

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 21 November, 1957.*

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1957.

An Act to make further provision relating to the constitution of the Crown Employees Appeal Board; for this and other purposes to amend the Crown Employees Appeal Board Act, 1944, and the Police Regulation (Appeals) Act, 1923, as amended by subsequent Acts; and for purposes connected therewith.

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
5 the same, as follows:—

1. (1) This Act may be cited as the "Crown Employees Appeal Board (Amendment) Act, 1957." Short title and citation.

Crown Employees Appeal Board (Amendment).

(2) The Crown Employees Appeal Board Act, 1944, as amended by subsequent Acts and by the Governor pursuant to section two of the said Act and by this Act, may be cited as the Crown Employees Appeal Board Act, 1944-1957.

2. The Crown Employees Appeal Board Act, 1944, as amended by subsequent Acts, is amended—

Amendment
of Act
No. 15,
1944.

- 10 (a) (i) by inserting in subsection two of section three after the word "chairman" the words "and, where there is an additional temporary chairman as hereinafter provided, such additional temporary chairman";
- 15 (ii) by inserting next after the same subsection the following new subsections:—
- 20 (2A) Where, in the opinion of the Governor, the Board is unable to cope promptly and expeditiously with the matters in the Board's list, an additional temporary chairman may be appointed from time to time as hereinafter provided.
- 25 (2B) More than one sitting of the Board may, where there is an additional temporary chairman, be held at the same time.
- 25 (iii) by inserting in paragraph (a) of subsection three of the same section after the word "chairman" the words "or, where there is an additional temporary chairman, such additional temporary chairman";
- 30 (iv) by omitting from subsection four of the same section the words "alternate member" wherever occurring and by inserting in lieu

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lieu thereof the words "the alternate member or an additional alternate member";

5 (v) (a) by inserting in subsection five of the same section after the word "chairman" the words "and, where there is an additional temporary chairman, such additional temporary chairman";

10 (b) by inserting in the same subsection after the word "shall" where secondly occurring the words "except as hereinafter provided";

15 (c) by inserting at the end of the same subsection the following new paragraph:—

20 The decision of the chairman upon any question which may arise at any sittings of the Board at which he is present as to the jurisdiction of the Board or as to the admissibility of evidence or as to procedure shall be the decision of the Board, and where
25 there is an additional temporary chairman the decision of such additional temporary chairman upon any question which may arise at any sittings of the Board at which he is present as to the jurisdiction of the Board or as to the admissibility of evidence or as to
30 procedure shall be the decision of the Board.

35 (vi) (a) by inserting in subsection six of the same section after the word "chairman" the words "and, where there is an additional temporary chairman, such additional temporary chairman";

(b)

Crown Employees Appeal Board (Amendment).

- (b) by inserting in the same subsection after the word "alternate" wherever occurring the words "or additional alternate";
- 5 (b) (i) by inserting next after subsection one of section four the following new subsection:— (Chairman.)
 - (1A) The Governor may, from time to time, appoint an additional temporary chairman. An additional temporary chairman shall be—
 - 10 (a) a Judge of the Supreme Court who shall be so appointed on the nomination of the Chief Justice; or
 - 15 (b) a member of the Industrial Commission of New South Wales who shall be so appointed on the nomination of the President of that Commission.
- 20 (ii) by inserting in paragraphs (a) and (b) of subsection two of the same section after the word "chairman" wherever occurring the words "or additional temporary chairman";
- 25 (c) (i) by inserting in subsection two of section five after the word "member" where secondly occurring the words "and such number of additional alternate members as the chairman may from time to time require"; (Employers' representatives and officers' representatives.)
- 30 (ii) by inserting in the same subsection after the word "member" where fourthly occurring the words "or during any period within which there is an additional temporary chairman";
- 35 (iii) by inserting at the end of the same subsection the following new paragraphs:—
 - 40 During the absence from any cause of a member so nominated and of the alternate member or during any vacancy in the office of

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5 of a member so nominated and of the alternate member an additional alternate member may, where there is one sitting of the Board being held at any one time, act as a member of the Board, and while so acting shall have all the powers and authorities of a member.

10 During the absence from any cause of a member so nominated and of the alternate member or either of them or during any vacancy in the office of a member so nominated and of the alternate member or either of them, two additional alternate members or an additional alternate member may, where there is more than one sitting of the Board being held at any one time, act as members or a member of the Board, as the case may require, and any additional alternate member while so acting shall have all the powers and authorities of a member.

25 (iv) by omitting from subsection four of the same section the words "or alternate member" and by inserting in lieu thereof the words "alternate member or additional alternate member";

(d) (i) by inserting next after subsection (2B) of section six the following new subsection:—

(2BA) (a) Where, after the commencement of the Crown Employees Appeal Board (Amendment) Act, 1957, the chairman requires any additional alternate members to be nominated by any employer or association of employees, the nominations of such additional alternate members shall be lodged within such time as the chairman prescribes.

Sec. 6.
(Nominations of employers' representatives and officers' representatives.)

(b)

Crown Employees Appeal Board (Amendment).

5 (b) The persons so nominated shall assume office on the dates upon which their respective nominations take effect and shall, subject to this Act, hold office for such period as the chairman determines:

10 Provided that, if they assume office before the thirty-first day of December, one thousand nine hundred and fifty-nine, they shall cease to hold office on the said day, and if they assume office during any period of three years succeeding the said day, they shall cease to hold office on the thirty-first day of December of the third year of such succeeding period, but they shall be eligible for nomination and to hold office as
15 additional alternate members upon any subsequent occasion on which the chairman may require additional alternate members.

20 (ii) by omitting from subsections four and five of the same section the words "or alternate member" wherever occurring and by inserting in lieu thereof the words "alternate member or additional alternate member";

25 (e) (i) by omitting from section seven the words "chairman) or an alternate member" wherever occurring and by inserting in lieu thereof the words "chairman or additional temporary chairman), an alternate member or an additional alternate member";
30 (Casual vacancies.)

35 (ii) by omitting from paragraph (f) of subsection one of the same section the words "or alternate member" and by inserting in lieu thereof the words "alternate member or additional alternate member";

(f)

Crown Employees Appeal Board (Amendment).

(f) (i) by inserting next after paragraph (a) of Sec.10. subsection one of section ten the following (Appeals to Board.) new paragraph:—

5 (a1) for the increase in salary of an officer, such increase being an increase:—

10 (i) whereby such officer attains seniority over other officers who before such increase had seniority equal to or greater than the officer whose salary is so increased;

15 (ii) which is applicable to such officer only and is not applicable to such other officers; and

20 (iii) otherwise than by virtue of a promotion referred to in paragraph (a) of this subsection;

25 (ii) by omitting from the same subsection the words “one thousand seven hundred and fifty pounds” and by inserting in lieu thereof the words “two thousand five hundred pounds”;

30 (g) by inserting at the end of subsection three of section eleven the words “, or, where the chairman or additional temporary chairman upon any particular appeal directs a lesser number of days’ notice of the date and place so fixed be given to the appellant and the employer, not less than such lesser number of days’ notice of the date and place so fixed”;

(h)

Crown Employees Appeal Board (Amendment).

- (h) by inserting in subsection one of section twelve after the word "chairman" where firstly occurring the words "and additional temporary chairman". Sec. 12.
(Hearing of appeals.)
- 5 **3.** (1) The Police Regulation (Appeals) Act, 1923-1947, is amended— Amendment of Act No. 33, 1923.
 - (a) by inserting in section two at the end of the definition of "Board" the words ", as amended by subsequent Acts"; Sec. 2.
(Interpretation.)
 - 10 (b) by inserting in section six after the figures "1944" where firstly and lastly occurring the words "as amended by subsequent Acts,". Sec. 6.
(Appeal to Board and procedure thereon.)
- (2) The Police Regulation (Appeals) Act, 1923, as amended by subsequent Acts and by this Act, may be 15 cited as the Police Regulation (Appeals) Act, 1923-1957.

No. , 1957.

A BILL

To make further provision relating to the constitution of the Crown Employees Appeal Board; for this and other purposes to amend the Crown Employees Appeal Board Act, 1944, and the Police Regulation (Appeals) Act, 1923, as amended by subsequent Acts; and for purposes connected therewith.

[MR. CAHILL;—24 October, 1957.]

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

1. (1) This Act may be cited as the "Crown Employees Appeal Board (Amendment) Act, 1957." Short title and citation.

Crown Employees Appeal Board (Amendment).

(2) The Crown Employees Appeal Board Act, 1944, as amended by subsequent Acts and by the Governor pursuant to section two of the said Act and by this Act, may be cited as the Crown Employees Appeal Board Act, 1944-1957.

2. The Crown Employees Appeal Board Act, 1944, as amended by subsequent Acts, is amended—

Amendment
of Act
No. 15,
1944.

- 10 (a) (i) by inserting in subsection two of section three after the word "chairman" the words "and, where there is an additional temporary chairman as hereinafter provided, such additional temporary chairman";
- 15 (ii) by inserting next after the same subsection the following new subsections:—
- 20 (2A) Where, in the opinion of the Governor, the Board is unable to cope promptly and expeditiously with the matters in the Board's list, an additional temporary chairman may be appointed from time to time as hereinafter provided.
- (2B) More than one sitting of the Board may, where there is an additional temporary chairman, be held at the same time.
- 25 (iii) by inserting in paragraph (a) of subsection three of the same section after the word "chairman" the words "or, where there is an additional temporary chairman, such additional temporary chairman";
- 30 (iv) by omitting from subsection four of the same section the words "alternate member" wherever occurring and by inserting in lieu

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lieu thereof the words "the alternate member or an additional alternate member";

5 (v) (a) by inserting in subsection five of the same section after the word "chairman" the words "and, where there is an additional temporary chairman, such additional temporary chairman";

10 (b) by inserting in the same subsection after the word "shall" where secondly occurring the words "except as hereinafter provided";

15 (c) by inserting at the end of the same subsection the following new paragraph:—

20 The decision of the chairman upon any question which may arise at any sittings of the Board at which he is present as to the jurisdiction of the Board or as to the admissibility of evidence or as to procedure shall be the decision of the Board, and where
25 there is an additional temporary chairman the decision of such additional temporary chairman upon any question which may arise at any sittings of the Board at which he is present as to the jurisdiction of the Board or as to the
30 admissibility of evidence or as to procedure shall be the decision of the Board.

(vi) (a) by inserting in subsection six of the same section after the word "chairman" the words "and, where there is an additional temporary chairman, such additional temporary chairman";
35 (b)

Crown Employees Appeal Board (Amendment).

(b) by inserting in the same subsection after the word "alternate" wherever occurring the words "or additional alternate";

5 (b) (i) by inserting next after subsection one of section four the following new subsection:— (Chairman.)

(1A) The Governor may, from time to time, appoint an additional temporary chairman. An additional temporary chairman shall be—

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(a) a Judge of the Supreme Court who shall be so appointed on the nomination of the Chief Justice; or

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(b) a member of the Industrial Commission of New South Wales who shall be so appointed on the nomination of the President of that Commission.

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(ii) by inserting in paragraphs (a) and (b) of subsection two of the same section after the word "chairman" wherever occurring the words "or additional temporary chairman";

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(c) (i) by inserting in subsection two of section five after the word "member" where secondly occurring the words "and such number of additional alternate members as the chairman may from time to time require";

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(ii) by inserting in the same subsection after the word "member" where fourthly occurring the words "or during any period within which there is an additional temporary chairman";

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(iii) by inserting at the end of the same subsection the following new paragraphs:—

During the absence from any cause of a member so nominated and of the alternate member or during any vacancy in the office

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of

Crown Employees Appeal Board (Amendment).

5 of a member so nominated and of the alternate member an additional alternate member may, where there is one sitting of the Board being held at any one time, act as a member of the Board, and while so acting shall have all the powers and authorities of a member.

10 During the absence from any cause of a member so nominated and of the alternate member or either of them or during any vacancy in the office of a member so nominated and of the alternate member or either of them, two additional alternate members or an additional alternate member may, where there is more than one sitting of the Board being held at any one time, act as members or a member of the Board, as the case may require, and any additional alternate member while so acting shall have all the powers and authorities of a member.

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25 (iv) by omitting from subsection four of the same section the words "or alternate member" and by inserting in lieu thereof the words "alternate member or additional alternate member";

(d) (i) by inserting next after subsection (2B) of section six the following new subsection:—

30 (2BA) (a) Where, after the commencement of the Crown Employees Appeal Board (Amendment) Act, 1957, the chairman requires any additional alternate members to be nominated by any employer or association of employees, the nominations of such additional alternate members shall be lodged within such time as the chairman prescribes.

(b)

Sec. 6.
(Nominations of employers' representatives and officers' representatives.)

Crown Employees Appeal Board (Amendment).

5 (b) The persons so nominated shall assume office on the dates upon which their respective nominations take effect and shall, subject to this Act, hold office for such period as the chairman determines:

10 Provided that, if they assume office before the thirty-first day of December, one thousand nine hundred and fifty-nine, they shall cease to hold office on the said day, and if they assume office during any period of three years succeeding the said day, they shall cease to hold office on the thirty-first day of December of the third year of such succeeding period, but they shall be eligible for nomination and to hold office as additional alternate members upon any subsequent occasion on which the chairman may require additional alternate members.

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20 (ii) by omitting from subsections four and five of the same section the words "or alternate member" wherever occurring and by inserting in lieu thereof the words "alternate member or additional alternate member";

25 (e) (i) by omitting from section seven the words "chairman) or an alternate member" wherever occurring and by inserting in lieu thereof the words "chairman or additional temporary chairman), an alternate member or an additional alternate member";

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35 (ii) by omitting from paragraph (f) of subsection one of the same section the words "or alternate member" and by inserting in lieu thereof the words "alternate member or additional alternate member";

(f)

Crown Employees Appeal Board (Amendment).

(f) (i) by inserting next after paragraph (a) of subsection one of section ten the following new paragraph:—

Sec.10.
(Appeals
to Board.)

5 (a1) for the increase in salary of an officer, such increase being an increase:—

10 (i) whereby such officer attains seniority over other officers who before such increase had seniority equal to or greater than the officer whose salary is so increased;

15 (ii) which is applicable to such officer only and is not applicable to such other officers; and

20 (iii) otherwise than by virtue of a promotion referred to in paragraph (a) of this subsection;

25 (ii) by omitting from the same subsection the words “one thousand seven hundred and fifty pounds” and by inserting in lieu thereof the words “two thousand five hundred pounds”;

30 (g) by inserting at the end of subsection three of section eleven the words “, or, where the chairman or additional temporary chairman upon any particular appeal directs a lesser number of days’ notice of the date and place so fixed be given to the appellant and the employer, not less than such lesser number of days’ notice of the date and place so fixed”;

Sec. 11.
(Notice of
appeal.)

(h)

Crown Employees Appeal Board (Amendment).

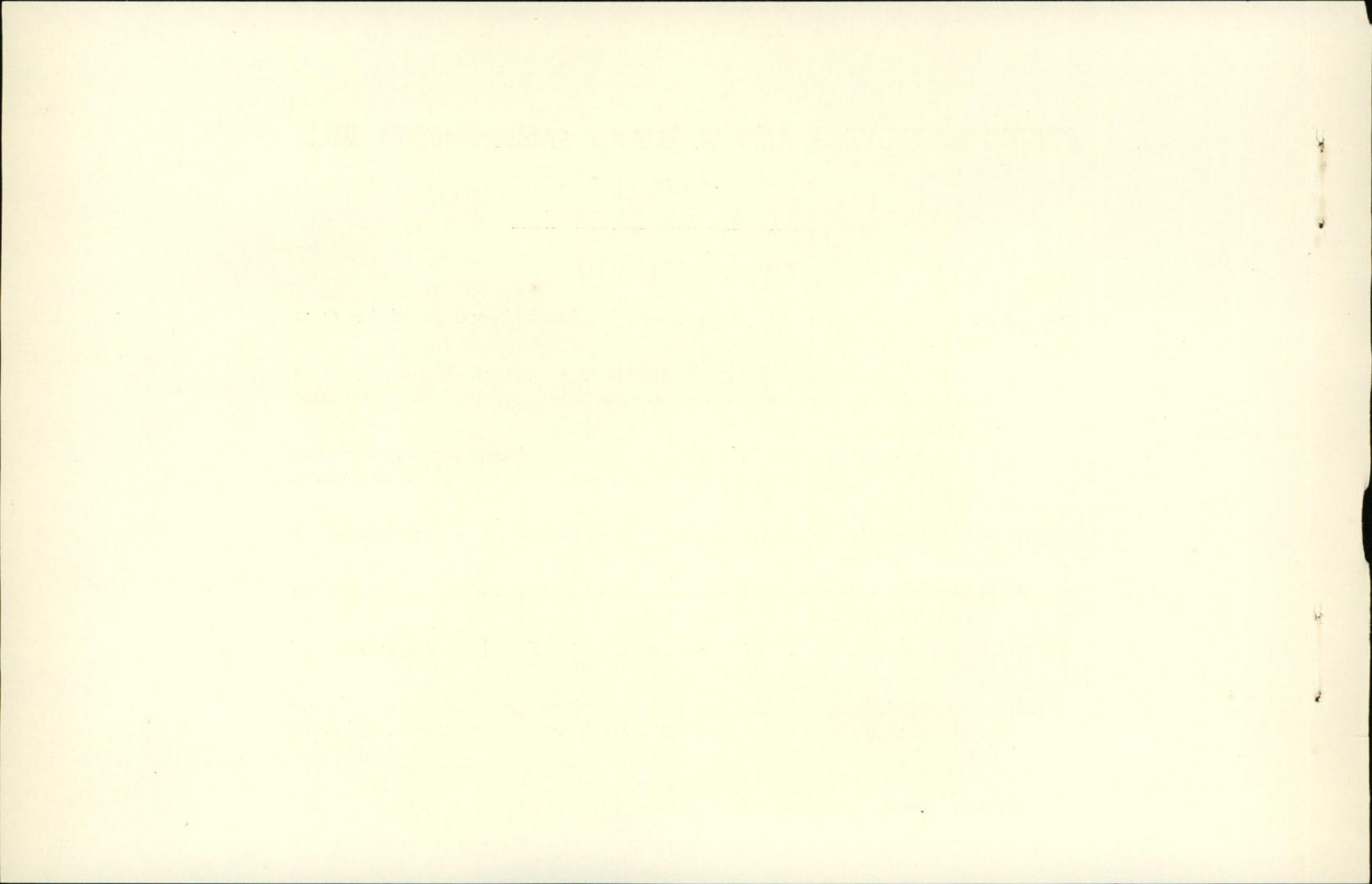
- (h) by inserting in subsection one of section twelve after the word "chairman" where firstly occurring the words "and additional temporary chairman". Sec. 12. (Hearing of appeals.)
- 5 3. (1) The Police Regulation (Appeals) Act, 1923-1947, is amended— Amendment of Act No. 33, 1923.
- (a) by inserting in section two at the end of the definition of "Board" the words ", as amended by subsequent Acts"; Sec. 2. (Interpretation.)
- 10 (b) by inserting in section six after the figures "1944" where firstly and lastly occurring the words "as amended by subsequent Acts,". Sec. 6. (Appeal to Board and procedure thereon.)
- (2) The Police Regulation (Appeals) Act, 1923, as amended by subsequent Acts and by this Act, may be 15 cited as the Police Regulation (Appeals) Act, 1923-1957.

CROWN EMPLOYEES APPEAL BOARD (AMENDMENT) BILL, 1957.

EXPLANATORY NOTE.

THE objects of this Bill are to amend the Crown Employees Appeal Board Act so as to:—

- (a) permit of the appointment of an additional temporary chairman and the holding of two sittings of the Crown Employees Appeal Board at the same time;
- (b) provide that the decision of the chairman or an additional temporary chairman as to jurisdiction, admissibility of evidence or procedure shall be the decision of the Board;
- (c) provide for the nomination by employers and employee associations of additional alternate members of the Board;
- (d) increase the salary limitation in respect of appeals on seniority questions from £1,750 per annum to £2,500 per annum;
- (e) allow appeals to the Board where seniority is affected by the granting of "personal" salaries;
- (f) enable the chairman or additional temporary chairman to direct that a shorter period of notice of hearings be given than the existing requirement of seven days' notice.



No. , 1957.

A BILL

To make further provision relating to the constitution of the Crown Employees Appeal Board; for this and other purposes to amend the Crown Employees Appeal Board Act, 1944, and the Police Regulation (Appeals) Act, 1923, as amended by subsequent Acts; and for purposes connected therewith.

[MR. CAHILL;—24 October, 1957.]

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

1. (1) This Act may be cited as the "Crown Employees Appeal Board (Amendment) Act, 1957." Short title and citation.

Crown Employees Appeal Board (Amendment).

(2) The Crown Employees Appeal Board Act, 1944, as amended by subsequent Acts and by the Governor pursuant to section two of the said Act and by this Act, may be cited as the Crown Employees Appeal Board Act, 1944-1957.

2. The Crown Employees Appeal Board Act, 1944, as amended by subsequent Acts, is amended—

Amendment
of Act
No. 15,
1944.

10 (a) (i) by inserting in subsection two of section three after the word "chairman" the words "and, where there is an additional temporary chairman as hereinafter provided, such additional temporary chairman";

Sec. 3.
(The
Board.)

15 (ii) by inserting next after the same subsection the following new subsections:—

20 (2A) Where, in the opinion of the Governor, the Board is unable to cope promptly and expeditiously with the matters in the Board's list, an additional temporary chairman may be appointed from time to time as hereinafter provided.

(2B) More than one sitting of the Board may, where there is an additional temporary chairman, be held at the same time.

25 (iii) by inserting in paragraph (a) of subsection three of the same section after the word "chairman" the words "or, where there is an additional temporary chairman, such additional temporary chairman";

30 (iv) by omitting from subsection four of the same section the words "alternate member" wherever occurring and by inserting in lieu

Crown Employees Appeal Board (Amendment).

lieu thereof the words "the alternate member or an additional alternate member";

5 (v) (a) by inserting in subsection five of the same section after the word "chairman" the words "and, where there is an additional temporary chairman, such additional temporary chairman";

10 (b) by inserting in the same subsection after the word "shall" where secondly occurring the words "except as hereinafter provided";

15 (c) by inserting at the end of the same subsection the following new paragraph:—

20 The decision of the chairman upon any question which may arise at any sittings of the Board at which he is present as to the jurisdiction of the Board or as to the admissibility of evidence or as to procedure shall be the decision of the Board, and where there is an additional temporary chairman the decision of such additional
25 temporary chairman upon any question which may arise at any sittings of the Board at which he is present as to the jurisdiction of the Board or as to the admissibility of evidence or as to
30 procedure shall be the decision of the Board.

35 (vi) (a) by inserting in subsection six of the same section after the word "chairman" the words "and, where there is an additional temporary chairman, such additional temporary chairman";
(b)

Crown Employees Appeal Board (Amendment).

- (b) by inserting in the same subsection after the word "alternate" wherever occurring the words "or additional alternate";
- 5 (b) (i) by inserting next after subsection one of Sec. 4. section four the following new subsection:— (Chairman.)
- (1A) The Governor may, from time to time, appoint an additional temporary chairman. An additional temporary chairman shall be—
- 10 (a) a Judge of the Supreme Court who shall be so appointed on the nomination of the Chief Justice; or
- 15 (b) a member of the Industrial Commission of New South Wales who shall be so appointed on the nomination of the President of that Commission.
- 20 (ii) by inserting in paragraphs (a) and (b) of subsection two of the same section after the word "chairman" wherever occurring the words "or additional temporary chairman";
- 25 (c) (i) by inserting in subsection two of section Sec. 5. five after the word "member" where (Employers' representatives and officers' representatives.) secondly occurring the words "and such number of additional alternate members as the chairman may from time to time require";
- 30 (ii) by inserting in the same subsection after the word "member" where fourthly occurring the words "or during any period within which there is an additional temporary chairman";
- 35 (iii) by inserting at the end of the same subsection the following new paragraphs:—
- 40 During the absence from any cause of a member so nominated and of the alternate member or during any vacancy in the office of

Crown Employees Appeal Board (Amendment).

5 of a member so nominated and of the alternate member an additional alternate member may, where there is one sitting of the Board being held at any one time, act as a member of the Board, and while so acting shall have all the powers and authorities of a member.

10 During the absence from any cause of a member so nominated and of the alternate member or either of them or during any vacancy in the office of a member so nominated and of the alternate member or either of them, two additional alternate members or an additional alternate member may, where there is more than one sitting of the Board being held at any one time, act as members or a member of the Board, as the case may require, and any additional alternate member while so acting shall have all the powers and authorities of a member.

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25 (iv) by omitting from subsection four of the same section the words "or alternate member" and by inserting in lieu thereof the words "alternate member or additional alternate member";

(d) (i) by inserting next after subsection (2B) of section six the following new subsection:—

30 (2BA) (a) Where, after the commencement of the Crown Employees Appeal Board (Amendment) Act, 1957, the chairman requires any additional alternate members to be nominated by any employer or association of employees, the nominations of such additional alternate members shall be lodged within such time as the chairman prescribes.

Sec. 6.
(Nominations of employers' representatives and officers' representatives.)

(b)

Crown Employees Appeal Board (Amendment).

5 (b) The persons so nominated shall assume office on the dates upon which their respective nominations take effect and shall, subject to this Act, hold office for such period as the chairman determines:

10 Provided that, if they assume office before the thirty-first day of December, one thousand nine hundred and fifty-nine, they shall cease to hold office on the said day, and if they assume office during any period of three years succeeding the said day, they shall cease to hold office on the thirty-first day of December of the third year of such succeeding period, but they shall be eligible for nomination and to hold office as
15 additional alternate members upon any subsequent occasion on which the chairman may require additional alternate members.

20 (ii) by omitting from subsections four and five of the same section the words "or alternate member" wherever occurring and by inserting in lieu thereof the words "alternate member or additional alternate member";

25 (e) (i) by omitting from section seven the words "chairman) or an alternate member" wherever occurring and by inserting in lieu thereof the words "chairman or additional temporary chairman), an alternate member
30 or an additional alternate member";

(ii) by omitting from paragraph (f) of subsection one of the same section the words "or alternate member" and by inserting in lieu thereof the words "alternate member
35 or additional alternate member";

(f)

Sec. 7.
(Casual vacancies.)

Crown Employees Appeal Board (Amendment).

(f) (i) by inserting next after paragraph (a) of subsection one of section ten the following new paragraph:—

Sec.10.
(Appeals
to Board.)

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(a1) for the increase in salary of an officer, such increase being an increase:—

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(i) whereby such officer attains seniority over other officers who before such increase had seniority equal to or greater than the officer whose salary is so increased;

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(ii) which is applicable to such officer only and is not applicable to such other officers; and

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(iii) otherwise than by virtue of a promotion referred to in paragraph (a) of this subsection;

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(ii) by omitting from the same subsection the words "one thousand seven hundred and fifty pounds" and by inserting in lieu thereof the words "two thousand five hundred pounds";

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(g) by inserting at the end of subsection three of section eleven the words " , or, where the chairman or additional temporary chairman upon any particular appeal directs a lesser number of days' notice of the date and place so fixed be given to the appellant and the employer, not less than such lesser number of days' notice of the date and place so fixed";

(h)

Crown Employees Appeal Board (Amendment).

- (h) by inserting in subsection one of section twelve after the word "chairman" where firstly occurring the words "and additional temporary chairman." Sec. 12. (Hearing of appeals.)
- 5 3.** (1) The Police Regulation (Appeals) Act, 1923-1947, is amended— Amendment of Act No. 33, 1923.
- (a) by inserting in section two at the end of the definition of "Board" the words ", as amended by subsequent Acts"; Sec. 2. (Interpretation.)
- 10** (b) by inserting in section six after the figures "1944" where firstly and lastly occurring the words "as amended by subsequent Acts,". Sec. 6. (Appeal to Board and procedure thereon.)
- (2) The Police Regulation (Appeals) Act, 1923, as amended by subsequent Acts and by this Act, may be **15** cited as the Police Regulation (Appeals) Act, 1923-1957.

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 55, 1957.

An Act to make further provision relating to the constitution of the Crown Employees Appeal Board; for this and other purposes to amend the Crown Employees Appeal Board Act, 1944, and the Police Regulation (Appeals) Act, 1923, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 9th December, 1957.]

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

1. (1) This Act may be cited as the "Crown Employees Appeal Board (Amendment) Act, 1957." Short title and citation.

Crown Employees Appeal Board (Amendment).

(2) The Crown Employees Appeal Board Act, 1944, as amended by subsequent Acts and by the Governor pursuant to section two of the said Act and by this Act, may be cited as the Crown Employees Appeal Board Act, 1944-1957.

Amendment
of Act
No. 15,
1944.

2. The Crown Employees Appeal Board Act, 1944, as amended by subsequent Acts, is amended—

Sec. 3.
(The
Board.)

(a) (i) by inserting in subsection two of section three after the word “chairman” the words “and, where there is an additional temporary chairman as hereinafter provided, such additional temporary chairman”;

(ii) by inserting next after the same subsection the following new subsections:—

(2A) Where, in the opinion of the Governor, the Board is unable to cope promptly and expeditiously with the matters in the Board’s list, an additional temporary chairman may be appointed from time to time as hereinafter provided.

(2B) More than one sitting of the Board may, where there is an additional temporary chairman, be held at the same time.

(iii) by inserting in paragraph (a) of subsection three of the same section after the word “chairman” the words “or, where there is an additional temporary chairman, such additional temporary chairman”;

(iv) by omitting from subsection four of the same section the words “alternate member” wherever occurring and by inserting in lieu

Crown Employees Appeal Board (Amendment).

lieu thereof the words "the alternate member or an additional alternate member";

- (v) (a) by inserting in subsection five of the same section after the word "chairman" the words "and, where there is an additional temporary chairman, such additional temporary chairman";
- (b) by inserting in the same subsection after the word "shall" where secondly occurring the words "except as hereinafter provided";
- (c) by inserting at the end of the same subsection the following new paragraph:—

The decision of the chairman upon any question which may arise at any sittings of the Board at which he is present as to the jurisdiction of the Board or as to the admissibility of evidence or as to procedure shall be the decision of the Board, and where there is an additional temporary chairman the decision of such additional temporary chairman upon any question which may arise at any sittings of the Board at which he is present as to the jurisdiction of the Board or as to the admissibility of evidence or as to procedure shall be the decision of the Board.

- (vi) (a) by inserting in subsection six of the same section after the word "chairman" the words "and, where there is an additional temporary chairman, such additional temporary chairman";
- (b)

Crown Employees Appeal Board (Amendment).

- (b) by inserting in the same subsection after the word "alternate" wherever occurring the words "or additional alternate";
- Sec. 4. (Chairman.) (b) (i) by inserting next after subsection one of section four the following new subsection:—
- (1A) The Governor may, from time to time, appoint an additional temporary chairman. An additional temporary chairman shall be—
- (a) a Judge of the Supreme Court who shall be so appointed on the nomination of the Chief Justice; or
- (b) a member of the Industrial Commission of New South Wales who shall be so appointed on the nomination of the President of that Commission.
- (ii) by inserting in paragraphs (a) and (b) of subsection two of the same section after the word "chairman" wherever occurring the words "or additional temporary chairman";
- Sec. 5. (Employers' representatives and officers' representatives.) (c) (i) by inserting in subsection two of section five after the word "member" where secondly occurring the words "and such number of additional alternate members as the chairman may from time to time require";
- (ii) by inserting in the same subsection after the word "member" where fourthly occurring the words "or during any period within which there is an additional temporary chairman";
- (iii) by inserting at the end of the same subsection the following new paragraphs:—
- During the absence from any cause of a member so nominated and of the alternate member or during any vacancy in the office
- of

Crown Employees Appeal Board (Amendment).

of a member so nominated and of the alternate member an additional alternate member may, where there is one sitting of the Board being held at any one time, act as a member of the Board, and while so acting shall have all the powers and authorities of a member.

During the absence from any cause of a member so nominated and of the alternate member or either of them or during any vacancy in the office of a member so nominated and of the alternate member or either of them, two additional alternate members or an additional alternate member may, where there is more than one sitting of the Board being held at any one time, act as members or a member of the Board, as the case may require, and any additional alternate member while so acting shall have all the powers and authorities of a member.

(iv) by omitting from subsection four of the same section the words "or alternate member" and by inserting in lieu thereof the words "alternate member or additional alternate member";

(d) (i) by inserting next after subsection (2B) of section six the following new subsection:—

(2BA) (a) Where, after the commencement of the Crown Employees Appeal Board (Amendment) Act, 1957, the chairman requires any additional alternate members to be nominated by any employer or association of employees, the nominations of such additional alternate members shall be lodged within such time as the chairman prescribes.

Sec. 6.
(Nominations of employers' representatives and officers' representatives.)

(b)

Crown Employees Appeal Board (Amendment).

(b) The persons so nominated shall assume office on the dates upon which their respective nominations take effect and shall, subject to this Act, hold office for such period as the chairman determines :

Provided that, if they assume office before the thirty-first day of December, one thousand nine hundred and fifty-nine, they shall cease to hold office on the said day, and if they assume office during any period of three years succeeding the said day, they shall cease to hold office on the thirty-first day of December of the third year of such succeeding period, but they shall be eligible for nomination and to hold office as additional alternate members upon any subsequent occasion on which the chairman may require additional alternate members.

(ii) by omitting from subsections four and five of the same section the words "or alternate member" wherever occurring and by inserting in lieu thereof the words "alternate member or additional alternate member";

Sec. 7.
(Casual
vacancies.)

(e) (i) by omitting from section seven the words "chairman) or an alternate member" wherever occurring and by inserting in lieu thereof the words "chairman or additional temporary chairman), an alternate member or an additional alternate member";

(ii) by omitting from paragraph (f) of subsection one of the same section the words "or alternate member" and by inserting in lieu thereof the words "alternate member or additional alternate member";

(f)

Crown Employees Appeal Board (Amendment).

(f) (i) by inserting next after paragraph (a) of Sec.10.
subsection one of section ten the following (Appeals to Board.)
new paragraph:—

(a1) for the increase in salary of an
officer, such increase being an
increase:—

(i) whereby such officer
attains seniority over
other officers who before
such increase had seniority
equal to or greater than
the officer whose salary is
so increased;

(ii) which is applicable to such
officer only and is not
applicable to such other
officers; and

(iii) otherwise than by virtue
of a promotion referred
to in paragraph (a) of
this subsection;

(ii) by omitting from the same subsection the
words “one thousand seven hundred and
fifty pounds” and by inserting in lieu
thereof the words “two thousand five
hundred pounds”;

(g) by inserting at the end of subsection three of Sec. 11.
section eleven the words “, or, where the chair- (Notice of
man or additional temporary chairman upon appeal.)
any particular appeal directs a lesser number
of days’ notice of the date and place so fixed
be given to the appellant and the employer, not
less than such lesser number of days’ notice of
the date and place so fixed”;

(h)

Crown Employees Appeal Board (Amendment).

Sec. 12.
(Hearing of
appeals.)

- (h) by inserting in subsection one of section twelve after the word "chairman" where firstly occurring the words "and additional temporary chairman".

Amendment
of Act
No. 33,
1923.

3. (1) The Police Regulation (Appeals) Act, 1923-1947, is amended—

Sec. 2.
(Interpreta-
tion.)

- (a) by inserting in section two at the end of the definition of "Board" the words ", as amended by subsequent Acts";

Sec. 6.
(Appeal to
Board and
procedure
thereon.)

- (b) by inserting in section six after the figures "1944" where firstly and lastly occurring the words "as amended by subsequent Acts,".

(2) The Police Regulation (Appeals) Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Police Regulation (Appeals) Act, 1923-1957.

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1958

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 November, 1957.*

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 55, 1957.

An Act to make further provision relating to the constitution of the Crown Employees Appeal Board; for this and other purposes to amend the Crown Employees Appeal Board Act, 1944, and the Police Regulation (Appeals) Act, 1923, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 9th December, 1957.]

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

1. (1) This Act may be cited as the "Crown Employees Appeal Board (Amendment) Act, 1957." Short title and citation.
(2)

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.

Crown Employees Appeal Board (Amendment).

(2) The Crown Employees Appeal Board Act, 1944, as amended by subsequent Acts and by the Governor pursuant to section two of the said Act and by this Act, may be cited as the Crown Employees Appeal Board Act, 1944-1957.

Amendment
of Act
No. 15,
1944.

2. The Crown Employees Appeal Board Act, 1944, as amended by subsequent Acts, is amended—

Sec. 3.
(The
Board.)

(a) (i) by inserting in subsection two of section three after the word “chairman” the words “and, where there is an additional temporary chairman as hereinafter provided, such additional temporary chairman”;

(ii) by inserting next after the same subsection the following new subsections:—

(2A) Where, in the opinion of the Governor, the Board is unable to cope promptly and expeditiously with the matters in the Board’s list, an additional temporary chairman may be appointed from time to time as hereinafter provided.

(2B) More than one sitting of the Board may, where there is an additional temporary chairman, be held at the same time.

(iii) by inserting in paragraph (a) of subsection three of the same section after the word “chairman” the words “or, where there is an additional temporary chairman, such additional temporary chairman”;

(iv) by omitting from subsection four of the same section the words “alternate member” wherever occurring and by inserting in lieu

Crown Employees Appeal Board (Amendment).

lieu thereof the words "the alternate member or an additional alternate member";

- (v) (a) by inserting in subsection five of the same section after the word "chairman" the words "and, where there is an additional temporary chairman, such additional temporary chairman";
- (b) by inserting in the same subsection after the word "shall" where secondly occurring the words "except as hereinafter provided";
- (c) by inserting at the end of the same subsection the following new paragraph:—

The decision of the chairman upon any question which may arise at any sittings of the Board at which he is present as to the jurisdiction of the Board or as to the admissibility of evidence or as to procedure shall be the decision of the Board, and where there is an additional temporary chairman the decision of such additional temporary chairman upon any question which may arise at any sittings of the Board at which he is present as to the jurisdiction of the Board or as to the admissibility of evidence or as to procedure shall be the decision of the Board.

- (vi) (a) by inserting in subsection six of the same section after the word "chairman" the words "and, where there is an additional temporary chairman, such additional temporary chairman";
- (b)

Crown Employees Appeal Board (Amendment).

- (b) by inserting in the same subsection after the word "alternate" wherever occurring the words "or additional alternate";
- Sec. 4. (Chairman.) (b) (i) by inserting next after subsection one of section four the following new subsection:—
- (1A) The Governor may, from time to time, appoint an additional temporary chairman. An additional temporary chairman shall be—
- (a) a Judge of the Supreme Court who shall be so appointed on the nomination of the Chief Justice; or
- (b) a member of the Industrial Commission of New South Wales who shall be so appointed on the nomination of the President of that Commission.
- (ii) by inserting in paragraphs (a) and (b) of subsection two of the same section after the word "chairman" wherever occurring the words "or additional temporary chairman";
- Sec. 5. (Employers' representatives and officers' representatives.) (c) (i) by inserting in subsection two of section five after the word "member" where secondly occurring the words "and such number of additional alternate members as the chairman may from time to time require";
- (ii) by inserting in the same subsection after the word "member" where fourthly occurring the words "or during any period within which there is an additional temporary chairman";
- (iii) by inserting at the end of the same subsection the following new paragraphs:—
- During the absence from any cause of a member so nominated and of the alternate member or during any vacancy in the office
- of
- (d)

Crown Employees Appeal Board (Amendment).

of a member so nominated and of the alternate member an additional alternate member may, where there is one sitting of the Board being held at any one time, act as a member of the Board, and while so acting shall have all the powers and authorities of a member.

During the absence from any cause of a member so nominated and of the alternate member or either of them or during any vacancy in the office of a member so nominated and of the alternate member or either of them, two additional alternate members or an additional alternate member may, where there is more than one sitting of the Board being held at any one time, act as members or a member of the Board, as the case may require, and any additional alternate member while so acting shall have all the powers and authorities of a member.

(iv) by omitting from subsection four of the same section the words "or alternate member" and by inserting in lieu thereof the words "alternate member or additional alternate member";

(d) (i) by inserting next after subsection (2B) of section six the following new subsection:—

(2BA)(a) Where, after the commencement of the Crown Employees Appeal Board (Amendment) Act, 1957, the chairman requires any additional alternate members to be nominated by any employer or association of employees, the nominations of such additional alternate members shall be lodged within such time as the chairman prescribes.

Sec. 6.
(Nominations of employers' representatives and officers' representatives.)

(b)

Crown Employees Appeal Board (Amendment).

(b) The persons so nominated shall assume office on the dates upon which their respective nominations take effect and shall, subject to this Act, hold office for such period as the chairman determines:

Provided that, if they assume office before the thirty-first day of December, one thousand nine hundred and fifty-nine, they shall cease to hold office on the said day, and if they assume office during any period of three years succeeding the said day, they shall cease to hold office on the thirty-first day of December of the third year of such succeeding period, but they shall be eligible for nomination and to hold office as additional alternate members upon any subsequent occasion on which the chairman may require additional alternate members.

(ii) by omitting from subsections four and five of the same section the words "or alternate member" wherever occurring and by inserting in lieu thereof the words "alternate member or additional alternate member";

Sec. 7.
(Casual
vacancies.)

(e) (i) by omitting from section seven the words "chairman) or an alternate member" wherever occurring and by inserting in lieu thereof the words "chairman or additional temporary chairman), an alternate member or an additional alternate member";

(ii) by omitting from paragraph (f) of subsection one of the same section the words "or alternate member" and by inserting in lieu thereof the words "alternate member or additional alternate member";

(f)

Crown Employees Appeal Board (Amendment).

(f) (i) by inserting next after paragraph (a) of subsection one of section ten the following new paragraph:—

Sec.10.
(Appeals
to Board.)

(a1) for the increase in salary of an officer, such increase being an increase:—

(i) whereby such officer attains seniority over other officers who before such increase had seniority equal to or greater than the officer whose salary is so increased;

(ii) which is applicable to such officer only and is not applicable to such other officers; and

(iii) otherwise than by virtue of a promotion referred to in paragraph (a) of this subsection;

(ii) by omitting from the same subsection the words "one thousand seven hundred and fifty pounds" and by inserting in lieu thereof the words "two thousand five hundred pounds";

(g) by inserting at the end of subsection three of section eleven the words " , or, where the chairman or additional temporary chairman upon any particular appeal directs a lesser number of days' notice of the date and place so fixed be given to the appellant and the employer, not less than such lesser number of days' notice of the date and place so fixed";

(h)

Crown Employees Appeal Board (Amendment).

Sec. 12. (Hearing of appeals.) (h) by inserting in subsection one of section twelve after the word "chairman" where firstly occurring the words "and additional temporary chairman".

Amendment of Act No. 33, 1923. **3.** (1) The Police Regulation (Appeals) Act, 1923-1947, is amended—

Sec. 2. (Interpretation.) (a) by inserting in section two at the end of the definition of "Board" the words " , as amended by subsequent Acts";

Sec. 6. (Appeal to Board and procedure thereon.) (b) by inserting in section six after the figures "1944" where firstly and lastly occurring the words "as amended by subsequent Acts,".

(2) The Police Regulation (Appeals) Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Police Regulation (Appeals) Act, 1923-1957.

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

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 9th December, 1957.*