

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, 18 October, 1956.*

New South Wales



ANNO QUINTO

ELIZABETHÆ II REGINÆ

Act No. , 1956.

An Act to make further provision relating to the payment of the money value of extended leave in respect of officers of the Public Service, the Water Conservation and Irrigation Commission and the Department of Main Roads; for this and other purposes to amend the Public Service (Amendment) Act, 1919, the Irrigation Act, 1912, the Main Roads Act, 1924, the Superannuation Act, 1916, and certain other Acts; and for purposes connected therewith.

Public Service and Other Statutory Bodies (Extended Leave).

BE 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 (Extended Leave) Act, 1956." Short title.

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

10 (a) (i) by inserting at the end of paragraph (b) of
subsection one of section 13A the following Sec. 13A.
(Gratuity
in lieu of
extended
leave.)
word and new paragraphs :—

“or

15 (c) who under the provisions of section
twenty-one of the Superannuation
Act, 1916, as amended by subse-
quent Acts, is entitled to elect to
retire or entitled to retire from the
Public Service on pension upon or
20 after reaching the age of fifty-five
years and who so retires before
reaching the age of sixty years, or

25 (d) resigns from the Public Service
and whose resignation is accepted
by the Governor, or

(e) whose services terminate by reason
of retrenchment,”;

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

30 (1A) An officer who has acquired a right
to extended leave with pay and whose retire-
ment from the Public Service has been
caused

Public Service and Other Statutory Bodies (Extended Leave).

caused under the provisions of section sixty-three of the Public Service Act, 1902, as amended by subsequent Acts, shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

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(b) by inserting at the end of subsection one of section fourteen the words "less any amount paid to such officer or member in respect of the leave not taken, or not completed."

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Sec. 14.
(Payment of money value of leave not taken or completed.)

(2) Any officer referred to in paragraph (c) or (d) of subsection one or in subsection (1A) of section 13A of the Public Service (Amendment) Act, 1919, as amended by subsequent Acts and by this Act, who before the date on which this Act takes effect has entered upon extended leave shall, unless he otherwise elects as hereinafter provided, be paid forthwith in lieu of such portion of the extended leave as is not completed at such date the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

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Any such officer may as soon as practicable after the date on which this Act takes effect by notice in writing given to his employer elect to have any payment in respect of extended leave not taken by him before such date made to him in the same manner as any payment in respect of extended leave taken by him before such date was made to him.

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(3) This subsection shall apply to any person who before the date on which this Act takes effect was, under the provisions of section twenty-one of the Superannuation Act, 1916, as amended by subsequent Acts, entitled to elect to retire or entitled to retire from the Public Service on pension upon or after reaching the age of fifty-five years and who so retired before reaching the age of sixty years and who has not exercised the right of election conferred on him by subsection two of this section.

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Where

Public Service and Other Statutory Bodies (Extended Leave).

Where any pension to which any person to whom this subsection applies is entitled under the Superannuation Act, 1916, as amended by subsequent Acts, has not commenced before the date on which this Act takes effect such pension shall commence from such date.

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

Amendment
of Act No
73, 1912

10 (a) by inserting at the end of subsection one of section 5D the words “less any amount paid to such commissioner or officer in respect of the leave not taken, or not completed.”

Sec. 5D.
(Payment of money value of leave not taken or completed.)

(b) (i) by inserting at the end of paragraph (b) of subsection one of section 5E the following word and new paragraphs:—

Sec. 5E.
(Gratuity in lieu of extended leave.)

15 “or

20 (c) who under the provisions of section twenty-one of the Superannuation Act, 1916, as amended by subsequent Acts, is entitled to elect to retire or entitled to retire from the service of the Commission on pension upon or after reaching the age of fifty-five years and who so retires before reaching the age of 25 sixty years, or

30 (d) resigns from the service of the Commission and whose resignation, if he is an officer appointed by the Governor, is accepted by the Governor or, if he is an officer appointed by the Commission, is accepted by the Commission, or

(e) whose services terminate by reason of retrenchment,”;

(ii)

Public Service and Other Statutory Bodies (Extended Leave).

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

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(1A) An officer who has acquired a right to extended leave with pay and whose services terminate by reason of 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, shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

4. The Main Roads Act, 1924, as amended by subsequent Acts, is amended— Amendment of Act No. 24, 1924.

20 (a) by omitting subsection two of section 7A and by inserting in lieu thereof the following subsections:— Sec. 7A. (Leave of absence after years of service.)

(2) A Commissioner, an Assistant Commissioner or an officer who has acquired a right to extended leave with pay and—

25 (a) retires or is retired from his office or from the service of the Commissioner,

30 (b) resigns his office or from the service of the Commissioner and, such resignation if he is a Commissioner, an Assistant Commissioner or an officer appointed by the Governor, is accepted by the Governor or, if he is an officer appointed by the Commissioner, is accepted by the Commissioner, or

(c)

Public Service and Other Statutory Bodies (Extended Leave).

(c) whose services terminate by reason of retrenchment,

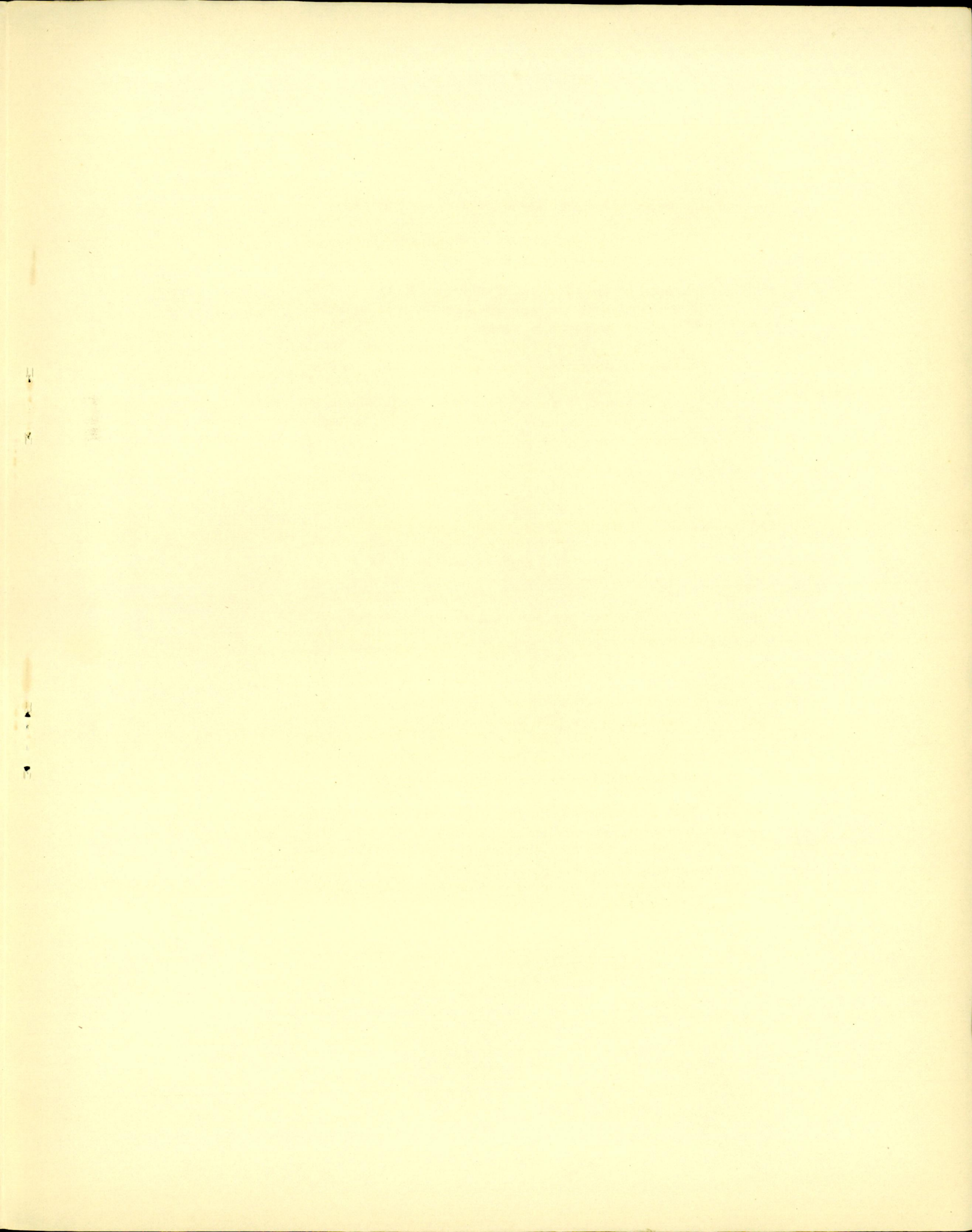
5 shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled. Any pension to which any such Commissioner, Assistant Commissioner or officer is entitled under the Superannuation Act, 1916, as amended by subsequent Acts, shall commence from the date upon which his extended leave, if taken, would have commenced.

15 (2A) A Commissioner, an Assistant Commissioner or an officer who has acquired a right to extended leave with pay and whose services terminate by reason of 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, shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

20 (b) by inserting at the end of paragraph (a) of subsection (4A) of the same section the words "less any amount paid to such Commissioner, Assistant Commissioner or officer in respect of the leave not taken, or not completed."

30 5. The Superannuation Act, 1916, as amended by subsequent Acts, is amended by omitting from subsection three of section 28A the words and symbols "(whether recreation leave, extended leave or any other form of leave whatsoever)" and by inserting in lieu thereof the words "other than extended leave."

Amendment of Act No. 28, 1916. Sec. 28A. (Pension on retirement before 60.)



No. , 1956.

A BILL

To make further provision relating to the payment of the money value of extended leave in respect of officers of the Public Service, the Water Conservation and Irrigation Commission and the Department of Main Roads; for this and other purposes to amend the Public Service (Amendment) Act, 1919, the Irrigation Act, 1912, the Main Roads Act, 1924, the Superannuation Act, 1916, and certain other Acts; and for purposes connected therewith.

[MR. W. McC. GOLLAN;—25 July, 1956.]

Public Service and Other Statutory Bodies (Extended Leave).

BE 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 (Extended Leave) Act, 1956." Short title.

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

10 (a) (i) by inserting at the end of paragraph (b) of
subsection one of section 13A the following Sec. 13A.
(Gratuity
in lieu of
extended
leave.)
word and new paragraphs:—

"or

15 (c) who under the provisions of section
twenty-one of the Superannuation
Act, 1916, as amended by subse-
quent Acts, is entitled to elect to
retire or entitled to retire from the
Public Service on pension upon or
20 after reaching the age of fifty-five
years and who so retires before
reaching the age of sixty years, or

25 (d) resigns from the Public Service
and whose resignation is accepted
by the Governor, or

(e) whose services terminate by reason
of retrenchment,";

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

30 (1A) An officer who has acquired a right
to extended leave with pay and whose retire-
ment from the Public Service has been
caused

Public Service and Other Statutory Bodies (Extended Leave).

caused under the provisions of section sixty-three of the Public Service Act, 1902, as amended by subsequent Acts, shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

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(b) by inserting at the end of subsection one of section fourteen the words "less any amount paid to such officer or member in respect of the leave not taken, or not completed."

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Sec. 14.
(Payment of money value of leave not taken or completed.)

(2) Any officer referred to in paragraph (c) or (d) of subsection one or in subsection (1A) of section 13A of the Public Service (Amendment) Act, 1919, as amended by subsequent Acts and by this Act, who before the date on which this Act takes effect has entered upon extended leave shall, unless he otherwise elects as hereinafter provided, be paid forthwith in lieu of such portion of the extended leave as is not completed at such date the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

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Any such officer may as soon as practicable after the date on which this Act takes effect by notice in writing given to his employer elect to have any payment in respect of extended leave not taken by him before such date made to him in the same manner as any payment in respect of extended leave taken by him before such date was made to him.

(3) This subsection shall apply to any person who before the date on which this Act takes effect was, under the provisions of section twenty-one of the Superannuation Act, 1916, as amended by subsequent Acts, entitled to elect to retire or entitled to retire from the Public Service on pension upon or after reaching the age of fifty-five years and who so retired before reaching the age of sixty years and who has not exercised the right of election conferred on him by subsection two of this section.

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Where

Public Service and Other Statutory Bodies (Extended Leave).

Where any pension to which any person to whom this subsection applies is entitled under the Superannuation Act, 1916, as amended by subsequent Acts, has not commenced before the date on which this Act takes effect such pension shall commence from such date.

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

Amendment
of Act No
73, 1912

- 10 (a) by inserting at the end of subsection one of section 5D the words "less any amount paid to such commissioner or officer in respect of the leave not taken, or not completed."
- 15 (b) (i) by inserting at the end of paragraph (b) of subsection one of section 5E the following word and new paragraphs:—
- 15 "or
- 20 (c) who under the provisions of section twenty-one of the Superannuation Act, 1916, as amended by subsequent Acts, is entitled to elect to retire or entitled to retire from the service of the Commission on pension upon or after reaching the age of fifty-five years and who so retires before reaching the age of
- 25 sixty years, or
- 30 (d) resigns from the service of the Commission and whose resignation, if he is an officer appointed by the Governor, is accepted by the Governor or, if he is an officer appointed by the Commission, is accepted by the Commission, or
- (e) whose services terminate by reason of retrenchment,";
- (ii)

Sec. 5D.
(Payment of
money
value of
leave not
taken or
completed.)

Sec. 5E.
(Gratuity in
lieu of
extended
leave.)

Public Service and Other Statutory Bodies (Extended Leave).

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

5 (1A) An officer who has acquired a right to extended leave with pay and whose services terminate by reason of 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, shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

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4. The Main Roads Act, 1924, as amended by Amendment of Act No. 24, 1924. subsequent Acts, is amended—

(a) by omitting subsection two of section 7A and by inserting in lieu thereof the following subsections:—

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

(2) A Commissioner, an Assistant Commissioner or an officer who has acquired a right to extended leave with pay and—

(a) retires or is retired from his office or from the service of the Commissioner,

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(b) resigns his office or from the service of the Commissioner and, such resignation if he is a Commissioner, an Assistant Commissioner or an officer appointed by the Governor, is accepted by the Governor or, if he is an officer appointed by the Commissioner, is accepted by the Commissioner, or

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(c)

Public Service and Other Statutory Bodies (Extended Leave).

(c) whose services terminate by reason of retrenchment,

5 shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled. Any pension to which any such Commissioner, Assistant Commissioner or officer is entitled under the Superannuation Act, 1916, as amended by subsequent Acts, shall commence from the date upon which his extended leave, if taken, would have commenced.

15 (2A) A Commissioner, an Assistant Commissioner or an officer who has acquired a right to extended leave with pay and whose services terminate by reason of 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, shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

25 (b) by inserting at the end of paragraph (a) of subsection (4A) of the same section the words "less any amount paid to such Commissioner, Assistant Commissioner or officer in respect of the leave not taken, or not completed."

30 5. The Superannuation Act, 1916, as amended by subsequent Acts, is amended by omitting from subsection three of section 28A the words and symbols "(whether recreation leave, extended leave or any other form of leave whatsoever)" and by inserting in lieu thereof the words "other than extended leave."

Amendment of Act No. 28, 1916. Sec. 28A. (Pension on retirement before 60.)

AN ACT

to amend the law relating to the

of the

of the

of the

of the

of the

of the

PUBLIC SERVICE AND OTHER STATUTORY BODIES (EXTENDED LEAVE) BILL, 1956.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to provide for the payment of the money value of extended leave to officers of the Public Service, the Water Conservation and Irrigation Commission and the Department of Main Roads upon their retirement between the ages of 55 and 60, resignation or retrenchment and the payment of pensions to which they are entitled under the Superannuation Act, 1916, as amended, as from the date of such retirement;
- (b) to provide for the payment of the money value of extended leave to officers of the Public Service, the Water Conservation and Irrigation Commission and the Department of Main Roads upon the termination of their services owing to breakdown;
- (c) to make amendments of certain Acts and other provisions of an ancillary or supplementary character.

PUBLIC SERVICE AND TRUSTEES BOARD
CERTIFICATE OF APPOINTMENT

THE BOARD OF PUBLIC SERVICE AND TRUSTEES
DO HEREBY CERTIFY THAT
[Name] has been appointed to the position of
[Position] in the [Department/Agency] effective
[Date].

IN WITNESS WHEREOF, the Board has caused this
Certificate to be signed and the seal of the Board
to be hereunto affixed at [City, State] this [Date].

PROOF

No. , 1956.

A BILL

To make further provision relating to the payment of the money value of extended leave in respect of officers of the Public Service, the Water Conservation and Irrigation Commission and the Department of Main Roads; for this and other purposes to amend the Public Service (Amendment) Act, 1919, the Irrigation Act, 1912, the Main Roads Act, 1924, the Superannuation Act, 1916, and certain other Acts; and for purposes connected therewith.

[MR. W. McC. GOLLAN;—25 *July*, 1956.]

Public Service and Other Statutory Bodies (Extended 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:—

1. This Act may be cited as the "Public Service and Other Statutory Bodies (Extended Leave) Act, 1956." Short title.

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

10 (a) (i) by inserting at the end of paragraph (b) of subsection one of section 13A the following Sec. 13A. (Gratuity in lieu of extended leave.)
word and new paragraphs:—

"or

15 (c) who under the provisions of section twenty-one of the Superannuation Act, 1916, as amended by subsequent Acts, is entitled to elect to retire or entitled to retire from the Public Service on pension upon or
20 after reaching the age of fifty-five years and who so retires before reaching the age of sixty years, or

25 (d) resigns from the Public Service and whose resignation is accepted by the Governor, or

(e) whose services terminate by reason of retrenchment,";

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

30 (1A) An officer who has acquired a right to extended leave with pay and whose retirement from the Public Service has been caused

Public Service and Other Statutory Bodies (Extended Leave).

5 caused under the provisions of section sixty-three of the Public Service Act, 1902, as amended by subsequent Acts, shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

10 (b) by inserting at the end of subsection one of section fourteen the words "less any amount paid to such officer or member in respect of the leave not taken, or not completed." Sec. 14. (Payment of money value of leave not taken or completed.)

15 (2) Any officer referred to in paragraph (c) or (d) of subsection one or in subsection (1A) of section 13A of the Public Service (Amendment) Act, 1919, as amended by subsequent Acts and by this Act, who before the date on which this Act takes effect has entered upon extended leave shall, unless he otherwise elects as hereinafter provided, be paid forthwith in lieu of such portion of the extended leave as is not completed at such date the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

25 Any such officer may as soon as practicable after the date on which this Act takes effect by notice in writing given to his employer elect to have any payment in respect of extended leave not taken by him before such date made to him in the same manner as any payment in respect of extended leave taken by him before such date was made to him.

30 (3) This subsection shall apply to any person who before the date on which this Act takes effect was, under the provisions of section twenty-one of the Superannuation Act, 1916, as amended by subsequent Acts, entitled to elect to retire or entitled to retire from the Public Service on pension upon or after reaching the age of 35 fifty-five years and who so retired before reaching the age of sixty years and who has not exercised the right of election conferred on him by subsection two of this section.

Where

Public Service and Other Statutory Bodies (Extended Leave).

Where any pension to which any person to whom this subsection applies is entitled under the Superannuation Act, 1916, as amended by subsequent Acts, has not commenced before the date on which this Act takes effect such pension shall commence from such date.

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

Amendment of Act No. 73, 1912.

10 (a) by inserting at the end of subsection one of section 5D the words “less any amount paid to such commissioner or officer in respect of the leave not taken, or not completed.”

Sec. 5D. (Payment of money value of leave not taken or completed.)

(b) (i) by inserting at the end of paragraph (b) of subsection one of section 5E the following word and new paragraphs:—

Sec. 5E. (Gratuity in lieu of extended leave.)

15 “or

(c) who under the provisions of section twenty-one of the Superannuation Act, 1916, as amended by subsequent Acts, is entitled to elect to retire or entitled to retire from the service of the Commission on pension upon or after reaching the age of fifty-five years and who so retires before reaching the age of sixty years, or

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30 (d) resigns from the service of the Commission and whose resignation, if he is an officer appointed by the Governor, is accepted by the Governor or, if he is an officer appointed by the Commission, is accepted by the Commission, or

(e) whose services terminate by reason of retrenchment;”;

(ii)

Public Service and Other Statutory Bodies (Extended Leave).

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

5 (1A) An officer who has acquired a right to extended leave with pay and whose services terminate by reason of 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, shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

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

Amendment of Act No. 24, 1924.

(a) by omitting subsection two of section 7A and by inserting in lieu thereof the following subsections:—

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

(2) A Commissioner, an Assistant Commissioner or an officer who has acquired a right to extended leave with pay and—

(a) retires or is retired from his office or from the service of the Commissioner,

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(b) resigns his office or from the service of the Commissioner and, such resignation if he is a Commissioner, an Assistant Commissioner or an officer appointed by the Governor, is accepted by the Governor or, if he is an officer appointed by the Commissioner, is accepted by the Commissioner, or

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(c)

Public Service and Other Statutory Bodies (Extended Leave).

(c) whose services terminate by reason of retrenchment,

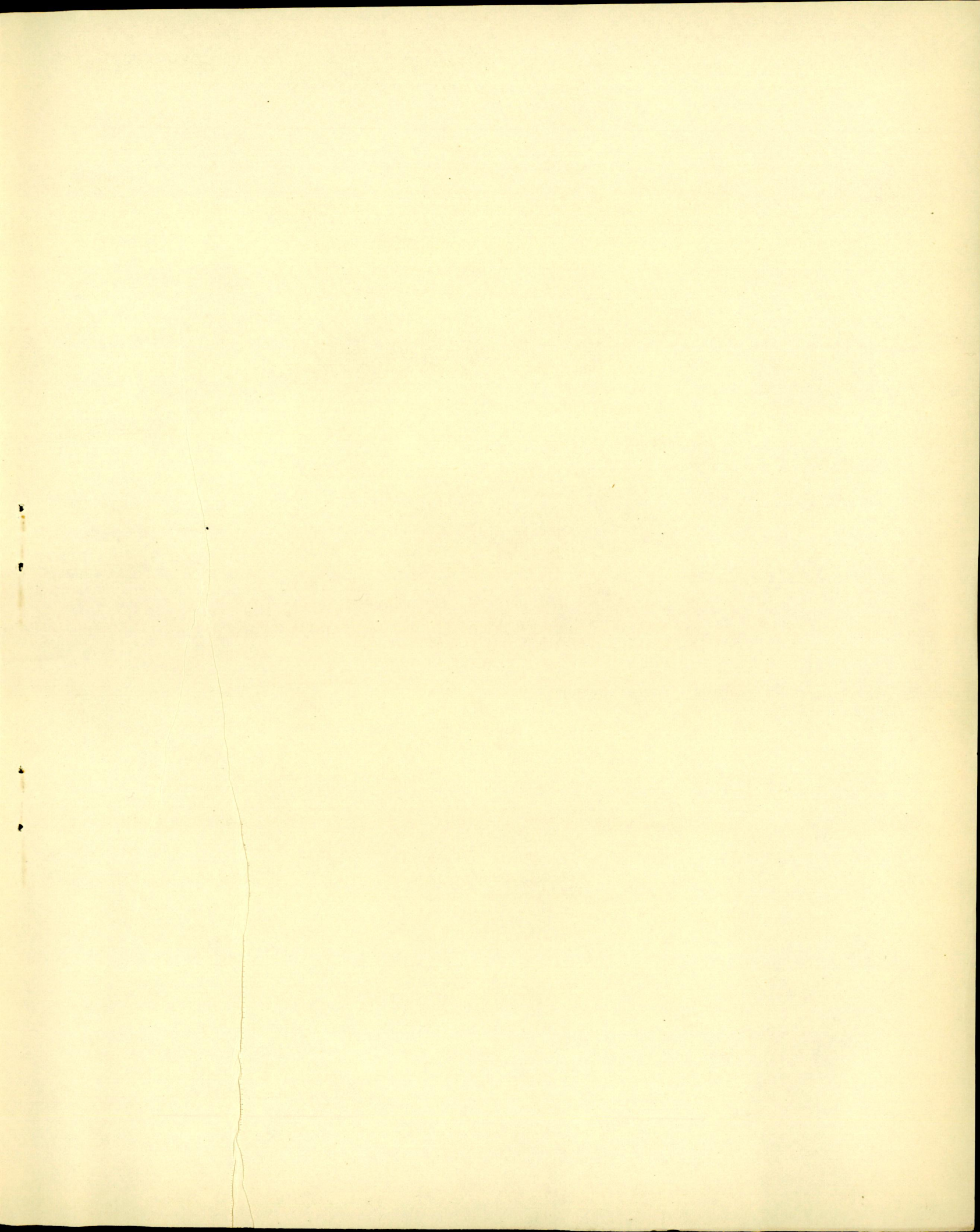
5 shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled. Any pension to which any such Commissioner, Assistant Commissioner or officer is entitled under the Superannuation Act, 1916, as amended by subsequent Acts, shall commence from the date upon which his extended leave, if taken, would have commenced.

15 (2A) A Commissioner, an Assistant Commissioner or an officer who has acquired a right to extended leave with pay and whose services terminate by reason of 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, shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

25 (b) by inserting at the end of paragraph (a) of subsection (4A) of the same section the words "less any amount paid to such Commissioner, Assistant Commissioner or officer in respect of the leave not taken, or not completed."

30 5. The Superannuation Act, 1916, as amended by subsequent Acts, is amended by omitting from subsection three of section 28A the words and symbols "(whether recreation leave, extended leave or any other form of leave whatsoever)" and by inserting in lieu thereof the words "other than extended leave."

Amendment
of Act No.
28, 1916.
Sec. 28A.
(Pension on
retirement
before 60.)



New South Wales



ANNO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 37, 1956.

An Act to make further provision relating to the payment of the money value of extended leave in respect of officers of the Public Service, the Water Conservation and Irrigation Commission and the Department of Main Roads; for this and other purposes to amend the Public Service (Amendment) Act, 1919, the Irrigation Act, 1912, the Main Roads Act, 1924, the Superannuation Act, 1916, and certain other Acts; and for purposes connected therewith. [Assented to, 9th November, 1956.]

Public Service and Other Statutory Bodies (Extended 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 (Extended Leave) Act, 1956."

Amendment of Act No. 43, 1919. **2.** (1) The Public Service (Amendment) Act, 1919, as amended by subsequent Acts, is amended—

Sec. 13A. (Gratuity in lieu of extended leave.) (a) (i) by inserting at the end of paragraph (b) of subsection one of section 13A the following word and new paragraphs:—

“or

(c) who under the provisions of section twenty-one of the Superannuation Act, 1916, as amended by subsequent Acts, is entitled to elect to retire or entitled to retire from the Public Service on pension upon or after reaching the age of fifty-five years and who so retires before reaching the age of sixty years, or

(d) resigns from the Public Service and whose resignation is accepted by the Governor, or

(e) whose services terminate by reason of retrenchment,”;

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

(1A) An officer who has acquired a right to extended leave with pay and whose retirement from the Public Service has been caused

Public Service and Other Statutory Bodies (Extended Leave).

caused under the provisions of section sixty-three of the Public Service Act, 1902, as amended by subsequent Acts, shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

- (b) by inserting at the end of subsection one of section fourteen the words "less any amount paid to such officer or member in respect of the leave not taken, or not completed." Sec. 14.
(Payment of money value of leave not taken or completed.)

(2) Any officer referred to in paragraph (c) or (d) of subsection one or in subsection (1A) of section 13A of the Public Service (Amendment) Act, 1919, as amended by subsequent Acts and by this Act, who before the date on which this Act takes effect has entered upon extended leave shall, unless he otherwise elects as hereinafter provided, be paid forthwith in lieu of such portion of the extended leave as is not completed at such date the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

Any such officer may as soon as practicable after the date on which this Act takes effect by notice in writing given to his employer elect to have any payment in respect of extended leave not taken by him before such date made to him in the same manner as any payment in respect of extended leave taken by him before such date was made to him.

(3) This subsection shall apply to any person who before the date on which this Act takes effect was, under the provisions of section twenty-one of the Superannuation Act, 1916, as amended by subsequent Acts, entitled to elect to retire or entitled to retire from the Public Service on pension upon or after reaching the age of fifty-five years and who so retired before reaching the age of sixty years and who has not exercised the right of election conferred on him by subsection two of this section.

(ii)

Where

Public Service and Other Statutory Bodies (Extended Leave).

Where any pension to which any person to whom this subsection applies is entitled under the Superannuation Act, 1916, as amended by subsequent Acts, has not commenced before the date on which this Act takes effect such pension shall commence from such date.

Amendment
of Act No.
73, 1912.

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

Sec. 5D.
(Payment of
money
value of
leave not
taken or
completed.)

(a) by inserting at the end of subsection one of section 5D the words “less any amount paid to such commissioner or officer in respect of the leave not taken, or not completed.”

Sec. 5E.
(Gratuity in
lieu of
extended
leave.)

(b) (i) by inserting at the end of paragraph (b) of subsection one of section 5E the following word and new paragraphs:—

“or

(c) who under the provisions of section twenty-one of the Superannuation Act, 1916, as amended by subsequent Acts, is entitled to elect to retire or entitled to retire from the service of the Commission on pension upon or after reaching the age of fifty-five years and who so retires before reaching the age of sixty years, or

(d) resigns from the service of the Commission and whose resignation, if he is an officer appointed by the Governor, is accepted by the Governor or, if he is an officer appointed by the Commission, is accepted by the Commission, or

(e) whose services terminate by reason of retrenchment;”;

(ii)

Public Service and Other Statutory Bodies (Extended Leave).

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

(1A) An officer who has acquired a right to extended leave with pay and whose services terminate by reason of 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, shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

4. The Main Roads Act, 1924, as amended by subsequent Acts, is amended— Amendment of Act No. 24, 1924.

- (a) by omitting subsection two of section 7A and by inserting in lieu thereof the following subsections:— Sec. 7A. (Leave of absence after years of service.)

(2) A Commissioner, an Assistant Commissioner or an officer who has acquired a right to extended leave with pay and—

- (a) retires or is retired from his office or from the service of the Commissioner,
- (b) resigns his office or from the service of the Commissioner and, such resignation if he is a Commissioner, an Assistant Commissioner or an officer appointed by the Governor, is accepted by the Governor or, if he is an officer appointed by the Commissioner, is accepted by the Commissioner, or

(c)

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- (c) whose services terminate by reason of retrenchment,

shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled. Any pension to which any such Commissioner, Assistant Commissioner or officer is entitled under the Superannuation Act, 1916, as amended by subsequent Acts, shall commence from the date upon which his extended leave, if taken, would have commenced.

(2A) A Commissioner, an Assistant Commissioner or an officer who has acquired a right to extended leave with pay and whose services terminate by reason of 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, shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

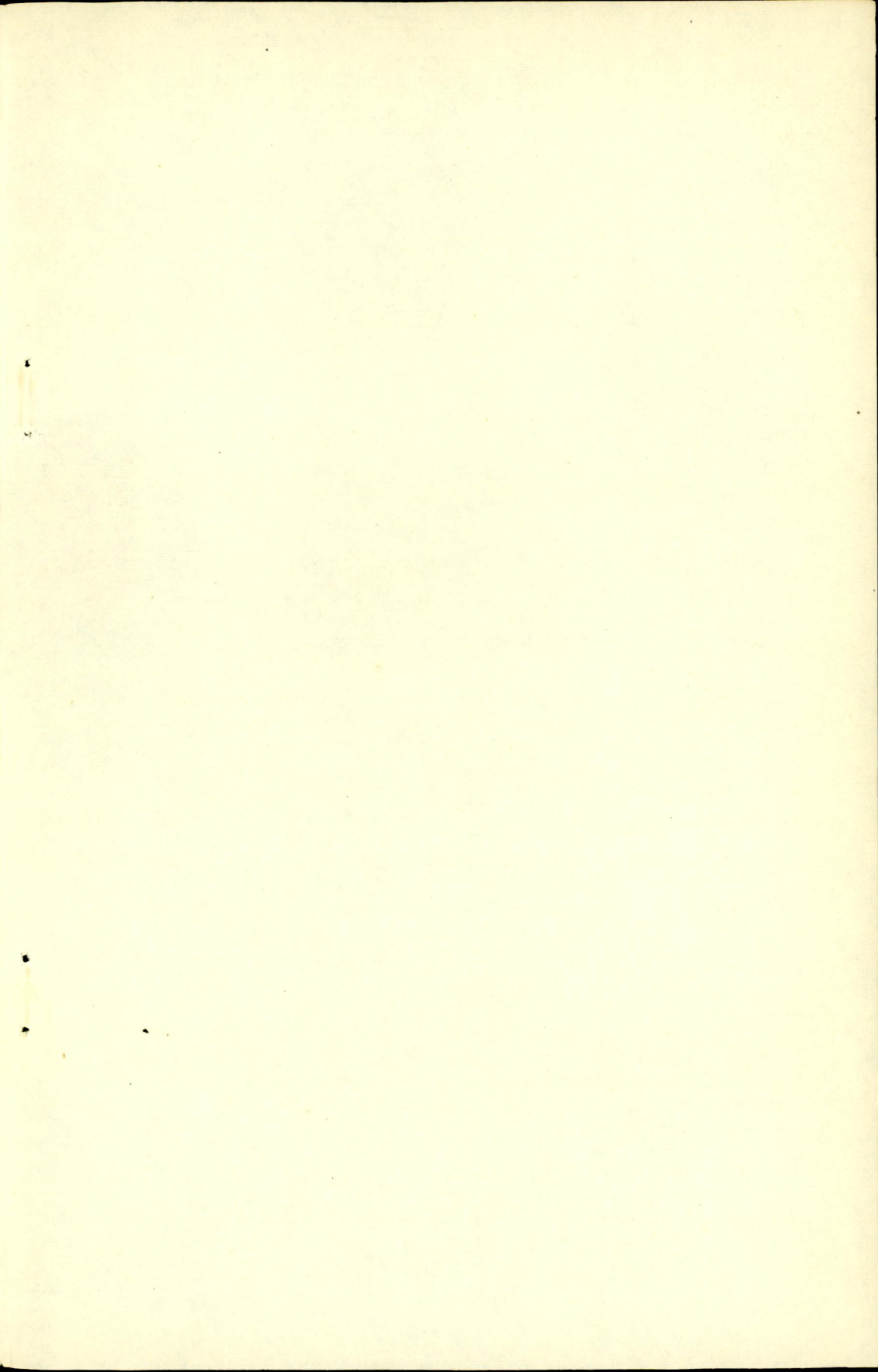
- (b) by inserting at the end of paragraph (a) of subsection (4A) of the same section the words "less any amount paid to such Commissioner, Assistant Commissioner or officer in respect of the leave not taken, or not completed."

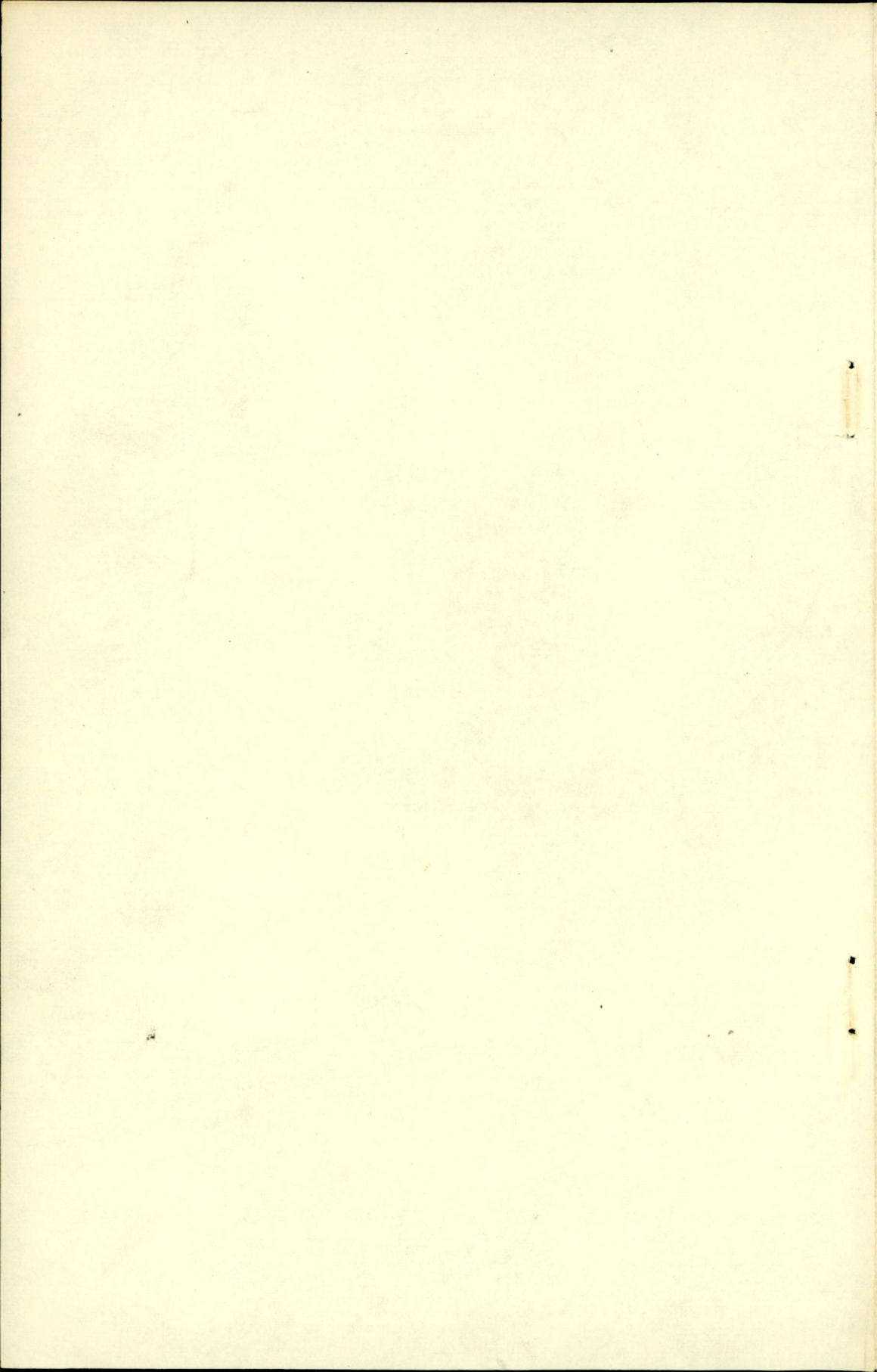
Amendment
of Act No.
28, 1916.
Sec. 28A.
(Pension on
retirement
before 60.)

5. The Superannuation Act, 1916, as amended by subsequent Acts, is amended by omitting from subsection three of section 28A the words and symbols "(whether recreation leave, extended leave or any other form of leave whatsoever)" and by inserting in lieu thereof the words "other than extended leave."

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1956.





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, 30 October, 1956.*

New South Wales



ANNO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 37, 1956.

An Act to make further provision relating to the payment of the money value of extended leave in respect of officers of the Public Service, the Water Conservation and Irrigation Commission and the Department of Main Roads; for this and other purposes to amend the Public Service (Amendment) Act, 1919, the Irrigation Act, 1912, the Main Roads Act, 1924, the Superannuation Act, 1916, and certain other Acts; and for purposes connected therewith. [Assented to, 9th November, 1956.]

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 (Extended 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 (Extended Leave) Act, 1956."

Amendment of Act No. 43, 1919. **2.** (1) The Public Service (Amendment) Act, 1919, as amended by subsequent Acts, is amended—

Sec. 13A. (Gratuity in lieu of extended leave.) (a) (i) by inserting at the end of paragraph (b) of subsection one of section 13A the following word and new paragraphs :—

“or

(c) who under the provisions of section twenty-one of the Superannuation Act, 1916, as amended by subsequent Acts, is entitled to elect to retire or entitled to retire from the Public Service on pension upon or after reaching the age of fifty-five years and who so retires before reaching the age of sixty years, or

(d) resigns from the Public Service and whose resignation is accepted by the Governor, or

(e) whose services terminate by reason of retrenchment,”;

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

(1A) An officer who has acquired a right to extended leave with pay and whose retirement from the Public Service has been caused

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caused under the provisions of section sixty-three of the Public Service Act, 1902, as amended by subsequent Acts, shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

- (b) by inserting at the end of subsection one of section fourteen the words "less any amount paid to such officer or member in respect of the leave not taken, or not completed." Sec. 14.
(Payment of money value of leave not taken or completed.)

(2) Any officer referred to in paragraph (c) or (d) of subsection one or in subsection (1A) of section 13A of the Public Service (Amendment) Act, 1919, as amended by subsequent Acts and by this Act, who before the date on which this Act takes effect has entered upon extended leave shall, unless he otherwise elects as hereinafter provided, be paid forthwith in lieu of such portion of the extended leave as is not completed at such date the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

Any such officer may as soon as practicable after the date on which this Act takes effect by notice in writing given to his employer elect to have any payment in respect of extended leave not taken by him before such date made to him in the same manner as any payment in respect of extended leave taken by him before such date was made to him.

(3) This subsection shall apply to any person who before the date on which this Act takes effect was, under the provisions of section twenty-one of the Superannuation Act, 1916, as amended by subsequent Acts, entitled to elect to retire or entitled to retire from the Public Service on pension upon or after reaching the age of fifty-five years and who so retired before reaching the age of sixty years and who has not exercised the right of election conferred on him by subsection two of this section.

Where

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Where any pension to which any person to whom this subsection applies is entitled under the Superannuation Act, 1916, as amended by subsequent Acts, has not commenced before the date on which this Act takes effect such pension shall commence from such date.

Amendment of Act No. 73, 1912. **3.** The Irrigation Act, 1912, as amended by subsequent Acts, is amended—

Sec. 5D.
(Payment of money value of leave not taken or completed.)

(a) by inserting at the end of subsection one of section 5D the words “less any amount paid to such commissioner or officer in respect of the leave not taken, or not completed.”

Sec. 5E.
(Gratuity in lieu of extended leave.)

(b) (i) by inserting at the end of paragraph (b) of subsection one of section 5E the following word and new paragraphs:—

“or

(c) who under the provisions of section twenty-one of the Superannuation Act, 1916, as amended by subsequent Acts, is entitled to elect to retire or entitled to retire from the service of the Commission on pension upon or after reaching the age of fifty-five years and who so retires before reaching the age of sixty years, or

(d) resigns from the service of the Commission and whose resignation, if he is an officer appointed by the Governor, is accepted by the Governor or, if he is an officer appointed by the Commission, is accepted by the Commission, or

(e) whose services terminate by reason of retrenchment;”;

(ii)

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

(1A) An officer who has acquired a right to extended leave with pay and whose services terminate by reason of 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, shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

4. The Main Roads Act, 1924, as amended by subsequent Acts, is amended— Amendment of Act No. 24, 1924.

- (a) by omitting subsection two of section 7A and by inserting in lieu thereof the following subsections:— Sec. 7A. (Leave of absence after years of service.)

(2) A Commissioner, an Assistant Commissioner or an officer who has acquired a right to extended leave with pay and—

(a) retires or is retired from his office or from the service of the Commissioner,

(b) resigns his office or from the service of the Commissioner and, such resignation if he is a Commissioner, an Assistant Commissioner or an officer appointed by the Governor, is accepted by the Governor or, if he is an officer appointed by the Commissioner, is accepted by the Commissioner, or

(c)

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- (c) whose services terminate by reason of retrenchment,

shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled. Any pension to which any such Commissioner, Assistant Commissioner or officer is entitled under the Superannuation Act, 1916, as amended by subsequent Acts, shall commence from the date upon which his extended leave, if taken, would have commenced.

(2A) A Commissioner, an Assistant Commissioner or an officer who has acquired a right to extended leave with pay and whose services terminate by reason of 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, shall be paid forthwith in lieu of such leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

- (b) by inserting at the end of paragraph (a) of subsection (4A) of the same section the words "less any amount paid to such Commissioner, Assistant Commissioner or officer in respect of the leave not taken, or not completed."

Amendment
of Act No.
28, 1916.
Sec. 28A.
(Pension on
retirement
before 60.)

5. The Superannuation Act, 1916, as amended by subsequent Acts, is amended by omitting from subsection three of section 28A the words and symbols "(whether recreation leave, extended leave or any other form of leave whatsoever)" and by inserting in lieu thereof the words "other than extended leave."

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

J. NORTHCOTT,
Governor.

*Government House,
Sydney, 9th November, 1956.*

