

## New South Wales



ANNO QUARTO

**ELIZABETHÆ II REGINÆ**

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### Act No. 27, 1955.

An Act to make further provision relating to long service leave and the payment of the money value thereof in respect of officers of the Public Service, the Water Conservation and Irrigation Commission, and the Departments of Main Roads, Railways, Government Transport and Motor Transport, and members of the Police Force; for these purposes to amend the Public Service (Amendment) Act, 1919, the Irrigation Act, 1912, the Main Roads Act, 1924, the Government Railways Act, 1912, the Transport Act, 1930, the Police Regulation Act, 1899, and certain other Acts; and for purposes connected therewith. [Assented to, 27th April, 1955.]



*Public Service and Other Statutory Bodies (Long Service Leave).*

**B**E 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 :—

Short title.

**1.** This Act may be cited as the "Public Service and Other Statutory Bodies (Long Service Leave) Act, 1955."

Amendment  
of Act No.  
43, 1919.

Sec. 13.

(Leave of  
absence  
after years  
of service.)

**2.** The Public Service (Amendment) Act, 1919, as amended by subsequent Acts, is amended—

(a) by omitting from section thirteen the words "Provided that nothing in this section shall affect the provisions of section fifty-six of the Public Service Act, 1902" and by inserting in lieu thereof the following subsections:—

(2) Where the services of an officer with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or

(b) his retirement pursuant to section sixty-three or sixty-seven or subsection three of section sixty-six of the Public Service Act, 1902, as amended by subsequent Acts,

he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(3) Nothing in this section shall affect the provisions of section fifty-six of the Public Service Act, 1902, as amended by subsequent Acts.

Substituted  
sec. 14.

(b) by omitting section fourteen and by inserting in lieu thereof the following section:—

Payment of  
money value  
of leave  
not taken or  
completed.

**14.** (1) Where an officer or member of the board has acquired a right under subsection one of section thirteen of this Act to extended leave with



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with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such officer or member, or if there is no such widow or widower the children of such officer or member, or if there is no such widow, widower, or children such person who, in the opinion of the board, was, at the time of the death of such officer or member, a dependent relative of such officer or member, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such officer or member received at the time of his or her death.

(2) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the board, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection two of section thirteen of this Act, computed at the rate of salary such officer received at the time of his or her death.

(3) Where there is a guardian of any children entitled under subsection one or two of this section the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(4) Where there is no person entitled under subsection one or two of this section to receive the money value of any leave not taken or not completed by an officer or member as aforesaid or which would have accrued to an

officer



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officer as aforesaid payment in respect thereof shall be made to the personal representatives of such officer or member, as the case may require.

(5) Any payment under this section shall be in addition to any payment due under the provisions of the Superannuation Act, 1916, as amended by subsequent Acts.

(6) Where payment of the money value of leave has been made under this section no action may be brought against the Crown for payment of any amount in respect of such leave.

Amendment  
of Act No.  
73, 1912.

Sec. 5c.

(Leave of  
absence  
after years  
of service.)

3. The Irrigation Act, 1912, as amended by subsequent Acts, is amended—

(a) (i) by inserting in section 5c after the words “twenty years service” where secondly occurring the following new subsection:—

(2) Where the services of an officer with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or

(b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part or from causes within his control, or

(c) his retirement pursuant to subsection three of section 5A or to section 5B of this Act,

he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(ii)



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- (ii) by inserting in the same section immediately before the words "Where an officer" the figure and symbols "(3)";
- (b) by omitting section 5D and by inserting in lieu thereof the following section:—

Substituted  
sec. 5D.

5D. (1) Where a commissioner or an officer has acquired a right under subsection one of section 5c of this Act to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such commissioner or officer, or if there is no such widow or widower the children of such commissioner or officer, or if there is no such widow, widower or children such person who, in the opinion of the Commission, was, at the time of the death of such commissioner or officer, a dependent relative of such commissioner or officer, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such commissioner or officer received at the time of his or her death.

(2) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commission, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection two of section 5c of this Act, computed at the rate of salary such officer received at the time of his or her death.

(3)



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(3) Where there is a guardian of any children entitled under subsection one or two of this section the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(4) Where there is no person entitled under subsection one or two of this section to receive the money value of any leave not taken or not completed by a commissioner or officer as aforesaid or which would have accrued to an officer as aforesaid payment in respect thereof shall be made to the personal representatives of such commissioner or officer, as the case may require.

(5) Any payment under this section shall be in addition to any payment due under the provisions of the Superannuation Act, 1916, as amended by subsequent Acts.

(6) Where payment of the money value of leave has been made under this Act no action may be brought against the Crown or the Commission for payment of any amount in respect of such leave.

Amendment  
of Act No.  
24, 1924.

4. The Main Roads Act, 1924, as amended by subsequent Acts, is amended—

Sec. 7A.

(Leave of  
absence  
after years  
of service.)

(a) by inserting next after subsection one of section 7A the following new subsection:—

(1A) Where the services of an officer with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or

(b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen



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arisen from actual misconduct on his part or from causes within his control, or

- (c) his retiring having attained the age of sixty-five years, or being retired after attaining the age of sixty years,

he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

- (b) by omitting subsection (4A) of the same section and by inserting in lieu thereof the following subsection:—

(4A) (a) Where a Commissioner, an Assistant Commissioner or an officer has acquired a right under subsection one of this section to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such Commissioner, Assistant Commissioner or officer, or if there is no such widow or widower the children of such Commissioner, Assistant Commissioner or officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner or person acting as such, was, at the time of the death of such Commissioner, Assistant Commissioner or officer, a dependent relative of such Commissioner, Assistant Commissioner or officer, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such Commissioner, Assistant Commissioner or officer received at the time of his or her death.

(b) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such



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such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection (1A) of this section, computed at the rate of salary such officer received at the time of his or her death.

(c) Where there is a guardian of any children entitled under paragraph (a) or (b) of this subsection the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(d) Where there is no person entitled under paragraph (a) or (b) of this subsection to receive the money value of any leave not taken or not completed by a Commissioner, Assistant Commissioner or officer as aforesaid or which would have accrued to an officer as aforesaid payment in respect thereof shall be made to the personal representatives of such Commissioner, Assistant Commissioner or officer, as the case may require.

(e) Any payment under this subsection shall be in addition to any payment due under the provisions of the Superannuation Act, 1916, as amended by subsequent Acts.

(f) Where payment of the money value of leave has been made under this subsection no action may be brought against the Crown for payment of any amount in respect of such leave.



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5. The Government Railways Act, 1912, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
30, 1912.

(a) by inserting next after subsection two of section 100A the following new subsection:—

Sec. 100A.

(Leave of  
absence

after years  
of service.)

(2A) Every officer who whether before or after the commencement of the Public Service and Other Statutory Bodies (Long Service Leave) Act, 1955, has had at least ten years and less than fifteen years service and whose services are terminated by reason of—

(a) retrenchment, or

(b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part or from causes within his control, or

(c) his retiring having attained the age of sixty-five years, or being retired after attaining the age of sixty years,

shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(b) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection:—

(5) (a) Where an officer has acquired a right under subsection two of this section to leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Railways, was, at the time of the death of such officer, a dependent



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dependent relative of such officer, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such officer received at the time of his or her death.

(b) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Railways, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection (2A) of this section, computed at the rate of salary such officer received at the time of his or her death.

(c) Where there is a guardian of any children entitled under paragraph (a) or (b) of this subsection the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(d) Where there is no person entitled under paragraph (a) or (b) of this subsection to receive the money value of any leave not taken or not completed by an officer as aforesaid or which would have accrued to such officer as aforesaid payment in respect thereof shall be made to the personal representatives of such officer.

(e) Where payment of the money value of leave has been made under this subsection no action may be brought against the Commissioner for Railways for payment of any amount in respect of such leave.



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**6.** The Transport Act, 1930, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
18, 1930.

- (a) by inserting next after subsection two of section one hundred and twenty-three the following new subsection:—

Sec. 123.

(Leave of  
absence after  
years of  
service.)

(2A) Every officer who whether before or after the commencement of the Public Service and Other Statutory Bodies (Long Service Leave) Act, 1955, has had at least ten years and less than fifteen years service and whose services are terminated by reason of—

- (a) retrenchment, or
- (b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part or from causes within his control, or
- (c) his retiring having attained the age of sixty-five years, or being retired after attaining the age of sixty years,

shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months for fifteen years service.

- (b) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection:—

(5) (a) Where an officer has acquired a right under subsection two of this section to leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or the widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Government Transport or the Commissioner for Motor Transport,



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Transport, as the case may require, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave not taken or not completed, computed at the rate of salary such officer received at the time of his or her death.

(b) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Government Transport or the Commissioner for Motor Transport, as the case may require, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection (2A) of this section, computed at the rate of salary such officer received at the time of his or her death.

(c) Where there is a guardian of any children entitled under paragraph (a) or (b) of this subsection the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(d) Where there is no person entitled under paragraph (a) or (b) of this subsection to receive the money value of any leave not taken or completed by an officer as aforesaid or which would have accrued to such officer as aforesaid payment in respect thereof shall be made to the personal representatives of such officer.

(e) Where payment of the money value of leave has been made under this subsection no action may be brought for payment of any amount in respect of such leave.



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**7.** The Police Regulation Act, 1899, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
20, 1899.

(a) by inserting at the end of section 12A the following new subsection:—

Sec. 12A.

(Leave of  
absence  
after years  
of service.)

(2) Where the services of a member of the police force with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or

(b) his retirement on account of—

(i) incapacity in accordance with section eight of the Police Regulation (Superannuation) Act, 1906, as amended by subsequent Acts;

(ii) disablement in respect of which a gratuity or annual superannuation allowance may be granted to him in accordance with section ten of the said Act, as so amended;

he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(b) by omitting section 12B and by inserting in lieu thereof the following section:—

Substituted  
sec. 12B.

12B. (1) Where a member of the police force has acquired a right under subsection one of section 12A of this Act to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow of such member, or if there is no such widow the children of such member, or if there is no such widow or children such person who, in the opinion of the Commissioner, was, at the time of the death of such member, a dependent relative of such member, shall be entitled to receive

Payment of  
money value  
of leave  
not taken or  
completed.



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receive the money value of the leave not taken, or not completed, computed at the rate of salary such member received at the time of his death.

(2) Where a member of the police force with at least ten years and less than fifteen years service dies, the widow of such member, or if there is no such widow the children of such member, or if there is no such widow or children such person who, in the opinion of the Commissioner, was, at the time of the death of such member, a dependent relative of such member, shall be entitled to receive the money value of the leave which would have accrued to such member had his services terminated as referred to in subsection two of section 12A of this Act, computed at the rate of salary such member received at the time of his death.

(3) Where there is a guardian of any children entitled under subsection one or two of this section the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(4) Where there is no person entitled under subsection one or two of this section to receive the money value of any leave not taken or not completed by a member as aforesaid or which would have accrued to such member as aforesaid payment in respect thereof shall be made to the personal representatives of such member.

(5) Any payment under this section shall be in addition to any payment due under the provisions of the Police Regulation (Superannuation) Act, 1906, as amended by subsequent Acts.

(6) Where payment of the money value of leave has been made under this section no action may be brought against the Crown for payment of any amount in respect of such leave.

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By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1955.











*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

H. ROBBINS,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 31 March, 1955.*

## New South Wales



ANNO QUARTO

**ELIZABETHÆ II REGINÆ**

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### Act No. 27, 1955.

An Act to make further provision relating to long service leave and the payment of the money value thereof in respect of officers of the Public Service, the Water Conservation and Irrigation Commission, and the Departments of Main Roads, Railways, Government Transport and Motor Transport, and members of the Police Force; for these purposes to amend the Public Service (Amendment) Act, 1919, the Irrigation Act, 1912, the Main Roads Act, 1924, the Government Railways Act, 1912, the Transport Act, 1930, the Police Regulation Act, 1899, and certain other Acts; and for purposes connected therewith. [Assented to, 27th April, 1955.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

G. BOOTH,  
*Chairman of Committees of the Legislative Assembly.*



*Public Service and Other Statutory Bodies (Long Service Leave).*

**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 :—

Short title.

**1.** This Act may be cited as the "Public Service and Other Statutory Bodies (Long Service Leave) Act, 1955."

Amendment  
of Act No.  
43, 1919.

**2.** The Public Service (Amendment) Act, 1919, as amended by subsequent Acts, is amended—

Sec. 13.  
(Leave of  
absence  
after years  
of service.)

(a) by omitting from section thirteen the words "Provided that nothing in this section shall affect the provisions of section fifty-six of the Public Service Act, 1902" and by inserting in lieu thereof the following subsections :—

(2) Where the services of an officer with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or

(b) his retirement pursuant to section sixty-three or sixty-seven or subsection three of section sixty-six of the Public Service Act, 1902, as amended by subsequent Acts,

he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(3) Nothing in this section shall affect the provisions of section fifty-six of the Public Service Act, 1902, as amended by subsequent Acts.

Substituted  
sec. 14.

(b) by omitting section fourteen and by inserting in lieu thereof the following section :—

Payment of  
money value  
of leave  
not taken or  
completed.

**14.** (1) Where an officer or member of the board has acquired a right under subsection one of section thirteen of this Act to extended leave with



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with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such officer or member, or if there is no such widow or widower the children of such officer or member, or if there is no such widow, widower, or children such person who, in the opinion of the board, was, at the time of the death of such officer or member, a dependent relative of such officer or member, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such officer or member received at the time of his or her death.

(2) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the board, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection two of section thirteen of this Act, computed at the rate of salary such officer received at the time of his or her death.

(3) Where there is a guardian of any children entitled under subsection one or two of this section the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(4) Where there is no person entitled under subsection one or two of this section to receive the money value of any leave not taken or not completed by an officer or member as aforesaid or which would have accrued to an officer



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officer as aforesaid payment in respect thereof shall be made to the personal representatives of such officer or member, as the case may require.

(5) Any payment under this section shall be in addition to any payment due under the provisions of the Superannuation Act, 1916, as amended by subsequent Acts.

(6) Where payment of the money value of leave has been made under this section no action may be brought against the Crown for payment of any amount in respect of such leave.

Amendment  
of Act No.  
73, 1912.

Sec. 5c.

(Leave of  
absence  
after years  
of service.)

**3.** The Irrigation Act, 1912, as amended by subsequent Acts, is amended—

(a) (i) by inserting in section 5c after the words “twenty years service” where secondly occurring the following new subsection:—

(2) Where the services of an officer with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or

(b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part or from causes within his control, or

(c) his retirement pursuant to subsection three of section 5A or to section 5B of this Act,

he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(ii)



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- (ii) by inserting in the same section immediately before the words "Where an officer" the figure and symbols "(3)";
- (b) by omitting section 5D and by inserting in lieu thereof the following section:—

Substituted  
sec. 5D.

5D. (1) Where a commissioner or an officer has acquired a right under subsection one of section 5c of this Act to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such commissioner or officer, or if there is no such widow or widower the children of such commissioner or officer, or if there is no such widow, widower or children such person who, in the opinion of the Commission, was, at the time of the death of such commissioner or officer, a dependent relative of such commissioner or officer, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such commissioner or officer received at the time of his or her death.

(2) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commission, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection two of section 5c of this Act, computed at the rate of salary such officer received at the time of his or her death.

(3)



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(3) Where there is a guardian of any children entitled under subsection one or two of this section the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(4) Where there is no person entitled under subsection one or two of this section to receive the money value of any leave not taken or not completed by a commissioner or officer as aforesaid or which would have accrued to an officer as aforesaid payment in respect thereof shall be made to the personal representatives of such commissioner or officer, as the case may require.

(5) Any payment under this section shall be in addition to any payment due under the provisions of the Superannuation Act, 1916, as amended by subsequent Acts.

(6) Where payment of the money value of leave has been made under this Act no action may be brought against the Crown or the Commission for payment of any amount in respect of such leave.

Amendment  
of Act No.  
24, 1924.

4. The Main Roads Act, 1924, as amended by subsequent Acts, is amended—

Sec. 7A.  
(Leave of  
absence  
after years  
of service.)

(a) by inserting next after subsection one of section 7A the following new subsection:—

(1A) Where the services of an officer with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or

(b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not

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arisen from actual misconduct on his part or from causes within his control, or

- (c) his retiring having attained the age of sixty-five years, or being retired after attaining the age of sixty years,

he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

- (b) by omitting subsection (4A) of the same section and by inserting in lieu thereof the following subsection:—

(4A) (a) Where a Commissioner, an Assistant Commissioner or an officer has acquired a right under subsection one of this section to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such Commissioner, Assistant Commissioner or officer, or if there is no such widow or widower the children of such Commissioner, Assistant Commissioner or officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner or person acting as such, was, at the time of the death of such Commissioner, Assistant Commissioner or officer, a dependent relative of such Commissioner, Assistant Commissioner or officer, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such Commissioner, Assistant Commissioner or officer received at the time of his or her death.

(b) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such



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such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection (1A) of this section, computed at the rate of salary such officer received at the time of his or her death.

(c) Where there is a guardian of any children entitled under paragraph (a) or (b) of this subsection the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(d) Where there is no person entitled under paragraph (a) or (b) of this subsection to receive the money value of any leave not taken or not completed by a Commissioner, Assistant Commissioner or officer as aforesaid or which would have accrued to an officer as aforesaid payment in respect thereof shall be made to the personal representatives of such Commissioner, Assistant Commissioner or officer, as the case may require.

(e) Any payment under this subsection shall be in addition to any payment due under the provisions of the Superannuation Act, 1916, as amended by subsequent Acts.

(f) Where payment of the money value of leave has been made under this subsection no action may be brought against the Crown for payment of any amount in respect of such leave.



*Public Service and Other Statutory Bodies (Long Service Leave).*

**5.** The Government Railways Act, 1912, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
30, 1912.

(a) by inserting next after subsection two of section 100A the following new subsection:—

Sec. 100A.  
(Leave of  
absence  
after years  
of service.)

(2A) Every officer who whether before or after the commencement of the Public Service and Other Statutory Bodies (Long Service Leave) Act, 1955, has had at least ten years and less than fifteen years service and whose services are terminated by reason of—

(a) retrenchment, or

(b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part or from causes within his control, or

(c) his retiring having attained the age of sixty-five years, or being retired after attaining the age of sixty years,

shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(b) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection:—

(5) (a) Where an officer has acquired a right under subsection two of this section to leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Railways, was, at the time of the death of such officer, a dependent



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dependent relative of such officer, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such officer received at the time of his or her death.

(b) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Railways, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection (2A) of this section, computed at the rate of salary such officer received at the time of his or her death.

(c) Where there is a guardian of any children entitled under paragraph (a) or (b) of this subsection the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(d) Where there is no person entitled under paragraph (a) or (b) of this subsection to receive the money value of any leave not taken or not completed by an officer as aforesaid or which would have accrued to such officer as aforesaid payment in respect thereof shall be made to the personal representatives of such officer.

(e) Where payment of the money value of leave has been made under this subsection no action may be brought against the Commissioner for Railways for payment of any amount in respect of such leave.



*Public Service and Other Statutory Bodies (Long Service Leave).*

**6.** The Transport Act, 1930, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
18, 1930.

(a) by inserting next after subsection two of section one hundred and twenty-three the following new subsection:—

Sec. 123.  
(Leave of  
absence after  
years of  
service.)

(2A) Every officer who whether before or after the commencement of the Public Service and Other Statutory Bodies (Long Service Leave) Act, 1955, has had at least ten years and less than fifteen years service and whose services are terminated by reason of—

- (a) retrenchment, or
- (b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part or from causes within his control, or
- (c) his retiring having attained the age of sixty-five years, or being retired after attaining the age of sixty years,

shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months for fifteen years service.

(b) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection:—

(5) (a) Where an officer has acquired a right under subsection two of this section to leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or the widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Government Transport or the Commissioner for Motor

Transport,



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*Public Service and Other Statutory Bodies (Long Service Leave).*

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Transport, as the case may require, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave not taken or not completed, computed at the rate of salary such officer received at the time of his or her death.

(b) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Government Transport or the Commissioner for Motor Transport, as the case may require, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection (2A) of this section, computed at the rate of salary such officer received at the time of his or her death.

(c) Where there is a guardian of any children entitled under paragraph (a) or (b) of this subsection the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(d) Where there is no person entitled under paragraph (a) or (b) of this subsection to receive the money value of any leave not taken or completed by an officer as aforesaid or which would have accrued to such officer as aforesaid payment in respect thereof shall be made to the personal representatives of such officer.

(e) Where payment of the money value of leave has been made under this subsection no action may be brought for payment of any amount in respect of such leave.



*Public Service and Other Statutory Bodies (Long Service Leave).*

7. The Police Regulation Act, 1899, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
20, 1899.

- (a) by inserting at the end of section 12A the following new subsection:—

Sec. 12A.  
(Leave of  
absence  
after years  
of service.)

(2) Where the services of a member of the police force with at least ten years and less than fifteen years service terminate by reason of—

- (a) retrenchment, or  
(b) his retirement on account of—

(i) incapacity in accordance with section eight of the Police Regulation (Superannuation) Act, 1906, as amended by subsequent Acts;

(ii) disablement in respect of which a gratuity or annual superannuation allowance may be granted to him in accordance with section ten of the said Act, as so amended;

he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

- (b) by omitting section 12B and by inserting in lieu thereof the following section:—

Substituted  
sec. 12B.

12B. (1) Where a member of the police force has acquired a right under subsection one of section 12A of this Act to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow of such member, or if there is no such widow the children of such member, or if there is no such widow or children such person who, in the opinion of the Commissioner, was, at the time of the death of such member, a dependent relative of such member, shall be entitled to receive

Payment of  
money value  
of leave  
not taken or  
completed.



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*Public Service and Other Statutory Bodies (Long Service Leave).*

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receive the money value of the leave not taken, or not completed, computed at the rate of salary such member received at the time of his death.

(2) Where a member of the police force with at least ten years and less than fifteen years service dies, the widow of such member, or if there is no such widow the children of such member, or if there is no such widow or children such person who, in the opinion of the Commissioner, was, at the time of the death of such member, a dependent relative of such member, shall be entitled to receive the money value of the leave which would have accrued to such member had his services terminated as referred to in subsection two of section 12A of this Act, computed at the rate of salary such member received at the time of his death.

(3) Where there is a guardian of any children entitled under subsection one or two of this section the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(4) Where there is no person entitled under subsection one or two of this section to receive the money value of any leave not taken or not completed by a member as aforesaid or which would have accrued to such member as aforesaid payment in respect thereof shall be made to the personal representatives of such member.

(5) Any payment under this section shall be in addition to any payment due under the provisions of the Police Regulation (Superannuation) Act, 1906, as amended by subsequent Acts.

(6) Where payment of the money value of leave has been made under this section no action may be brought against the Crown for payment of any amount in respect of such leave.

*In the name and on behalf of Her Majesty I assent to this Act.*

J. NORTHCOTT,  
Governor.

Government House,  
Sydney, 27th April, 1955.











*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.*

H. ROBBINS,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 30 March, 1955.*

## **New South Wales**



ANNO QUARTO

**ELIZABETHÆ II REGINÆ**

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**Act No.       , 1955.**

An Act to make further provision relating to long service leave and the payment of the money value thereof in respect of officers of the Public Service, the Water Conservation and Irrigation Commission, and the Departments of Main Roads, Railways, Government Transport and Motor Transport, and members of the Police Force; for these purposes to amend the Public Service (Amendment) Act, 1919, the Irrigation Act, 1912, the Main Roads Act, 1924, the Government Railways Act, 1912, the Transport Act, 1930, the Police Regulation Act, 1899, and certain other Acts; and for purposes connected therewith.



*Public Service and Other Statutory Bodies (Long Service Leave).*

**B**E 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 and Other Statutory Bodies (Long Service Leave) Act, 1955." Short title.

**2.** The Public Service (Amendment) Act, 1919, as amended by subsequent Acts, is amended— Amendment of Act No. 43, 1919.

(a) by omitting from section thirteen the words "Provided that nothing in this section shall affect the provisions of section fifty-six of the Public Service Act, 1902" and by inserting in lieu thereof the following subsections:— Sec. 13. (Leave of absence after years of service.)

(2) Where the services of an officer with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or  
(b) his retirement pursuant to section sixty-three or sixty-seven or subsection three of section sixty-six of the Public Service Act, 1902, as amended by subsequent Acts,

he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(3) Nothing in this section shall affect the provisions of section fifty-six of the Public Service Act, 1902, as amended by subsequent Acts.

(b) by omitting section fourteen and by inserting in lieu thereof the following section:— Substituted sec. 14.

**14.** (1) Where an officer or member of the board has acquired a right under subsection one of section thirteen of this Act to extended leave of section thirteen of this Act to extended leave with Payment of money value of leave not taken or completed.



*Public Service and Other Statutory Bodies (Long Service Leave).*

5 with pay and dies before entering upon it, or  
after entering upon it dies before its termina-  
tion, the widow or widower of such officer or  
member, or if there is no such widow or widower  
the children of such officer or member, or if there  
is no such widow, widower, or children such  
person who, in the opinion of the board, was, at  
the time of the death of such officer or member,  
a dependent relative of such officer or member,  
10 shall be entitled to receive the money value of  
the leave not taken, or not completed, computed  
at the rate of salary such officer or member  
received at the time of his or her death.

15 (2) Where an officer with at least ten  
years and less than fifteen years service  
dies, the widow or widower of such officer,  
or if there is no such widow or widower  
the children of such officer, or if there  
is no such widow, widower or children  
20 such person who, in the opinion of the board,  
was, at the time of the death of such officer, a  
dependent relative of such officer, shall be  
entitled to receive the money value of the leave  
which would have accrued to such officer had his  
25 services terminated as referred to in subsection  
two of section thirteen of this Act, computed  
at the rate of salary such officer received at the  
time of his or her death.

30 (3) Where there is a guardian of any  
children entitled under subsection one or two of  
this section the payment to which such children  
are entitled may be made to such guardian for  
their maintenance, education and advancement.

35 (4) Where there is no person entitled  
under subsection one or two of this section to  
receive the money value of any leave not taken  
or not completed by an officer or member as  
aforesaid or which would have accrued to an  
officer



*Public Service and Other Statutory Bodies (Long Service Leave).*

officer as aforesaid payment in respect thereof shall be made to the personal representatives of such officer or member, as the case may require.

5 (5) Any payment under this section shall be in addition to any payment due under the provisions of the Superannuation Act, 1916, as amended by subsequent Acts.

10 (6) Where payment of the money value of leave has been made under this section no action may be brought against the Crown for payment of any amount in respect of such leave.

3. The Irrigation Act, 1912, as amended by subsequent Acts, is amended—

15 (a) (i) by inserting in section 5c after the words "twenty years service" where secondly occurring the following new subsection:—

20 (2) Where the services of an officer with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or  
(b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part or from causes within his control, or

30 (c) his retirement pursuant to subsection three of section 5A or to section 5B of this Act,

35 he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(ii)

Amendment  
of Act No.  
73, 1912.

Sec. 5c.  
(Leave of  
absence  
after years  
of service.)



Public Service and Other Statutory Bodies (Long Service Leave).

(ii) by inserting in the same section immediately before the words "Where an officer" the figure and symbols "(3)";

5 (b) by omitting section 5d and by inserting in lieu thereof the following section:— Substituted  
sec. 5d. 3

10 5d. (1) Where a commissioner or an officer has acquired a right under subsection one of section 5c of this Act to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such commissioner or officer, or if there is no such widow or widower the children of such commissioner or officer, or if there is no such widow, widower or children such person who, in the opinion of the Commission, was, at the time of the death of such commissioner or officer, a dependent relative of such commissioner or officer, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such commissioner or officer received at the time of his or her death. Payment of  
money  
value of  
leave not  
taken or  
completed. 3

25 (2) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commission, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection two of section 5c of this Act, computed at the rate of salary such officer received at the time of his or her death.

(3)



*Public Service and Other Statutory Bodies (Long Service Leave).*

(3) Where there is a guardian of any children entitled under subsection one or two of this section the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(4) Where there is no person entitled under subsection one or two of this section to receive the money value of any leave not taken or not completed by a commissioner or officer as aforesaid or which would have accrued to an officer as aforesaid payment in respect thereof shall be made to the personal representatives of such commissioner or officer, as the case may require.

(5) Any payment under this section shall be in addition to any payment due under the provisions of the Superannuation Act, 1916, as amended by subsequent Acts.

(6) Where payment of the money value of leave has been made under this Act no action may be brought against the Crown or the Commission for payment of any amount in respect of such leave.

4. The Main Roads Act, 1924, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
24, 1924.

(a) by inserting next after subsection one of section 7A the following new subsection:—

Sec. 7A.

(Leave of  
absence  
after years  
of service.)

(1A) Where the services of an officer with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or

(b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not

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*Public Service and Other Statutory Bodies (Long Service Leave).*

arisen from actual misconduct on his part or from causes within his control, or

5 (c) his retiring having attained the age of sixty-five years, or being retired after attaining the age of sixty years,

he shall be entitled for ten years service to two months leave on full pay and for service after 10 ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(b) by omitting subsection (4A) of the same section and by inserting in lieu thereof the following subsection:—

15 (4A) (a) Where a Commissioner, an Assistant Commissioner or an officer has acquired a right under subsection one of this section to extended leave with pay and dies before entering upon it, or after entering upon it dies before 20 its termination, the widow or widower of such Commissioner, Assistant Commissioner or officer, or if there is no such widow or widower the children of such Commissioner, Assistant Commissioner or officer, or if there is no such 25 widow, widower or children such person who, in the opinion of the Commissioner or person acting as such, was, at the time of the death of such Commissioner, Assistant Commissioner or officer, a dependent relative of such Commissioner, Assistant Commissioner or officer, shall 30 be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such Commissioner, Assistant Commissioner or officer received at the time of his or her death.

35 (b) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such



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5 such officer, or if there is no such widow,  
10 widower or children such person who, in the  
opinion of the Commissioner, was, at the time of  
the death of such officer, a dependent relative of  
such officer, shall be entitled to receive the  
money value of the leave which would have  
accrued to such officer had his services  
terminated as referred to in subsection (1A) of  
this section, computed at the rate of salary such  
officer received at the time of his or her death.

15 (c) Where there is a guardian of any  
children entitled under paragraph (a) or (b)  
of this subsection the payment to which such  
children are entitled may be made to such  
guardian for their maintenance, education and  
advancement.

20 (d) Where there is no person entitled  
under paragraph (a) or (b) of this subsection  
to receive the money value of any leave not  
taken or not completed by a Commissioner,  
Assistant Commissioner or officer as aforesaid  
or which would have accrued to an officer as  
aforesaid payment in respect thereof shall be  
made to the personal representatives of such  
25 Commissioner, Assistant Commissioner or  
officer, as the case may require.

30 (e) Any payment under this subsection  
shall be in addition to any payment due under  
the provisions of the Superannuation Act, 1916,  
as amended by subsequent Acts.

35 (f) Where payment of the money value  
of leave has been made under this subsection  
no action may be brought against the Crown  
for payment of any amount in respect of such  
leave.



*Public Service and Other Statutory Bodies (Long Service Leave).*

5. The Government Railways Act, 1912, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
30, 1912.

(a) by inserting next after subsection two of section 100A the following new subsection:—

Sec. 100A.

(Leave of  
absence  
after years  
of service.)

5 (2A) Every officer who whether before or after the commencement of the Public Service and Other Statutory Bodies (Long Service Leave) Act, 1955, has had at least ten years and less than fifteen years service and whose services are

10 terminated by reason of—

(a) retrenchment, or

(b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part or from causes within his control,

15 or

20 (c) his retiring having attained the age of sixty-five years, or being retired after attaining the age of sixty years,

shall be entitled for ten years service to two months leave on full pay and for service after

25 ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(b) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection:—

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(5) (a) Where an officer has acquired a right under subsection two of this section to leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Railways, was, at the time of the death of such officer, a

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40 dependent



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dependent relative of such officer, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such officer received at the time of his or her death.

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(b) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Railways, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection (2A) of this section, computed at the rate of salary such officer received at the time of his or her death.

(c) Where there is a guardian of any children entitled under paragraph (a) or (b) of this subsection the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(d) Where there is no person entitled under paragraph (a) or (b) of this subsection to receive the money value of any leave not taken or not completed by an officer as aforesaid or which would have accrued to such officer as aforesaid payment in respect thereof shall be made to the personal representatives of such officer.

(e) Where payment of the money value of leave has been made under this subsection no action may be brought against the Commissioner for Railways for payment of any amount in respect of such leave.



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*Public Service and Other Statutory Bodies (Long Service Leave).*

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**6.** The Transport Act, 1930, as amended by subsequent Acts, is amended—

- 5 (a) by inserting next after subsection two of section one hundred and twenty-three the following new subsection:—
- 10 (2A) Every officer who whether before or after the commencement of the Public Service and Other Statutory Bodies (Long Service Leave) Act, 1955, has had at least ten years and less than fifteen years service and whose services are terminated by reason of—
- 15 (a) retrenchment, or
- (b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part or from causes within his control, or
- 20 (c) his retiring having attained the age of sixty-five years, or being retired after attaining the age of sixty years,
- 25 shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months for fifteen years service.
- (b) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection:—
- 30 (5) (a) Where an officer has acquired a right under subsection two of this section to leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or the widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Government
- 35 Transport or the Commissioner for Motor
- 40 Transport,



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*Public Service and Other Statutory Bodies (Long Service Leave).*

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Transport, as the case may require, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave not taken or not completed, computed at the rate of salary such officer received at the time of his or her death.

(b) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Government Transport or the Commissioner for Motor Transport, as the case may require, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection (2A) of this section, computed at the rate of salary such officer received at the time of his or her death.

(c) Where there is a guardian of any children entitled under paragraph (a) or (b) of this subsection the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(d) Where there is no person entitled under paragraph (a) or (b) of this subsection to receive the money value of any leave not taken or completed by an officer as aforesaid or which would have accrued to such officer as aforesaid payment in respect thereof shall be made to the personal representatives of such officer.

(e) Where payment of the money value of leave has been made under this subsection no action may be brought for payment of any amount in respect of such leave.



*Public Service and Other Statutory Bodies (Long Service Leave).*

7. The Police Regulation Act, 1899, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
20, 1899.

(a) by inserting at the end of section 12A the following new subsection:—

Sec. 12A.

(Leave of  
absence  
after years  
of service.)

5 (2) Where the services of a member of the police force with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or

10 (b) his retirement on account of—

(i) incapacity in accordance with section eight of the Police Regulation (Superannuation) Act, 1906, as amended by subsequent Acts;

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(ii) disablement in respect of which a gratuity or annual superannuation allowance may be granted to him in accordance with section ten of the said Act, as so amended;

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he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

25

(b) by omitting section 12B and by inserting in lieu thereof the following section:—

Substituted  
sec. 12B.

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12B. (1) Where a member of the police force has acquired a right under subsection one of section 12A of this Act to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow of such member, or if there is no such widow the children of such member, or if there is no such widow or children such person who, in the opinion of the Commissioner, was, at the time of the death of such member, a dependent relative of such member, shall be entitled to receive

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Payment of  
money value  
of leave  
not taken or  
completed.



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*Public Service and Other Statutory Bodies (Long Service Leave).*

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receive the money value of the leave not taken, or not completed, computed at the rate of salary such member received at the time of his death.

5 (2) Where a member of the police force  
with at least ten years and less than fifteen  
years service dies, the widow of such member,  
or if there is no such widow the children of such  
member, or if there is no such widow or children  
10 such person who, in the opinion of the Commis-  
sioner, was, at the time of the death of such  
member, a dependent relative of such member,  
shall be entitled to receive the money value of  
the leave which would have accrued to such  
15 member had his services terminated as referred  
to in subsection two of section 12A of this Act,  
computed at the rate of salary such member  
received at the time of his death.

20 (3) Where there is a guardian of any  
children entitled under subsection one or two of  
this section the payment to which such children  
are entitled may be made to such guardian for  
their maintenance, education and advancement.

25 (4) Where there is no person entitled  
under subsection one or two of this section to  
receive the money value of any leave not taken  
or not completed by a member as aforesaid or  
which would have accrued to such member as  
aforesaid payment in respect thereof shall be  
made to the personal representatives of such  
30 member.

(5) Any payment under this section  
shall be in addition to any payment due under  
the provisions of the Police Regulation (Super-  
annuation) Act, 1906, as amended by subsequent  
35 Acts.

(6) Where payment of the money value  
of leave has been made under this section no  
action may be brought against the Crown for  
payment of any amount in respect of such leave.



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The Board of Directors of the American Assembly,  
and, having in view the fact that the American Assembly is the  
Initiative Center for the American people.

It is the policy of the American Assembly  
to provide for the American people.



No. , 1955.

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## A BILL

To make further provision relating to long service leave and the payment of the money value thereof in respect of officers of the Public Service, the Water Conservation and Irrigation Commission, and the Departments of Main Roads, Railways, Government Transport and Motor Transport, and members of the Police Force; for these purposes to amend the Public Service (Amendment) Act, 1919, the Irrigation Act, 1912, the Main Roads Act, 1924, the Government Railways Act, 1912, the Transport Act, 1930, the Police Regulation Act, 1899, and certain other Acts; and for purposes connected therewith.

[MR. CAHILL;—17 *February*, 1955.]



*Public Service and Other Statutory Bodies (Long Service Leave).*

**B**E it enacted by the Queen's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative Council and Legislative Assembly of New South  
Wales in Parliament assembled, and by the authority of  
5 the same, as follows :—

**1.** This Act may be cited as the "Public Service and Other Statutory Bodies (Long Service Leave) Act, 1955." Short title.

**2.** The Public Service (Amendment) Act, 1919, as Amendment of Act No. 43, 1919.  
10 amended by subsequent Acts, is amended—

(a) by omitting from section thirteen the words Sec. 13.  
"Provided that nothing in this section shall (Leave of absence after years of service.)  
affect the provisions of section fifty-six of the  
Public Service Act, 1902" and by inserting in  
15 lieu thereof the following subsections:—

(2) Where the services of an officer with at  
least ten years and less than fifteen years service  
terminate by reason of—

(a) retrenchment, or

20 (b) his retirement pursuant to section  
sixty-three or sixty-seven or subsection  
three of section sixty-six of the Public  
Service Act, 1902, as amended by sub-  
sequent Acts,

25 he shall be entitled for ten years service to two  
months leave on full pay and for service after  
ten years to a proportionate amount of leave on  
full pay calculated on the basis of three months  
leave for fifteen years service.

30 (3) Nothing in this section shall affect the  
provisions of section fifty-six of the Public Ser-  
vice Act, 1902, as amended by subsequent Acts.

(b) by omitting section fourteen and by inserting in Substituted sec. 14.  
lieu thereof the following section:—

35 **14.** (1) Where an officer or member of the  
board has acquired a right under subsection one  
of section thirteen of this Act to extended leave  
with Payment of money value of leave not taken or completed.



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*Public Service and Other Statutory Bodies (Long Service Leave).*

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5 with pay and dies before entering upon it, or  
after entering upon it dies before its termina-  
tion, the widow or widower of such officer or  
member, or if there is no such widow or widower  
the children of such officer or member, or if there  
is no such widow, widower, or children such  
person who, in the opinion of the board, was, at  
the time of the death of such officer or member,  
10 a dependent relative of such officer or member,  
shall be entitled to receive the money value of  
the leave not taken, or not completed, computed  
at the rate of salary such officer or member  
received at the time of his or her death.

15 (2) Where an officer with at least ten  
years and less than fifteen years service  
dies, the widow or widower of such officer,  
or if there is no such widow or widower  
the children of such officer, or if there  
is no such widow, widower or children  
20 such person who, in the opinion of the board,  
was, at the time of the death of such officer, a  
dependent relative of such officer, shall be  
entitled to receive the money value of the leave  
which would have accrued to such officer had his  
25 services terminated as referred to in subsection  
two of section thirteen of this Act, computed  
at the rate of salary such officer received at the  
time of his or her death.

30 (3) Where there is a guardian of any  
children entitled under subsection one or two of  
this section the payment to which such children  
are entitled may be made to such guardian for  
their maintenance, education and advancement.

35 (4) Where there is no person entitled  
under subsection one or two of this section to  
receive the money value of any leave not taken  
or not completed by an officer or member as  
aforesaid or which would have accrued to an  
officer



*Public Service and Other Statutory Bodies (Long Service Leave).*

officer as aforesaid payment in respect thereof shall be made to the personal representatives of such officer or member, as the case may require.

5 (5) Any payment under this section shall be in addition to any payment due under the provisions of the Superannuation Act, 1916, as amended by subsequent Acts.

10 (6) Where payment of the money value of leave has been made under this section no action may be brought against the Crown for payment of any amount in respect of such leave.

3. The Irrigation Act, 1912, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
73, 1912.

15 (a) (i) by inserting in section 5c after the words "twenty years service" where secondly occurring the following new subsection:—

Sec. 5c.  
(Leave of  
absence  
after years  
of service.)

20 (2) Where the services of an officer with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or  
(b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part or from causes within his control, or

30 (c) his retirement pursuant to subsection three of section 5A or to section 5B of this Act,

35 he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(ii)



*Public Service and Other Statutory Bodies (Long Service Leave).*

(ii) by inserting in the same section immediately before the words "Where an officer" the figure and symbols "(3)";

5 (b) by omitting section 5d and by inserting in lieu thereof the following section:— Substituted  
sec. 5d.

10 5d. (1) Where a commissioner or an officer has acquired a right under subsection one of section 5c of this Act to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such commissioner or officer, or if there is no such widow or widower the children of such commissioner or officer, or if there is no such widow, widower or children such person who, in the opinion of the Commission, was, at the time of the death of such commissioner or officer, a dependent relative of such commissioner or officer, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such commissioner or officer received at the time of his or her death. Payment of  
money  
value of  
leave not  
taken or  
completed.

25 (2) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commission, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection two of section 5c of this Act, computed at the rate of salary such officer received at the time of his or her death.

(3)



*Public Service and Other Statutory Bodies (Long Service Leave).*

5 (3) Where there is a guardian of any children entitled under subsection one or two of this section the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

10 (4) Where there is no person entitled under subsection one or two of this section to receive the money value of any leave not taken or not completed by a commissioner or officer as aforesaid or which would have accrued to an officer as aforesaid payment in respect thereof shall be made to the personal representatives of such commissioner or officer, as the case may require.

15 (5) Any payment under this section shall be in addition to any payment due under the provisions of the Superannuation Act, 1916, as amended by subsequent Acts.

20 (6) Where payment of the money value of leave has been made under this Act no action may be brought against the Crown or the Commission for payment of any amount in respect of such leave.

25 4. The Main Roads Act, 1924, as amended by sub- Amendment of Act No. 24, 1924.  
sequent Acts, is amended—

(a) by inserting next after subsection one of section 7A the following new subsection:— Sec. 7A.  
(Leave of absence after years of service.)

30 (1A) Where the services of an officer with at least ten years and less than fifteen years service terminate by reason of—

- (a) retrenchment, or  
(b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen
- 35



*Public Service and Other Statutory Bodies (Long Service Leave).*

arisen from actual misconduct on his part or from causes within his control, or

5 (c) his retiring having attained the age of sixty-five years, or being retired after attaining the age of sixty years,

he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(b) by omitting subsection (4A) of the same section and by inserting in lieu thereof the following subsection:—

15 (4A) (a) Where a Commissioner, an Assistant Commissioner or an officer has acquired a right under subsection one of this section to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such Commissioner, Assistant Commissioner or officer, or if there is no such widow or widower the children of such Commissioner, Assistant Commissioner or officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner or person acting as such, was, at the time of the death of such Commissioner, Assistant Commissioner or officer, a dependent relative of such Commissioner, Assistant Commissioner or officer, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such Commissioner, Assistant Commissioner or officer received at the time of his or her death.

(b) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such



*Public Service and Other Statutory Bodies (Long Service Leave).*

5 such officer, or if there is no such widow,  
widower or children such person who, in the  
opinion of the Commissioner, was, at the time of  
the death of such officer, a dependent relative of  
such officer, shall be entitled to receive the  
money value of the leave which would have  
accrued to such officer had his services  
terminated as referred to in subsection (1A) of  
this section, computed at the rate of salary such  
10 officer received at the time of his or her death.

15 (c) Where there is a guardian of any  
children entitled under paragraph (a) or (b)  
of this subsection the payment to which such  
children are entitled may be made to such  
guardian for their maintenance, education and  
advancement.

20 (d) Where there is no person entitled  
under paragraph (a) or (b) of this subsection  
to receive the money value of any leave not  
taken or not completed by a Commissioner,  
Assistant Commissioner or officer as aforesaid  
or which would have accrued to an officer as  
aforesaid payment in respect thereof shall be  
made to the personal representatives of such  
25 Commissioner, Assistant Commissioner or  
officer, as the case may require.

30 (e) Any payment under this subsection  
shall be in addition to any payment due under  
the provisions of the Superannuation Act, 1916,  
as amended by subsequent Acts.

35 (f) Where payment of the money value  
of leave has been made under this subsection  
no action may be brought against the Crown  
for payment of any amount in respect of such  
leave.



*Public Service and Other Statutory Bodies (Long Service Leave).*

5. The Government Railways Act, 1912, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
30, 1912.

(a) by inserting next after subsection two of section 100A the following new subsection:—

Sec. 100A.

(Leave of  
absence  
after years  
of service.)

5 (2A) Every officer who whether before or after the commencement of the Public Service and Other Statutory Bodies (Long Service Leave) Act, 1955, has had at least ten years and less than fifteen years service and whose services are  
10 terminated by reason of—

(a) retrenchment, or

(b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part or from causes within his control,  
15 or

20 (c) his retiring having attained the age of sixty-five years, or being retired after attaining the age of sixty years,

shall be entitled for ten years service to two months leave on full pay and for service after  
25 ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(b) by omitting subsection five of the same section and by inserting in lieu thereof the following  
30 subsection:—

(5) (a) Where an officer has acquired a right under subsection two of this section to leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Railways, was,  
35 at the time of the death of such officer, a  
40 dependent



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*Public Service and Other Statutory Bodies (Long Service Leave).*

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5 dependent relative of such officer, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such officer received at the time of his or her death.

10 (b) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Railways, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection (2A) of this section, computed at the rate of salary such officer received at the time of his or her death.

15 (c) Where there is a guardian of any children entitled under paragraph (a) or (b) of this subsection the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

20 (d) Where there is no person entitled under paragraph (a) or (b) of this subsection to receive the money value of any leave not taken or not completed by an officer as aforesaid or which would have accrued to such officer as aforesaid payment in respect thereof shall be made to the personal representatives of such officer.

35 (e) Where payment of the money value of leave has been made under this subsection no action may be brought against the Commissioner for Railways for payment of any amount in respect of such leave.



*Public Service and Other Statutory Bodies (Long Service Leave).*

**6.** The Transport Act, 1930, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
18, 1930.

(a) by inserting next after subsection two of section one hundred and twenty-three the following new subsection:—

Sec. 123.

(Leave of  
absence after  
years of  
service.)

(2A) Every officer who whether before or after the commencement of the Public Service and Other Statutory Bodies (Long Service Leave) Act, 1955, has had at least ten years and less than fifteen years service and whose services are terminated by reason of—

(a) retrenchment, or  
(b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part or from causes within his control, or

(c) his retiring having attained the age of sixty-five years, or being retired after attaining the age of sixty years,

shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months for fifteen years service.

(b) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection:—

(5) (a) Where an officer has acquired a right under subsection two of this section to leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or the widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Government Transport or the Commissioner for Motor Transport,



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*Public Service and Other Statutory Bodies (Long Service Leave).*

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5 Transport, as the case may require, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave not taken or not completed, computed at the rate of salary such officer received at the time of his or her death.

10 (b) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Government  
15 Transport or the Commissioner for Motor Transport, as the case may require, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have  
20 accrued to such officer had his services terminated as referred to in subsection (2A) of this section, computed at the rate of salary such officer received at the time of his or her death.

25 (c) Where there is a guardian of any children entitled under paragraph (a) or (b) of this subsection the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

30 (d) Where there is no person entitled under paragraph (a) or (b) of this subsection to receive the money value of any leave not taken or completed by an officer as aforesaid or which would have accrued to such officer as aforesaid  
35 payment in respect thereof shall be made to the personal representatives of such officer.

40 (e) Where payment of the money value of leave has been made under this subsection no action may be brought for payment of any amount in respect of such leave. **7.**



*Public Service and Other Statutory Bodies (Long Service Leave).*

7. The Police Regulation Act, 1899, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
20, 1899.

(a) by inserting at the end of section 12A the following new subsection:—

Sec. 12A.  
(Leave of  
absence  
after years  
of service.)

5 (2) Where the services of a member of the police force with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or

10 (b) his retirement on account of—

(i) incapacity in accordance with section eight of the Police Regulation (Superannuation) Act, 1906, as amended by subsequent Acts;

15

(ii) disablement in respect of which a gratuity or annual superannuation allowance may be granted to him in accordance with section ten of the said Act, as so amended;

20

he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

25

(b) by omitting section 12B and by inserting in lieu thereof the following section:—

Substituted  
sec. 12B.

12B. (1) Where a member of the police force has acquired a right under subsection one of section 12A of this Act to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow of such member, or if there is no such widow the children of such member, or if there is no such widow or children such person who, in the opinion of the Commissioner, was, at the time of the death of such member, a dependent relative of such member, shall be entitled to receive

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Payment of  
money value  
of leave  
not taken or  
completed.

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*Public Service and Other Statutory Bodies (Long Service Leave).*

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receive the money value of the leave not taken, or not completed, computed at the rate of salary such member received at the time of his death.

5 (2) Where a member of the police force  
with at least ten years and less than fifteen  
years service dies, the widow of such member,  
or if there is no such widow the children of such  
member, or if there is no such widow or children  
10 such person who, in the opinion of the Commis-  
sioner, was, at the time of the death of such  
member, a dependent relative of such member,  
shall be entitled to receive the money value of  
the leave which would have accrued to such  
15 member had his services terminated as referred  
to in subsection two of section 12A of this Act,  
computed at the rate of salary such member  
received at the time of his death.

(3) Where there is a guardian of any  
20 children entitled under subsection one or two of  
this section the payment to which such children  
are entitled may be made to such guardian for  
their maintenance, education and advancement.

(4) Where there is no person entitled  
25 under subsection one or two of this section to  
receive the money value of any leave not taken  
or not completed by a member as aforesaid or  
which would have accrued to such member as  
aforesaid payment in respect thereof shall be  
made to the personal representatives of such  
30 member.

(5) Any payment under this section  
shall be in addition to any payment due under  
the provisions of the Police Regulation (Super-  
annuation) Act, 1906, as amended by subsequent  
35 Acts.

(6) Where payment of the money value  
of leave has been made under this section no  
action may be brought against the Crown for  
payment of any amount in respect of such leave.











## **PUBLIC SERVICE AND OTHER STATUTORY BODIES (LONG SERVICE LEAVE) BILL, 1955.**

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### **EXPLANATORY NOTE.**

THE objects of this Bill are—

(a) to provide for—

(i) the granting of long service leave to officers and employees of the Public Service, the Water Conservation and Irrigation Commission, and the Departments of Main Roads, Railways, Government Transport and Motor Transport, and to members of the Police Force, who have had less than 15 years but more than 10 years service,

(ii) the amount of such long service leave, and

(iii) the circumstances in which such long service leave will be granted;

(b) to provide for the payment of the monetary value of all extended leave not taken by any such officer, or employee, or member of the Police Force at the time of death to certain persons in the prescribed order of priority.



# PUBLIC SERVICE AND OTHER STATUTORY BOOKS

(LONG SERVICE LEAVE) 1955

## EXPLANATORY NOTE

The following books are published by the Government of India, New Delhi, and are available for sale at the following prices:

Book	Price
Public Service and Other Statutory Books (Long Service Leave) 1955	Rs. 1.00



No. , 1955.

# A BILL

To make further provision relating to long service leave and the payment of the money value thereof in respect of officers of the Public Service, the Water Conservation and Irrigation Commission, and the Departments of Main Roads, Railways, Government Transport and Motor Transport, and members of the Police Force; for these purposes to amend the Public Service (Amendment) Act, 1919, the Irrigation Act, 1912, the Main Roads Act, 1924, the Government Railways Act, 1912, the Transport Act, 1930, the Police Regulation Act, 1899, and certain other Acts; and for purposes connected therewith.

[Mr. CAHILL;—17 February, 1955.]



*Public Service and Other Statutory Bodies (Long Service Leave).*

**B**E 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 and Other Statutory Bodies (Long Service Leave) Act, 1955." Short title.

2. The Public Service (Amendment) Act, 1919, as amended by subsequent Acts, is amended— Amendment of Act No. 43, 1919.

(a) by omitting from section thirteen the words "Provided that nothing in this section shall affect the provisions of section fifty-six of the Public Service Act, 1902" and by inserting in lieu thereof the following subsections :— Sec. 13. (Leave of absence after years of service.)

(2) Where the services of an officer with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or

(b) his retirement pursuant to section sixty-three or sixty-seven or subsection three of section sixty-six of the Public Service Act, 1902, as amended by subsequent Acts,

he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(3) Nothing in this section shall affect the provisions of section fifty-six of the Public Service Act, 1902, as amended by subsequent Acts.

(b) by omitting section fourteen and by inserting in lieu thereof the following section :— Substituted sec. 14.

14. (1) Where an officer or member of the board has acquired a right under subsection one of section thirteen of this Act to extended leave with Payment of money value of leave not taken or completed.



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*Public Service and Other Statutory Bodies (Long Service Leave).*

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5 with pay and dies before entering upon it, or  
after entering upon it dies before its termina-  
tion, the widow or widower of such officer or  
member, or if there is no such widow or widower  
the children of such officer or member, or if there  
is no such widow, widower, or children such  
person who, in the opinion of the board, was, at  
the time of the death of such officer or member,  
10 a dependent relative of such officer or member,  
shall be entitled to receive the money value of  
the leave not taken, or not completed, computed  
at the rate of salary such officer or member  
received at the time of his or her death.

15 (2) Where an officer with at least ten  
years and less than fifteen years service  
dies, the widow or widower of such officer,  
or if there is no such widow or widower  
the children of such officer, or if there  
is no such widow, widower or children  
20 such person who, in the opinion of the board,  
was, at the time of the death of such officer, a  
dependent relative of such officer, shall be  
entitled to receive the money value of the leave  
which would have accrued to such officer had his  
25 services terminated as referred to in subsection  
two of section thirteen of this Act, computed  
at the rate of salary such officer received at the  
time of his or her death.

30 (3) Where there is a guardian of any  
children entitled under subsection one or two of  
this section the payment to which such children  
are entitled may be made to such guardian for  
their maintenance, education and advancement.

35 (4) Where there is no person entitled  
under subsection one or two of this section to  
receive the money value of any leave not taken  
or not completed by an officer or member as  
aforesaid or which would have accrued to an  
officer



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officer as aforesaid payment in respect thereof shall be made to the personal representatives of such officer or member, as the case may require.

5 (5) Any payment under this section shall be in addition to any payment due under the provisions of the Superannuation Act, 1916, as amended by subsequent Acts.

10 (6) Where payment of the money value of leave has been made under this section no action may be brought against the Crown for payment of any amount in respect of such leave.

3. The Irrigation Act, 1912, as amended by subsequent Acts, is amended—

15 (a) (i) by inserting in section 5c after the words "twenty years service" where secondly occurring the following new subsection:—

Amendment  
of Act No.  
73, 1912.  
Sec. 5c.  
(Leave of  
absence  
after years  
of service.)

20 (2) Where the services of an officer with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or  
(b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part or from causes within his control, or

30 (c) his retirement pursuant to subsection three of section 5A or to section 5B of this Act,

35 he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(ii)



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- (ii) by inserting in the same section immediately before the words "Where an officer" the figure and symbols "(3)";
- (b) by omitting section 5D and by inserting in lieu thereof the following section:—
- 5D. (1) Where a commissioner or an officer has acquired a right under subsection one of section 5c of this Act to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such commissioner or officer, or if there is no such widow or widower the children of such commissioner or officer, or if there is no such widow, widower or children such person who, in the opinion of the Commission, was, at the time of the death of such commissioner or officer, a dependent relative of such commissioner or officer, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such commissioner or officer received at the time of his or her death.
- (2) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commission, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection two of section 5c of this Act, computed at the rate of salary such officer received at the time of his or her death.

Substituted  
sec. 5D.

Payment of  
money  
value of  
leave not  
taken or  
completed.

(3)



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5 (3) Where there is a guardian of any children entitled under subsection one or two of this section the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

10 (4) Where there is no person entitled under subsection one or two of this section to receive the money value of any leave not taken or not completed by a commissioner or officer as aforesaid or which would have accrued to an officer as aforesaid payment in respect thereof shall be made to the personal representatives of such commissioner or officer, as the case may require.

15 (5) Any payment under this section shall be in addition to any payment due under the provisions of the Superannuation Act, 1916, as amended by subsequent Acts.

20 (6) Where payment of the money value of leave has been made under this Act no action may be brought against the Crown or the Commission for payment of any amount in respect of such leave.

25 4. The Main Roads Act, 1924, as amended by sub- Amendment of Act No. 24, 1924.  
sequent Acts, is amended—

(a) by inserting next after subsection one of section 7A the following new subsection:— Sec. 7A.  
(Leave of absence after years of service.)

30 (1A) Where the services of an officer with at least ten years and less than fifteen years service terminate by reason of—

(a) retrenchment, or

35 (b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen



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arisen from actual misconduct on his part or from causes within his control, or

- 5 (c) his retiring having attained the age of sixty-five years, or being retired after attaining the age of sixty years,

10 he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

- (b) by omitting subsection (4A) of the same section and by inserting in lieu thereof the following subsection:—

15 (4A) (a) Where a Commissioner, an Assistant Commissioner or an officer has acquired a right under subsection one of this section to extended leave with pay and dies before entering upon it, or after entering upon it dies before  
20 its termination, the widow or widower of such Commissioner, Assistant Commissioner or officer, or if there is no such widow or widower the children of such Commissioner, Assistant Commissioner or officer, or if there is no such  
25 widow, widower or children such person who, in the opinion of the Commissioner or person acting as such, was, at the time of the death of such Commissioner, Assistant Commissioner or officer, a dependent relative of such Commissioner, Assistant Commissioner or officer, shall  
30 be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such Commissioner, Assistant Commissioner or officer received at the time of his or her death.  
35

(b) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such



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5 such officer, or if there is no such widow,  
widower or children such person who, in the  
opinion of the Commissioner, was, at the time of  
the death of such officer, a dependent relative of  
such officer, shall be entitled to receive the  
money value of the leave which would have  
accrued to such officer had his services  
terminated as referred to in subsection (1A) of  
10 this section, computed at the rate of salary such  
officer received at the time of his or her death.

15 (c) Where there is a guardian of any  
children entitled under paragraph (a) or (b)  
of this subsection the payment to which such  
children are entitled may be made to such  
guardian for their maintenance, education and  
advancement.

20 (d) Where there is no person entitled  
under paragraph (a) or (b) of this subsection  
to receive the money value of any leave not  
taken or not completed by a Commissioner,  
Assistant Commissioner or officer as aforesaid  
or which would have accrued to an officer as  
aforesaid payment in respect thereof shall be  
made to the personal representatives of such  
25 Commissioner, Assistant Commissioner or  
officer, as the case may require.

30 (e) Any payment under this subsection  
shall be in addition to any payment due under  
the provisions of the Superannuation Act, 1916,  
as amended by subsequent Acts.

35 (f) Where payment of the money value  
of leave has been made under this subsection  
no action may be brought against the Crown  
for payment of any amount in respect of such  
leave.



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5. The Government Railways Act, 1912, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
30, 1912.

(a) by inserting next after subsection two of section 100A the following new subsection:—

Sec. 100A.

(Leave of  
absence  
after years  
of service.)

5 (2A) Every officer who whether before or after the commencement of the Public Service and Other Statutory Bodies (Long Service Leave) Act, 1955, has had at least ten years and less than fifteen years service and whose services are  
10 terminated by reason of—

(a) retrenchment, or

(b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part or from causes within his control,  
15 or

20 (c) his retiring having attained the age of sixty-five years, or being retired after attaining the age of sixty years,

shall be entitled for ten years service to two months leave on full pay and for service after  
25 ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

(b) by omitting subsection five of the same section and by inserting in lieu thereof the following  
30 subsection:—

(5) (a) Where an officer has acquired a right under subsection two of this section to leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Railways, was,  
35 at the time of the death of such officer, a  
40 dependent



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5 dependent relative of such officer, shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of salary such officer received at the time of his or her death.

10 (b) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Railways, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection (2A) of this section, computed at the rate of salary such officer received at the time of his or her death.

20 (c) Where there is a guardian of any children entitled under paragraph (a) or (b) of this subsection the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

30 (d) Where there is no person entitled under paragraph (a) or (b) of this subsection to receive the money value of any leave not taken or not completed by an officer as aforesaid or which would have accrued to such officer as aforesaid payment in respect thereof shall be made to the personal representatives of such officer.

35 (e) Where payment of the money value of leave has been made under this subsection no action may be brought against the Commissioner for Railways for payment of any amount in respect of such leave.



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6. The Transport Act, 1930, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
18, 1930.

(a) by inserting next after subsection two of section one hundred and twenty-three the following new subsection:—

Sec. 123.

(Leave of  
absence after  
years of  
service.)

(2A) Every officer who whether before or after the commencement of the Public Service and Other Statutory Bodies (Long Service Leave) Act, 1955, has had at least ten years and less than fifteen years service and whose services are terminated by reason of—

(a) retrenchment, or  
(b) his being found unfit to discharge or incapable of discharging the duties of his office and such unfitness or incapacity appears likely to be of a permanent character, and has not arisen from actual misconduct on his part or from causes within his control, or

(c) his retiring having attained the age of sixty-five years, or being retired after attaining the age of sixty years,

shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months for fifteen years service.

(b) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection:—

(5) (a) Where an officer has acquired a right under subsection two of this section to leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or the widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Government Transport or the Commissioner for Motor Transport,



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Transport, as the case may require, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave not taken or not completed, computed at the rate of salary such officer received at the time of his or her death.

(b) Where an officer with at least ten years and less than fifteen years service dies, the widow or widower of such officer, or if there is no such widow or widower the children of such officer, or if there is no such widow, widower or children such person who, in the opinion of the Commissioner for Government Transport or the Commissioner for Motor Transport, as the case may require, was, at the time of the death of such officer, a dependent relative of such officer, shall be entitled to receive the money value of the leave which would have accrued to such officer had his services terminated as referred to in subsection (2A) of this section, computed at the rate of salary such officer received at the time of his or her death.

(c) Where there is a guardian of any children entitled under paragraph (a) or (b) of this subsection the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(d) Where there is no person entitled under paragraph (a) or (b) of this subsection to receive the money value of any leave not taken or completed by an officer as aforesaid or which would have accrued to such officer as aforesaid payment in respect thereof shall be made to the personal representatives of such officer.

(e) Where payment of the money value of leave has been made under this subsection no action may be brought for payment of any amount in respect of such leave.

**7.**



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7. The Police Regulation Act, 1899, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
20, 1899.

(a) by inserting at the end of section 12A the following new subsection:—

Sec. 12A.  
(Leave of  
absence  
after years  
of service.)

5 (2) Where the services of a member of the police force with at least ten years and less than fifteen years service terminate by reason of—

10 (a) retrenchment, or  
(b) his retirement on account of—

(i) incapacity in accordance with section eight of the Police Regulation (Superannuation) Act, 1906, as amended by subsequent Acts;

15 (ii) disablement in respect of which a gratuity or annual superannuation allowance may be granted to him in accordance with section ten of the said Act, as so amended;

20 he shall be entitled for ten years service to two months leave on full pay and for service after ten years to a proportionate amount of leave on full pay calculated on the basis of three months leave for fifteen years service.

25 (b) by omitting section 12B and by inserting in lieu thereof the following section:—

Substituted  
sec. 12B.

30 12B. (1) Where a member of the police force has acquired a right under subsection one of section 12A of this Act to extended leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow of such member, or if there is no such widow the children of such member, or if there is no such widow or children such person who, in the opinion of the Commissioner, was, at the time of the death of such member, a dependent relative of such member, shall be entitled to receive

Payment of  
money value  
of leave  
not taken or  
completed.



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receive the money value of the leave not taken, or not completed, computed at the rate of salary such member received at the time of his death.

5 (2) Where a member of the police force with at least ten years and less than fifteen years service dies, the widow of such member, or if there is no such widow the children of such member, or if there is no such widow or children  
10 such person who, in the opinion of the Commissioner, was, at the time of the death of such member, a dependent relative of such member, shall be entitled to receive the money value of the leave which would have accrued to such member had his services terminated as referred  
15 to in subsection two of section 12A of this Act, computed at the rate of salary such member received at the time of his death.

(3) Where there is a guardian of any children entitled under subsection one or two of  
20 this section the payment to which such children are entitled may be made to such guardian for their maintenance, education and advancement.

(4) Where there is no person entitled under subsection one or two of this section to  
25 receive the money value of any leave not taken or not completed by a member as aforesaid or which would have accrued to such member as aforesaid payment in respect thereof shall be made to the personal representatives of such  
30 member.

(5) Any payment under this section shall be in addition to any payment due under the provisions of the Police Regulation (Super-  
35 annuation) Act, 1906, as amended by subsequent Acts.

(6) Where payment of the money value of leave has been made under this section no action may be brought against the Crown for payment of any amount in respect of such leave.







