determine in respect of any part-time appointment held by him.

Amendment of principal Act, s. 8.

5. Section 8 of the principal Act is amended—

(*a*) by striking out paragraph (*c*) of subsection (2) thereof and inserting in lieu thereof the following paragraph:—

(*c*) If, whether an objection is lodged or not, within twenty-one days after the date of such publication agreement is reached between the

Commissioner and the organization or group concerning the claim, the Board shall forthwith make a return under the Public Service Act, 1936-1959, giving effect to the claim or as the case may be the agreement;

(*b*) by inserting after the word "lodged" in paragraph (*d*) of the said subsection (2) thereof the passage "and within twenty-one days after the date of such publication no such agreement is reached concerning the claim";

(*c*) by inserting before the word "referred" in the said paragraph (*d*) of subsection (2) thereof the word "forthwith";

(*d*) by inserting at the end of paragraph (*a*) of subsection (3) thereof the passage " or whether or not agreement has been reached between the Commissioner and the organization or group concerning the claim";

(*e*) by inserting after the word "claim" (first occurring) in paragraph (*b*) of the said subsection (3) thereof the passage "or agreement has been reached between the Commissioner and the organization or group concerning the claim";

(*f*) by inserting after the word "claim" last occurring in paragraph (*b*) of the said subsection (3) thereof the words "or, as the case may be, the agreement";

(*g*) by inserting after the word "claim" (first occurring) in paragraph (*c*) of the said subsection (3) thereof the passage "and agreement has not been reached between the Commissioner and the organization or group concerning the claim";

(*h*) by inserting before the word "referred" in paragraph (*c*) of the said subsection (3) thereof the word "forthwith";

(*i*) by inserting at the end of paragraph (*a*) of subsection (5) thereof the passage "If the arbitrator decides that the officer or officers do constitute a group, the Board shall proceed in accordance with subsection (3) of this section";

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.