

No. , 1968.

A BILL

Relating to the appointment of an acting member of the Public Service Board, the permanent appointment of married women to the Public Service of New South Wales, and the delegation of powers by the Public Service Board; for these purposes to amend the Public Service Act, 1902, as subsequently amended; and for purposes connected therewith.

[MR WILLIS *on behalf of* MR ASKIN—7 November, 1968.]

BE

Public Service (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Public Service (Amendment) Act, 1968". Short title.

2. The Public Service Act, 1902, as subsequently amended, is amended— Amendment of Act No. 31, 1902.

10 (a) by inserting next after subsection six of section seven the following new subsection :— Sec. 7. (Appointment of Public Service Board.)

(7) In case of the illness, suspension or absence of any member of the Board or in the event of a vacancy occurring in the office of a member of the Board the Governor may appoint a person to act temporarily as a member of the Board during the illness, suspension or absence of such member or until the vacant office has been filled, as the case may be. A person whilst acting temporarily as a member as aforesaid shall have and may exercise and discharge all the powers and authority of the member of the Board in whose place he acts. Acting member.

20 (b) by inserting next after section eleven the following new section :— New sec. 11A.

25 11A. (1) This section applies to powers, authorities, duties and functions other than powers, authorities, duties and functions which under any provision of this Act, other than this section, may be exercised or discharged by a member of the Board, an inspector, officer or person or persons pursuant to a direction, authority, appointment or delegation by the Board. Delegation of powers, authorities, etc.

(2)

Public Service (Amendment).

5 (2) The Board may, by instrument in writing, delegate to a member of the Board or to an officer the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions to which this section applies conferred or imposed upon the Board by or under this Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

10 (3) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to a member of the Board or an officer may while the delegation remains unrevoked be exercised or performed from
15 time to time in accordance with the terms of the delegation by that member or officer or the person for the time being acting in the place of that member or officer.

20 (4) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the specified powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

25 (5) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Board and that power, authority, duty or function has been delegated under this section the power,
30 authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

35 (6) Notwithstanding any delegation made under this section the Board may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7)

Public Service (Amendment).

5 (7) Any act or thing done or suffered by the delegate when acting in the exercise of the delegation and within the terms of the delegation shall have the like force and effect as if the act or thing had been done or suffered by the Board.

(c) by omitting section forty-one;

Sec. 41.
(Regulations
for
appointment
of women.)

(d) by omitting section forty-two.

Sec. 42.
(Married
women
when
eligible.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968
[5c]

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 2 April, 1969.*

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1969.

An Act relating to the appointment of an acting member of the Public Service Board, the permanent appointment of married women to the Public Service of New South Wales, and the delegation of powers by the Public Service Board; for these purposes to amend the Public Service Act, 1902, as subsequently amended; and for purposes connected therewith.

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Public Service (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Public Service (Amendment) Act, 1969". Short title.

2. The Public Service Act, 1902, as subsequently amended, is amended— Amendment of Act No. 31, 1902.

10 (a) by inserting next after subsection six of section seven the following new subsection :— Sec. 7. (Appointment of Public Service Board.)

15 (7) In case of the illness, suspension or absence of any member of the Board or in the event of a vacancy occurring in the office of a member of the Board the Governor may appoint a person to act temporarily as a member of the Board during the illness, suspension or absence of such member or until the vacant office has been filled, as the case may be. A person whilst acting temporarily as a member as aforesaid shall have and may exercise and discharge all the powers and authority of the member of the Board in whose place he acts. Acting member.

20 (b) by inserting next after section eleven the following new section :— New sec. 11A.

25 11A. (1) This section applies to powers, authorities, duties and functions other than powers, authorities, duties and functions which under any provision of this Act, other than this section, may be exercised or discharged by a member of the Board, an inspector, officer or person or persons pursuant to a direction, authority, appointment or delegation by the Board. Delegation of powers, authorities, etc.

(2)

Public Service (Amendment).

5 (2) The Board may, by instrument in writing, delegate to a member of the Board or to an officer the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions to which this section applies conferred or imposed upon the Board by or under this Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

10 (3) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to a member of the Board or an officer may while the delegation remains unrevoked be exercised or performed from
15 time to time in accordance with the terms of the delegation by that member or officer or the person for the time being acting in the place of that member or officer.

20 (4) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the specified powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

25 (5) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Board and that power, authority, duty or function has been delegated under this section the power,
30 authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

35 (6) Notwithstanding any delegation made under this section the Board may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7)

Public Service (Amendment).

5 (7) Any act or thing done or suffered by the delegate when acting in the exercise of the delegation and within the terms of the delegation shall have the like force and effect as if the act or thing had been done or suffered by the Board.

(c) by omitting section forty-one;

Sec. 41.
(Regulations for appointment of women.)

(d) by omitting section forty-two.

Sec. 42.
(Married women when eligible.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

[5c]